



September 18-19, 2024 Council Agenda

5783

1900 SW Fourth Avenue, Room 2500, Portland, OR 97201

In accordance with Portland City Code and state law, City Council holds hybrid public meetings, which provide for both virtual and in-person participation. Members of council elect to attend remotely by video and teleconference, or in-person. The City makes several avenues available for the public to listen to and watch the broadcast of this meeting, including the [City's YouTube Channel](#), the [Open Signal website](#), and Xfinity Channel 30 and 330.

Questions may be directed to councilclerk@portlandoregon.gov

Wednesday, September 18, 2024 9:30 am

Session Status: Recessed

Council in Attendance: Mayor Ted Wheeler

Commissioner Carmen Rubio

Commissioner Dan Ryan

Commissioner Rene Gonzalez

Commissioner Mingus Mapps

Mayor Wheeler presided.

Officers in attendance: Linly Rees, Chief Deputy City Attorney; Rebecca Dobert, Acting Council Clerk

The Consent Agenda was approved on a Y-5 roll call.

Council recessed at 11:51 a.m.

Communications

795

[Request of Portland Advocates for Leadfree Drinking Water to address Council regarding Water Bureau's failure to protect public health](#) (Communication)

Document number: 795-2024

Council action: Placed on File

796

[Request of Donnie Yarn to address Council regarding enforcing health safety, security, and valuing tenant good faith complaints](#) (Communication)

Document number: 796-2024

Council action: Placed on File

797

[Request of Keren McCord to address Council regarding development in neighborhood](#) (Communication)

Document number: 797-2024

Council action: Placed on File

798

[Request of Justin Wood to address Council regarding extension of Homebuyer Opportunity Limited Tax Exemption and System Development Charge income caps](#) (Communication)

Document number: 798-2024

Council action: Placed on File

799

[Request of Addie Smith to address Council regarding taking over responsibility of the Community Justice Center and Mead Building](#) (Communication)

Document number: 799-2024

Council action: Placed on File

Time Certain

800

[Provide emergency housing services by continuing the current housing emergency](#) (Ordinance)

Introduced by: Mayor Ted Wheeler

City department: Housing Bureau

Time certain: 9:45 am

Time requested: 15 minutes

Council action: Passed to second reading

Passed to second reading September 25, 2024 at 9:30 a.m.

Consent Agenda

801

[*Amend sublease with TriMet for the co-location of communication equipment at Mt. Scott \(amend CLM Contract 10006, formerly C30004102\)](#) (Emergency Ordinance)

Ordinance number: 191893

Introduced by: Mayor Ted Wheeler

City department: Bureau of Fleet and Facilities

Council action: Passed

Aye (5): Rene Gonzalez, Mingus Mapps, Carmen Rubio, Dan Ryan, Ted Wheeler

802

[Accept bid of \\$1,076,251 from Moore Excavation, Inc. for the NE Portland Urgent Sewer Rehabilitation Project \(Procurement Report - Bid 00002384\)](#) (Report)

Document number: 802-2024

Introduced by: Mayor Ted Wheeler

City department: Procurement and Business Opportunities

Council action: Accepted - Prepare Contract

Aye (5): Rene Gonzalez, Mingus Mapps, Carmen Rubio, Dan Ryan, Ted Wheeler

803

[Accept bid of \\$2,473,004 from Faison Construction, Inc. for the Berrydale Park and SE 89th Ave & Taylor St Local Improvement District - Improvement Project \(Procurement Report - ITB 00002374; C-10072\)](#) (Report)

Document number: 803-2024

Introduced by: Mayor Ted Wheeler

City department: Procurement and Business Opportunities

Council action: Accepted - Prepare Contract

Aye (5): Rene Gonzalez, Mingus Mapps, Carmen Rubio, Dan Ryan, Ted Wheeler

804

[Accept Report from Chief Procurement Officer to award contract to Schweers Technologies for Software, Hardware, and Support for Parking Enforcement Handheld Citation Writers](#) (Report)

Document number: 804-2024

Introduced by: Mayor Ted Wheeler

City department: Procurement and Business Opportunities

Council action: Accepted

Aye (5): Rene Gonzalez, Mingus Mapps, Carmen Rubio, Dan Ryan, Ted Wheeler

805

[*Accept grant for \\$1,588,849 from Oregon Department of Transportation and authorize Intergovernmental Agreement for Portland Local Traffic Signal Controller Replacement Phase 2](#) (Emergency Ordinance)

Ordinance number: 191894

Introduced by: Mayor Ted Wheeler

City department: Transportation

Council action: Passed

Aye (5): Rene Gonzalez, Mingus Mapps, Carmen Rubio, Dan Ryan, Ted Wheeler

806

[*Authorize a Co-Location Agreement for \\$65,497 with TriMet for a sublease for co-location of data radio equipment at Mt. Scott](#) (Emergency Ordinance)

Ordinance number: 191895

Introduced by: Mayor Ted Wheeler

City department: Water

Council action: Passed

Aye (5): Rene Gonzalez, Mingus Mapps, Carmen Rubio, Dan Ryan, Ted Wheeler

Regular Agenda

807

[Proclaim September 2024 to be National Sickle Cell Awareness Month](#) (Proclamation)

Document number: 807-2024

Introduced by: Mayor Ted Wheeler; Commissioner Mingus Mapps

Time requested: 15 minutes

Council action: Placed on File

808

[*Accept and appropriate grant for \\$405,720 from Oregon Department of Emergency Management for the Fossil Fuel Terminal Zoning and Comprehensive Plan Amendments project](#) (Emergency Ordinance)

Ordinance number: 191896

Introduced by: Commissioner Carmen Rubio; Mayor Ted Wheeler

City department: Planning and Sustainability (BPS)

Time requested: 30 minutes

Council action: Passed

Aye (5): Rene Gonzalez, Mingus Mapps, Carmen Rubio, Dan Ryan, Ted Wheeler

809

[Appoint Breann Preston to the Home Forward Board of Commissioners for term to expire September 11, 2028](#) (Resolution)

Resolution number: 37676

Introduced by: Mayor Ted Wheeler

City department: Housing Bureau

Time requested: 10 minutes

Council action: Adopted

Aye (5): Rene Gonzalez, Mingus Mapps, Carmen Rubio, Dan Ryan, Ted Wheeler

810

[Amend Code to create the Portland Advisory Committee on Housing for Portland Housing Bureau \(replace Code Chapter 3.38, repeal Code Chapter 3.133, and amend Code Chapter 3.36\)](#) (Ordinance)

Introduced by: Mayor Ted Wheeler

City department: Housing Bureau

Time requested: 30 minutes

Council action: Passed to second reading

Passed to second reading September 25, 2024 at 9:30 a.m.

811

[Accept bid of \\$1,793,810 from Cedar Mill Construction Company, LLC for the Thompson Elk Fountain Restoration Project \(Procurement Report - Bid 00002359\)](#) (Report)

Document number: 811-2024

Introduced by: Mayor Ted Wheeler; Commissioner Dan Ryan

City department: Procurement and Business Opportunities

Time requested: 20 minutes

Council action: Accepted - Prepare Contract

Motion to accept the report: Moved by Gonzalez and seconded by Ryan.

Aye (5): Rene Gonzalez, Mingus Mapps, Carmen Rubio, Dan Ryan, Ted Wheeler

Wednesday, September 18, 2024 2:00 pm

Session Status: No session scheduled

Thursday, September 19, 2024 2:00 pm

Session Status: Adjourned

Council in Attendance: Mayor Ted Wheeler

Commissioner Carmen Rubio

Commissioner Dan Ryan

Commissioner Rene Gonzalez

Commissioner Mingus Mapps

Mayor Wheeler presided.

Officers in attendance: Lauren King, Senior Deputy City Attorney; Keelan McClymont, Council Clerk; Rebecca Dohert, Acting Council Clerk

Council recessed at 3:33 p.m. and reconvened at 3:37 p.m.

Council adjourned at 6:09 p.m.

Time Certain

812

[Consider appeal by Music Portland against the Hearings Officer's decision to approve with conditions a Conditional Use and Adjustment Review for a new concert venue in the Central Eastside \(LU 23-111784 CU AD\)](#)
(Report)

Neighborhood: [Buckman](#)

Introduced by: Mayor Ted Wheeler

City department: Permitting & Development

Time certain: 2:00 pm

Time requested: 3 hours

Council action: Tentatively deny appeal and uphold decision of Hearings Officer

Oral and written record are closed.

Motion to tentatively deny appeal, uphold the decision of the Hearings Officer, and ask the applicant and staff to return with findings: Moved by Wheeler and seconded by Ryan. (Y-5)

Prepare Findings for October 2, 2024 at 9:45 a.m. time certain

Aye (5): Ted Wheeler, Carmen Rubio, Dan Ryan, Rene Gonzalez, Mingus Mapps

Portland City Council Meeting Speaker List
 Wednesday, September 18, 2024 - 9:30 a.m.

Name	Title	Agenda Item
Ted Wheeler	Mayor	
Rebecca Dobert	Acting Council Clerk	
Rene Gonzalez	Commissioner	
Mingus Mapps	Commissioner	
Carmen Rubio	Commissioner	
Dan Ryan	Commissioner	
Linly Rees	Chief Deputy City Attorney	800, 809
Portland Advocates for Leadfree Drinking Water	(Communications)	795
Justin Wood	(Communications)	798
Addie Smith	(Communications)	799
Donnie Yarn	(Communications)	796
Donnie Oliveira	Deputy City Administrator, Community and Economic Development	800, 808, 809, 810
Helmi Hisserich	Housing Bureau Director	800, 809, 810
Brian Conley	(Testimony)	800
bRidgeCrAnE siMChA—johnSoN	(Testimony)	800, 809, 810, 811
Pastor Marcia Taylor	Executive Director, The Sickle Cell Anemia Foundation of Oregon, Inc.	807
Charles Smith	Project Coordinator, The Sickle Cell Anemia Foundation of Oregon, Inc.	807
Tom Armstrong	Supervising Planner	808
Breann Preston	Home Forward Board of Commissioners	809
Jessica Conner	Senior Policy Analyst, Housing Bureau	810
Priya Dhanapal	Deputy City Administrator, Public Works	811
Jodie Inman	Chief Engineer	811

Portland City Council Meeting Speaker List
 Thursday September 19, 2024 - 2:00 p.m.

Name	Title	Agenda Item
Ted Wheeler	Mayor	
Keelan McClymont	Council Clerk	
Rene Gonzalez	Commissioner	
Mingus Mapps	Commissioner	
Carmen Rubio	Commissioner	
Dan Ryan	Commissioner	
Lauren King	Senior Deputy City Attorney	
Andrew Gulizia	Planner II. City-Land Use	812
Carrie Richter	Appellant's attorney, Bateman Seidel (may attend in person)	812
Timothy Wilson	(Testimony)	812
Jesse Valencia	(Testimony)	812
Cheri Jamison	(Testimony)	812
Ben Jamison	(Testimony)	812
David Leiken	(Testimony)	812
Jason Raistakka	(Testimony)	812
Renée Muzquiz	(Testimony)	812
Alex Blosser	(Testimony)	812
Steven Ungar	(Testimony)	812
Katie Dalziel	(Testimony)	812
Brian Conley	(Testimony)	812
Anna Martinez	(Testimony)	812
John Carter	(Testimony)	812
Jordan Krinsky	(Testimony)	812
Kate O'Brien	(Testimony)	812
Amy Maxwell	(Testimony)	812
Laura Streib	(Testimony)	812
Santiago Ortega	(Testimony)	812
Marshall Runkel	(Testimony)	812
Clara Baker	(Testimony)	812
Cassie Wilson	(Testimony)	812
Francisco Mercado	(Testimony)	812
Tony Prato	(Testimony)	812
Katelyn Convery	(Testimony)	812
Jacob Westfall	(Testimony)	812
Matthew Fox	(Testimony)	812
Damien Hall	Applicant's attorney, Dunn Carney (may attend in person)	812
Johnathan Malsin	Beam Development	812
Andrew Colas	CEO and President, Colas Construction	812
Nick Wood	(Testimony)	812
Kathleen Culbert	(Testimony)	812
Sam Cole	(Testimony)	812
Nate McCoy	(Testimony)	812

Name	Title	Agenda Item
Patrick Fleming	(Testimony)	812
James Posey	(Testimony)	812
Bridgid Blackburn	(Testimony)	812
Andrew Hoan	(Testimony)	812
Bridgid Blackburn	(Testimony)	812
Andrew Hoan	(Testimony)	812
Sydney Mead	(Testimony)	812
Preston Greene (Oregon Museum of Science and Industry)	(Testimony)	812
Mike Theln	(Testimony)	812
Carolyne Holcomb	(Testimony)	812
Art Fortuna	(Testimony)	812
Loretta Smith	(Testimony)	812
Marney E Smith	(Testimony)	812
Joe Rogers	(Testimony)	812
Chris Oxley	(Testimony)	812
Michael Pina	Planner, Development Services	812
Rebecca Dobert	Acting Council Clerk	

Portland City Council Meeting Closed Caption File

September 18, 2024 – 9:30 a.m.

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, motions, and names of speakers are included in the official minutes.

Speaker: The September 18, 2024 morning session of the Portland City Council. Rebecca. Good morning. Please call the roll.

Speaker: Gonzales I've always wanted to say let's get ready to rumble, but I'm just going to say I'm here. I will say that before the years. But you have to say it right? Yeah, yeah. Let's get ready to rumble. I'm here.

Speaker: Maps here. Rubio here. Ryan

Speaker: I don't know what to say after that. Here, here, here, here.

Speaker: And now we'll hear from legal counsel. Linly. Rules of order and decorum, please. Good morning. Thank you. Mayor.

Speaker: Welcome to the Portland City Council to testify before council in person or virtually. You must sign up in advance on the council agenda at Portland dot gov slash council agenda. Information on engaging with council can be found on the council clerk's web page. Individuals may testify for three minutes unless the presiding officer states otherwise. Your microphone will be muted when your time is over. Presiding officer preserves order disruptive conduct such as shouting, refusing to conclude your testimony when your time is up, or interrupting others testimony or council deliberations will not be allowed if you cause a disruption, a warning will be given. Further disruption will result in ejection from the meeting. Anyone who fails to leave once ejected is subject to arrest for trespass. Additionally,

council may take a short recess and reconvene virtually. Your testimony today should address the matter being considered when testifying one. State your name for the record. Your address is not necessary. Two if you are a lobbyist, identify the organization you represent. Three virtual testifiers should unmute themselves when the council clerk calls their name. Thank you.

Speaker: All right. Thank you very much. First up is communications. First individual please. Item number 795 request of Portland advocates for lead free drinking water to address council regarding water bureau's failure to protect public health.

Speaker: And they're joining us online.

Speaker: Good morning. Morning I'm here on behalf of advocates for lead free drinking water in 2021. Following yet another Portland water lead in drinking water.

Speaker: I'm sorry to interrupt. Could you could and we'll give you full time. Could you start with your name, please?

Speaker: Oh, I'm. I'm representing advocates for lead free drinking water.

Speaker: And your name is 2021, following yet another Portland water lead and drinking water failure.

Speaker: National experts noted that Portland water was, quote, worse than flint, unquote. None of our city engineers would or will talk about it worse. The commissioner in charge of water helped the director cover it up, and council colleagues have remained silent. Water director was fired in July, so we're grateful for baby steps. She paid her way through multiple lead exceedances and preventable lead exposure. Acting director eddie campbell has had a test run this summer at doing better, but didn't when he did nothing to protect rural neighbors, wildlife and the environment. During water bureau excavation of banned pesticide contaminated soils. After asking, we got a excuses for why a follow up public

summer meeting wasn't advertised, nor the zoom recording posted. No doubt, excuse me next. So I go on to the back to the subject of lead. Despite the lessons of flint bureau leaders have doubled down, created a plethora of misleading and false myths. Marketing weather about lead. The bureau's jaw dropping \$2.13 billion treatment plant in rural county that are already seeing water rates soar. Pee-wee's long established marketing keeps both Portland ratepayers and rural neighbors in the dark. Now, to finish, I'd like to read two experts from previous testimony and a press release. We came to the dais in 2019 with this quote. After finding lead levels, high lead levels of lead in schools in 2016, newark water was forced to admit that improperly treated water was corroding pipes, solder and fixtures, which elevates lead in drinking water. Newark handed out free water filters swiftly while fixing treatment and replacing pipes at no cost to customers. This press release, the. The second one the press release is, is paraphrased for brevity, and I've asked council clerk to post a snip if she can. If she can't, that's fine, but i'll read the excerpt. So, here it is. Quote. It had become clear to epa that the public was not being protected from lead in drinking water. After numerous crises occurred in 20. In 2001 with dc flint, in 2014, newark in 2018, and Portland since 1997. Thank you. I don't think it's Keelan, but thank you. Clerk. You can keep that up for the remainder. We know that free water filters are used as the first fall response to protect customers, except here. So we are again asking for them. Last epa will release significant revisions to the lead and copper rule this October. Despite our year long plea to inform the public about this long awaited health center regulation, which bureau leaders have known since 2021, bureau engineers won't say why they want to keep remaining lead in their distribution system. Do you know why we have high hopes that 12 new commissioners.

Speaker: Are you cut out? Thank you. Next individual, please. Seven. Nine. Six.

Speaker: Request of donny yarn to address council regarding enforcing health safety, security and valuing tent in good faith complaints. Welcome donnie yarn.

Speaker: All right. We'll move to the next individual. Seven nine. Seven, please request of karen mccord to address council regarding development in neighborhood and karen's joining us virtually. Welcome, karen.

Speaker: It looks like they're not they've not joined us.

Speaker: All right.

Speaker: 798 request of justin wood to address council regarding extension of home buyer opportunity, limited tax exemption and system development charge income caps welcome.

Speaker: Justin.

Speaker: Good morning. I hope you guys can hear me okay. Yep. Loud and clear, great. Well, my name is justin wood. For those of you who don't know me, I'm a former chair of the development review committee in Portland. And also last year I had the honor of serving on the governor's housing housing production advisory council. And I just wanted to talk to you a little bit about the specifically about the system development charge waiver program, last year, council did a great thing, and I think and did a temporary increase to raise that to 120% of median family income for buyers to qualify. That was largely in response to interest rates being where they were, so that buyers really struggled to qualify for our houses, this year, under that program, we've sold ten houses and the majority of our buyers would not have been able to buy in those houses, utilizing the realty tax exemption program and the sdc waiver program. Without that temporary increase, while we have come down from the you know, 7 to 8% interest rates, we were seeing, you know, most of the economists agree that the new normal we're going to see is going to be in the 5 to 6% range for several years, not the 2 to 3% that we had a few

years ago. And I the majority of my buyers that this year would not have qualified at the even at 5 to 6%, at the 100% mfi income range. When we when I was on the governor's housing production council, one of the big goals that we had and one of the governor's goals of statewide is trying to figure out how to get more workforce housing in that 80 to 120% mfi range. And I my fear is, is that without a permanent extension of this program, that we're going to start to see a pretty big drop off in the amount of buyers that can qualify for the sdc waiver program and the holt program. We're not seeing that right now because of the lag of the homes of the buyers that have come in to buy them. So while I know that some of the bureaus will probably have concerns that this might ultimately that the sdc waivers might ultimately affect affect their bottom lines and what they need to collect for their programs. Ultimately I don't believe that you're going to see much of a change from what they're already accounting for, because I believe that that the drop off of buyers is going to is going to be significant, that without this change. So I'm just wanted to take this opportunity to urge you to please consider asking staff to come back and figure out if it's possible for you guys to consider, consider making that program permanent, because I think it's going to be huge for a lot of the housing we're trying to build right now. So thank you for that, and I'm happy to answer any questions you might have.

Speaker: Thanks, justin. I think commissioner Rubio has a comment.

Commissioner Rubio, hi justin, I just wanted to thank you for your comments today and thanks for your advocacy around this, because it helped to lead to lead in shape to these these changes,

Speaker: And we're definitely also just know that we're very interested in looking at data from fb, and then once we have that in front of us, we're very open to

having that longer conversation about permanency. So we'll be in touch about that with you from the bureau.

Speaker: Thank you very much.

Speaker: All right. Thank you. Next individual please. Item number 799.

Speaker: Request of adi smith to address council regarding taking over responsibility of the community justice center and. Adi smith okay.

Speaker: Welcome to set up. Before we. Start the timer.

Speaker:.

Speaker: One of the things that I wanted to comment on were all of the comments being made by mayor Wheeler and commissioner Gonzalez, and then the little laughter by commissioner Ryan. You guys were elected to these positions. If it's going to be one of those days, you were elected to sit there and take it. Nobody asked you to run for office. So if you don't want to be here and you quit because the stuff that is going on, thank you for walking out, I appreciate that. I will never vote for you again in any capacity. Any of you, all of you here receive my email about the theft that occurred in my son's apartment. I sent 100 emails I haven't received a police report. I haven't received any sort of steps that were taken. And then on the 21st, I received a call from the da's office who said that she had been assigned the case. Now, I requested the police report, only got a number, didn't get any sort of paperwork, no communication. After I initially sent emails back and forth showing pictures of the thefts that occurred in my son's apartment, I didn't receive anything in the mail, didn't receive any sort of communication that says, these are the steps we're taking, or, miss smith, we're at this point in the investigation. We need to talk to your son. We're at this point in the investigation. We need to get the video from the building. Nothing this was in June or July when I first got back from new york. I didn't receive a call from the da's office until August

21st. Who said she got the case the day before and that there was nothing they could do. I said, well, send me the paperwork, send me the police report. Still haven't gotten it. And all of you here receive those emails. Every single one of you, none of you intervened. None of you said, send miss smith the paperwork. Send her the police report. In writing, this woman says to me, oh, you're not sorry.

Speaker: And I don't accept your apology. I actually don't even want to hear your apology. Tell me the law. The woman. As a woman of god, I won't allow you to speak to me. I don't accept your apology. I not I don't even need to know that. That's none of my business. God bless you, crystal. I am recording crystal and I'm going to play it at the next City Council meeting.

Speaker: Crystal in the da's office in Portland, said that she was a woman of god and would not accept that I told her that I don't accept her apology. What did god have to do with her doing her job, or god have to do with any of it? So, because I said I was going to talk to an attorney, chief day and his executive assistant, robert king, said to me, well, since you said you since you brought up legalities and all of this stuff, we're no longer going to talk. All of you have received my email. Every single one of you. And you did nothing. And when I say to you, and this happened right here, this is something you guys could do something about. And you appointed chief day. You did. And none of you have done anything about the theft that occurred in my son's apartment, not even to say, give her the paperwork so that she'll have a paper trail. I don't understand it. And then you want our votes. Democrats blindly vote for you and support you. And you do not. Black people. We blindly support democrats and we get absolutely nothing in return. Nothing nothing. And you give us these looks. You think you just. You think you hold our vote. You think you're just owed the black vote?

Speaker: All right. Thank you. You're way over on your time.

Speaker: Police report in writing. I want it sent to me. The outlines each step the police officers took.

Speaker: Thank you. Your time is up. Thank you for being here today.

Speaker: I'm going to get the police. I'm asking you politely. Is that a no?

Speaker: You heard the rules, and you're in violation of the rules. And so I'm. You are. You've made your request clear.

Speaker: I don't care what position you run for. You will never get my vote, and I will never seek it.

Speaker: You have my word. Thank you.

Speaker: I'm going to start a lobbyist for black people, democrats.

Speaker: I'm going to ask you to step away from the podium.

Speaker: I'm stepping away. Thank you. You're not going to incite me. I'm already upset. You shouldn't be in office. None of you should be. And if I have to seek counsel to get the police report, that's what I'm going to do. Because you are a horrible person. I see why you have secret service.

Speaker: That's really inappropriate. That is really inappropriate.

Speaker: Oh, that's when you speak out.

Speaker: Yes, it's when I speak up that's when you come in here and waste hours on this session. You waste hours of our time.

Speaker: All right. Thank you. Nothing thank you, mr. Mayor.

Speaker: Item 796. Donna has joined us online.

Speaker: Great. Thank you. Addie. I'm sure we'll see you again. Yes go ahead. Do you see how that's horrible?

Speaker: No one sees how that's insightful. Am I the only addie?

Speaker: Thank you.

Speaker: Portland.

Speaker: We've heard you. It's horrible and unprofessional. And they still haven't sent the police report for the theft that occurred.

Speaker: And they want our vote. They want the black vote. And this is how we are treated.

Speaker: This is why we have other people signed up who would also like to testify. Thank you. Horrible. Thank you. Got it. Message received loud and clear.

Speaker: She a Portland resident?

Speaker: Doesn't matter. Do we? Do we have seven?

Speaker: We do. Item 796. Request of donnie yarn to address council regarding enforcing health, safety, security and valuing tenant good faith complaints. Great.

Speaker: Thank you. Welcome. Thank you for being here.

Speaker: Hello. Can you hear me? Yep

Speaker: Loud and clear.

Speaker: Yeah. Hi how y'all doing, my name is donnie yarn. I am, registered, a resident here in Portland, Oregon. I'm here today to speak on behalf of enforcing affordable housing, tenant rights, to clean and habitable living environment, our city is facing many of these housing properties that violate city and fell to city codes and failed to or refuse to take accountability. We see families struggling to afford basic necessities, communities, grappling with unsafe living conditions, neighborhoods experiencing economic and social decline. These issues impact all of us, and without bold action from the council, the situations will only worsen. Today, I urge you to consider, enforcing landlords to uphold their duties. We can provide, they can provide housing security to improve public safety and ensure environment stability. I've personally seen and have been affected by the impact of unsanitary and unsafe living conditions here in the community in my area. Specifically, east Portland, by enforcing and addressing this would ensure true fair

housing and provide safety, health and security where it's needed the most. I understand that the situation, requires investment and collaborative actions, but the cost in action is far greater when we invest in enforcing landlord's duties, we are investing to ensure a future for all the city's well-being. For the residents, I asked if the priorities of this need is, granted among us to commit and make Portland a place where everyone, has an opportunity to thrive. Thank you for your time, and I appreciate your consideration in this critical issue. My name is donnie.

Speaker: Donnie, thank you for your testimony. And I think you speak for many, many people in this community. And probably, frankly, all over the place. You're right. Those fair housing laws do need to be enforced. And we need the support of people like you to help us understand when there have been violations of those laws. So if there's information that you would like to provide us that's specific, related to your housing situation, we would absolutely be very happy to help you. Everything you said, everything you said makes perfect sense to me. And I appreciate you taking the time to be here and underscore that message. Appreciate you. The fair housing laws do need to be enforced, and that's our job. And we need community's help to identify those times. And places where it is. It is not being adhered to. And, donnie, are you saying you'll get in touch with him? Yes. Yes. Tony olivera is going to get in touch with you. Donnie, to. Donnie's working together. You'll be a formidable team. Okay

Speaker: Awesome. Yeah, yeah. I totally appreciate you guys accepting my request. Thank you. Yeah. Thank you. Have a great day.

Speaker: Yeah. You too. Thank you sir. Take care. Bye bye. Does that complete communications?

Speaker: It does.

Speaker: All right. Very good. We'll go to the consent agenda of any items been pulled off the consent agenda.

Speaker: No items. Please call the roll. Gonzalez I Mapps I Rubio I Ryan, I Wheeler I the consent agenda is adopted.

Speaker: We'll move to the first time certain item please believe it or not, it is item number 800. This year.

Speaker: Provide emergency housing services by continuing the current housing emergency.

Speaker: I'm pleased to bring forward this ordinance today. The ordinance in question continues. The emergency we're in. It extends the duration for three years. This extension will support the work outlined in the recently adopted homeless response system, iga. It includes a deeper level of coordination and oversight, and a more detailed action plan for the homelessness response that will be coming in the next year's implementation of the new iga and the action plan are now well underway. We're already making positive headway and i'll turn it over to donnie olivera, dca for economic development, to go ahead and kick off the presentation. Good morning. Thank you mayor. Good morning, commissioners.

Speaker: Donna elvira, for the record, the state of emergency declarations by council have allowed our shelter projects to stay in compliance with zoning code and provided an expedited review process for affordable housing. These operational improvements have provided significant efficiencies and improvements to be able to address expedited affordable housing development, and to provide service locations to people experiencing homelessness. We are extending this emergency for three years to ensure that we have all the available tools at our disposal to meet ongoing community needs, and to support these implementation efforts here to provide us with some information on this item. Is housing bureau

director helming historic and I believe we had additional staff available for questions. If they come up, tell me the floor is yours. Thank you.

Speaker: Thank you. Good morning. Help me. Historic director, Portland housing bureau, the state of emergency is one of many actions the city has taken to acknowledge and address the housing and homelessness crisis in Portland. Among other things, it allows the city to provide emergency shelter, emergency housing and services for the duration of the state of emergency. This is the sixth extension of the housing state of emergency, and previous ordinances were adopted in ending in 2015, ending in October 2017, ending in February 2019 and March 31st, 2021. The most recent extension was ordinance 190756 that extended the housing emergency for 36 months ending March 20th, 25.

Speaker: Very good. Does that complete the presentation? That's the presentation. All right, colleagues, any questions on this matter? Have a commissioner Gonzalez.

Speaker: So you know this has been the never ending housing emergency declaration, can you just remind us of operationally what this is really doing, from a legal perspective, we can actually have linly.

Speaker: Would you like to answer that one, please?

Speaker: Linly. Reese, city attorney's office. So under the city's code, under the temporary activities chapter, we're allowed to provide for mass shelters, outdoor shelters. And that requires a declared emergency to do that. We also have code language that allows for short term shelters and outdoor shelters. But there's some limitations on that. That don't allow some of the configurations of the shelters. We currently have.

Speaker: I guess this is a I mean, I'm fully supportive of putting in place a legal framework that allows us to continue to build and provide shelter. I don't think that's a controversial piece. What's increasingly concerning is just the length of this

housing emergency that never ends. And, at what point do we need more fundamental, more structural evolution or approach to housing so that we don't continue to have to do this? And let me ask a precise question. Test site, safe rest villages. We're getting good push through. And this is been an innovative model that has worked. I appreciate commissioner Ryan and others who've led that charge. Do we expect this to be part of our landscape for the next decade?

Speaker: I would I would say yes, that's probably something that's likely unless there's another solution that comes out that we're not familiar with.

Speaker: So I think it begs the question, at what point do we address this in a more structural, more fundamental way, as opposed to being dependent on emergency declaration and after emergency declaration? Why not just fix the code in a more sustainable and permanent way? If we if we're being honest with ourselves and saying it's going to be here for the next decade, let's treat it as such and no longer as a pursuant to emergency powers.

Speaker: Great question, commissioner. I think one of the fundamental aspects that this emergency allows us to do is streamline process and move through a system to address the emergency at hand, right. So when it comes to sheltering the homeless populations of Portland, all tools in the toolkit need to be not just available but readily available. And the emergency gives us that that pathway to essentially move quickly through a system that otherwise land use laws of Oregon and Portland, you know, take a little more time.

Speaker: I just would encourage the bureaucracy for lack of a better term, if this is a and i, I would not argue against, I think we have to assume that these shelter sites are going to be part of the landscape for the next decade. Then we need codes that reflects that. And if we need to bring on shelter more quickly, then we need to find

ways to streamline the process. That's not dependent on emergency declaration. That is structural and fundamental in the system. I'll leave it at that.

Speaker: Commissioner Ryan.

Speaker: Oh, yeah. Excuse me. Actually, commissioner Gonzalez asked almost all the same questions. I was thinking the same thoughts about how could we put this in the code? And because it is a six time. And so I think I was getting at the same place. And your answer also is very helpful. So I get why we're passing this today, but I do hope we look to a better long term legislation to this end, and then we can continue to solve the problem that way. Thanks.

Speaker: Commissioner Mapps, yeah, of course I support this item.

Speaker: And my question is sort of along the lines that, some of the themes brought up by commissioner Gonzalez. I think this is probably most appropriate for either the city attorney or the mayor or. Mike, does the new charter change the dynamics of emergency declarations like I can see under the old system where we had bureaus divided amongst different commissioners declaring an emergency and providing the mayor with the mayor of the city attorney or the city administrator with control over different bureaus and a specific policy space is very handy. And that's kind of historically how we've done it, and i, I appreciate the conversation today because it sounds like we're finding a workaround for some zoning laws, perhaps, which might not be covered by, charter reform, but will the dynamics of, of when and where and what an emergency declaration, will that change under the new system?

Speaker: That's a good question. I think I probably am most appropriate to answer this. The charter itself does not address declarations of emergency. It's a statutory, mandate that we have procedures for emergencies. We, the council adopted code earlier this year, probably April or may. I can't recall, that essentially will go it'll go

into effect January 1st. But it essentially realigns the emergency powers to reflect the new the new form of government. But essentially it remains very similar to what we have now, which is the mayor will be declaring emergencies for particular periods of time, and it retains this particular authority for declaring housing and shelter emergencies, so that that hasn't changed. And the housing and shelter emergencies currently have to be declared by council. And after January 1st, will also still have to be declared by council,

Speaker: Thank you very much. That's helpful.

Speaker: All right. Do we have public testimony on this item?

Speaker: We have one person signed up.

Speaker: All right, let's hear it.

Speaker: Brian conley.

Speaker: Welcome back. Brian.

Speaker: Good morning, mr. Mayor. Councilors and fellow Portlanders. I'm brian conley, City Council candidate for district three. And resident of montavilla. First, let me thank mayor Wheeler for putting forward this resolution to extend the emergency housing ordinance. Not because it's good policy as it's not, but because it's an absolute necessity. The reason this ordinance needs to be extended is because the abject failure of the current administration running our city, making decisions by emergency ordinance is no excuse for lack of vision, creativity, and accountability from our leaders. Over the last four years, the housing bureau has underspent its allocated budget by hundreds of millions of dollars. How should any of us expect to make progress solving the housing crisis? If the money that experts believe is necessary isn't being put to use? Legislating by emergency declaration for nearly ten years is bad. Legislating? No, that's not strong enough. It's lazy, out of touch, and exhibits a profound disregard for the real lived experience of

Portlanders, particularly those who can no longer afford to live in our city. This is an election year. It's time for bold ideas, not shrugs of frustration or indifference, commissioner Gonzalez brought up the fact that, like, there may be city code that changes that we can make. My question to him and to all of you is why aren't you taking responsibility for those adjustments, making those changes? We shouldn't be sitting here talking about this crisis, and you're still asking questions about how you can deal with it. Gonzalez has been in office for two years. The rest of you have been in office for four years or more. You've had plenty of time to learn how to fix this. If there are structural impediments in city code that are limiting affordability and restricting development, why haven't you fixed those? Stop shrugging your shoulders or distracting voters with jingoistic talk about drug dealers and the unhoused. Instead of pushing those who can't afford housing farther and farther out, moving the problem around rather than solving it, you should be working double or triple time to provide everyone in Portland a place to be. The problem is not Portlanders who can't afford a place to live. It's that you, our city leaders, have failed to lead. City code 15 .08.020. Authority during a state of emergency provides the mayor the option to establish rent controls and provide temporary or permanent housing by purchase, lease or otherwise. I'm not sure why I, as a citizen, a resident and a council candidate have to be here to tell you all that. I would love to hear from each of you about how you're going to change, how this ordinance is implemented, how that's finally going to change the facts on the ground. I look forward to hearing about how this emergency will lead to real implementation, follow through, performance metrics, monitoring and most of all, accountability. Fortunately, as anyone can read on Oregonlive, we have an abundance of candidates putting forward real plans and commitments to fix Portland's housing crisis. Thank you.

Speaker: Good luck in your campaign.

Speaker: Thank you, thank you. I'll just speak for myself on this point. If I may. I and I anticipated and I told donnie before this session, I'm sure the question is going to get asked. Why are we declaring an emergency year after year after year? And the answer is we're not wholesale changing our code. We're not wholesale revising our zoning ordinances. They're there for a very good reasons. And I do not support wholesale changes to those ordinances. What I do support is allowing under emergency circumstances, very narrow exceptions to those ordinances. So that we can quickly locate services like our test sites, which otherwise would take us years to get through the board of appeals and the other requirements that would have to be in place, so i, I don't support just opening the floodgates to every project in the city of Portland violating our existing zoning. But when it comes to getting people off the streets and connecting them to the services that they need, I strongly support those narrow exceptions. So that is the spirit in which we've done it. And I believe it's not just an linly you can correct me. I honestly don't know the answer to this question. I don't think it's just our codes that we are able to, adjust it. Doesn't this also give us some some standing with regard to state statute, or am I incorrect on that point?

Speaker: I may be wrong about that. I don't, I can't, I can neither confirm nor deny. I'm not sure I can look that up. If you'd like me to,

Speaker: I'd be curious just at a later date. But that was a good lawyer answer, by the way, that was fabulous.

Speaker: But.

Speaker: So that's the spirit in which we're doing this. It's not that we're ignoring the ordinances or the zoning codes or trying to, you know, ignoring a long term solution. It's really for very narrow, specific reasons that that we do this. It allows us

to cite some of these, these services quickly. But your your point is well taken. And I do appreciate it. Like commissioner Gonzalez, thank you for running. I think you see what you're getting yourself into. And I'm always really appreciative when people are willing to step forward and do that. And represent the community. So my hat's off to you. Thank you sir, I'm taking it. You're up next.

Speaker: Yes, yes bridget johnson, good morning.

Speaker: It's good to see you.

Speaker: Good morning. Tim johnson and I will confirm or deny, regarding the mayor's question, since I was before this body, when charlie hales and steve novick were still doing their thing up here. I don't know if any of you were. I don't think any of you go back that far. So it is correct that the state could get snotty about certain land use issues that affect texas and other places. And so this does give us some wiggle room about potential state enforcement, which would seem really unlikely to happen under any of the governors we've had, and I think I think this was originally set for 15 minutes, and i, you know, part of the reason we still have this emergency is because of the way we cope with or push off responsibility for this emergency, because this emergency is solved a little bit by the joint office of homeless services and a little bit by the Portland housing bureau, and a little bit by home forward, and a little bit by urban alchemy. And so there's so many puzzle pieces, and I don't think that in the next 100 days before most of you leave office, we're going to readjust those puzzle pieces for a quick victory. But it seems pretty likely that 40% of you, mr. Ryan and mr. Gonzales will still be working at a City Council dais, come January. And I know that when we were discussing the city's partnership with the joint office of homeless services, there was a lot of very appropriate skepticism about how we're able to move forward under the joint office structure. So come January, when the 12 new commissioners are here and

we're fully under the new charter, I hope there will be some effective and deep conversations about if these, if a joint office of homeless services that loves to brag about having 38 community partner organizations, is really getting the numbers, hopefully by that time now that the joint office of homeless services has a new website, just us, just us, which doesn't give you any granularity. There's some big bragging numbers about people put into housing. People offered shelter services, but there's certainly no deep truth there about how many people went through revolving doors, got publicly assisted housing or shelter, and then ended up in jail or going through eviction court. And if we're going to get a handle on the problem, there's going to have to be some specific fluid and deep conversations about that. So I look forward to you doing what you can before January and the next batch of work that will come.

Speaker: Thank you. Appreciate your being here.

Speaker: That concludes testimony.

Speaker: All right. Any further discussion on this, colleagues? Further questions for staff. Danny, did you have something else you wanted to say?

Speaker: Thank you, mayor. Danielle, for the record, I invited, director to respond to the comment about the housing bureau spending because I think it's important to, for the record, have that clear about how effective the bureau has been at spending resources for affordable housing in general. But I also just wanted to echo and reflect on something you mentioned, mayor, about the reason for the emergency, yes. There are code, our existing code is designed for how we run our city in a non emergency state. But given the continuation of this, this crisis, we're in the emergency gives the city staff tools to activate as needed. So as opposed to going through the permitting processes, even though we approve them, there are still limitations to how fast we can go. These are the tools in this ordinance. Allow

staff to move through those quickly and to be agile enough to. When we have new resources or new sites to activate, we can do so in an effective manner. Any any day someone is homeless is a problematic day. So we're trying to get as many people off the streets as possible. We need all tools activated as quickly as possible, and this ordinance gives us that ability. And the last thing I want to offer is we have a lot of priorities when it comes to rethinking how we use our land use and zoning code for the urban form in Portland. And I want to just offer that every priority we have just makes each other priority a little less important. So as we think about affordable housing, market rate, housing activation, industrial lands, those are all problematic challenges we have that we're working on. And I'd like to ask us to stay focused on our work plans that we have today to deliver that. And we have tools like emergency ordinances to focus on other things, to allow those to exist.

Speaker: Thank you. Thank thanks, tony, for the clarification.

Speaker: Thank you. And just to correct the record regarding spending, the Portland housing bureau has not underspent its budget by hundreds of millions of dollars. And in fact, has spent hundreds of millions of dollars on housing in record time with greater results than anticipated. So I think we want to make clear that the bureau is actually doing an excellent job in terms of expenditure. I also want to state that the housing emergency is because the shelters are considered temporary housing. There are cities around the world, both in the us and internationally, that have solved homelessness. It is a solvable problem. It is not something that happens in two years. It does take time and I think that the emergency ordinance is continuing on because we are in the process of finding solutions. And I think Portland has made great strides in finding solutions for homelessness.

Speaker: Thank you, director heizer. Appreciate it. Great. Thank you. Anything else before I move this along? All right. This is the first reading of a non emergency

ordinance that moved to second reading. Thank you everybody to the regular agenda please. Item item 807a proclamation proclaim September 2024 to be national sickle cell awareness month. Commissioner Mapps.

Speaker: Well, thank you very much. Do we have our invited guest either online or in the room?

Speaker: Yes we do. Okay, great.

Speaker: I couldn't I can't see on my screen, but I'm glad you're you're they're here before we get to our invited guests, colleagues, I'd like to say a few words. Today we come together to proclaim September to be national sickle cell awareness month here in Portland, Oregon. Now, over 100,000 Americans live with sickle cell disease, which is a painful and life altering genetic condition that disproportionately impacts black and brown communities, including many right here in Portland. Sickle cell disease can lead to severe pain, infection, damage to vital organs, and it often shortens life expectancy. While the challenges of sickle cell disease remain daunting, recent scientific advancements have brought hope. New treatments, including fda approved drug therapies, have improved the lives of many patients and groundbreaking research continues to push us closer to a cure. The national institutes of health, through initiatives like the cure sickle cell initiative, are working tirelessly to develop safe and scalable gene therapies to treat this disease. And as we proclaim September to be national sickle cell awareness month, we must redouble our efforts to support individuals and families impacted by sickle cell disease. This means improving access to quality health care, promoting and partnering with community organizations, and continuing to invest in research that brings us closer to a cure. Now, with this proclamation, we celebrate the resilience of those living with sickle cell disease. The progress we make. We have made, and the work that is still ahead. And now to tell us more about this work, we are joined

by two distinguished guests, pastor marcia taylor, who is the executive director of the sickle cell foundation of Oregon, and charles smith, who is a project coordinator with the sickle cell foundation of Oregon. Thank you very much. I'll turn the presentation over to our guest. Now welcome.

Speaker: Well, thank you very much. I'm so pleased to be here, to share more about sickle cell anemia, as, you just stated, my name is pastor marcia taylor, ceo and executive director, and I'm so pleased to have my right hand with me is mr. Charles smith. He's also our lead social worker, and we're happy for the proclamation. We are all about raising awareness and education. Just a little bit about the agency. We started over 40 years ago. After my mom's best friend lost a child to sickle cell disease, and it was the first time we'd ever heard of it. Both of them were nurses, and I didn't know that I was about to give birth to a child who also would be born with sickle cell. We started over 40 years ago as a support group, and then it evolved into, a 500 and 1c3 nonprofit agency. And then we began working toward developing, developing programs. Specifically designed and dedicated to accommodating the needs of those that face sickle cell challenges every day, such as access to care and socioeconomic support, mental health and isolation, and so many others. And for those of you that may have never learned anything at all about sickle cell, it is a group of disorders that cause red blood cells to become misshapen, shaped like a sickle, and it causes great pain. It shortens the lifespan of those that are affected by it, what happens is, under certain conditions, the normal red blood cells take on a sickle shape, which block the those normal cells. And every time that happens, the blood cells that are normal and they take that shape, it creates something like a blockage or a dam. Recently we had a client in eugene. We had become involved with this client being medically transported from eugene, Oregon, to Portland to ohsu, where she was transfused not once, but

twice. And I say it's a lack of education, the, often take our clients for drug seekers. And so she was not given enough pain medication to make her comfortable. And they didn't understand that she needed to be transfused to save her life, one of the things that will be seeking for now is help to establish statewide emergency sickle cell protocols. Just like we have for those that are about to have a heart attack. And we're hoping we'll have something like code red when they come in and they're in this excruciating pain, whether it's from a cold or exertion or infection, it needs to be looked into right away. And, I will yield to Charles to talk more about what we do, in this agency, like helping with first and last month's rent. And we treat the whole person. And I'd like him to give you more information. And thank you so much for inviting us here today to share more information.

Speaker: Thank you, pastor.

Speaker: Good morning everyone. Thank you, pastor Taylor. I'm Chuck Smith. I'm the project coordinator for services at the sickle cell anemia foundation of Oregon and the Pacific Northwest, a couple of things that we do, like many social service organizations, we're thinking about people from a holistic standpoint, and we want to attend to the social needs as well as the health and basic needs that people have to create a better life experience and quality of life for people. We also do, services for young people, especially in transition from youth. Pediatric care to adult care, offering youth programs. The kids with sickle cell have the same needs as all other kids, so they're subject to, violence and threats in the community. They need good opportunities for encouragement and mentorship. They need, in addition to that good health awareness. And if any of you have ever experienced a chronic condition, it's difficult to maintain attention to it because you'd like it to be gone. And so when we're feeling well, people with sickle cell tend to not think about their condition and how to stay well. But when they come into crisis, it's all hands on

deck to respond to them. So being aware of just the, the circumstances that people experience can help us to be more responsive to the needs that people have, I'm thinking about this in relation to the previous conversation about emergency housing services. If you're an emergency for too long, you begin to adapt to it and you can sort of tolerate the day to day of an ongoing problem. But when it becomes imminent again, our alarms go back off and we're ready to mobilize ourselves. So same thing with sickle cell disease. When kids are feeling well, when adults are feeling well, they're in inclination to for self-care and to do the preventive things kind of reduces because we'd like to think that this will go away, another service that we provide is a support group for families and sickle cell warriors. On the third Thursday of each month. And we also offer a wellness programing. People can do breathing and movement to improve their internal functioning and also improve their their mental and emotional selves, what I wanted to raise up here was that especially at the city level, if we can take the next step now from just acknowledging, sickle cell as a, as a condition for us to pay attention to, to now start looking at how we can address the social determinants of health and sort of the health related, health related, social needs efforts that have been going on now. But how that applies to people with sickle cell. So, we need a good environment. So we're not too hot, too cold. We don't have a lot of stressors going on in our life. Those all those things affect our metabolism and what can happen in our sickling experience when it comes to hemoglobin and blood levels, one thing that I would request that the city maybe consider as we move forward, maybe in a partnership in the future, is looking at how city resources and programs could help advance both the awareness about the causes of sickle cell disease, the cures and also the treatments that are available and how the city can be involved in creating better environments for families and youth and adults who are experiencing sickle cell,

and how the different programming areas everything from police response to crisis situations to EMS responses, what role city plays in housing, how do we figure. How about that, to making sure that people in highest need for health related conditions are also considered when we're looking at how this securely housed people and make sure that they're safe and healthy, I'm going to stop at that point.

Speaker: Thank you, Mr. Smith. Pastor Taylor, does that complete your testimony or your presentation today?

Speaker: Yes it does. Thank you very much, all of you, for listening and for this opportunity. And I appreciate you, Commissioner Mapps. Oh, thank you.

Speaker: Thank you so much. We do deeply appreciate you being here today.

Speaker: Great. I'll I'd like to make some comments if I could.

Speaker: Commissioner Mapps. And I'm sure other colleagues might as well, first of all, I very much appreciate this coming forward. Commissioner Mapps. And I appreciate our speakers today for their continued advocacy and underscoring the importance of this issue, as we recognize September is national sickle cell awareness month. It's critical that we address the profound impact that this disease has not only nationally, but as well as locally in our community. This condition, as you heard, affects over 100,000 Americans, and it hits close to home with nearly 200 newborns diagnosed in Oregon each and every year. Sickle cell disease is more than just a medical condition. It challenges, as you've heard, the daily lives of people and the well-being of individuals and of course, this has an impact on their families. Awareness is crucial not only for support, but we need to keep the awareness going because it also helps drive research and improving treatments. It's imperative that we work to ensure that those affected feel that they have support from all of us in the community and that they have hope that they can access necessary resources. So once again, I want to thank our presenters from the sickle

cell anemia foundation of Oregon. Your work continues to be important. We will continue to offer you an opportunity to magnify your voice here. And I particularly want to thank commissioner Mapps for bringing this forward today. Commissioner Gonzalez. Then commissioner Rubio, I just want to thank mayor Wheeler and commissioner Mapps for introducing the proclamation and the testimony today.

Speaker: Proclamations like this are all about education and awareness, and that goes both ways here. I've learned quite a bit about sickle disease today, while I was aware that black and hispanic peoples are more likely to inherit sickle cell disease, I didn't realize that in Oregon, over 150 children are born with the disease. Each year. I didn't realize that millions of people have sickle cell disease, but don't know it because they don't have symptoms, so it's important to get tested on the possibility we may be symptom free, but may nonetheless have sickle cell disease. So thanks again for bringing this forward and raising awareness about this sometimes very difficult illness and condition. Thank you.

Speaker: Thank you for having us, commissioner,

Speaker: Rubio then commissioner Ryan, thank you.

Speaker: And thank you to the presenters and to my colleagues for bringing this important issue to our attention. Sickle cell disease is a genetic condition, and sadly, children and adults often struggle with uncoordinated and fragmented care, whether it's expensive treatments to unplanned trips to the hospital, to facing stigma, many are facing these challenging barriers and there's no available widely available cure. And that's why it's important to get tested. And blood transfusions are one of the most critical elements for patients. And these patients benefit most from transfusions from people of the same race or similar ethnicity. But fewer than 10% of Americans donate blood. So we have to do our part through education and outreach. So I'm encouraging Portlanders to make a difference for this disease and

for patients by pledging to donate blood this month, because there's no clear way to help improve and save lives than through donation. So thanks again for being here today.

Speaker: Thank you. Thank you, commissioner Ryan.

Speaker: Thank you, commissioner Mapps and mayor Wheeler for bringing this forward. Before I make some remarks, pastor Taylor, can I ask you a quick question about your organization? I'm sure has been the reason why there's more people being diagnosed, is that one of the main focuses of the mission of your organization is early detection?

Speaker: Yes, it is. And we're so happy to that. We have a legacy manual helping us to with the diagnosis. And we can offer free diagnostic testing. Yes. All right, one of the things that we are working on is to get the information. We're the foot soldiers. And oftentimes we don't get the information early enough to help these parents, and oftentimes they're told if their baby is born as a carrier not to worry. They'll they'll live a normal life and they discard the letter. But then later on, they find out that the child actually, if it's, growing up and going mountain climbing or exertion deep sea diving, they can get into serious trouble.

Speaker: Thank you so much. I assumed you were going to say something to that effect. And I really appreciate your hard work at the foundation and your presentation by you and Charles Smith. Your leadership on this important health care challenge. It does receive far too little attention. So your leadership is so appreciated. Truly, we've for too long the voices of those impacted by sickle cell mania have been unheard. And your organization is lifting that and taking away that ignorance and stigma, if you will, having a moment like this one today where we focus on sickle cell is one of the ways we begin to listen and learn about this genetic disease. We are all reminded today that sickle cell disproportionately,

disproportionately affects black and brown communities, and that disparity in itself reflects the structural inequities we must address head on, which is often the case in health care. In support of our friends, families, neighbors living with sickle cell. And to the end, we lift the good work of the sickle cell anemia foundation of Oregon. I vote yea, thank you so much.

Speaker: Commissioner Gonzalez.

Speaker: I'm sorry.

Speaker: I'm good. Commissioner Mapps do you want to read the proclamation?

Speaker: Absolutely. First, I want to thank our guests for today's presentation and the work that they do every day. And now I have the great honor of reading today's presentation. Of course, the mayor will jump in to, close it out. Whereas sickle cell disease is a global health problem affecting over 100,000 Americans, millions globally, including nearly 200 newborns in Oregon yearly, and shortens the lifespan of its victims while inflicting pain and damages to vital organs and whereas sickle cell disease is inherited and is most common in people with an ancestry of africa, south America, caribbean, central America, saudi arabia, india, and mediterranean countries such as turkey, greece and italy, and whereas, sickle cell trait is also an inherited condition in which one sickle cell gene and one normal gene is received at the time of conception and may be passed on to infants and in certain situations may cause complications of sickle cell disease, such as painful episodes. And whereas there are 2.5 people in America with sickle cell trait, one in approximately 500 with this painful disease and it's imperative to inform and educate the general public that while there is no known common cure, the disease is treatable. And whereas sickle cell disease poses great psychological impacts, including in the domains of general public perceptions and attitudes, education, employment,

health care access, emotional responses, and effective awareness and sensitivity can lighten the impact this disease imposes.

Speaker: Now, therefore, I, Ted Wheeler, Mayor of the City of Portland, Oregon, the City of Roses, do hereby proclaim September 20th, 24 to be National Sickle Cell Awareness Month in Portland and encourage all residents to join in this important observance. Thank you, Commissioner Mapps.

Speaker: Thank you, Mr. Mayor. And thank you, Pastor Taylor.

Speaker: Thank you so much for having us. Have a wonderful day. You too.

Speaker: Thank you. Bye. Next item on the regular agenda, this is item 808, an emergency ordinance.

Speaker: Accept an appropriate grant for \$405,720 from Oregon Department of Emergency Management for the Fossil Fuel Terminal Zoning and Comprehensive Plan Amendments Project. Colleagues.

Speaker: I'll be making a brief introduction on this. This is an ordinance to accept a hazard mitigation grant to support work to strengthen our zoning and development standards, and regulating fossil fuel terminals in critical energy infrastructure hub along the Willamette River. The City's hazard mitigation plan and the work that we've done in Multnomah County have revealed the tremendous risks that fossil fuel terminals and the CEI hub pose to our community. We've also worked with our state partners to pass legislation, as well as rules to require that all terminals conduct seismic assessments and provide improvement plans. But we know that even facilities built to modern building codes carry with it some risk of failure. This grant will support additional work to regulate fossil fuel terminal development, to make the CEI hub even safer. And with that, we'll turn it over to Donnie and he'll explain more about this work and what the grants will specifically support. Welcome back.

Speaker: Thank you. Mayor donnie, for the record. So the cei hub, the critical energy infrastructure, hub is critical to Portland and the state of Oregon as a whole. It supplies up to 90% of the liquid fuel consumed in the state at the same time, we recognize the risk that these facilities represent to our community. And we have heard loud and clear the community concerns and pleas that we do more to restrict the growth and expansion of these facilities. It took us three tries. Thank you. Tom armstrong and six years to pass modest restrictions on expanding fossil fuel storage tank capacity. This is due in most part to the rules that make up our statewide planning system. Some aspects of regulating fossil fuel terminals are beyond our control, as we are preempted by state and federal law. The best example is with our oil trains. Federal law preempts state and local government from regulating trains and rail safety. However, this grant will support a project to research and develop a new policy framework and zoning code standards to regulate the development of fossil fuel infrastructure within those state and federal constraints. We have heard clearly from Portlanders and you will hear more today. They want us to do more to improve safety in the cei hub. This grant will allow bts to dedicate staff resources to figure out our next steps to make the cei hub safer. Now, i'll turn it over to tom armstrong, who will give a brief overview of the hub and the project process that will grant this grant will fund. Thank you. Tom. All right.

Speaker: Can I share my screen? It says another participant is sharing.

Speaker: Is the timer. The thing is.

Speaker: I got it.

Speaker: Do we need the presentation?

Speaker: Mr. Mayor, I'm going to finish this in my office. Okay

Speaker: I can get. I can get started while it's coming up. Thank you. Tom armstrong from the bureau of planning and sustainability, you know, as as donnie

said, you know, the critical energy infrastructure hub, the cei hub has ten liquid fuel terminals, one natural gas facility that's used by northwest natural for, peak heating on cold winter days, there are over 600 storage tanks in this area with a combined capacity of 350 million gallons of liquid fuels, this area is also in a high liquefaction hazard zone, and most of these facilities were built before seismic codes were adopted, and as the 2022 report that was done by the county and the city in terms of the impact, it found a potential to release anywhere from 94 million to 193 million gallons of liquid, and that it could cost anywhere from \$360 million to \$2.6 billion in damages. As donnie mentioned, you know, council has taken a lot of action in the past, we've adopted resolutions exposing opposing expansion of fossil fuel infrastructure. And recently, as 2022, we've adopted zoning code that limits expansion of storage tank capacity. So, yeah, you can jump to slide four. And, you know, that we have been finally successful in resolving the state appeals. There's still an outstanding federal court appeal on those zoning code limits. Also in 2022, the state legislature passed a requirement that all of these facilities need to conduct seismic assessments and a mitigation, a ten year mitigation plan for making them safer, and we're starting to see the results of that this fall from deq. But the state program, you know, will make these facilities safer, but it won't eliminate the risk. And it doesn't prohibit or prevent their expansion, next slide, please. I think what we found through this whole experience is, you know, one of the challenges that we had in defending our even modest storage tank limits is our policy framework. That's in the comprehensive plan, and needing a better policy foundation that would enable us to do more, and the, the purpose of this grant work is to fund the dedicated staff time that it takes to research those options, work with the city attorney's office to figure out what what we can do within the limits of the state statewide planning goals and rules, next slide please. And so

what we have, we've obtained from the, from fema, hazard mitigation grant for \$400,000, it comes with a 10% city match, which will be sort of our in-kind staff time, and that it will fund a two year planning position that can be dedicated to researching these options, both policy options and zoning code options. Going through a community engagement process, to refine those options and then eventually a legislative project to, to change our policies and change our code that will go through the planning commission and eventually to City Council. And that concludes my presentation. Happy to answer any questions regarding this grant.

Speaker: All right. Very good. Colleagues, any questions on this grant funds coming in good purpose. Seems like something we should accept. Do we have public testimony on this item?

Speaker: We do not.

Speaker: All right. Very good. This is an emergency ordinance. Please call the roll.

Speaker: Gonzalez I'm sorry, commissioner rye.

Speaker: Yeah. Go ahead. Yeah.

Speaker: Thanks so much for that presentation. I'm very supportive of this. I just want to know. I know I've been barely tracking this, but on the other side of the river, commissioner myron in the county has been doing some work in this area. What's the overlap and how is it coordinated? Is it. It's connected. Correct to some of their work they're doing.

Speaker: I think it's connected in that it all sort of deals with safety and liability there. My understanding is they're exploring a concept which is called risk bonding, in which we want to make sure that if a disaster happens that the companies are financially responsible for, for the cleanup and the damages that are that occur if their tanks fail and, and contaminate the river or set fire to forest park or something like that. And so, I think they're exploring how to do that in a way that

gets those financial guarantees up front so that companies can't just declare bankruptcy and push those costs onto the public, whether it's the federal, the state, or the local jurisdictions. Okay

Speaker: Thank you. I'm glad to hear that you're talking to one another.

Speaker: Commissioner Mapps, you're muted commissioner Mapps. We can't hear you for some reason. Can you hear us? Okay.

Speaker: Okay. It comes to one one second.

Speaker: Jackson jackson will work on it. We'll take a recess for one minute. Why don't we?

Speaker: Go.

Speaker: Did jackson save the day?

Speaker: Yeah, I think, can you hear me?

Speaker: Yeah. Loud and clear. It sounds good.

Speaker: Great, well, first, as always, I want to thank staff, both in my office and the staff who are working on the item today,

Speaker: Building on, commissioner Ryan's point. And i'll just say it, flat out, I think it would be helpful if the folks in the city who've been working on this could reach out and coordinate with folks on the county. Certainly we've heard from them in the last couple of days that they didn't know about this ordinance and would like to be kind of more educated. So that is the feedback that I'd like to share. Hope that we can follow up on this. And I want to thank everyone who made this ordinance possible.

Speaker: Great. Thank you. Commissioner. Any further questions?

Speaker: Commissioner Rubio, I just want to clarify. We've connected with, commissioner myron, who thought it was about a different issue. So we have clarified that with her. And, yeah.

Speaker: Okay. Cool. Thank you. Please call the roll.

Speaker: Gonzales. I maps. I Rubio I want to thank dca donnie olivera and tom armstrong for seeking out this grant and their presentation today.

Speaker: As noted in the presentation, staff have encountered many hurdles when working on regulations to improve safety in our cei hub. We, the city, don't have complete authority over the hub. In fact, every government jurisdiction has a different role. My focus as a city commissioner has been to focus on what we can do while advocating for other government partners to also take action on what they can do. And I want to emphasize that while difficult, there has been consistent efforts by the city and our state to make strides towards a safer cei hub. We fought hard over six years to finally secure some restrictions on expansion of fossil fuel storage tank capacity, which is now in effect stated plainly. We restricted the expansion of traditional fossil fuels. This is how we can influence the market and push the sector toward traditional fossil fuels to reduce our carbon emissions here in Portland and across the state, we also advocated successfully before the state legislature to require seismic upgrades so that when the earthquake strikes, the hub is better prepared for that day. Under the new state rules, large capacity oil and fuel storage and distribution facilities must have an assessment and develop a plan to minimize risk of damage to employees and surrounding communities and the environment. Because the hub and its threat to the public and environmental health cannot be ignored, these monies mean that the city will be able to hire staff to do more learning and develop new and different policy approaches that regulate fossil fuel infrastructure within our community. So I'm encouraged by the work to come that will help shape our future planning and zoning policies around the cei hub, and I want to thank the bureau in advance for all this work. I vote yea Ryan, I Wheeler I the ordinance is adopted.

Speaker: Thank you guys appreciate it donnie don't go too far. Next item 809 appoint brian preston to the home forward board of commissioners for a term to expire September 11th, 2028. Resolution donnie.

Speaker: Thank you, mayor donnie olivera. For the record, mayor, commissioners, this is an appointment to the order commissioner Mapps.

Speaker: Yeah. Go ahead, mr. Mayor.

Speaker: Is this a resolution or an ordinance,

Speaker: This is actually a resolution.

Speaker: Got it. Sorry

Speaker: All right. No problem.

Speaker: Sorry. Thank you. Commissioner, so this is an appointment to the home forward board of commissioners, which is made up of four city of Portland representatives, two from the city of gresham, two from Multnomah County, and one representative who participates in home for housing programs. The candidate for appointment today is a representative from the county, and i'll invite director historic up to provide a brief bio on this appointment. Thank you.

Speaker: Welcome back. Thank you.

Speaker: Good morning. How may historic Portland housing bureau I'm happy to share brief information about, brian preston, who is being proposed to be appointed to the board of commissioners. Brian. Brian has lived in four countries, five states, and has a bachelor's degree in double major in economics, experimental psychology and a minor in sociology from university of south carolina, and holds a master's degree in economic development studies from the university of cambridge. She currently lives in Portland with her husband and a small rescue dog. Brian. Preston is currently employed as the economic research consultant at the port of Portland. She supports trade and economic development division as

they work to increase economic inclusion and equity in the greater Portland area. Her focus is on understanding the current economic conditions, barriers and opportunities for future economic prosperity. She believes in the power of qualitative and quantitative data to support the creation of policies and programs that measure positive impacts for diverse individuals, individuals, and communities. Finally, I would like to read brian preston's statement of interest for this role. I believe that every person deserves access to safe, affordable housing and that no worker should be priced out of housing in the community. They work. My professional life involves looking at the pay side of affordability through labor economics and economic development. I want to serve on this board because I believe my knowledge and expertise could support the mission of home forward. Wonderful. Thank you.

Speaker: Thank you. And that completes the presentation.

Speaker: That completes my presentation. Very good.

Speaker: Colleagues, any further comments or questions? This is a resolution. Please call the roll.

Speaker: Excuse me, mr. Mayor, we have public testimony.

Speaker: I apologize, of course.

Speaker: Public testimony.

Speaker: Bridge crane simka johnson.

Speaker: Sorry about that. Welcome.

Speaker: Good morning. Thank you, sometimes there was no testimony and resolution of reports. And you've been doing that more lately. And I appreciate every opportunity for the public to get involved, especially though the most important thing is to thank brian preston and everyone else who volunteers for these unpaid positions to help make our community better, I don't know how long

miss preston has been in the community, but, unfortunately, home forward is a position or agency with life or death consequences. Because of short comings at home, forward and in our community, our local government people die in home forward on the top floor during the heat emergency. We did not adequately support those upper floor residents. They died because of the heat. So in addition to the complex issues of how the federal government limits what home forward can do to be a part of the housing homelessness crisis, you know, I want to just encourage us to keep an eye on maximizing home forward's ability to as we heard from public testimony. 796 have safe sanitary housing. That people on fixed incomes, unemployed people and working people can afford. So thank you very much, miss preston, for, stepping into this role. The county last week on the consent agenda gave their sign off and endorsement. So soon she will have to embrace the joys of being on the home forward board. If you vote. I thank you.

Speaker: Thank you for your testimony. Is there other folks no one else has signed up to testify.

Speaker: All right. Very good. Please call the roll.

Speaker: Mr. Mayor, we may have brian online. Oh, okay.

Speaker: Mayor brian is actually joined us. We'd like to invite her to say a few words. Thank you. Sure.

Speaker: Yeah. Go for it. Welcome

Speaker: You guys can hear me? I'm calling in from a phone. It's always a little tricky getting technology to work on my cell phone. I'm super excited and honored to be joining the home forward board. It's a very surreal experience hearing people talk about your resume, I've been able to listen in this morning and just hear a lot of inspiring public testimony about the housing situation in Portland, and, you know, my background is accurate. I'm definitely a techie. I love solving complex problems.

That's why I got into economic development and my hope is that i'll be able to use my deep knowledge and joy of numbers to bring a new perspective to the situation. That's it. Happy to answer any questions. If you have any questions for me.

Speaker: Thank you. We appreciate your being willing to do this. It's very important. And your resume is deep and your community spirit shows. We're very, very happy to have you on this board. But I won't speak before the vote. We'll go ahead and call the roll.

Speaker: I just had a quick technical piece. I'm fully going to support this appointment, but I want to just clarify for both this item and the next one as we're thinking about the transition from our existing form of government to the next for this appointment, the basis is statutorily statutory, correct, correct. As our housing authority, it's under ors 456. Correct. Correct and what's our read for how this would work in 2025? Just so I can calibrate. And again the what we're going to talk about next is a little different creature with a different basis. But would this still be appointed by the mayor and then ratified by council. Is that specified by statute or is it so this was scheduled to be a topic for discussion at the most recent work session, but it did not get that far.

Speaker: There are ongoing discussions and I guess I would say this there's it's there's not a recipe that works for every situation because as you noted, many of these boards and commissions have their own documents that specify how people will be appointed and who must be appointed. So I know that our government relations is working on on some information about that. So I think you'll you'll hear more information shortly.

Speaker: And so the, the mechanism that we're utilizing to appoint in this case is entirely based on statute or is it based in part on city code or just custom?

Speaker: I mean, I understand it is this is the current statute under this in this government, the city of Portland's mayor, appoints and this council, this body approves all commissioners, regardless of jurisdictional representation.

Speaker: I can also add a commentary, I think also to clarify, you know, housing authorities are federal agencies. And so having the local government have an oversight committee, have a role on oversight is very typical of most cities that want to have a direct input into the federally funded agency.

Speaker: Well, and that's that's fair. The what I'm really getting. Go ahead. You had a so I luckily I have a helpful new attorney shadowing me today who was able to look this up as we spoke,

Speaker: There is a statute that identifies that the governing body of a city, does identify who the members are. So that's my understanding. Will and will correct as needed. And we're and we're interpreting a governing body would be this the council and the next. So what we would use I think I mean this is previewing but I think what because the appointment process we're familiar with is mayor appointing council confirmation, I would expect to see that followed in the future as well. But again, we'll be getting more information.

Speaker: Okay. And I mean, there'll be a related question on the next item. And it's more not to question what we're doing, but that we're not inadvertently pushing forward processes that work and make sense in the commission form of government that may not reflect the what's contemplated by the next charter. And not to put too fine a point on it, because it's really about the next item, the, you know, council and the mayor can each independently appoint their own boards that can also terminate them under the new charter. And that's not exactly how things have operated under the commission form of government. So it's a I just

think it's something that we need to track as we're we're not inadvertently pushing forward something that doesn't make sense. Post 2025, I get off my soapbox.

Speaker: All right. Thank you,

Speaker: Please call the roll.

Speaker: Gonzales, thank you for your willingness to serve I vote yea Mapps,

Speaker: I did want to thank, this person.

Speaker: Mingus, you muted i.

Speaker: Yea. Rubio.

Speaker: Thank you for your willingness to serve I vote yea Ryan thank you brian.

Speaker: As you said, you like complex challenges and as you know, complex local challenges take complex local solutions. I hope your data geek your words is expressive at the table and be rooted in what the data says. And with that discipline, you just might need to challenge the current plans now and then. Anyway, thanks for your willingness.

Speaker: I vote yea Wheeler. Thank you, I vote aye the resolution is adopted.

Speaker: Next item 810 amend code to create the Portland advisory committee on housing for Portland housing bureau is a non emergency ordinance. And as will be not surprising to anybody, I'm turning it over to donnie. Welcome.

Speaker: Thanks, mayor. It's good to be back, is it donnie oliveira for the record. So, commissioners, the ordinance before council today amends city code as related to the public participation, participation and advisory process for the housing bureau by consolidating three of the bureau's six advisory bodies. This aligns with current efforts around the transition of government for streamlining city functions, and it creates a clear community advisory body for future City Councils to engage with for policy issues related to housing. So specifically, this legislation is designed to consolidate three bodies the Portland housing advisory commission, rental

services commission, and the fair housing advocacy committee advocacy committee. With each of these advisory bodies have provided valuable input to the housing bureau regarding their subject area, their overlapping themes within housing policy, and the unpredictable political directives, both nationally and locally, have made it challenging to maintain robust work plans for each body. Committee members serving on these advisory bodies have repeatedly expressed concerns about the impact of their work, overlapping scopes and duplication of their efforts. Housing bureau staff serving as liaisons also face capacity concerns in supporting three advisory bodies related to housing policy on a broad scope, I'm going to turn it over to director historic and jesse connor for presentation, and we'll answer questions at the end. Thank you.

Speaker: Thank you, helm, historic Portland housing bureau the proposal before council today is in response to continual feedback and concerns expressed by community members serving on several of Portland housing bureau's advisory bodies since 2021, direction from commissioners to assess all existing advisory bodies and the charter transition that has provided us the chance to identify potential opportunities to streamline and improve function of advisory bodies. In the summer of 2024, Portland housing bureau held a series of meetings to gather feedback on the recommendations. Recommended changes and feedback received is broadly supportive and has been incorporated. Next slide. In 2023, Portland housing bureau received separate requests from then commissioner in charge of civic life, and the housing commissioner to do an internal assessment of existing advisory bodies and take needed steps to consolidate or sunset any groups based on that review. The housing bureau considered all five of our advisory bodies the housing bond advisory body, the north northeast oversight committee, our topic funding topic and funding specific and have natural sunsets. They will conclude at

the end of their project life cycle. Three different commissions the Portland housing advisory commission, which we call the fair housing advisory committee, called fac, and the rental services commission rsc are in perpetuity, and their subject matter of those bodies overlap. Fb Portland housing bureau determined that these three advisory bodies needed further analysis. This presentation outlines the process for that analysis and the bureau's recommended action to council. At the next slide, please. At the onset of the bureau's analysis of the Portland housing advisory committee, fac and rsc, the then interim director of the Portland housing bureau, director bonocore, paused the meetings and convened pause. The meeting convenings for groups based on challenges heard from committee members and so staff liaisons to the advisory bodies could focus on the review of these advisory bodies. I do want to note that although the advisory bodies were paused, we did reach out for representatives to participate on the bureau's budget advisory committee the first half of 2024 was dedicated to completing a comparative analysis and draft recommendations, hosting opportunities for feedback, and finally presenting our recommendations for council action. Now, i'll turn it over to my senior policy analyst, jesse connor, to walk through the process. Next, slide please.

Speaker: Thank you. Help me for the record, jesse connor. She her pronouns. Senior policy analyst with housing bureau. So for the evaluation process, we took a three step approach. The first to examine peer cities for their housing and community related advisory body practices. We narrowed that down to four peer cities of Seattle, san francisco, denver, and minneapolis. We also consulted with the staff at the office of community and civic life with their advisory body program on city context, best practices, and setting a scope of work, as well as doing an internal comparative analysis amongst the three bodies themselves. Looking at scope,

membership, advising structures and challenges. Next slide. When we took a look at the national scan of our peer cities, we could really see that housing related groups are organized around four, generally four themes a singular project which is reflective of the housing bond and the north northeast oversight committee. Scope and purpose is really clearly defined. A comprehensive approach where multiple issue areas are centered around a topic. This would include all of the scopes of work of epic and rsc. There were ones that were also community population specific for example renters. This would encompass housing related issues, but would also include transportation, health, economic development, etc. So these two would encompass all of fac, rsc and scope of work. And the final one was quasi judicial, which we declined to look into very far because that wasn't applicable in our setting. Next slide. When we spoke with our colleagues at civic life and the advisory body program, we discovered that that program is really centered on the experience of the advisory body members themselves, their training, their onboarding, the supports, the removing of barriers, and that there wasn't any city code or formal guidance in setting up a advisory body due to the varying needs, authority and subject matter needed by each bureau. That said, our colleagues were extremely helpful in reminding us and guiding us that they do have supports around bylaws that are going to operate the governing structure. How often meetings are frequented, term limits, quorum and technical aspects such as that. Next slide. So the next few slides we're going to talk about our internal comparison of the three groups to one another, what you'll see on this slide is that there's a fair amount of overlap that each of these groups touches on some type of policy and program review and feedback loop, as well as a fair amount of function either functioning as our budget advisory committee, helping the bureau identify new resources, advocate for resources, or advise on specific budgets for particular types

of programs. Next slide. P, hac and rsc continue to share key similarities around their discussion. Topics related to renters, property owners, and property management companies. The expertise of the members themselves cover the spectrum of the housing industry, landlord tenant developers, financing policy, regulations, etc. They all advise the same bureau structure and City Council. Each of them provides a public forum for community input, which has in the past at times been confusing for community members to know which advisory body they should be attending or should they make the time to attend all three to provide their comments. Also, in the charter, numbers five and six here for the members on these advisory bodies, they really do need to reflect the community that they represent as far as professional and lived experience. And they also are being asked to set aside their individual interests and focus on the community holistically. Next slide. Finally, the staff liaisons to each of these groups collected what we had been hearing over the last 4 or 5 years of challenges for each of our groups. We've heard that there's uneven representation of expertise in community background. The scope of work is too broad. Challenges around developing work plans within the scope of that particular community, excuse me, committee, or within the bureau itself, they were either going to step into a scope of work of one of the other bodies. The purpose and role and impact in particular is unclear. Folks were really feeling like their advice and recommendations were going unheard. Duplication of work products. And then an additional challenge, an external challenge is changing local and federal legislative champions, we can see with the rsc when we had at the time a very strong legislative champion in the landlord tenant space, we saw the development of a lot of landlord tenant policies at the city, as well as the rental services commission, similarly, on the federal level with the obama administration, or at least strengthening of the affirmatively furthering fair housing requirements,

changing administrations, move the needle away from those points or change them in a different direction, making some of that work a little bit challenging to continue to engage our oversight committees. Next slide, please. So we did some, we had some stakeholder feedback sessions throughout the spring and summer, both just with our current advisory body members and then with the general public. We did have some specific questions around scope of work skills and experience facilitation barriers. And of course, the name of a potential new committee, for scope of work that really underscored that the importance is to be really clear about what the group can and does not influence, we heard across the board that, we were not proposing enough seats to get all of the experience desired. And then, on the other hand, we heard anything more than 15 seats is not really manageable. There was general support for adding youth seats for facilitation, there was really a strong interest in having the deputy director of the housing bureau, participate regularly, as well as providing stipends, childcare, translation, food and offering alternating day and evening classes to make sure that we're removing barriers for all of our participants. Next slide. Additional comments included to just underscore that the group's value comes in its broad representation and community based perspectives as a collective, again, we heard differing views that we should have more tenant advocacy support on the representation on the committee, on the other hand, we heard that fbs advisory bodies skewed too much towards the tenant perspective. So we're looking for a balance there, we did hear the need for a continuous feedback loop, broad support for stipends in either an opt in or opt out, barrier removal. And of course, to make sure that we are really robust in our onboarding. And with that, i'll turn it back to the director for recommendations and next steps.

Speaker: Thank you. As we considered how other cities operate housing and housing related advisory bodies, as well as the flexibility the city has in establishing advisory bodies to fit business and or community needs. And we examined the overlap between these three advisory bodies and that the bureau may not be making the most of our volunteers time. We see there's an opportunity before us to apply the lessons learned and take actionable steps to incorporate those lessons. First is that the single advisory body can provide intersecting perspectives. Establishing a clear scope of work is essential and should incorporate elements of all three groups. The community at large needs a central platform to bring their housing issues and concerns forward. Membership should include professional and lived experience, work plans need clear organization around themes such as production, preservation and protection, and finally, essential. It is essential to the success of the bureau that the advisory bodies have the support of the bureau leadership. Next slide. Our recommendation is to realign the housing bureau advisory bodies into a single advisory body, the Portland advisory committee on housing, while balancing the professional and lived experience. The bureau will also seek to include youth representation and, to the extent possible, district representation. Next slide. The Portland advisory committee on housing is created to elevate the importance of housing stabilization in our community. To achieve that goal, the patch will provide comprehensive advice on housing policy and planning priorities, including those faced by tenants, landlords, homeowners and affordable housing development community. Periodically review the bureau's strategic plans, reinforce the bureau's commitment to racial equity, provide the public forum for community comments and, as mentioned earlier, will have its work organized around the themes of production, new construction policies and programs. Protection. Specifically, landlord tenant policies, federal reporting on fair

housing and safety measures, and preservation programs for maintaining existing affordable housing in Portland. The total seats will range from 10 to 15 open seats at a time of 10 to 15 seats at any one time, with up to two seats to be held for youth commissioners aged 16 to 24. This the next steps. Thank you. This slide is a little bit inaccurate. Today is a first reading of a nonemergency ordinance. We asked council to pass this item to a second reading for adoption following council's approval, we will begin the application and appointment process with the intention of being back before you before the end of the calendar year. With new members. The first half of 2025 will be spent onboarding and training our new members, and work plan development will start in earnest during the summer. That concludes this presentation.

Speaker: Thank you. Colleagues. Any questions? Commissioner Ryan? Yes.

Speaker: Thank you. I'm thrilled about this, I wish I would have had time to focus on it. There were these big lifts called permitting and transitional housing for safe rest villages. That kind of took up most of my time in those two years. But this is awesome. I know when I was overseeing civic life, we were hoping actually more bureaus would come forward with this type of adaptive solution to, quite frankly, some, clutter, if you will. And so I'm just really thrilled with the efficiency. Just a couple of questions, I'm glad that you mentioned, youth 16 to 24, but I'm wondering what about was there conversations about elders? One of our biggest challenges is people being able to stay in Portland and aging in place. So will they also have representation?

Speaker: Thank you. Commissioner we had not we did hear a couple of comments in our feedback sessions about including a seat set aside for, seniors or elders, as far as the bureau landed, we did land on just two seats set aside for youth. There was a little bit of a concern that when we started parsing out seats based on

particular communities, because we also heard that for in the landlord space and in the tenant, and then the property management space, we just noticed that our, number of seats got quite large.

Speaker: Okay. I'll keep an eye on that, I think sometimes it's the section of inclusion that's increasingly not included.

Speaker: I will say, without setting aside a specific seat, we have historically had representation on the advisory body from, or folks that are either elderly or serving elderly clients. And we will maintain a focus on the diverse representation on the board. With that in mind, without setting aside specific seats.

Speaker: Great, and also, I know what the word lived experience means most of the time, but it's used so frequently now, I'd like you to define it in this circumstance.

Speaker: Of course. Do you want us to define it now, verbally or in writing you to define it as related to what you're saying you want from the people that are serving on this commission because lived experience mean what it's going to.

Speaker: The commissioner, thank you for the question. The way that I see this playing out is going to get a bit descriptive. When we put together the application and the call for membership, because lived experience, it's across all of the areas of expertise that we might be looking for in the professional sense. So, housing instability, renters, homeowners, property management companies, folks who either currently do or have that before. We certainly want to make sure that, if possible, we're able to get district representation and reflect the demographics of the city, if not having people who support and represent those communities on this particular board.

Speaker: It's a broad brush definition. I appreciate that. Thanks

Speaker: Commissioner Mapps, thank you, mr. Mayor,

Speaker: This ordinance and this process looks fine to me. I do have some general feedback, I think, for the mayor and the city administrator, many of our advisory bodies are in the process of evolving, and I think that's a healthy thing, long overdue in many spaces, however, at least my office is starting to get feedback from people who, currently serve on committees that they don't feel particularly, educated about how this process works. And frankly, they feel a little bit disrespected as we go through and frankly, sunset some committees. So I hope that, as we go through this necessary change, we can also do some thinking about, how to support, our current, volunteers as we manage this change. Thank you very much. You guys don't have to respond to that. I do hope that someone notes it, though.

Speaker: Thanks, commissioner Mapps commissioner Gonzalez,

Speaker: I really appreciate the efforts to consolidate boards. I just think we need to be doing a lot of this with the caveat that commissioner Mapps has alluded to thanking and appreciating the folks who've contributed to the city and over the years. But trying to streamline the number of boards, I wanted to piggyback because I'm not sure I completely absorbed the answer to commissioner Ryan's question. So we're going to appoint two youth representatives. So how do we make sure we balance on the senior housing side of that, that might not have been exactly the question he was getting at. But when we're so specific about, one segment and don't mention another, I just want to make sure I'm following how we were going to make sure on that.

Speaker: You know, what I will say is that historically, we have had representation from people that are either, excuse me, elderly with lived experience or serving elderly in housing. What we have not had is youth representation. So I believe the addition of seats for youth is really to ensure that we do also have, youth

representation on the board, but there will be a diverse our objective and it is stated in the way we've drafted our guidelines, is that we will have a diversity of representation with both professional experience in the housing space, lived experience in the housing space, as well as diverse identities represented on the commission and so there's we're fixing a perceived problem in the status quo that we've had potentially skewed representation.

Speaker: And that's still there's a little bit of concern there. I just want to make sure we're thinking that through all the way. So what percentage of our tenants today in the city of Portland are seniors versus ages 16 to 24?

Speaker: I can't answer that. I'd have to go back and look at the data. I do think the calling out of elderly is very important, because that is one of the fastest growing populations of houseless individuals in Portland. So I think that we can take this feedback back and reconsider the potential, the idea of adding a seat for elderly, if that would be the direction I would just encourage you to evaluate the relative demographics.

Speaker: You know, the what percentage of our tenants are seniors versus, you know, the 16 to 24. That's not to exclude the 16 to 24, but it's just trying to make sure that we're thoughtful, that we're going to be this prescriptive in code, second, you know, I occasionally get reminded of the fact that hotel operators and I'm not sure about airbnb, but, may inadvertently walk themselves into a landlord tenant issues. And that's really a state law issue that we're probably not in the position to, address. But I guess it's really a question. Should they be have a seat at this table as well, when we're talking about, city policy and landlord tenant law, I mean, the specific scenarios that I hear are are pretty tough on hotel operators that are not really set up to be landlords, but yet they're dealing with landlord tenant law in a very direct way. And again, I have a I have a I'm not sure about airbnb operators,

but there's a at least a potential. So I would just put that back as something to think about is there do they need to have some sort of engagement in this area, the last really gets to the questions I was asking on the last, the previous item. So we're putting this in code. So or we're carrying over, you know, creating this in code, do we deem this the product of, is this a legislative advisory board going forward? Is it an executive advisory board going forward? Because as design, it kind of looks like we're designing it to be both right, but because we're putting in code, it doesn't go away unless council decide the next council decides it goes away.

Speaker: Well, I'm not going to answer the questions related to legislative and executive. I think we can ask the legal about that. But from a operational standpoint, this is an advisory body. So they have no legislative, they have no direct role. They cannot make decisions. They can only advise the department. However, their advice is, is important to the department. We will engage in dialog at a deeper level than we can do in a council meeting, and we will take the advice of this advisory body and bring it to both the legislative branch when they're considering policy making, and we will also bring it to the executive branch when they are, consider considering budgetary or other executive decision making. So it is input. The risk is that the fundamental question of it's really an advisory board of the housing bureau or the director, why put it in code,

Speaker: You know, the, the mayor, currently the city administrator could create, frankly, I think as a director, you could probably do it yourself to, set up an advisory board. Yeah, that's just as could, you know, a future mayor, city administrator, a housing director of the housing bureau. It's why what do we gain by enshrining in code outside of the consolidation of three existing ones?

Speaker: Again, I will leave some of those questions. Let me give you my take on on this. So first of all, yes, we do set advisory bodies. I will bring together an

advisory body ad hoc for specific items. But that might be my selection of people advising on something. Whereas this advisory body is not appointed by the department or the department head is actually appointed by the elected officials of the city. And so by having I typically and I don't know exactly how it's structured here, but typically the mayor will make a recommendation and the legislative body will authorize that, that advisory body. So it ensures over time that you have a community oversight of or advising the department that is not brought together by the director of the department or by the department staff.

Speaker: If I'm I may direct, commissioner, what we're doing today is, repealing and replacing an existing advisory body in code as well as repealing another one, that would be the rental services commission. When we do the consolidation, it is a general it has been a general practice of the council to codify certain advisory bodies, you know, the planning commission, and I believe the new sustainability commissioner also in city code, if they're not in title three, they're probably in 33.

Speaker: One in that tradition is exactly what I'm getting at, right?

Speaker: That this is this has been custom in practice in the commission form of government that may not be appropriate for the new form of government. Council can also separately create an advisory committee at any time. They don't need to go through the executive branch or the mayor. That's their prerogative. They can create how a housing committee of council, which I suspect I would think they would do right or at least have a committee in this area. And i, I'm a little bit concerned that we're carrying over by tradition things that going forward should be more clearly separated. And again, when we do it in code, it's in directing. What housing bureau director is going to do and how the mayor is going to operate where we're getting into interesting can of worms.

Speaker: Commissioner, if I just offer just a just a general good governance perspective on advisory committees, one of the opportunities that having something like this, this committee codified, is it allows the future City Council to have a say in who's appointed to advisory bodies that are directly supporting bureaus. To the director's point, she can bring together advisory, you know, bodies ad hoc as she needs. But this particular committee is appointed by the council so council can vet essentially what community participation is engaged in supporting the director. And like you and commissioner Ryan just raised about the types of individuals you want on there. This that will be the moment for council to influence that because there's an appointment process. Otherwise it would be a process that's just run out of the administrative side. That community and council would have, you know, access to. So there's just a consideration for good governance that, you know, the council would want to have a say in an appointment. And then there are some commissions, like the planning commission that jesse just mentioned, that there. It's codified for other reasons, like state, you know, state requirements to have a planning commission. So, but to your point, I think i'll defer to city administrator jordan, we are evaluating all the systems that this new form of government is going to have. And what is the appropriate, you know, structure for running those? Well including committees.

Speaker: And actually, your answer really gets at a fundamental separation of powers question. I mean, and, that I'm not sure we're really tackling when we're having these coming forward, but there, again, it's mostly out of tradition and custom that we've done it a certain way. But new council can create a committee or advisory board anytime they want that engages the community in such ways as the next legislative branch deems fit, the executive can do the same thing, and, where there may be reasons that they both conclude to do that together. Prescribing in

code is, you know, we're getting into some separation of power questions, and I don't I don't think on purpose I think it's out of custom and not, because of the deliberate deliberation of the legislative branch that that's the right thing to inject themselves into.

Speaker: Absolutely. And I think that you're calling a question that I think the next council and mayor and structure will have to evaluate is how committees are appointed and by who and how do you how do you staff them and oversee them.

Speaker: But you guys are bringing to council right now something that enshrines that for the next council and next mayor. So I want to be and I'm just hoping that these questions are getting asked early enough in the process before it appears before us,

Speaker: Well, if there's a if there's a silver lining to that to, to get to your point, commissioner, where we do see the number of committees. So in the event that there's a change, it's less change. I mean, in that way, because the alternative was we just would have kept six advisory committees going until we got clearer direction from the future council, in this case, we thought it was a good governance model because of the staff capacity issues and the overlapping, responsibilities that may be regardless of transition. This would have been a good, you know, organizational or bureaucratic step. But to your point, yeah, I think as we evaluate the committees, this will be one that will be evaluated. Okay. Thank you.

Speaker: All right. Very good. Do we have public testimony on this item?

Speaker: We have one person signed up. Bridge. Crane, simcoe. Johnson. Good morning.

Speaker: Bridge. Crane. Simcoe johnson. And as a person who will qualify for services from northwest pilot project in a mere number of days, I appreciate the thought about the situation. We face with, homeless, elderly people, not everyone's

favorite publication is street roots, but on page six, no place to grow old in Portland. And I especially appreciate mayor gonzales, or possibly future mayor gonzales. Question about, the data. What who is served? How so that we can use that to influence, these developments, regardless of whether or not there's a complicated situation, separation of powers issue. I do think that it's unfortunate that in this time that we've used we didn't say thank you, felicia trip folsom. Thank you, sarah stevenson. Thank you. Arnesto fonseca. Thank you, heather lyons. Thank you, julia delgado. Thank you, kimberly horner. Thank you, stephanie condor I'm not sure how timely those thanks are because their work was paused as we heard, so, I don't know exactly how long that pause was under boncore, but, you know, if we're going to recruit, whether it's done, you know, in the future, as mr. Gonzalez has said, we might have the mayor's housing advisory commission and the council's housing advisory commission, or we may take what you will most likely pass now and finesse it a little bit after 60% of you are gone. So, the issue of youth representation, I think it's very important to ask, you know, how that serves and also I do think, a little thing that was missing here is the, I don't think the public, and i'll admit it myself, what the heck is the scope of the fb, I think the fb addresses everything from home ownership, equity. I mean, not equity in homes, but meaning are we doing a crappy job of helping people, of color attain home ownership? There's data that says we are, and also under the fb umbrella. Do we have the issue of there's many people in this community who will never qualify for homeownership and will only be renters, and now we're taking away the rental advisory committee and not talking about how many tenants aren't home forward, how many under stark fors, how many are under joe weston's American property management? Those conversations need to get louder and more public so we can address this housing crisis. Thank you very much. Thank you.

Speaker: That concludes testimony.

Speaker: All right. Anything else? For the good of the order. This is a first reading of a non emergency ordinance. It moves to second reading. Next item is 811. This is a report accept bid of. \$1,793,810 from cedar mill construction company, llc for the thompson elk fountain restoration project. Colleagues, today we're discussing the acceptance of a bid from cedar mill construction company, llc for the restoration of the elk bronze and thompson fountain, the second oldest piece of public art in the city. It was damaged in July of 2020. I'll now pass it to priya, donna paul, deputy city administrator for public works. Welcome.

Speaker: Thank you.

Speaker: Mayor.

Speaker: For the record, I'm priya paul, dca, public works and I'm honored to present the elk bronze and thompson fountain restoration project, a significant step in our efforts to restore a cherished community landmark. This fountain, installed in the year 1900 and often referred to as the elk fountain, is a beloved hub of activation and the second oldest piece of public art in the city. After its damage in 2020, it was removed from its original location and safely stored, with the community rallying for its rehabilitation. In may of 2022, the community and the City Council united to champion the rehabilitation and return of the elk fountain to its original condition and location. The council directed the bureaus to take necessary steps for restoration through council resolution number 37576, assigning the water bureau with the responsibility of delivering the project. Today we celebrate a major milestone in restoration in restoring the elk fountain fountain to its original glory. The project design is complete and was developed with significant community input necessary permits have also been secured, allowing us to move forward towards construction. This achievement is a testament to the community

collaboration with the design work and permitting made possible by community donations, which was led and coordinated by Portland parks foundation and rec. We have jessica green, executive director of Portland parks foundation, in the audience with us today as well. So without these efforts and the community contribution, this would not have been possible. The bid of \$1.79 million from cedar mill construction company is specifically for the restoration of the thomas elk fountain, covering the construction and associated work to return the fountain to its original condition and location. The ask for today is to accept the bid, allowing us to proceed with the restoration work and honor the commitment to this important landmark. The statue and fountain are expected to be returned to their original location in the middle of southwest main, between third and fourth avenue. In the summer of 2025. With that, it's my pleasure to pass it on to jodie inman chief engineer for the Portland water bureau, to share an overview of the project and the bid process.

Speaker: Thank you, donna paul, and good morning, City Council. Next slide please. Thanks again. We really want to reiterate we are here today and this is a success of a of a collaborative partnership between the community and the city in achieving this great milestone. There were many partners that were part of getting this project restarted, as well as getting it to where it is here today. Next slide please. So the thompson elk fountain was donated by a former mayor of the city of Portland, david p thompson, in 1900 and was formally presented to the city on November 19th, 1900. Next slide please. As was mentioned by priya during the tumultuous year of 2020, the fountain and the statue and the fountain were damaged during the protests in the park and in order to preserve the fountain from further damage, the fountain and the granite components were removed. They were cleaned and stored. Next slide please. Here you can see today the current

condition and how we have successfully cleaned and restored those components so far. Many, unfortunately, many of the components of the fountain of the granite fountain itself were actually damaged beyond repair. Next slide please. So subsequent to that, in the late fall of 2021 and into early 2022, we began having conversations responding to both the city and the community's desire to replace the elk and the fountain in its previous location. As you can remember, at that time, there was some differing opinions about what that should look like. And so in may of 2022, there was a council resolution passed that said, we shall go forward and determine a feasibility study and look into what would be the recommendation for the fountain that began and what I made the mistake of pulling out of here was the detailed schedule. So i'll go through it for a moment. The feasibility study was underway and was completed in October of 2022. Subsequent to the City Council resolution, the feasibility study identified the potential cost and a schedule for the project, which was a collaborative effort, was undertaken between the city and the community on how we might begin to fund that project and move it forward. That resulted in may of 2023. The council actually approved funding of \$1.5 million to restore the fountain. This funding is, well, the funding for the project exceeded 1.5 million, and the overall project funding includes a significant donation and effort by the community to fund the design. A funding by the City Council, the \$1.5 million, as well as some additional 700,000 we got from insurance. So the funding for the construction of the fountain was actually authorized to begin in seven one of 23. So just July of last year, and we had a schedule that we were pushing, which was very ambitious. And again, really focused on having the community help us get to this milestone. We were hoping to be asking for a request to authorize the bid in summer of 2024. So we're just about a month and a half behind, which is actually a phenomenally quick schedule to move from. Design conception through design,

permitting and into construction in just over a year. Next slide please. So some of the amazing parts of this restoration project is there were a lot of design objectives. In addition to just restoring the fountain and the elk. One of the other a couple major points that this new design will provide us. One, the elk will actually now be seismically resilient, david mahlangu, who's with us here from the water bureau, is fond of reminding us that previously the elk statue was actually attached to the fountain with one bolt. It will now be seismically resilient, so it should be remain standing after a seismic event. Another important component is that the fountain used to use continually fresh water. It will now be a recirculating fountain that will save almost 27 million gallons of water per year by being a recirculating fountain, which equates to, at the time, around over \$240,000 of cost. Next slide. So the project was put out to bid in the spring of 20 of 2020 for the work to restore the elk. Bronze in the fountain are really valuable works of art. It is not a typical water bureau project where we're putting pipes and pumps and tanks in the ground. As such, the work to restore it did require specialty skills, especially in the area of stone masonry work. We are also requiring and are able to actually get the same granite that was used in the fountain base from the same quarry in vermont that the original fountain was from. To ensure that the beloved symbols are restored with the appropriate care and respect. As part of this project, the scope some of the scopes of work were designated as specialty work, and that was specifically the stone masonry work. We wanted to have somebody that had demonstrated experience dealing with cultural artifacts like this, and art pieces, and so we required that the contractor demonstrate that they had done projects of this size. And with these types of this type of care in mind, that pre-qualification was done. We reached out to the cobid community as part of that. And unfortunately, there were no cobid certified firms that were pre-qualified for that stone masonry work.

That stone masonry work is a large part of the contract. It is almost 43% of the total contract work, next slide please. Regarding the remainder of the work, there were seven different areas of work that were also put out to bid the contractor put out reached out to 59 different cobid firms covid cobid firms over those different seven areas of work, which you can see tabulated here. 59 were contacted twice, only five submitted bids. Of those five that submitted bids, each one of them is a part of this contract. So there was a lot of outreach done and anybody who did respond with a bid is actually part of this project. Next slide please. I already went into the funding a little bit, but we have available funding for the construction of that \$2.2 million, which includes the council provided 1.5 million from the general fund, as well as 700,000, which we received from insurance for the damage to the fountain and the statue. This cost. The proposed bid is 1.8 million, which is 19.49% higher than the estimated cost of 1.5. However, you can see with a budget of 2.2 million, we do have adequate funding to move forward, with some remainder for contingency as well as to pay for our contract, administration and inspection. Any funds that are unused will be returned to the general fund. Next slide please. And with that, we are hereby requesting authorization to award the bid to the lowest, responsive and responsible bidder for construction of the thompson elk fountain restoration project at a cost of \$1,792,810. And that concludes my presentation, and we're available for questions.

Speaker: Do we have people signed up for testimony on this? We do.

Speaker: We have one person.

Speaker: All right. Why don't we hear from them. And then we'll get to q and a if there isn't bridget johnson.

Speaker: Finally, I'm bridget johnson.

Speaker: Thank you for finally getting this all out in public about the restoration of the thompson fountain and statue. For those of us who aren't participating with us here and have anything they'd like to say about it, when you're logged into facebook, you can go to facebook.com, slash, thompson fountain, and there's a page which has documented the saga of various pieces of public art that aren't public because they're locked in a warehouse, according to my first person pictures, the elk went on vacation first. My photos from Thursday, July 2nd show an empty base. So the elk was rescued and then later, the fountain, which has an octagon base. And I think only one eighth of the base, the containing part of the fountain was damaged by protesters. Any other damage occurred during the work of actually putting those pieces in storage. So I know there's a lot of tension in our community and misunderstandings about did protesters destroy the fountain or whatever? And it was a little vague here. And speaking, but again, protesters who I don't fully agree with did damage some of the granite. About one eighth of the octagonal base. If there was more damage beyond that, it is probably from the hasty or overly hasty work that was done to remove the fountain before the nighttime protesters returned and made that a little bit risky for those workers. But thank you for finding the money and engaging the community to get this done. We still have to know how we're going to respect some of the trauma that the native American community occurred with the various executions that were done during the time of president lincoln, and how we feel about teddy roosevelt. Those conversations maybe, are going to wait until we have the new charter government. But I look forward to hearing probably all of you vote. I so we can start the process of having an earthquake resilient elk. Thank you.

Speaker: Thank you. Colleagues, any questions? This is a report i'll entertain a motion to accept it. So moved. Gonzalez moves. Commissioner Ryan seconds. Any further discussion? Seeing none, please call the roll.

Speaker: I am thrilled to accept this bid today to finally restore a prized possession to its rightful spot in downtown Portland.

Speaker: The presence of our beloved elk has been sorely missed. For all those who live, work, and visit downtown over the last four and a half years. Accepting the bid and restoring the elk marks a huge and symbolic step forward in our continuing recovery. Over the summer, we finally saw the fortified barricades come down around the federal courthouse. We've seen additional tree lightings installed in city hall undergoing a historic renovation. The restoration of the elk fountain is an important step forward and one of healing. Long live the elk greatly looking forward to seeing the work progress and I'm happy to vote aye. Maps.

Speaker: Yeah, I want to thank everyone who contributed to getting us to this moment.

Speaker: This has been a marathon to say the least. The water bureau in particular, has been in a leadership role, but we truly couldn't have gotten here without the work of many different bureaus and nonprofit groups. I also want to call out, dan Ryan in particular. This has been one of his passion projects for as long as we've been on council, so I've appreciated his partnership and his, in holding us accountable for moving this forward. And all of us who've been on council for, a couple of years, I've certainly heard members of the public come forward and say, we need to move forward with getting this important piece of public art restored, today is a pivotal day in that journey, which is why I am delighted to vote.

Speaker: I yea. Rubio, today we're taking a major step forward in this restoration process and hopefully see it back in our downtown. And I want to take a moment to

acknowledge my colleague dan Ryan and the Portlanders who advocated for this project to move forward, including the parks foundation team and many staffers who work from each and every bureau to get us here today. So excited to see this iconic symbol return soon. I Ryan.

Speaker: Yes, thank you to those presenting today and jody, I appreciated the timeline overview and I appreciate you going into great detail. I will say the missing person from the table, though I see you out there, is jessica green, the leader of the Portland parks foundation. And with her and the champions on your board and a special shout out to kit and bill hawkins, who really have driven this project along. Yes I'm really glad to see this today. I'm pleased to see that we're finally working with vendors selected by procurement to get the restoration work done. I did listen to it. I heard that it was a quicker process than usual, yet I'm still baffled that it took this long, when I brought the ordinance to council in may of 2022, four of you were here on the council, and our work that day did hurt the cats from the bureaus and the organizations who did seem very stuck at that time. And so never in my wildest dreams would I think that we would be celebrating, that it might be happening in 2025, but I if I have one thing this job has taught me is patience and persistence. So I'm thrilled that we'll be moving forward. And just so you know, for any elected official, bureau director or manager at any level, really, this is one of the main complaints out there from our community members is they are baffled by how long it takes to move things along, especially when it's something so concrete. Resilience takes action. We must not wait another two plus years to see that thompson elk return to its pedestal, and I did appreciate the explanation about the covid challenges. This is very specialized work. That said, I also appreciate the outreach. We have to keep that up. You know, let me just pause for a second. Why is the elk important? It's a symbol that connects us with this place we love called Portland. It

centers a civic section of downtown where the city and the federal government services stand. I'm from this town. I'm a hometown product. But I did live elsewhere from the ages 18 to 35, and it was always a grounding reminder that I was home when I saw the elk, especially during the holidays. We have the red nose on the reindeer at the former white stag turned into the Oregon sign. The martini glass up on the hill there's peacock lane over on the east side. Yet none of that captures my heart more than the wreath around the neck of the elk. Of course I accept the report. I cannot wait to see the elk place back on its majestic pedestal, where the city may once again enjoy its presence, and we could show the rest of the country that we are strong and resilient. We have grit and we have pride. Please Portland, let's keep moving forward and be known as a city who can get things done. We look forward to the thompson elk fountain being back in place in early 2025. Let's go! I vote yea Wheeler.

Speaker: Well, I want to thank you all this this was you know, there's probably very few things that I've received as many text messages, emails and calls about as this. And the day after it was damaged by rioters. And I'm using that word intentionally by the way, the day after it was criminally destroyed, I received a lot of very, very angry and upset text messages and emails and whatnot. Justifiably so, because as commissioner Ryan and commissioner Gonzalez have said, this is symbolically important to our community and to see it destroyed really hit people hard. It's a small part of our community, but it gets at the heart of what was happening in that period of history. And so I'm glad we're moving away from it, and I'm glad that our city is recovering. The crime is down. That new business starts are up, that foot traffic is up, that we're seeing significant improvements in livability as a result of the initiatives that we have collectively put into place. We're working on the homeless solution, and I feel that we are unified as a council to continue that effort as well.

But this, more than anything else, probably exemplified for people the trauma of what was happening in this community in 2020. Now to the question of why did it take so long? Sometimes a fountain isn't just a fountain, especially since it had antiquated utilities attached to it that needed to be redesigned and replaced. Essentially, it's an artwork, but it's also a transportation project because it's sitting in the middle of a street that was poorly designed for modern purposes. So that had to be rethought, too. And then, of course, there's just the sheer artistic elements of this project. You can't just put this together. You require extremely specialized and extremely rare skill sets in order to do it in an honorable way that respects the traditions of this city. And it's being done. And council chamber: and my great hope to be honest with you is that 2030 years from now people look at it. They're delighted by it. And they forget that this conversation ever happened. I vote I and the report is accepted.

Speaker: And we're adjourned.

Portland City Council Meeting Closed Caption File

September 19, 2024 – 2:00 p.m.

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Speaker: Good afternoon, everybody. This is a afternoon session in the Portland City Council. Today's date is September 19th, 2024. This is a land use hearing. Keelan. Please read the item.

Speaker: Mayor, may I call the roll?

Speaker: Yes, actually, you should do that. Please call the roll. Thank you. Thank you.

Speaker: Gonzalez. Here. Here. Here. Ryan. Here. Wheeler. Here ida. Whoops. Sorry. Item 812. Consider appeal by music. Portland against the hearings. Officers decision to approve with conditions a conditional use and adjustment review for a new concert venue in the central eastside.

Speaker: All right, first up, city attorney will give us some information about today's hearing. Good afternoon. Good afternoon.

Speaker: Now you're on, now I am. Okay. All right. First I'm going to do the statement of conduct. Then i'll do the specific land use proceedings. Sure. Welcome to the Portland City Council to testify before council in person or virtually. You must sign up in advance on the council agenda at w-w-w dot Portland.gov/council agenda. Information on engaging with council can be found on the council clerk's web page. Individuals may testify for three minutes unless the presiding presiding officer states otherwise, and your microphone will be muted when your time is

over. The presiding officer preserves order disruptive conduct, such as shouting, refusing to conclude your testimony when your time is up, or interrupting others testimony or council deliberations will not be allowed. If you cause a disruption, a warning will be given. Further disruption will result in ejection from the meeting. Anyone who fails to leave once ejected is subject to arrest for trespass. Additionally, council may take a short recess and reconvene virtually. Your testimony should address the matter being considered. Considered. When testifying, state your name for the record. Your address is not necessary if you are a lobbyist, identify the organization you represent and virtual testifiers should unmute themselves when the council clerk calls your name. Thank you. Okay, now I'm going to turn to the specific land use proceedings. This is an evidentiary hearing. This means you may submit new evidence to the council. Excuse me. This is an on the record hearing. This means you must limit your testimony to the materials and issues in the record. For on the record hearings, I would like to announce several guidelines for those who will be addressing City Council today. The evidentiary record is closed. Again, this is an on the record hearing. This hearing is to decide only if the hearings officer made a correct decision based on the evidence that was presented to it. This means you must limit your remarks to arguments based on the record compiled by the hearings officer. You must refer to evidence that was previously submitted to the hearings. Officer, you may not submit new evidence today that was not submitted to the hearings. Officer and if your argument includes new evidence or issues, you may be interrupted and reminded that your you must limit your testimony to the record. Council will not consider new information and it will be rejected in the City Council's final decision. Objections to new evidence. If you believe a person who has addressed the City Council today improperly presented new evidence or presented a legal argument that relies on new evidence that is not

in the record, you may object to that argument. Objection to new issues. Finally, under state law, only issues that were raised before the hearings officer may be raised in this appeal before the City Council. If you believe another person has raised issues today that were not before the hearings. Officer, you may object to the council's consideration of the issue. The applicant must identify constitutional challenges to conditions of approval. If the applicant fails to raise constitutional or other issues relating to the proposed conditions of approval, with enough specificity to allow council to respond, the applicant will be precluded from bringing an action for damages in circuit court. The mayor will now address other preliminary matters.

Speaker: All right, first of all, do any members of the council wish to declare a conflict of interest? No council members are declaring a conflict of interest. Do any council members have ex parte contacts to declare or information gathered outside of this hearing to disclose? Commissioner Mapps,

Speaker: Thank you, mr. Mayor. Although I have confirmed with the attorney's office that this date does not technically fall into the requirements. Out of an abundance of caution, I would like to declare that I have one ex parte communication I would like to disclose. On April 18th, 2023, I was in a joint meeting with commissioner Rubio's dan pinkerton and brad nelson, one of the four items on the agenda was the possibility of a live nation concert venue in the central east side, as this is an on the record hearing, I am not considering any new evidence and making my decision and reject the substance of those communications as new evidence in the record.

Speaker: Thank you. Commissioner Mapps, anybody else? Commissioner Rubio, I have some related communication.

Speaker: I'd like to disclose. As a commissioner in charge of prosper Portland from January 2023 until July 1st, 2024, I was aware of prosper's involvement with this project and their ongoing conversations with the development team. I received updates from prosper staff during this time, and the vast majority of which occurred in 2020, three months before the land use application was submitted. The information included in introductory briefing from prosper staff in may 2023, shortly after I took over the bureau first focused on the overall project, which briefly acknowledged the need for a council decision should the required land use application be appealed, and I periodically received very brief verbal updates on the status of the project from prosper in the following months. In April 2023, I also attended a meeting with commissioner Mapps that included a representative from beme development, where we discussed several economic development opportunities in the central city, one of which was the development of a music venue venue in the central east side and in August 2023, I received a letter from omsi expressing their support for this venue. Similarly, my staff attended a listening session, hosted by music Portland, which I believe was held last September. And again, this was almost entirely before the land use application was submitted, but wanted to be, transparent about that more recently, my staff did respond to a request for a meeting with the with the appellant in the past few weeks to discuss their proposal for an alternative alternate venue in lloyd, and has had some recent conversations with the applicant team. However, I did not participate in those conversations. I was also aware of the existence of various news articles in recent weeks that included some of the perspectives of parties involved in this decision, but did not read the reports in detail. As this is an on the record hearing, I am not considering any new evidence in my decision making and reject the substance of those communications as the new evidence in the record.

Speaker: Thank you, commissioner Rubio. Anybody else? Would anybody like to ask either commissioners Mapps or Rubio questions about their ex parte communications? Seeing none, have any members of the council made any visits to the site involved in this matter? I will disclose I have been to the site before, but not in the context of this discussion,

Speaker: Commissioner Mapps, mr. Mayor, if I may, I live in buckman, this is I pass through this area quite often. It's on my running route. So I every couple of at this point, every couple of weeks I pass through. But I don't go visit this site as part of the issue before us today.

Speaker: Great. Anybody else?

Speaker: Commissioner Ryan, numerous visits to that site. It used to be a village. If you will, that wasn't governed and wasn't staffed. And we cleaned it up under my jurisdiction.

Speaker: Okay. Any commissioner Gonzalez?

Speaker: I've made a number of visits to the site. Not for purposes of this deliberation.

Speaker: Thank you. Commissioner Rubio, I have routine familiarity with the site, but did not do a site visit for the purposes of this. All right. Thank you. Does anybody present in the council chamber wish to ask any of the commissioners about their observations on the site or to rebut those observations? I'm not seeing anybody. Before we get into the staff report, I want to acknowledge and appreciate the community interest and constructive, constructive engagement on the consideration of this project in our city. I also want to clearly restate that the item for consideration by the City Council today is somewhat narrow. City Council is acting as a quasi judicial body to consider an appeal of a type three land use review. Specifically, on August 14th, 2024, the hearings officer issued a written approval

with specified conditions of a conditional use and adjustment review to allow for the construction of a new concert venue. On this site in the central east side, within an ig one zone. Subsequent to this hearings, officer approval music Portland filed an appeal of the hearings officer decision on this matter, which brings us to today's item. As a quasi judicial body. City Council will decide whether the hearings officer considered the appropriate approval criteria and applied set approval criteria correctly to reach their determination of an approval for the conditional use and review of this project. This is the only narrow legal question at issue today in our conversation this afternoon, it's important that we maintain an exclusive focus on the consideration of these specific approval criteria and their application by the hearings officer. This item itself is not legislation, and it will not have a direct financial or budgetary impact to the city. State law requires a final decision by council on this land use application. By October fourth. With that, should I just go ahead and start with the staff presentation? All right. The staff report under our code, you have approximately ten minutes. If you go over, we will allow, the others the same amount of time.

Speaker: Thank you. Lynn, you're keeping the timer. Thank you.

Speaker: Good afternoon.

Speaker: Good afternoon. I'm just going to share my screen. Okay. Good afternoon. I am andy galicia. I'm a planner with Portland permitting and development, as you said, the subject of this hearing is a land use review. A conditional use review, and adjustment review for a new concert venue in the central eastside, which is classified as a major event entertainment use. And I'm going to summarize the hearings officer's findings and decision that's under appeal today. So this is the subject site outlined in blue. It's on the west side of southeast water avenue between southeast salmon and main streets. The elevated ramps of

the i-5 freeway are immediately to the west of this site. The east bank esplanade is immediately to the west of the freeway, and the Hawthorne bridge is just to the south, so this development site is one of three vacant lots on Southeast Water Avenue that have been owned by Prosper Portland. This site and the surrounding area are in the IG-1 industrial zone, which requires conditional use review for a major event. Entertainment use. This is the proposed site plan on the left and a rendering of the proposed building is on the right. The building would be about 62,000ft², with room for up to 3500 spectators. This is a photograph of the subject site from the corner of Southeast Water and Southeast Salmon. This is a view looking north from in front of the subject site along Southeast Water Avenue, and this is a view looking south from in front of the subject site along Southeast Water Avenue. And that's the Hawthorne bridge in the background. There are three applicable approval criteria for the conditional use review. Criterion A requires that public services are adequate to support the proposal. The hearings officer found this criterion was met based on findings from the city's service agencies. The Portland Water Bureau, the Fire Bureau, the Bureau of Environmental Services for Sewer and Stormwater, the Police Bureau, and the Portland Bureau of Transportation, or Pbot. Pbot found the transportation system was adequate for this proposal, in part because a lot of the street parking in this area is primarily used in the daytime and unused in the evenings, when the concerts would take place. Criterion B requires the appearance of the development to be consistent with the intent of the industrial zone, and with the character of the area. The hearings officer found this criterion was met the building design is modern, but it does echo some of the design elements from older industrial buildings nearby. For example, there would be suspended canopies with steel cables and concrete and masonry facade materials. Criterion C is about public benefit, and the exact wording

of this criterion is important. The approval criterion says public benefits of the proposed use must outweigh any impacts that cannot be mitigated. There is testimony in the record about public benefits from this development related to increased activity in this area. In the evenings, and the hearings, officer heard testimony in support of the proposal from the central eastside industrial council and from owners of businesses near the site. But the primary finding for this approval criterion was that there were no impacts that the hearings officer found relevant to this land use review that would not be mitigated. The hearings officer found that this proposal in this location would not negatively impact other land uses in the central eastside, in addition to the conditional use review, the applicant requested two adjustments to zoning code requirements for the project. The first was to allow truck loading to be in the southeast main street right of way, rather than within the property, and in the site plan. In the upper right of this slide, you can see the truck parking area represented on the left side of the building to be approved, an adjustment request must be consistent with the purpose of the regulation to be modified with the street classifications, with the desired character of the area, with the purpose of the igg1 industrial zone, and also any impacts from the adjustment must be mitigated to the extent practical. Pbot was supportive of this adjustment to allow truck loading from the right of way, in part because this part of southeast main street is a dead end for motor vehicles. The i-5 freeway is immediately to the west of this site, so the hearings officer found that with a condition of approval for the applicant to comply with pbot regulations on how this loading area will function, that all of the approval criteria for the adjustment were met, that allowing truck loading in the right of way in this case was consistent with the surrounding industrial area and would not negatively impact the transportation system. The second adjustment was to reduce the echo roof requirement that

applies to new buildings in the central city plan district. The applicant's original proposal was to provide 2100ft² of echo roof, but the applicant revised the echo roof proposal upward to 4670ft² in the open record period after the initial public hearing. And that's the number that the hearings officer ultimately approved. The hearings officer found the proposal was consistent with the purpose of the echo roof requirement, consistent with the street classifications, desired character and purpose of the ig one zone, and that impacts from the reduced echo roof coverage would be mitigated to the extent practicable. The roof area not covered by echo roof would be painted white to reflect solar radiation and reduce heat island impacts, which is part of the purpose of the roof standard. The planting plan for the echo roofs has a number of native plant varieties that are especially attractive to pollinators, which is another part of the purpose of the echo roof standard. The bureau of environmental services had no objections to this adjustment, because the stormwater management regulations for the development would still be fully met and the echo roofs are supportive of that, and several new street trees would also be planted around the site, which would provide additional shading, cooling and habitat. There are currently no trees and very little vegetation around this site, so the hearings officers decision was to approve the conditional use review and both adjustment requests with five conditions of approval. First, the building permit plans must be consistent with the land use review plans. Second, the applicant must improve the street rights of way adjacent to the site, widening sidewalks and planting street trees. Third, the applicant must get permit approval from pbot to operate the truck loading area in southeast main street. Fourth, the applicant must implement transportation demand management measures to encourage people to use transportation options other than driving alone. And last, the applicant must work with pbot to make sure adequate bike parking is available for events. So lastly,

I want to briefly touch on some of the objections to this project that were raised to the hearings officer and that are also mentioned in the appeal. There are train tracks one block east of this site, and there was an argument that train crossing delays make this site unsuitable for a concert venue. And there was a specific concern that pedestrians could get hurt making unsafe crossings of the train tracks rather than waiting for trains to pass. A train crossing delays may affect employees and visitors to this development, as well as any other existing or future developments in this part of the central east side. For example, evidence submitted to the hearings officer mentioned that the Oregon museum of science and industry, or omsi, is on the same side of these train tracks, just a few blocks to the south on water avenue. However, the hearings officer found this situation was not the responsibility of the applicant for this land use review. Even if individuals could make unsafe decisions in the future, the hearings officer accepted pbot's findings about transportation concerns, and transportation staff are here today in case there are questions about their review. The next objection was that the business practices of live nation, which is the intended operator of the venue, should be considered in the land use review. The hearings officer found that the choice of tenant was not relevant to any of the approval criteria for the land use review. His decision was focused on the characteristics of the new development and use in relation to impacts on the surrounding area, and the hearings officer also noted that the operator of the music venue could change over the life of the building. Another objection was that truck parking in southeast main street would block the street, and that truck movements getting in and out of the loading area would endanger pedestrians, cyclists and drivers. I want to clarify that truck parking was not approved to block any street. South main street would still be passable when trucks are parked next to this site. Truck parking and truck movements and streets

would be subject to proper safety regulations. And again, transportation staff are here today. If there are any questions about that. And I want to note that if the truck loading area was on the property, rather than in the right of way, that would meet the loading standard outright without the need for adjustment, but trucks would still need to maneuver in the street to get in and out of that loading area. And I would also note that since this site is in an industrial zone, an outright permitted industrial use that doesn't require land use review could also bring large trucks to this site. And the last objection I want to mention is about the roof adjustment that the proposal doesn't provide the benefits intended by the roof standard. The hearings officer approved the roof adjustment because he found the proposal does adequately address the benefits intended by the standard for the reasons I mentioned before. The hearings officer also noted that while many zoning standards explicitly prohibit adjustment requests, the roof standard does allow adjustment requests to be considered, and that suggests an intent in the code that some exceptions to the roof requirement can be approvable through adjustment review. And that concludes my presentation. I'd be happy to answer any questions.

Speaker: Colleagues, any questions at this point? Yeah. Go ahead.

Speaker: I apologize, I just want to.

Speaker: Record the order of testimony. So you just heard the staff report, and now the appellant will go first and have ten minutes to present their case. And following the appellant, persons who support the appeal will go next. And each person will have three minutes to speak. And then the principal opponent, the applicant in this case will have 15 minutes to address the council and rebut the appellants presentation. And if there's no principal opponent, well, there is after the principal opponent, the council will hear from persons who oppose the appeal. Again, each person will have three minutes. And finally the appellant will have five

minutes to rebut the presentation of the opponents. Counsel may then close the hearing, deliberate and take a tentative vote and the vote tentative. Council will set a future date for the adoption of findings and a final vote on the appeal.

Speaker: Thank you. And if you did not understand that, don't worry, we will. At the beginning of all of the testimony, cue people up in the appropriate order for the appropriate time. Keelan were they under ten minutes? Thank you. Thank you for your report. We'll now hear from the appellant. The appellant has ten minutes. Welcome. Thank you for being here.

Speaker: Is there a timer somewhere that i'll be able to see?

Speaker: Yeah, it'll be right in front of you. Okay

Speaker: Is it up? Can you see it?

Speaker: I can't see it. Oh now I can. Okay, great. Don't start it yet. I know that down. Good afternoon. Council honorable mayor. My name is carrie richter. I'm a land use attorney with the law firm bateman. Seidel. I haven't been here in a long time. It's nice to see you all in person, I am here today representing the appellant. Music, Portland and music Portland filed this appeal not only because of the damage live nation will do. This venue is in the wrong place. It will invite 3500 people. Mr. Galizia did not mention that at one time, 3500 people and 250 employees into an industrial area. So when mr. Galizia talks about trucks that could turn in these areas and block roads, today, there aren't 3500 people down there today and there will be in the middle of the night in dark, rainy, cold weather and they're going to be stranded because there'll be a train that will block the tracks for 40 minutes. That's what this is going to look like. This is not a super place to put a venue like this. There is no transit adjacent to this site. Access to transit requires walking 3 to 4 blocks, and there is no study of the ada accessible sidewalk connections to those bus routes. Not one. The applicant says they did a sidewalk

study. Their sidewalk study is from maine to salmon on water. One block, and it is from water to the river. Unless you are swimming home, that's going to do you no help, the tia, the transportation impact study that the applicant did said that 50% of the concert attendees will access this site via car, actually, that's not true. 80% will access via car, 50% will come on their own car, and 30% will use rideshare. That's from the applicant's traffic studies. Table six and the applicant's travel study finds that there are three hazardous high crash intersections in this area. Those high crash intersections are salmon and water. Water in the hawthorn. Hot water in hawthorn where you get on the hawthorne bridge, traveling west, and the i-5 off ramp at water and i-5. Those are high crash intersections. All of them have had many crashes, and many of those crashes have included pedestrians or bicyclists. And the applicant notes that. But you want to know how many intersections there fixing one. There are only going to change their own frontage. Their own street frontage, and their own sidewalks to address the high crash rates at water and salmon. They are making no changes to the i-5, water intersection, where there will be 2,030% of all the trips who come to this venue will come through that intersection. That is, 20% of 600 cars coming and exiting the site. 30% of the traffic will use the intersection at water and hawthorn avenue. That's what goes up onto the hawthorn bridge. And 30% of the cars coming to this venue will use that road to get out. That's 30% of the private vehicles. And in part, and the ride shares. And that is about that is 30% of 1000 vehicles through that high crash intersection. And I'm going to quote what the applicant's traffic study says about those intersections with more exposure to vehicles. There are more opportunities for crashes to occur. That's on page ten of their traffic study. They did not study what the impact will be. I'm going to talk about conflicts with trains in their most recent letter, the applicant claims there are three reasons why the hearings officer got it right about not

wearing your little head about trains. There are options to access transit if the tracks are blocked. That is true if you are able bodied to go upstairs to get on the bus on top of the viaduct on the morrison and hawthorne bridge. If you cannot, you cannot get to transit. If the train is blocking the tracks. Second reason transportation demand management plan. This is what applicant's favorite get out of jail free is. I promise I'm going to get people to do the right thing. Trust me. And so the transformation transit demand management plan, if you take a look at it, says three things. It says first, we're going to talk more people into transit. We're going to promote ride shares. We're going to do more transit, doing more transit doesn't do anything for trains. We're talking about trains. You get more people to take transit. More people are blocked. Transit demand management plan says we're going to do more lighting. We're going to do more lighting. And not only is there going to be more lighting, the neighboring properties, when they redevelop will do the lighting. So it's not on us. They'll do the lighting. And then the third thing that the transportation demand management plan is going to do, it's going to wait for public improved public facilities projects put on by the city of Portland and by other public agencies. Zero mention of trains, not a single mention of trains. Third reason the applicant says they're going to do something is they're going. They say train crossing delay will be an average of three minutes and 27 seconds. Now you need to unpack that a little bit and take a look at the train study and the applicant's tia. They did a 24 hour study survey of train activity and found that between 4 p.m. And 12 a.m, there were six freight trains and two passenger trains. The freight train delay had an average downtime of ten minutes. This means there were trains that blocked the tracks for more than ten minutes. Because it's an average. Then the trains, the trains that cross the way they got the average was they averaged the freight trains with the passenger trains, you want to know how fast the passenger

trains are 45 seconds. So it gets the average down to three minutes. So there's no problem. No problem at all. And when you look at the timing for when passenger trains pass and when freight trains pass, many more freight trains pass later at night and there is testimony in the record that freight trains in the middle of the night often sit there for 30 minutes, 40 minutes, and there's testimony in the record that people are going to spend hundreds of dollars to go to these concerts. This will mean the world to a young person to see their favorite band, and they're going to park consistent with the traffic study, you know, on the other side of the tracks, because half of the parking that is identified in the parking study is on the other side of the tracks, and then they're not going to be able to get to see their band, and they're going to sit there and they're going to watch us train, sit there, and they're going to think, I can cross where their friends are going to get each other to cross. And then the train's going to start and something's going to happen and somebody's going to get hurt or they're going to get killed. And you know what? Somebody's going to come to you in a few years complaining about how they can't get to their concerts and they're spending money for these concerts and they can't get there. Or worse yet, a parent comes and their child has been injured or killed because you let this go in the wrong place. Regarding mitigation, the applicant has an obligation to mitigate. They have an obligation to mitigate the impacts that they have. The tia says that the city of Portland will initiate a study to consider an advance warning to avoid railroad delay system, which I understand is sort of like tripadvisor for or ways for trains. And you can look and it'll tell you whether there's a train there, if that technology exists, why isn't the applicant putting it in. They are coming down here into this location. They have to mitigate for 3500 concert attendees and 250 employees. Finally, I want to talk. In my remaining time. I have one minute right. Sorry. In my remaining time, I want to talk quickly about public

benefit and I want to read for you exactly what the conditions, what the criterion says. Public benefits of the proposed use outweigh any impacts that cannot be mitigated. The applicant has said we got to focus on land use. We got to focus on land use. You can't look at who's, you know, don't look at who's behind the screen. Don't look at, you know, what's making this all happen. Don't don't don't don't pay attention to that. And I'm going to I'm going to I'm going to point out something from the Johnson economic study. It says, quote, the lessee and operator of this facility will be Live Nation, a global entertainment company that promotes, operates, manages ticket sales for live entertainment. The group also owns Ticketmaster, Live Nation's dominant position in the industry provides significant competitive advantage in booking and artists and events. That opens the door to this discussion. I'd be happy to answer any questions you may have and I look forward to talking to you. Further. Rebuttal thank you. Thank you,

Speaker: Any questions at this point, we have we have supporters of the appellant. And that means if you agree with what you just heard, your time to testify is now. And Keelan has the list, right?

Speaker: We have 38 people signed up. I will call people three at a time. When you hear your name, please come and have a seat at the table. First up, we have Timothy Wilson, Jesse Valencia, and Sherry Jamison.

Speaker: Looks good at 38. So thank you for. During that time likely. Yeah.

Speaker: Hello. Welcome hi. Thank you. Why don't you go ahead and start name for the record, please.

Speaker: Great. Thank you for the opportunity to speak on behalf of this appeal. My name is Tim Wilson. I own Starlet Farm, which is a small artist management and development practice here in Portland. And before that, for 25 years, I served as executive director of Western Arts Alliance, which is a regional performing arts

market and service organization. That's been based here in Portland since 2004. And I'm here today to ask that the council uphold music Portland's appeal on the land use permit, because it does not meet the public benefit criteria. And I'm going to continue to speak on issues of public benefit. Live nation has a long, well documented history of anti-competitive behavior. Live nation has a 60% share of the us concert and events market in this country. It meets the classic definition of a vertical monopoly with business operations and artist management, ticketing, touring, promotion, venue operations and more. And hello! Live nation is being sued by the department of justice and 40 states, including Oregon, for its anti-competitive practices. It feels a bit like we're in a horror movie, with the lovable dad. Portland public officials kind of at the front door of the house, asking the vampire into the house while the knowing but underestimated teenagers, Portland's music scene, are screaming in the background, trying to stop dad from inviting catastrophe. I have two observations about public benefit regarding yesterday's prosper Portland board of commissioners meeting one. The 11th hour pivot from the long term lease to sale to the local developers by the staff's own admission, was an effort to improve the optics of the deal, to make it look more palatable to the public because they're concerned about the impact on the public. The staff's comprehensive brief on the on the deal's rationale and benefits, notably, was notably silent. Silent on the d.o.j. Lawsuit. This lack of transparency in such a significant decision is troubling. If this is such a good deal, why pivot to a sale at the last second to make the deal look better to the community and why pretend that live nation is just another corporate partner? I ask that you uphold the appeal. Thank you.

Speaker: Jesse valencia, hello,

Speaker: Commissioner Mapps. Commissioner Rubio, mayor. Wheeler.

Commissioner Gonzales, and Commissioner Ryan, thank you for having me here today. Good afternoon. My name is Jesse Valencia. I am an indigenous Yaqui musician, author, and filmmaker, and I am also a member of Music Portland's Music Policy Council. I'd like to point out for the record that in 2022, the Willamette Week reported that Prosper Portland cleared a BIPOC homeless camp from the lots in question to make way for a development deal with Ben Collins to build this Live Nation venue. Prosper Portland sold that land to Ben Collins as of yesterday with minimal public input. Live Nation is currently under investigation by the DOJ and 40 states for monopolistic predatory business practices. One of those practices is the intimidation of competitors. I want to bring to the attention of this Council that Live Nation and their partners, Jonathan Maslin of BEME Development and Andrew Collins of Collins Development have tried to bully and intimidate Music Portland, as well as several candidates running for office in November. They've portrayed us as anything from passive participants in this development to radical extremists. Neither are true pages 34 through 36 of the DOJ lawsuit. My colleague Tim mentioned show that Live Nation has used these intimidation tactics before. In other cities as a means to bully their competition into submission. But in Portland, their competition is the independent music community, which contributes 3 billion annually to Oregon's economy and employs tens of thousands of people, many of whom are here with me today. And my colleagues on the Music Policy Council. It's deeply concerning to me as an indigenous person, that coalition members on Live Nation's behalf have resorted to these divisive tactics at the expense of the BIPOC community just so they can make a return on their investment while portraying themselves as heroes apparent of the Central East Side. I urge this Council to consider the DOJ lawsuit, the rushed land sale that occurred just yesterday and

the intimidation tactics being leveraged right now against Portland's music community, as well as several candidates running for office this November by live nation. When deciding if this is the best use of this land, I pray that for the sake of civility that those tactics are not on display today at the end of the day, before moving forward with this development, before Portlanders, Portlanders have had their say, especially with an important election approaching, would be a serious mistake. Thank you. Thank you.

Speaker: Ashley barnes. Oh, no. I'm sorry, chelsea morgan. Sherry jamieson. Oh. Sherry. Jamieson. I'm sorry.

Speaker: Hello. My name is sherry jamieson. I'm a lifelong musician and arts and nonprofit consultant, a volunteer member of music Portland's music policy council and new executive director of the alberta abbey, a nonprofit venue in northeast Portland. It is rare that there is a decision where your values are on display, and to have an opportunity to share clearly what I stand for and what I care about and what we stand for and what we care about as citizens of Portland, I am unapologetically for artists. I'm unapologetically for the health of our music ecosystem and the many independent venues, festivals, and promoters who work tirelessly to keep our city vibrant and provide a clearly demonstrable community and public benefit. I do not agree with the required public benefit for this conditional land use, that it will be met, or that it will mitigate the harms caused to the music community by this venue. And you cannot ignore that live nation, as the tenant and their anti-competitive practices will not harm our local community. As you see here, that community has showed up today. Your constituents are standing before you and begging you to choose the music community and Portland's public benefit over corporate interests. So we're asking you today, what do you stand for?

And today, we implore you to and urge you to support the appeal of this conditional use conditional use permit. Thank you.

Speaker: Thank you.

Speaker: Chelsea morgan, ashley barnes and ray hagerty. And jason restuccia. Ben jamieson, david lincoln. Welcome.

Speaker: Go, go ahead. Thank you for.

Speaker: My name is ben jamieson. Thank you so much for having me today. And thank you for your consideration. I am part of the music economy here because I support it with my dollars and I support it with my time. I recently gave up my labor day weekend and the weekend before to volunteer for the montavilla jazz festival, an example of the independent Portland music industry that actually is a public benefit. A few weeks before the event, several of us, including the executive director of the montavilla jazz festival, got together to clean up outdoor spaces that were going to be used as venues. That is a public benefit, a company, an event that brings people together to make the city cleaner and nicer for everyone. Can you imagine the executive team of live nation picking up trash in Portland? While we were doing this, people were walking down the street shouting, oh, is the music festival today? I can't wait! Oh it's next week. Oh fantastic. So many people in the community excited to come together and experience the live music that this independent, vibrant ecosystem creates. When it came time for the festival itself, I volunteered to run one of the many venues that were receiving benefit, not being competed against, but having artists and patrons brought to them. As part of this festival. I talked to people from southern california who were visiting the festival. I talked to somebody from as far away as kentucky who had come to the festival, bringing their dollars to a local Portland community. And all the while I'm thinking, well, what's going to happen if live nation comes in with their radius clauses? And

now I know there's apparently promises that they are going to let go of this practice, which is what has helped them become a multi-billion dollar behemoth. But you have to ask yourself, if you really believe that. And if they do, are they really going to let their landlords see their confidential artist contracts to verify that they don't have those radius clauses in place? And even if they do, can you imagine being just canceling the lease because they violated the agreement? I certainly can't, and I know you can't either. The music economy here brings people together, and maybe that is one of the public benefits that live nation actually brought here. It brought community together. It brought community together against this venue. It brought people out who have never testified before, who are committed and participating in their government. For the first time. The question is, is that going to be a benefit because you listen to the voice of your constituents, or is it going to be a negative because they believe? Well, you know, the decision was already done. Clearly we weren't listened to just like they weren't listened to at the hearing yesterday. Where the land was sold, where members of the committee said, gosh, I sure hope we don't live to regret this decision. Before the decision was made. Thank you for your time. I appreciate your thoughtful consideration, your support of this community.

Speaker: One comment because I'm I'm hearing a theme and I want to reality check myself with legal counsel. So this is a land use hearing, just to be clear. And so the council acting as a quasi judicial body, this is not like a typical City Council item. We are acting as a legal body to evaluate the decisions of the hearings. Officer as it specifically pertains to code. In other words, was it reasonable that the hearings officer followed the code, made decisions based on the code? The question of whether we like the person is separate. And here's why. If City Council started deciding we like you, but we don't like you, that's where justice is not

served. So, there's been some mention. For example, if I may ask legal counsel of federal potential antitrust actions against the applicant, is that relevant to this conversation,

Speaker: So I'm going to I'm pulling up the code, the criteria.

Speaker: You don't need to give me an answer, but it is a question that I will be interested in. Okay. Because I realize there is federal jurisdiction over antitrust matters and if the federal government concludes that there was an antitrust violation, there are federal remedies that they could pursue. But that is not the work of a City Council. Right now. Our work is focused narrowly on the question of the land use, and I have plenty of things I would love to say, but I cannot, because this was brought as a land use appeal to this body. So we are acting within our legal requirements as an adjudicating body around a land use question. So I just want to be really, really clear. May I respond, since it looks like that was directed to me, it was. Yes. And you okay? Of course.

Speaker: I don't believe that. I was intending to say that federal legislation is something that should be considered. But if we're looking specifically at the land use piece, the clarification of my statement is that you cannot say public benefit is not a consideration, because we're looking at this 1 or 2 square blocks when their radius clause is 200 miles and another question that we will ask at the end is what is the legal definition of public benefit?

Speaker: Because I think it's been broadly interpreted. But I think for the purposes of land use decisions, it's narrower than that. And I could be wrong, but we're going to hold off, go ahead if you know the answer.

Speaker: So. Well, just the criteria, one of the criteria that that folks are referring to is the public benefits of the proposed use outweigh any impacts that cannot be mitigated, and so that is a criterion that the hearings officer considered its

proposed use, not user. And so historically, the way that's andy and I spent time looking at prior land use decisions and the way that it's been interpreted is, is the use which here is a music venue, not not the tenant. Does the benefit of that use outweigh the impacts that cannot be mitigated? And impacts traditionally are in the land use context, transportation impacts, stormwater impacts, etc.

Speaker: Okay. Thank you. And I appreciate everything you've said and I appreciate the dialog. I just wanted to clarify that for the record.

Speaker: Thank you.

Speaker: Yes, sir. Welcome

Speaker: All right. My name is david lycan. I retired recently after 52 years in the ticketing and concert business. My companies were fred meyer fast tickets in the 90s, double t concerts, roseland theater. I operated the paramount theater here in Portland and in Seattle for a time, we produced nearly 10,000 shows. Live nation, ticketmaster is being sued by the u.s. Justice department and our state for very good reasons. They are breaking the law. Simple as that. I have testified with both the justice department and the attorney general's office of the state of Oregon. In these cases, about three and a half years ago, I asked for a meeting with prosper Portland about the idea of a music venue at the end of couch street at the soon to be vacated university of Oregon properties. The plan was to redo the two properties into 2500 to 3000 capacity music venue. There were dedicated development funds available specifically for old town at the time, \$57 million. I stressed that we would not need anything more than 25 to \$30 million of low interest loans, and that the university of Oregon foundation was a likely partner in the deal. I also stressed that I would put 5 to \$10 million of our money into the situation. I pushed for a second meeting, and the ensuing result was that it never happened. Not long after that time, I was told about the venue option that is before

you today. This led me to believe that prosper Portland had already put the venue on track. The other thing that made me very little sense to me was how and when had that other project morphed into a venue and who allowed that to happen? But now here we are looking at a project that puts our city in a very questionable partnership with an entity that is being sued by the u.s. Justice department, and rightfully so, as well as our own state. There are now 40 states suing live nation ticketmaster for unfair, unethical, illegal and predatory trade practices. This lawsuit imperils any agreements that may be signed and negotiated. These companies may be broken up or impacted in ways that could jeopardize financing agreements with banks and other financial institutions. How will beam and keolis guarantee the necessary performance of payments if the financing is impacted by the many lawsuits? Under these circumstances, moving forward with this project is imprudent. With live nation, ticketmaster is simply wrong and reeks. The lack of sensible oversight to reward their illegal, unethical and predatory behavior with a path to a new venue in Portland that will result in a virtual takeover of our concert market, should be stopped now. It will negatively impact numerous local businesses as well as our performing arts centers. What is impossible to believe is how it got this far. What is who for the people of Portland, our taxpayers and our consumers? It appears that it is now no one and certainly not prosper. Portland thank you.

Speaker: Jason nestucca online. Jason you're muted.

Speaker: Hello council. Thanks for having me. My name is jason rice. I am an independent booking agent for the last 15 years. I am a concert production worker for the last 20 years. And I've been a musician in the city of Portland for the last 25 years. I'm also an international tour manager, so I have dealt with live nation in many different cities, in many different markets, I've watched live nation come in

and take over a market that they end up buying in a venue or building a venue, and they are able to outbid anybody in the in the whole entire market on shows like they're able to charge whatever they want to charge, and they will pretty much come in and dominate a market and it's not very artist friendly. It's not consumer friendly. And I'm concerned that if this venue is approved, they will come in and they will dominate the market. They will at that point affect a lot of the other venues that a lot of my friends and family work at, edgefield, roseland, crystal ballroom. And it won't stop there once they come in and have a 3500 cap, you know, it will end up becoming, you know, what's the next step? Like a thousand caps, 600 cap and they'll end up controlling the market. I've seen it happen in denver. I've seen it happen in austin, I've had to deal with it, for many years in my career and wanted to close out by saying that I actually work in the neighborhood for the last 20 years like that. They're putting this venue in. And one concern that I have is there are a lot of car break ins, and if there's going to be 3500 cars just parked all over the area, I think that it's just going to open up a big, wave of car break ins. And, we can't get a very good response, you know what I mean? For, like, the police to come out and help deal with this problem, like non-emergency, like, will hardly take the calls. And I think that's a big concern because I think a lot of vehicles are going to get broken into, like with having that many people down in that area. And I'm concerned about young people's safety as well.

Speaker: Thank you. Jason

Speaker: Next up we have renee muskies, alex blosser and abel malone.

Speaker: Hi everyone. Thank you for having me today.

Speaker: I support the appeal of this land use permit as an active musician and as director of operations of music, Portland.

Speaker: Aside from the obvious traffic dangers, and this land use permit imposes the cost of live nation's unfair business practices in our music community far outweighs the economic opportunities they bring. You've already heard a lot, so I won't go on so much about live nation, but I will say that I encourage you to google them. I encourage you to google how they cheated the met owner in philadelphia of concert proceeds. How the city of atlanta audited live nation due to community concerns over their lease agreement at lakewood amphitheater just weeks ago here in Portland, they violated noise code for unapproved fireworks at their concert in providence park. They their decibel level for the concert itself exceeded far exceeded the level. And when the city asked them to meet with them about it, they snubbed the city about it. Live nation doesn't care about local businesses, and I will say, I don't think that they even care about being development or construction because they breach contracts, and I'm actually concerned that they will breach a contract with local developers. I want to add that this project, the eco roof concession on this project related to the land use permit, it seems anti-environmentalist. And the reason I say that is. Why is it that live nation wouldn't have the money to cover that? Why would we want concessions for that? Same thing about the bike racks? Why wouldn't we have bike racks for this? You know, when that seems like this is \$1 billion company. That's coming in here to operate in our city. It's anti music community because live nation is known to cause small venues to close and closes doors for smaller artists. So if the environmentalists and the cyclists and the music community have been ignored here, then what's left of Portland, because those are the people that make Portland special, that is what is Portland. I want to add that yesterday at the prosper Portland meeting, even one of the councilors last night said, I'd like to see a musician in support of this project. If so, they aren't in this room. No musicians in this room tonight or today support this

project, so I urge you to please, I appeal this land use permit because of the bad actors, because of the way that they have ignored so many communities to move forward with this project. Thank you. Thank you.

Speaker: Hi council mayor, thank you so much for letting me speak today. My name is alex blosser. I'm an associate at strategies 360. I am going to speak specifically today to the relevance of live nation's business practices in this land use hearing. And this interpretation of public benefit that somehow ignores how live nation actually operates. Their business is unreasonable and should be rejected in a land use hearing, you clearly have an obligation to consider how a building will be used. Is that not why we build them buildings are not monuments. They're not cavernous tombs. We build because they look nice, and then we leave them vacant to live our lives. We live our lives in buildings. We spend our lives in them because they make us better people. They make us more fulfilled. And I certainly understand the importance of sometimes separating use and user. For example, with an office building or a retail space. Understandably, City Council cannot make judgments on the tenants of those buildings. However, this concert venue is different, which makes a theoretical view of the potential benefits inappropriate. We know for certain that this will be a music venue, and we know for certain that this venue will be operated by live nation live nation's practices are so tightly wound with the use of this venue. The use and user are one and the same. Considering other operators is outlandishly devoid of substance. Live nation is paying for this. Live nation is signing agreements with beam and colas, and therefore it is only appropriate to consider how live nation will operate this venue, which we know and the harms for this venue that live nation, will will perpetuate. There is no reasonable other user for this venue than live nation. Aeg is currently pursuing their own venue in lloyd center and live nation's business practices have made

certain that there is no other venue operator able to operate a venue of this size in our country. Therefore, beam and colas cannot claim the potential benefits of this concert venue, and the hearings officer cannot claim the venue provides a public benefit without appropriate recognition of the harms inherent in its operation. Live nation will not bring that benefit, and this fact is so blatantly clear. Their business practice is so dangerous, so predatory, and so all consuming that the federal government is attempting to shatter them to save the music industry. I don't think anything can be quite as clear as that. I know this proposal looks tempting, but the costs our city will pay for developing this land cannot be ignored because we will pay them. Portland will lose venues, it will lose musicians, and little by little we will lose the vibrance and joy. Our scrappy local music scene brought. And when it's gone, we can't bring it back. This is why I urge you to reject or delay this. Thank you.

Speaker: Abel malone, steven unger, katie dalziel.

Speaker: Welcome. You can go ahead and jump in, sir. Thank you.

Speaker: My name is steven unger. I'm an attorney in Portland. I thank you for having me here today to, express a few things about this matter. And, i'll try not to be repetitive. A number of things have been said about the lawsuit at the, it's in the district court of the southern district of new york, and somebody has said that 40 parties have joined this lawsuit, in may, there were 20 parties and, a couple months later there were 30. And it was yesterday that another ten joined. And they're not just any parties, they're states of the united states. So 80% of the united states and the federal government have filed lawsuits very detailed lawsuits saying, in many words, about 190 pages. I have it here. And as a lawyer, I can't help it. I read them and, I really would encourage you to read it as well. I know, mayor, that you said that looking into the nature of the party here may not be relevant in this case. I would respectfully differ. I would urge the city attorney to take a look at it. I have

studied it. My opinion is it's extremely relevant at least to the extent that there is a choice between voting yes or no on this matter and that choice is to delay and study it further. To answer that question, because if 80% of the attorney generals of the united states have said that this party that you're about to enter into a series of long term agreements with to impact our city and the citizens of the city, a large number of them, and the infrastructure of the city. To this extent, I believe it deserves a very thorough examination of the legal issues. Rather than enter into contracts and building and all sorts of other, impact which may have long term consequences, and then all sorts of legal wrangling beyond it. And, and then look back and say, boy, we could have just delayed for a few weeks or a couple of months maybe. And take a look at this amended complaint. It was filed about 14 hours ago, and 80% of the attorney general, attorneys general of the united states have said that live nation and ticketmaster have serious, serious problems, anti-competitive behavior and all kinds of other, wrongful conduct and needs to really be looked at. Thank you very much.

Speaker: Thank you.

Speaker: Mr. Mayor, can I ask the attorney, the city, the city attorney, a quick question, mr. Unger, thank you for your testimony, your recommendation today was that we delay, is that I am I am under the impression that we are that there are certain timelines in play here. Can you. Oregon

Speaker: Yeah. Oregon law requires that the city take makes final decision on an application within 120 days from when it was deemed complete, and that clock runs October 4th is the deadline. And so at this time, the city has to make a final decision before October 4th.

Speaker: And can you can you remind us what happens if we, miss if the city fails to make a decision and fails to act, the applicant can go to circuit court and the

remedy is if the circuit court finds that the city failed to act within the required timeline, the remedy is, is the applicant gets an automatic approval and is entitled to attorney's fees. Okay. Thank you. I appreciate that clarification. Thank you.

Mayor.

Speaker: Thank you. My name is katie dalzell. I'm a film and video producer with pickathon music festival, where I've worked since 2013. I've also worked as a live video director at the waterfront blues festival since 2015, and I've worked as a production manager at the showdown saloon saloon on powell since earlier this year. And I think a lot of what I wanted to say today has kind of been made moot by my own misunderstanding of the purpose of this hearing, and while I agree with what many other people have said, that in this case the use and the user cannot be separated, I'm going to take live nation out of it for a minute, and I'm just speaking for myself. Personally, I am appalled at the statement saying that it's up to individuals to keep themselves safe down there around the trains. I mean, you're talking about 3500 people. That's two and a half crystal ball rooms that are going to be coming out into that area with nowhere to go. When that train is traveling. And it's kind of heartbreaking in a town where we have vision zero trying to reduce traffic fatalities, traffic injuries that we're going to plunk this venue down there and say, well, it's up to all 3500 of those individuals who've been consuming alcohol and enjoying themselves all night. It's up to all of them to keep themselves safe. I mean, what's going to happen when the waterfront blues festival is taking place directly across the river for those four days when you also have fireworks, first responder crews are taxed. I'm it's I mean, there's some real like, life and death safety stuff here at hand regardless of the death sentence that this will be at a local events and venues letting live nation come in. But just the potential risk to human life to say that those are individual decisions. What's the statement going to be the first time

somebody hops the train and gets injured or killed? I mean, what do we tell people? I, yeah, I think this is really heartbreaking. This is a really tragic proposal for the city of Portland. I think the people who've come up and spoken before me have spoken to a lot of the ways that this is not in the interest of the public benefit, but I'm personally now just dreading the day that this goes in and somebody down there gets hurt or killed because those trains and there's not space for people to go. I did think it was interesting. Those photos showed the view to the north, the south, but not to the east, right where those tracks are. I just yeah, I don't think this is the place for 3500 people to be. Thank you.

Speaker: Next up we have brian conley, anna martinez and john carter.

Speaker: Hello again. Brian conley, City Council candidate in district three, where this venue is proposed. Today we're here to talk about live nation ticketmaster. I do hear your concerns that you may lack the legal authority to approve this appeal, until a judge rules, we can't say for certain. And so I would really encourage you to act with what you think is the right thing for Portland. One month ago today, the case brought to the d.o.j. Grew to include 40 states. I think that's the anniversary. Today is the one month that it increased to 40 states. Do we really want to vote yes on this when that's happening, attorney merrick garland said we're not here today because live nation ticketmaster's conduct is inconvenient or frustrating. We're here because we allege that conduct is anti-competitive and illegal. I urge you to support music. Portland but there are other steps you can take. We need to think creatively about solutions. Please direct the city attorney to ask the doj and state of Oregon how our city can support this lawsuit. Don't make it easy for an alleged criminal enterprise to gain a foothold in our city. Stand up for Portland's independence and our local artists yesterday, prosper Portland voted to approve the sale of public land to a known bad actor. But that's not the end of the story.

Today, you have the chance to use your position on the dice to state unequivocally that live nation ticketmaster is bad for our city. Let's give the recently reacquired rose garden a chance to succeed before selling public assets to a bad actor. Don't tie the hands of the next city government and force us to share our home with a criminal actor. Why? When Portland is a beacon for the independent music community and the last major city without a live nation ticketmaster venue, why would you get into bed with an alleged criminal actor facing legal complaints? I'll leave you commissioners with this question. If a known criminal actor followed the rules, secured permits legally, but you knew said criminal actor was likely to use these permits to further advance their criminal enterprise. How would you respond? Thank you for your time.

Speaker: Anna martinez.

Speaker: Hello. I am anna martinez. I am a queer, latina, disabled woman that has chosen Portland to be my home about 21 years ago. I'm also an artist. I am many things at core. I am a raver. That neighborhood is filled with people. There are cars parked. It is active at night. I feel that this development is inappropriate. I feel that the studies were done by people who have not actually spent time there. I have tried to call your office to talk about noise complaints twice. I never got a call back. I feel that this whole thing is an inappropriate use of public land. It's also inappropriate to be making this decision before a new city government comes in, that it's going to be more responsive to everyday citizens. The people playing and working down there are service industry. We are the people who serve your food and your coffee and take care of your children and cut your hair. We can't afford to travel, so we go out and we dance and we rave and we celebrate and our ethic is to please, love, unity, respect, radical consent, radical contribution. The people of Portland right now, your creative service community are withdrawing their consent

and you need to listen to that. If you don't, otherwise it's on you and it is inappropriate behavior. Thank you for your time. Thank you. John carter.

Speaker: Hi, my name is john carter. I operate a small music affordable music studio in the neighborhood, so I have a lot of experience coming in day in and day out to observe the location of this proposed venue, before I get into that, I'd like to echo the statements of everyone else. I think that as the saying goes, hindsight is 20 over 20, and in this case, we don't need years of studies to show that the public good here is nonexistent. Inviting live nation into this city is not only inviting a wolf into the henhouse, but it's putting at risk one of the city's primary economic draws, which is the music and the arts. I don't understand how from a public goods standpoint and from a business standpoint, how you can put that in jeopardy. It just I think it really ought to be reconsidered, getting into the land use, I think I'm someone who I commute by bike. I go down the esplanade and to get to where the studio that I run is, I have to cross those train tracks. So I see this day in and day out multiple times of day, it's completely inappropriate for a venue. It just makes no logistical sense. I mean, you separate it from, like, the moral issues involved with inviting, inviting, live nation here. It just does not make any sense for a venue, I also think that I heard before, in the, preliminary testimony was comparing arms's use to the live nation venue use. And I think that these are these are completely different use cases. First of all, omsi has a parking lot, the second thing too is like omsi is not having 3500 person events, it's just completely different use cases. I think that, cities are organisms. This venue is not an island, there are both things that we can we can already see collectively that are going to cause problems just for the logistics of the venue. There are also unknown unknowns that we don't even know yet. I think that given that we have a proposed venue at the lloyd center area, one that is just logistically makes a lot more sense. And then the second part is that

it's dealing with actors that actually have the city's health and benefit in mind. Why go down this road? It just doesn't make sense. Thank you for your time. Thank you.

Speaker: Jordan krinsky, andrea clegg and kate o'brien. Welcome

Speaker: Thank you for being here.

Speaker: Do you want to go ahead and start?

Speaker: Yeah. Of course,

Speaker: My name is jordan krinsky, I've lived in Portland for the last nine years, and I've been actively performing, hosting and booking events here for the last seven, most of that's been, like, directly in my community through, hosting events at my home or in small venues around town, but that also includes performing at some of the smaller and medium sized venues in town as well. And touring also, the music community here in Portland is where I found some of the most valuable friendships and where I've had the privilege of growing for most of my adult life through an interconnected community of support through art, it's what brought me to Portland in the first place, and it's what kept me here. That community includes performers, bookers, venue staff, crew, engineers, and a lot of lovers of live music, including myself, and these are all Portlanders that stand to be negatively affected by a live band or a live nation venue coming to Portland, to the point of public benefit, live nation has repeatedly gutted music communities like ours with its anti-competitive practices. They've repeatedly demonstrated that with venues of this size and with smaller venues as well, you know, the existence of small venues in places like Portland and elsewhere and the fact that they're operated by local musicians is what is what makes it possible to create a pathway for smaller musicians to ultimately play in these smaller venues and then bigger venues like the ones that are being proposed today, that insight comes from these places being operated by people that, you know, live and work in our community, and bringing

in an outside actor, I think is a terrible idea, especially with, you know, a lot of the concerns that people have raised today about the, their antitrust violations and everything else going on. Aside from that, there are a variety of points on access that I think are really important in this particular space scenario. I've spent a lot of time and I bike a lot. I bike down the east bay, the east side esplanade, a lot, and I may have missed something, but there seemed to be a bit of oversight in, in the live nation transportation study, just with the access, to the east bay, the east side esplanade, a key bikeway in the central east side, primarily accessed on southeast salmon street, I'm curious if there are any plans while the building is being constructed, for access to the esplanade, you know, aside from that, considerations with bike parking and, you know, safe bike parking in that area is important if we're expected for, you know, these people to encourage, you know, the attendees of these shows to take alternate forms of transportation, there should be safe places to store your bikes, especially in a town where bikes get stolen all the time, you know, there's a myriad of other different things I could say, but I want to implore you to, you know, go through with this appeal. I don't think.

Speaker: Great. Thanks. Thank you.

Speaker: My name is kate o'brien. I am the board president of music Portland.

Speaker: I'm also speaking here on behalf of myself, my husband and my three children. All of us performing musicians and concert goers, one of whom is attending psu for a degree in sonic arts and music production. It's hard to convey the vibrancy of our independent music scene here. To those of you who may not participate regularly to see music in both our large and small venues makes me feel proud to live in a musical community that supports and cultivates opportunities for its people. At a time in history where corporatization is driving a wealth gap that is destroying the middle class, it is hard to believe that I even have to testify in order

to convince my city government not to approve the use of city property by a company that is being sued by the d.o.j. And 40 states for violating antitrust laws. I truly want to believe that as a city, we are investing in a future that preserves and expands upon our existing music economy, which, in a study done by the northwest economic research center and business Oregon, we now know, generates over \$3 billion annually statewide. We already have ticketing companies, promoters, poster makers and venue operators in our local community. There is no public benefit in having a new music venue operated by a company from outside Portland, and granting this permit paves the way for that to happen. I urge you to support our appeal and vote against the conditional use permit and exemptions from the zoning code that would allow a behemoth, predatory juggernaut like live nation to come into Portland and threaten what we have here with their anti-competitive business practices. Thank you.

Speaker: Abby daugaard, alex little, amy maxwell.

Speaker: Welcome. Thank you for being here.

Speaker: You can go ahead and jump in.

Speaker: Since I'm the only one out of that group. Hi, my name is amy maxwell and I am the owner of ticket tomato. I have had a 25 plus year career in the music industry here. I have worked with david lycan over the years. I've worked with musicians, tours, festivals, I've sat on boards, everything. I'm extremely concerned about this and I want to give you a face of a company that has been impacted directly by live nation and ticketmaster. My business, the whole reason why ticket tomato is ticket tomato and we have that name is because pink martini was going to use our platform to sell their tickets when they had to hang on. Little tomato and ticketmaster stopped that. So I was so interested in the name, thought it was really great, very clever. Decided to change the name of our business to ticket tomato

since we could not use it and work with pink martini. So my business has personally been affected by this as has my clients. I have a number of clients who have who have small community festivals that have to book artists. And there's a radius clause and they are unable to book certain artists because they have been pushed out by live nation. So again, that has affected my bottom line. I have also had the situation of working down in that area. I have done drive in events during covid with pam cut over by amc, and I had to deal with my employees being late because of the trains almost getting hit because they were on bicycles, or by foot, and difficulty for our attendees to come to the events. In turn, we've had to make massive refunds or deal with complaints because of the situation. Now, that was a space that we had to do something during covid, so we kind of had to deal with what we had at that time. So there are many levels as to why I'm concerned about having this go through and happen. And I really want to encourage you to consider all aspects, including the individual, that will be doing business in that building and in that space. So please reconsider this and take a look at those who have been directly affected and impacted like I have over the years. Thank you. Thank you.

Speaker: Sharon. Myron. Laurel strive and santiago ortega and Keelan while those folks are making their way up, just a matter of order.

Speaker: At 330, we'll take a brief break so people can go use the restroom or whatever, but it'll just be like a five minute break. Welcome. Thank you for being here.

Speaker: Hi, there. Hi. My name is laura streib. I'm an artist. Musician nonprofit executive director, and a cultural advocate. I am here today to urge you to reject the conditional use permit for the proposed live nation ticketmaster concert venue in central eastside. While we're here talking about the land use permit, prosper Portland yesterday pushed through the approval of the sale of this land without

proper public input, which raises serious concerns about the direction our city is taking. This parcel of land was designated in 2017 and 2018 to be developed with 100 year lease to support industrial and creative spaces for creatives, makers and entrepreneurs. This goal envisions revitalizing the central eastside as the workshop blocks that rfp vision aligns closely with the goals outlined in the current our creative futures cultural plan that you recently approved. On page excuse me on page 22 of that cultural plan in which the city invested over a half \$1 million, it states that, quote, our community faces multiple and worsening challenges and the reputation of our region as a creative hub and a desirable place to live has been diminished. End quote. It highlights critical issues, including a crisis of affordability within our creative community, a shortage of affordable spaces for creatives to work, significant challenges faced by individual artists and musicians and creatives in securing affordable venues for events and concerts. Ongoing inequities in resources available to artists, particularly in bipoc and under-recognized communities as documented in over 30 years of studies, this cultural report has relied heavily on data from the arts economic prosperity project that I was the project coordinator of. This highlights that with 30% of our arts and culture bearing nonprofit organizations providing feedback, that our arts community brings in \$450 million as an economic driver. And that in turn brings over \$88 million in city, state and federal taxes. This is a low estimate to add to the \$3 billion in economic impact that the music industry has already bringing to this area. We need leaders who will support what is already happening locally and invest that. Instead, I ask that you act upon the recommendations from the cultural plan to improve our music economy, and we must reconsider giving access to this outside corporation which is facing all these lawsuits, which you've been hearing over and over again. This company has a history of undermining local music ecosystems across the country, and that is

deeply concerning. Just look at what is happening currently in austin, texas and nashville. Instead of prioritizing a predatory corporation, we should focus on uplifting our vibrant independent music scene. While a venue of this size is needed, it should be operated by a business that reinvests in our community rather than extracting profits to out of town owners and shareholders. I implore you to reject this conditional use permit for this venue. Let us prioritize our local artists and the integrity integrity of Portland's creative landscape and work towards a plan that supports the already approved cultural plan, as well as the needs of our independent music scene to help it grow in. Thank you.

Speaker: Santiago ortega. Santiago, you're muted. Do you want to try to unmute? Oh, there we go. Can you hear me?

Speaker: Yes. Now we can hear you.

Speaker: Okay. Sorry about that. Hello. My name is santiago ortega, I'm a local musician and a concert goer, and, yeah, this this this this lack of a conditional, you know, the land use permit.

Speaker: Santiago, you're very. Can you hear us? Are you able to speak a little louder?

Speaker: Hang on a second. Oh, shoot. Hang on. Sorry, give me a second. Can you hear me now?

Speaker: Yeah. That's better.

Speaker: Okay. Yes. So. What I was saying is that this land use, this the live nation coming, live nation coming to Portland is just another form of gentrification, I will not. I will not paint a rosy picture of or of Portland's music scene, especially for, black and brown folks. It's been pretty atrocious, you know, we're a lot of us are still recovering from the fact that that the city of Portland has, in the name of urban renewal decimated many local cultures and thriving communities within Portland.

And, you know, just 40 years later, we're still we're starting to see some form of healing. And, the fact of the matter is, is that, you know, this is a corporate this is a corporate gentrification of an independent music scene, as we everywhere that everywhere that this, that, everywhere that, this goes, everywhere that live nation goes, it leaves nothing but, increased rates in affordability. Inaccessibility and more importantly, it's stamping out what makes each of the what makes each of the music cultures in, in each city that they take root in unique, you know, I'm in contact with people who were in austin who have talked about who've talked about their, you know, the inability to be able to perform, to be able to be able to do their craft in any meaningful way, same thing with denver. That's where I was born, spent most of my life. They're still there. They're still there talking about the same things as local musicians. And we just we can't afford another one, you know, this is a corporate solution. This is a corporate band-aid on a larger social problem. You know, the fact is that the fact is that Portland is not investing in any meaningful. It is not investing enough in any meaningful way to the communities that are hardest hit by, by rising by rising inflation and rising housing costs and, you know, bringing in a corporate entity that can't even that can't even be bothered to bring any of us to the table to discuss something that is going to affect the plot of land that it sits on, and a 200 mile radius for the next 100 years is absolutely unacceptable. And it's just another, it's just another. It's just another place where prosper Portland has continued to has continued in a in a patronizing way, to think that they know exactly what's best for this city. Prosper Portland and the Portland metro chamber have done their have done the have done the most, have done the most, with the least results. You know, people need help. You know, especially musicians. We need help and live nation isn't helped. Live nation is just like I said, it's a corporate band. Thank you.

Speaker: All right, why don't we. We'll take a five minute recess. It's 332. We'll reconvene at 337. Thank you. We're in recess. Folks, let's go ahead and reconvene. Make sure we get through everybody's testimony. So let's, let's go ahead and reconvene.

Speaker: Just 15 years ago.

Speaker: All right. Keelan. Go ahead and read the next three names, please.

Speaker: Nene goodman, jen forti, and santiago gomez.

Speaker: All right. Welcome.

Speaker: One more time. Nene goodman, jen forti, and santiago gomez. All right. Move on. Marshall runkel, stephan reichert, and will zeiger.

Speaker: I see marshall. Come on up.

Speaker: I may have pushed the wrong button.

Speaker: That's all right. Welcome thanks for being here. All right, good afternoon, mayor.

Speaker: Members of the council, thanks very much for the opportunity to testify. I'm going to try to go quickly and cover a bunch of ground, first of all, on the public benefit standard, I think that's a very obviously the most important thing here. I would say a couple of things. One, the jensen economics report prepared for the applicant specifically refers to the lessee. So they've introduced the lessee as a as a factor in making this case. So the use and user are already intermingled by the applicant. The other point is that other jurisdictions in Oregon have had much broader interpretations of what public benefit is. And it's up to you. It's a City Council who decides what public benefit is. So I believe that you have the authority to make a decision based on the use and user, as alex pointed out earlier, and I should point out, I skipped over my introduction on marshall runkel. I work with strategies 360. I represent monkey presents, a local promoter who has been a

locally owned promoter that's been importing, music to Portland since 1983. I do want to say that this site is got very significant infrastructure problems in addition to the train and the darkness, the lack of sidewalks around it, the site is too small. That's why they have to load in and load out on the street. It's just a terrible location. This is a discretionary decision based on the adequacy of the infrastructure. And I think by any rational standard, infrastructure is inadequate. The third point, and this goes to the Johnson economics report and the nature of my clients, the benefits identified in the Johnson survey are available to the city without having to approve this discretionary decision, because as I introduced into the record, there's another facility in a much better location with adequate parking that's safe, that will provide all of the benefits to the city without any of the downsides identified by many other testifiers. So the company that I represent will have a full partnership in that project. It's a local company owned by people who are born in Portland, who have Portland values at their heart. We don't have to make a deal with Live Nation to get those benefits. Thank you very much for the time and good afternoon.

Speaker: Thank you, Mr. Mayor.

Speaker: Can I Commissioner Mapps ask Mr. Hey, Mr. Runkel, thank you for showing up today and I appreciate your testimony. And I know you've worked in the city before, and probably appreciate some of the nuances of the issue before us. And certainly one of the things I think we're all thinking about is community. What does public benefits mean in this context, and, you know, when I've gone through and looked at code, traditionally the context of land use, when we talk about public benefits, we traditionally think of things like, you know, sidewalks, lighting and whatnot. Basically, things in the physical world, and I think you're asking us to think about it in a different way, I want to give you another opportunity to kind of

articulate how you think this particular council should could frame or perhaps reframe public benefits in this context or.

Speaker: Well, I think it's something that the attorney from Portland can dig into more deeply with the council, because I'm not an attorney. Okay. But what I can tell you is this is a discretionary decision, public benefit. You define what public benefit is, and the luba has repeatedly supported local jurisdictions in their own definitions of what public benefit means. And I guess one other quick point as I'm talking is that the applicant has full ability to extend the timeline. In this case, the 120 day rule has already been extended. One time in this case, and if the applicant would like to have more time to study these issues, then by its own volition, it could extend the timeline as long as it is, you know, as long as they would need to.

Speaker: Thank you very much. I appreciate the conversation.

Speaker: All right. Thank you. Council thank you,

Speaker: Stefan reichert will zesiger. Lori neely, melissa reed, clara baker.

Speaker: Here comes somebody, I think. Are you are you already testified, didn't you? Yeah.

Speaker: You did.

Speaker: Here comes somebody. Welcome. Thank you.

Speaker: Hello. Hi

Speaker: My name is clara baker. I am a musician and music producer, and I disagree with the decision to approve a new concert venue on the central east side. I'm going to speak on public benefit and relevance of the tenant. As we were hearing about earlier, I have benefited greatly from public policies and investments. Portland has made in the arts. I was in the strings program at laurelhurst elementary. I was in the band program at fernwood. Now beverly cleary and I was in the royal blues choir at grant high school. I've spent my adult life touring the

country as a professional musician, and last year I received a regional arts and culture grant that allowed me to further invest in my business and art. Portland does a lot of things that are in the best interest of the public. The sale is not. I understand that you're limited in the scope of what you're able to consider today. In terms of this being a land use hearing, and obviously, I'm not a lawyer, but it said something on the screen about considering the relevance of choice of tenant. And that's what you're hearing today from all these people. It appears that the officer who approved this yesterday didn't consider that that relevant. I disagree, and so do the others. We cannot separate the tenant of this land from the use of this land. I also agree with the lawyer who spoke for music Portland that this is a terrible place for a venue and a terrible use of land. As a lifelong Portlander, I'm very familiar with this area. I've actually ridden my bike in that area at night several times in the last two years. Once when trying to get from the waterfront to grand avenue. I had to bike along a bike path through a dark area filled with trash and about 40 to 60 rats scattered all around me. Another time last year, also biking from the waterfront up to grand, I biked past a group of people who were gathered burning cars. That was incredibly scary. This is not a suitable place to invite 3500 concert goers and 250 employees, and we're talking about 3500 people, as if it was going to be that once this is going to be what, weekly or several times a week. I'm concerned about the train. The fact that the study used averages, combining commuter trains with the freight trains that are stalled for ten plus minutes to further their narrative, is preposterous. Anyone who's been stuck behind a train in real life doesn't care about averages, and my Portland public high school math teacher, miss shea, taught me better than that. I support the appeal. You must consider the relevance of the tenant in this land use, as well as the clear dangers to the use the use of this land poses as a risk to the public. Thank you. Thank you.

Speaker: Cassie wilson carrie mccarthy, francisco mercado. Welcome.

Speaker: That should pick you up right there. Thank you. Okay. Welcome sorry.

Speaker: Hello.

Speaker: Good afternoon. My name is cassie wilson, and I'm a resident of the buckman neighborhood, I'm speaking in a personal capacity today, though I did also submit written testimony in my professional capacity at 1000 friends of Oregon. So I encourage you to read that as well, I'm a huge live music fan. I've been to over 300 shows, and I used to run a nonprofit for six years called half access, which focused on increasing live music venue accessibility across the country. While I don't want to see a live nation venue in our city, it was the land use and transportation aspects that brought me out today, out of concern over livability in my neighborhood. I'm the target demographic for a venue like this. I go to shows all the time. I live rolling distance from it, but I would not feel safe visiting a venue in this location. I ask that you protect industrial land for industrial uses by not allowing a concert venue to go on this site. The negative impacts go beyond just the adjacent area and that cannot be ignored. Yet it will also not be mitigated as part of the current proposal, since they're only required to improve things directly around the site. On transportation, one of the first things that comes to mind is emergency responders ability to get to and from the venue. I really shudder to think what could happen in a worst case scenario in this country, let alone just the day to day medical emergencies that people experience at large gatherings. I see it all the time, especially in the summer and at shows where people are really excited, pushed up against barricade, passing out, not drinking enough water, etc. And then and so yeah, obviously emergency responders need to be able to get to the venue and if the train is preventing that, then that's an issue. As for sidewalk connections in the area, it was one of the first things that I noticed when I moved to Portland

earlier this year, the east west connections for cyclists and pedestrians are really just awful in this area, and especially connecting to the eastbank esplanade, the a lot of the sidewalks are missing curb cuts or just generally are not accessible for other reasons. So I've definitely been stranded down there when the streetcar was down, when I was getting home from an event at omsi, the train crossings are really not accessible. The lack of lighting contributes to that issue, the current infrastructure is really built for freight, not for human scale needs that this venue would bring. Oh. What else? Very concerned about the blocking of the main street connection to the eastbank esplanade. Even though it wouldn't be permanently closed off the use of that area. I think, would highly discourage people from using it on transportation demand management. I don't know if you all have ever tried to take a bus home after a show, but they don't run that often. Late at night, so pretty difficult to do and I'm out of time. So thank you.

Speaker: Francisco mercado welcome.

Speaker: Hi, my name is francisco mercado. I've been a citizen, proud citizen of Portland for 16 years now. And three years an American citizen. Also very proud of that, I just want to let you like, just point out a couple of things, I love free markets. You know, I'm a capitalist. I have etfs, bonds, everything. I watch bloomberg surveillance every day, but, I mean, live nation entertainment incorporated has made their. If you hold their stock 13% annually. That's. I mean, the best, even with the high interest rates we have in a savings, in a high yield savings, we make, what, six? And that's really good deal. So you're making double no, no dividend. So their fiduciary, fiduciary duty is not really to have a profitable, quarter year, etc. It's not to make money the way they make money to their stockholders, which are mostly big hedge funds and investment banks, is to keep the stock price going up. And how do you do that? There's only one way to do that in an industry. And we've we've seen it

and the DOJ doesn't prosecute like easily. It's very hard to get like not prosecute but charged investigated for monopoly practices. But they did it to these guys. And the only way to and that's because the fiduciary duty of these guys is to dominate the market. That's it. And the only way to dominate the market is to crush everyone else. And how do you do that? Well, you just subsidize your prices. You bring, a provider providers that either work for you directly as part of your infrastructure, like sound engineers, all that stuff. You got them in house. Why pay third parties so they can and they they will outlast every single one of these guys. I mean, there are \$3 billion industry in in the state of Oregon. That's nothing for these guys. They, they they will crush the market like they have done everywhere else in America. This is the last city standing. And I mean, if you guys want to let the wolf into the henhouse, go ahead. But I mean, it's on the record. It's not a secret. You're you're making a big mistake here. You're going to crush the people here, make a lot of money to thank you.

Speaker: Tony prado, caitlin convey, jacob westfall, welcome.

Speaker: Would you call first tony prado?

Speaker: That's me. One second. I'm gonna get my notes out. I, wasn't originally planning on to testifying. I came here in, aspect as a filmmaker, i. I used to work in the in the music industry. I worked at bank bar right up the street from, this proposed site. I met you there, ted. I don't know if you remember. But, you know, during the listening to everything here. Sorry, I don't usually talk in front of people. Something something irked me that, I don't know, kind of like, you know, when somebody uses their their or your your and you're just like, wait, no, I you're wrong about something, you said that, the land use, for this this, project was, as a music venue, which is weird because the corporation that owns live music, live nation, isn't in the business of operating music venues. They've never made a profit from

operating music venues. They operate music venues so that they can sell tickets and charge exorbitant fees through, ticketmaster. But if you look up their records, they've until until post pandemic, they never made a profit as live nation. So the purpose of their their business isn't to run music venues, it's to run out competition. The best analog I could think of this is for we've all seen curb your enthusiasm, this is a spite store. They're putting up a spite store. And yes, I guess is the best land use for this area to spite the music industry of Portland. I think that's a good question. And in my capacity, I'm working right down the street from this proposed site. I can say that putting on events of 1 to 200 people, parking was already an issue. The trains were already an issue, someone's going to die. That's think about that. Thank you. That's all I got. Thank you. Caitlin

Speaker: Is it on? There we go. Hello. I had prepared a statement as an artist today, but now that I'm here and heard what the attorney had to say, I realize I have to put on another hat. This is unprepared. I used to be a general contractor. I have spent many, many, many hours in this building, I've spent lots of time on this floor with my blueprints in hand, being told, oh, because this line has a dot in it and is not a solid one. Back to the drawing board. Talk to your architect. Bring it back. I have gone through this process with the city of permitting. I owned a construction company three years covid kind of put me out of business and honestly, I was tired of the stress of working in a very misogynistic industry. I'm sure you can understand it was a difficult thing to do, but I loved it. I loved buildings and I flipped a bunch of houses. I cannot tell you the things that impacted my bottom line. As a very someone who comes from working class, lifelong Portlander, I understand what they the amount of time and effort they've put in to developing this site. It's a few years, I understand. I built a house from the ground up. It took me a couple of years just to do that. In residential. I understand. I also understand there are so

many different points when you bring that permit to this office that they can decide, nope, not good enough. Nope. Not good enough because of this. Because of that, I wanted to put a one car garage on a residential lot. A matter of inches stood between me putting up a ten foot by 20 foot single car garage that would have added 20 or 30 grand to the money I made as someone who desperately needed to make a return, who doesn't come from family money, money who comes from nothing like that. I've been up against it. So when you talk about public benefit and I heard what you said earlier, if it cannot be mitigated, I think what really? Well, I want to talk about what could or couldn't be mitigated. I guess I want to finish my first thought, which is there is something you can find in this permit. And I know how this process goes. They can come back to the drawing board. They can adjust and come back as many times as they want. I know they must be frustrated and have spent money, but we all go through it as contractors and as we sit downstairs and talk about the bronze or the coal or whomever it is, and we watch that they get things greased, they get things stamped because they've already shown their record of being able to put up huge buildings. They're not little guys like us, and things just work out for them, and it's a lot harder for us. That's what it's like to be a musician. I played I this summer. I played at the, pioneer courthouse square. I've done that multiple times. I think that was my fourth time I was asked to show up with my full band, four of us and I was offered \$200 to do that. Okay we are struggling as an industry. We bring so much to the table. We are hard working. We have multiple jobs. We have multiple businesses trying to support our music. Take a minute for this. Find something in this permit that is not what that woman had to say about her accessibility. Getting to concerts. Perfect. You've got everything you need. We need parking. We need more parking in the city. There should be some kind of parking at something we know you can.

Speaker: Hello and good evening.

Speaker: My name is Jacob Westfall. I'm a full-time musician based out of Portland. I've been touring for the last few years as well, playing in live nation venues in Salt Lake City in Denver and, not only have they disrespected me as an artist and treated me less than local venues have treated me, but I've also noticed the long-term effects that they've had on the local music scenes. Now, we're not here to debate the ethics of Live Nation, which I recognize, but we are here to look at the public benefit that Live Nation and Ticketmaster will bring by investing in this community and building a venue in the wrong place. The downstream effects of Portland, Oregon building a new music venue are very difficult to explain here, but I would like to point out that Portland, Oregon, has the seventh-worst traffic in the nation of major cities. This is out of 49 major cities in the United States, according to a Consumer Affairs Journal of Consumer Research study done on September 4th, 2024. Just a few days ago. Now, Portland typically doesn't have long transit times because we're a smaller city geographically, we're a population of about 630,000 in the metro area. Have you ever taken the Yamhill exit? Right around 6:30 p.m. on a weekday? That backup with an additional. You said a roughly 80% of individuals will commute to this venue by car, 30% of those being by rideshare. That makes about 1,200 new cars going down that exit. That exit will congest the I-405-I-5 corridors and shut down your entire city. You will not have ambulances reaching people in time. You will have somebody die, not just kids trying to cross a train track, but people stuck in ambulances on their way to legacy. So I'm here to talk to you as a person that look, if Live Nation offered me a contract as a musician, I think that I would be thrilled to say, oh my gosh, I get to play a huge venue. But my heart is stuck in the community of Portland and I will protest this venue. I will never play a show there as long as I am playing music, I will never go to a show. There I

just went to a venue that I did not know was a live nation venue two weeks ago, and I would like to share in the last 30s the effect that that had on on that local community and the public lack of benefit that it provided these homes in bend, Oregon, at a ray lamontagne and gregory alan isakov concert at this one performance, where roughly 5000 people showed up, no one could park in front of their homes. It was dangerous. People were speeding through neighborhoods. There were no cops that were keeping speeds down. And last but not least, the it happens once a week that you could not park in front of your own home. Thank you for your time. My name is jacob westfall, and I stand in affirmation of banning this appeal of this appeal.

Speaker: Thank you.

Speaker: Matthew fox. Matthew. Oh, there he is.

Speaker: Welcome. Thank you for being here.

Speaker: Thank you. First of all, I'd like to thank the City Council for hearing this appeal. I would like to support the appeal, and I hope you will as well. I think what we've heard again and again. So far today is that the public benefits to this development is net negative, that in fact, this harms the city of Portland. And if that is the case, then if there are any issues with the permit that cannot be mitigated, then you need to reject this application from the developers and live nation, you guys have heard from people here today and in the process leading up to this about the harm that this is likely to do to the local music community, to the local music venues, to this community itself, the issues that it has for people with disabilities trying to get to the venue or just trying to get around their neighborhood. You've heard about the issues with parking, with public transportation again and again. There are, you know, there this is a company with some history of legal issues that is requesting exceptions to legal mandates that we

have in the city of Portland and seems to be hoping that they can simply ignore some of the other issues that have come up, and it is within the power of this City Council to determine that, the public benefit is zero. And, well, negative. And if so, then any issues that come up with that permit? Require you not just allow but require you to reject it and support the appeal.

Speaker: Thank you. Thank you.

Speaker: Zach miles. Acc miles. Mayor. That's everyone who signed up for the support side. All right.

Speaker: Very good. Thank you, everybody, for your testimony today. Next up, we'll hear from the applicant. 15 minutes. Welcome thank you.

Speaker: Intended to.

Speaker: Mayor, I'm sorry to interrupt. Can we can we just clarify that everyone else who has signed up is in opposition of the appeal, and if that's not the case, to raise your hand. Okay that again? Yeah. We just want to make sure that everyone else who has signed up to testify tonight is in opposition of the appeal and intends to testify in opposition. If not, raise your hand. Okay. Sometimes we have confusion.

Speaker: People sign up for the wrong thing. We wanted to make sure it is confusing.

Speaker: Correct. So let me and legal counsel jump on me if I get this wrong. So the people who are left who have signed up to testify are presumably going to testify in support of live nation. Can I say that in support of the hearings officer's decision and in opposition of the appeal? I love these things. Yes. What she said, is there anybody here who who does not fit that criteria and would like to testify, who has signed up? I don't see anybody. We're good to go. Thank you. Thank you, legal counsel. I appreciate you as always. Good afternoon.

Speaker: Good afternoon.

Speaker: Good afternoon. Hello. Damien Hall, applicant's representative, Mayor Wheeler, commissioners really appreciate the opportunity to come and speak to you this afternoon, I'd like to begin by expressing my excitement about the opportunity before us, but also our my appreciation for the work of this council. Over the last few years, we've spent countless hours addressing the difficulties of economic development and public safety in Portland, in particular in the central city. That work, including the 90 day reset in the central east side where this venue is proposed, just one year ago, has been crucial in paving the way for the proposal before you today, again, on behalf of the applicant. Thank you. On to the exciting part. We have an opportunity to bring a new world class venue and live music experience to the central city. This venue will bring people together in community to enjoy the arts, eat in restaurants and bars and stay in hotels along with the cultural and economic heads in beds. Benefits. This venue will allow the city to continue its efforts to revitalize and activate the central city as an attractive and safe destination. Earlier this month, the Willamette Week reported that negative impressions of the central city are highest among those who have not visited recently. This venue can be that reason to get out and enjoy a night on the town for many thousands of concert goers, Portland has momentum from recent wins such as the new PDX terminal and even more recently, being awarded a WNBA team. All that's needed to build on that momentum is for the council to fairly apply your zoning code standards. Here, your professional staff and PAD and PBOT have applied the zoning standards and recommended approval of this project. Your independent hearings officer has applied the zoning standards and approved this project. Applicant respectfully requests that the council do the same. Next slide please, let's talk a moment about the standards. The concert falls into the major

event entertainment category, which is allowed as a conditional use in all of the city's industrial and employment zones. The primary standards, as have been discussed, are adequacy of public services. City bureaus have weighed in, and the applicant has provided a traffic impact study, or tis, demonstrating that the services are adequate to support the use appearance i'll talk about in a couple, slides after this, but then let's really just talk about benefit because that's where the, the discussion has been. And I intentionally put the entirety of the, the phrase from the code, the public benefits of the proposed use outweigh any impacts that cannot be mitigated. You've heard here tonight, a number of people tell you that there are no public benefits from the proposed use. That couldn't be further from the truth. Public benefits include development of a long vacant lot, increased vibrancy that will deter crime, reduce discarded waste, abandoned cars and street camping, increased actor after hour activity that will support nearby restaurants and bars. Substantial privately funded improvements to the transportation system, economic benefits to the central city, including new employment and benefits flowing directly to the community from the from compliance with the city's green building, equitable contracting and workforce policies. The record also shows that there are no land use impacts to the local area and transportation system that cannot be mitigated. Included at the bottom of the slide is the purpose statement from the standards, because it clearly indicates that the intent of the code is to regulate impacts to the surrounding neighborhood and transportation system, said another way, the zoning code does not regulate speculative market impacts or competition within an industry. Whether good, bad, or otherwise. Applicants believe that the venue will meet a demand in the industry, be accretive to the live music scene, and attract acts that would otherwise skip Portland. Appellant's clearly disagree. Irrespective of how people assess this issue, the zoning code is agnostic and

regulates only land use impacts such as trips, parking and conflicts with other uses in the central east side. This is an important point because appellant is asking the city to undertake a novel and overly broad interpretation of your code that would somehow require the City Council to make decisions based on hypothetical and highly speculative economic impacts that would occur at some unknown point in the future. Impacts that, along with being speculative, simply are not caused by holding shows at the proposed venue. In short, appellant is asking you to stretch the zoning code beyond its breaking point. Your code is crystal clear and directs the city to address conventional land use impacts. The applicant respectfully requests a fair application of the zoning code consistent with the recommendations of staff and approval of the hearings. Officer next slide, please. There's been a lot of testimony tonight about the presence of trains to the east of the proposed venue site. To summarize, there are multiple ways and routes to get to the site that are not dependent on an at grade train crossing, whether you go by car, whether you go by bike, or whether you walk. These routes are demonstrated in the transportation impact study and in the, in the map before you, to further put this issue into perspective, the tis includes a survey of train crossings. And during the hours, the concerts, the observed gate downtime average just about 3.5 minutes. I think the high end was about ten, and the low end was 45 for the scheduled commuter trains. They go. They go past faster. But we're still talking about ten minutes in. Some trains can be an inconvenience, but they they rarely present and can be avoided when they are present. The applicant has proposed transportation demand management strategies, including informing concert attendees of their transportation options for getting to and from the venue. Next slide please. The applicant's design team has also done a study of the facade types in the central east side, demonstrating that the proposed venue is consistent with the intent of

the ig one zone providing building coverage up to the street, as opposed to back behind parking, and found commonality in design elements such as punched openings, painted concrete masonry and suspended canopies, all of which are reflected in the design of the proposed venue. Next slide, this slide shows a survey of the building in the area, 11 other buildings in the area with those design criteria. Next slide, this is the site plan. And I would just second the analysis of the staff as to the adjustments on the loading. Despite what has been testified, southeast main would not would not be closed during loading, we are required to, in implement a loading plan. Through a condition of approval requiring a permit from pbot. Also same with the standard full compliance with a roof would add 1.2 million pounds to the roof of the building, 20% requiring 20% more massive building, which would also have a larger carbon footprint. Undercutting some of the environmental benefits of an eco roof. We've maxed out the amount of eco roof that can be, supported by this building and applied a number of different mitigations to ensure that it does meet the purposes of the eco roof. I'd like to pass it, over to my fellow, to the co applicants. Jonathan. Go ahead. Sir.

Speaker: Mayor Wheeler and commissioners, thanks for having us.

Speaker: My name is jonathan nelson. I'm the second generation leader of beam development. For the last 25 years, our company has been focused on realizing the benefits or the potential of the central eastside and supporting hundreds of small businesses along the way. I'm really proud of our contributions, beam and cully are the very type of partnership that the city needs to locally owned companies leading into our deep experience and harnessing a significant commitment from a real, well resourced company to develop a project that will catalyze the central eastside and the entire central city without any public subsidy. This project represents a win that should be celebrated in our city. As Portland struggles to bounce back from the

pandemic. Importantly, this venue fills a void in the local venue ecosystem that will attract new artists and concerts to our city that we're that are currently passing us over the new venue today also does not require us, or does not preclude other new venues from opening in Portland, my participation in the central eastside 90 day reset and the governor's value proposition really understates the need for us to bring catalytic projects to this city. We engaged in robust outreach to interested parties. Along the way, we represented we presented to numerous district land use and transportation committee meetings and participated in two stakeholder roundtables hosted by prosper Portland, attended by the mayor's team along with key district and industry stakeholders including music Portland. Importantly, coming out of those roundtables, our tenant, live nation, made significant commitments on how they would operate in Portland, which will be more memorialized in our agreement with prosper Portland as approved by their board. Four zero just last night, first live nation will operate the venue as an open room available to local local promoters and offer that as reasonably subject to reciprocity in the market. Second, live nation will not include radius clauses in their offers to artists. Third, live nation will not install telescopic seating on the ga floor, which was important to p5. And lastly, live nation is committed to making the venue available to local non-profits and community groups not less than five times per year at cost. These are not contractual commitments that they make in other markets, and we're proud of our collaboration with live nation and other engaged stakeholders to get these commitments, which are a big deal. We look forward to more engagement as you weigh the appeal today. Andrew and I are asking you to consider the message you will send not only to local families looking to make significant investments, but to investors outside of Portland who we badly need to attract as part of our strategies to revitalize our central city, we followed the land use process. We've met

the criteria to earn the approval of staff and the hearings office. We've invested \$750,000 along the way, and will continue to invest in this project in the central eastside. We've secured unprecedented commitments from our venue operator, and we've attempted in good faith to engage with parties concerned about the project who have not reciprocated that. And they are here today appealing this application, supporting this appeal will kill this investment and will have a broader chilling effect on investment in Portland. I respectfully urge you to instill certainty in our land use process. Follow the approval criteria like staff and the hearings office. I urge you to support a win for our central city, and I respectfully ask you to approve our land use application. Thank you.

Speaker: Thank you very much.

Speaker: Good. Good afternoon, mayor Wheeler. Council commissioners, really honored to be here today, we've we've started out by talking about this project, and we've heard a lot of people talking today. And there's a couple things that stand out for me, the definition of public benefit and it's been defined by a lot of different people, I would love to define public benefit as being two local family owned businesses bringing a project that we've invested significant funds into over the last two years. I would like to define public benefit as you you have a lot of these land use hearings. Commissioner Mapps you specifically asked this question, and when I think about it, how often do you see a person that looks like yourself across from you in one of these land use applications, a black person from this city, born and raised, that went to public schools in this city? How often do you see that? And the answer would probably be you don't, right? Because there haven't been public benefits that have created equal opportunities for everybody to participate in this economy. In the city of Portland and throughout the united states. But that's not the definition of public benefit that we're defining today. So I'm not going to have

that be what I'm talking about. She clearly defined what it is. That's not what I'm going to ask you to have the definition of public benefit today. We clearly have met the definition of public benefit as it pertains to this project. And I understand everybody wants to define what it means, but it's been clearly defined before we started this. So I would strongly urge everybody to listen to legal counsel and listen to that definition of public benefit, no matter how I feel or what I want to talk about, I want to be very clear that we have not taken a dollar of public subsidy on this project. We have invested our hard earned money into this project. This is an opportunity, yes, to build wealth for communities of color. This is an opportunity to create jobs for businesses of color. Most importantly, I heard a lot of people say 3500 people. I heard that over and over and over again. I heard that, and I thought that sounds great to me. 3500 people coming to the central eastside, patronizing the businesses, patronizing all the people that really need the help to be supported. The businesses, the restaurants, all of the different hotels that are going to be supported through this project. I want to make it clear live nation is not the applicant on this beam, and colleagues are. We are local developers. We have long standing track records. I forgive the gentleman that said that I'm a bully. He said yesterday too that he just moved to Portland a year ago. I have an outstanding record. My family has an outstanding record, and I'm proud of what cully represents in this community. And I completely do. I that is not true. And you all know that it's not fact. What we want to really focus on here is looking at the rules and the standards, and all I ask you all to do is listen to the experts. You have incredible staff at the city of Portland and they review this time and time again. They approve this. And then it was appealed. And then we went through a hearing officer and it was approved again, listening to the experts. They are the experts and apply the same standards to us as you apply to everybody else, because we all

know it's a slippery slope when you start to apply different standards to different groups. We've seen that with redlining in the albina community. We've seen what happens when banks have one standard for one group and another standard for another group. We want to be treated and have the same standard. Thank you very much.

Speaker: All right. And, any questions before we retire to our seats? I know we have a number of folks waiting to testify in opposition to the appeal in support of the project who have been patiently waiting. But we will be here through the whole time.

Speaker: I do thank you for your testimony and your patience.

Speaker: It's been a long day, today's conversation has largely focused in on public benefits, but I almost wonder if we should think about the other side of that coin, which has been kind of more implicit today, which is, the impacts of this project. And I think one of the things I'm trying to think through, you know, the key language here is the unmitigated impacts. And I think I've heard at least one view of impacts, which is this project will have an impact on the, economic dynamics of being in the music business in Portland. And that's that's one way to, to think of it. And that's certainly how a lot of people in the audience, want us to think about it, you know, I used to be the infrastructure guy for this council, traditionally when I'm in, hearings like this, I wish I were mostly talking about when we are thinking about impacts, I'm traditionally thinking about sidewalks, roads, stormwater, whatnot, so do you have a view of how this council should think about the impacts associated with this project, and which of those impacts are unmitigated? Yes, absolutely. If you council clerk wouldn't mind pulling up slide two. My view is that the code tells you exactly what it's talking about when it uses the word impacts, and it has a purpose statement that it's applicable to your conditional use standards. And it says it is

intended to regulate impacts to the local area and to the transportation system. So you know, the local area is the central east side. The transportation system or your streets and pedestrian facilities, and it is not intended to open the door wide and require the city to do an analysis of the market dynamics in any given industry.

Okay. Thank you very much.

Speaker: Can I just build upon that just a little bit? The other thing about development is that development leads to more development. Right? And so we have three vacant lots. And we know that when we activate this first lot it's going to lead to further development in that area in that community. We know that right now has a master plan in that neighborhood, in that community. This will spur further development, further investment, further opportunity in this community. And the community really does need that. So I think that, again, I don't want to define public benefit. Let's go with the definition that we're all agreeing to. But this will lead to more investment in this neighborhood, which will create more benefit,

Speaker: I appreciate the clarification. Thank you sir. Sure.

Speaker: A couple quick commissioner Gonzalez.

Speaker: Just a couple quick legal questions. This is for council. So our standard of review here is, so it's on the record.

Speaker: You're considering whether the hearings officers decision was adequately supported by the evidence essentially de novo or how would you characterize it? It is a de novo hearing, but it's on the record.

Speaker: So and the zoning here is ig one.

Speaker: Is that right? Andy correct.

Speaker: Yes. That's right.

Speaker: And we're in major event entertainment is a conditional use for ig one correct. Yes and the criteria for major event entertainment is outlined in 338 15 215. Yes, sir. That's all for right now. Thank you.

Speaker: Very good. Thank you. Any other questions before we move to the next section, which is supporters of the applicant.

Speaker: Thank you, thank you, thank you all. Thank you.

Speaker: And how many folks do we have signed up? Keelan 20. Okay. Thank you.

Speaker: First up we have nick wood, kathleen colbert and sam cole. With welcome. Hi

Speaker: My name is nick wood, and I am the owner and operator of bunk bar and bunk sandwiches, which is across the street from the proposed venue. And I'm here to speak to the effect of the venue will have on small businesses, particularly bars and restaurants near the proposed venue, we've been in business on water avenue for 14 years and in business in Portland for 16 years. And for as long as I've been in the neighborhood, the site has been three blocks of blighted, empty lots. These lots don't contribute to anything in the neighborhood and haven't for the entirety of my time in the neighborhood. This new venue would obviously be a huge boost for small businesses in the neighborhood, bringing upwards of 3500 people multiple nights a week to a neighborhood that is pretty empty at night. I also think that replacing the blight with this new building would make the neighborhood feel safer and more inviting to people from all over the Portland area, and to visitors from out of town both day and night. It feels to me like this neighborhood has regressed a lot in the last few years, a lot of businesses have left the offices, left their offices in the past few years, and that doesn't seem to be coming back, we've had to cut back hours and staff and I do believe this venue would provide a big boost to the neighborhood and Portland in general. I would foresee our business expanding our

hours and hiring more staff, as I'm sure other small businesses in the neighborhood would as well, as for the trains, as somebody who's spent probably as much time in the neighborhood over the past 14 years as anybody, I really don't think it's going to be a huge problem. I probably crossed those tracks 10,000 times. There's plenty of ways in and out of the neighborhood without crossing the tracks, and over the years I've been able to make it to work, go home from work and run errands throughout the day without many issues. We also have a delivery app, drivers coming to our business, and other businesses in the neighborhood, and it's really just not that big of a problem. Thank you. Thank you, kathleen colbert.

Speaker: Hi. Thank you,

Speaker: My name is katie colbert. I was born and raised here in Oregon. I've lived in Portland for 20 years, and I've been in event production since 2004 and concert production specifically since 2007. I'm here to ask you to deny the appeal by music Portland, in the last 20 years I've worked in and continue to work in many venues in the Portland area, ranging from our smallest to our largest. I work with tours of all sizes. One glaring observation that we have lots of small venues and a couple large venues, but nothing in between. There's lots of venues that support the touring acts that have can support 1500 patrons or less, and we have two great arenas to support the larger tours. But again, there's nothing in between, this new venue would fill that hole in the market. It would be beneficial to Portland in many different ways, including creating jobs for lots of us local, and local folks here bring some life and excitement back to the central eastside in those vacant lots, will bring in some more tourism, and patrons to bars, restaurants, hotels, and also bring tours into town that tend to skip over us because we don't have the space for them. We need and want this venue. Please deny their appeal and allow the venue to be built. Thank you, thank you.

Speaker: Sam cole online.

Speaker: Mayor Wheeler and commissioners, as as y'all said, my name is sam cole, and I've lived in Portland since 2001. I'm a stage manager and production manager for touring bands. I know Portland's music scene and venue scene very well. My first professional live music gig was as the sound engineer for the goodfoot open mic night. I then moved on to work for the crystal, the wonder, dantes and the star theater among others, as well as pickathon the blues festival, the bite, the rose festival and even pdx pop now. Later, I started touring with indie bands like the lumineers, the flaming lips, mgmt, the dandy warhols and the national bands love our city and they all want to come here when we have a day off in Portland. Everyone is excited to take in all the amenities our city offers, but however much they may enjoy, our city's amenities. Bands are increasingly skipping Portland because we don't have a venue capable of accommodating a mid-sized touring concert production, one that is too big for a rock club like the crystal or the roseland. Too active for a seated theater like the keller or the schnitz, and too small for an arena. The space under consideration today would fill this gap. Portland needs concert venues geared toward live popular music at a scale between the 1500 cap clubs on the west side and the moda center is an outlier. As one of the only major metropolitan areas without a standing floor venue that can accommodate 3 to 5000 people. Now, Portland has a chance to put itself back on the touring map with a thoughtfully designed, technically advanced venue that fans and bands alike can be excited to visit. I urge you to allow this project to move forward. Portland's music ecosystem needs this space, and Portland's music fans deserve it. Thank you for your time. Thank you.

Speaker: Next up we have terrance hayes, patrick fleming, and nate mccooy. How many?

Speaker: Nate, you're here. First, why don't you start.

Speaker: And let me just say I think terrance had to leave, so he may not be testifying.

Speaker: Okay. Fair enough. Thank you,

Speaker: For the record, my name is nate mcco. I'm the president and ceo and proud leader for the largest chapter in America here in the state of Oregon. The national association of minority contractors. And I'm pleased to be here because we're talking a lot about public benefit. And I want to go down the list of things that I think underscore much of what we heard today, that we're not here to just talk about the music industry. We're also here to talk about bricks and mortar and the economics that our community needs sorely. The state passed a disparity study that we all know about at the beginning of this year that showed across all industries, people of color are less than 5% of the spend in every industry. You can name in our community. And we have the responsibility. And I think the trusted groups to not only add a black developer to what is already in the nation, the sorely missed opportunities for black developers to actually profit and benefit in their own communities. Partnering with other seasoned developers to see a I saw in the central eastside that I take my kids to omsi to all the time and have to walk by camps. I want to see this area really benefit our communities and the restaurants we just talked about. I attend those as well, and right now you have to go in and eat and you have to leave immediately. We can do better than that. In the city of Portland. Six real strong points. I want to make job creation and workforce development. We're poised to create 400 well-paying jobs union and nonunion for workers who are sorely needed in this construction industry. Economic benefits to the broader construction industry. We'll have architects, designers right there, a partner of ours is mckinsey. That is right in that area, he wants to stand up stem

education and including stem. That includes the arts. Namak is even interested in moving to this area through our partnerships with the psa fund. So when you start to talk about the continuum of public benefit, our kids would be able to go through stem education. Our kids would be able to attain jobs in these industries we need, including me being one black, one black architect of ten in our whole state. We can change that with catalytic projects like this. A boost to our local businesses. We heard that what I don't see today, and I heard the term music corporate corporation gentrification. Let me just say I have at least ten black family members that are musicians, deejays and artists that I have yet to see represented here today. So when we talk about gentrification and what that means to the black community, it's we're not represented when decisions are made. And I have yet to hear one up here today or yesterday. So I would hope you know, that the music community is not monolithic. We heard a fraction of it, but others would say they came into Seattle and we can do better with a project like this. I'll stop there. Thank you, thank you, thank you.

Speaker: Welcome. Hey, hello. My name is patrick fleming, and I'm the chef and owner of poke bowl restaurant that resides at 1028 southeast water in the heart of the central eastside. I'm here in opposition to appeal the proposed music venue, similar to nick from bunk boec. He's been fortunate enough to be part of the central eastside for the last 14 years, having spent about 60 hours a week down there for the last 14 years. I feel myself and other invested business owners have a unique perspective on the central eastside and a firm grasp on what the area needs on a consumer and business level. We've experienced the highs and lows of this great city, and I can't imagine a better use for this land than this proposed music venue before you, nor a better developer than beme development due to the non-housing zoning as well as a lack of night time symbiotic businesses in this section of

the central eastside, our location has always been a destination location for our consumers. Thus, nighttime business has always been a bit of a struggle on a financial and safety level. Opposing this appeal for this type of development would be a game changer financially. For every business in the central eastside, as well as Portland. As a whole, Portland has always been known as a great music town, yet it's sorely missing the size venue. Moreover, greatly activating the central eastside in the evening hours will help with vandalism. Break ins and would continue to build on the strong foundation of the community present that presently exist amongst the businesses, as well as the future businesses that will open without present nighttime activity in the area. It can handle a large influx of people in the evening hours. A great example is the Portland night market, two blocks away, that hosts 3 to 5000 people nightly and that goes off without a hitch. And the train is not a problem. I was at the timbers game in northwest Portland last night that hosts 25,000 people without any parking, so this is a fantastic location and a perfect use of this land. Walking distance from downtown a short walk from mass transit on mlk and the other side projects like this one would have a huge impact on tourism. Consumers love the feel of industrial districts and cities, and a venue such as this one would further strengthen the central eastside and improve Portland's bruised reputation on a local and national level, introducing new commerce related projects is what the city needs. We need a win. We are backed by the pdc. Prosper Portland 14 years ago to get us started and things were moving in the right direction until covid, with promise of further development like the omsi district, we're greatly encouraged by your approval of the \$15 million two weeks ago. That sort of forward thinking is what is envisioned for this district. When we moved in 14 years ago. I'm a little sick and tired of defending Portland and people moving out of the

city. The project, as well as a project like this will turn, will turn this area back into what we hoped for 14 years ago. Thank you. Thank you.

Speaker: Next up we have James Posey, Bridget Blackburn, and Andrew Home. Okay.

Speaker: Welcome. Mr. Posey. Why don't you start? It looks like you're going to get there first.

Speaker: Good afternoon, Mr. Mayor.

Speaker: And City Council, I have to say, I came to this meeting thinking one thing, and I've changed my testimony somewhat. But as you all know, I'm a current president of the NAACP and in the media, you know, there was some conversation about firebombing. And I don't think the applicant was the group that made those comments about firebombing, and as you all know, the applicant is an African American, long standing African American in this community. And if you all could only see in the NAACP office the sort of, nasty stuff that comes through our office around racial kinds of things, I got it here when I started looking at it. I don't even want to share it. It's so nasty. And so I'm here to talk to you all about not moving the goalpost. I think as you all saw and you listened to people talk, really, one of the people on the other side mentioned their problems with getting through the system and through the process of being a contractor in the city, really, it's breathtaking to know that they've gotten this far to get to this point, and now they've got to go through the challenges of people challenging where they've gotten and how they've gotten there. It's kind of a miracle if you really want to know the truth and so it's disheartening for me to hear you all narrow this thing down. They've gone through a couple of processes here and now. They're still can't overcome much of the, the drama that people want to throw in. You know, there are groups out here, y'all, that when they don't get their way, they throw everything,

including the kitchen sink, to try to block and change the projection. So I just want to say to you all, I have many, many years I was in contracting myself. You all will be doing a disservice to this community by denying this applicant to get this job done. There are many things they're not in control of, including, you know, live nation or whoever, but they are in there are they are in charge of themselves and how they represent themselves in this community. And I can't think of a better group of people who would build this project. You're not going to find a better group. And so I want to give you all some real good advice. Don't move the goalposts.

Speaker: Thank you sir.

Speaker: Welcome. Hi. Good afternoon. Thank you mayor and commissioners.

Speaker: My name is bridget blackburn and I co-own an independent business in Portland, a retailer, for over 28 years, cargo relocated to the central east side from the pearl district 11 years ago, and at that time, looking to connect with small business. We reached out to the central eastside industrial council. We wanted to create representation for retail, restaurant and the maker communities.

Speaker: The cic encouraged us to form a committee.

Speaker: Now the merchants and makers committee was formed over ten years ago, making it the first time that this sector was actually recognized by the central eastside industrial council.

Speaker: Cargo is located just a few blocks from the vacant lots on water avenue, so we've taken a keen interest in the development of the blocks, and in such we've been very involved in the planning meetings for the project, attending the public meetings, joining the prosper Portland led roundtable for the venue impact study, as well as the central eastside industrial council land use and traffic advisory committee meetings. We've seen the lengthy process that the local development and construction team has gone through and the collaborative approach that

they've taken. We are confident that this is the best plan to secure this much needed venue in Portland at this time. The odot blocks have been a blight for decades. The location adjacent to the east bank esplanade and just walking distance from omsi should be a welcoming gateway. Instead, it's a blight. Although we were encouraged years ago when mountains of concrete and asphalt were removed from the sites, they've remained empty, unimproved and underutilized for far too long. During the pandemic, the pandemic, the blocks were used as a transitional housing houseless space. It became clear at that time how truly inhospitable the site is. It's dirty, noisy, void of greenery and extremely exposed. So during the 90 day reset, working with the cic and city advocates for the homeless community, we hope to create a humane barrier installed by an artist around the space to help ensure ensure privacy. It was a small effort that meant a lot but didn't hold up, and eventually the houseless shelter was relocated to a more hospitable site. This experience is illustrated to me the delicacy of finding the right user for the site. A mid-sized concert venue that manages the land use concerns perfectly, is the right use for the space. The central eastside business community knows that a project like this will energize the district, especially in our evening hours. Bring foot traffic and visitors to the city's core in this highly visible location. We believe in this, in this project and we see a brighter future for Portland once the venue is completed. Thank you for your time.

Speaker: Thank you. Andrew

Speaker: Good afternoon, mayor and commissioners. Andrew hoan, president ceo, Portland metro chamber.

Speaker: Proud registered lobbyist.

Speaker: I do want to take a moment to just acknowledge what Mr. Posey said and remind us truly that violence has no place in any conversation on public policy, and we reject it outright as a community.

Speaker: So thank you for reminding us of that.

Speaker: The Portland metro chamber represents the largest and most diverse network of businesses in the region, and the entire state.

Speaker: Our membership is comprised of more than 2300 members, 80% of those are small businesses, and we define those as having ten or fewer employees.

Speaker: I'm here today to express the chamber's opposition to the appeal of the hearing officer's decision, and asked that the Portland City Council uphold the original decision to support a new concert venue in the central eastside.

Speaker: The applicant has clearly demonstrated compliance and city staff should be commended for their thoroughness in following the rules and regulations here.

Speaker: The focus of my testimony today is really simple.

Speaker: It's to say thank you.

Speaker: It's to say thank you to you, this City Council. It was more than a year ago that this council voted unanimously to adopt advanced Portland, prosper Portland and our city's economic development strategic plan. The objective of advance Portland, to quote the plan, is to place our city in a positive, in a position to compete globally for investment and talent. And it recognizes that business growth, wealth creation and support for public services rely on both. Because this council has so consistently followed through on the core tenets of that plan. With the adoption of many of its recommended tactics, you have sent a very loud and a very clear market signal translation you put a big sign up that said, Portland is open for business today. Our community and this council has the opportunity to support two locally owned multi generational, family owned businesses and welcome an

unbelievably exciting private sector investment and commercial real estate and entertainment into our central city. Kudos and thank you to the teams of keolis and beam for attracting institutional national investment into our city. This is exactly what our economy needs right now, and there's one more step on the road to recovery and growing the vibrant, beating heart of our state's economy. As a proud resident of Portland, I look forward to being just one of thousands of fans sitting in a crowd when this concert venue opens. Standing side by side with Portlanders and visitors enjoying what we do best in the rose city, throw one hell of a party. Thank you, thank you, I quick question commissioner Mapps.

Speaker: Patty. Bridget. Bridget. Sorry bridget I just I can't go. I believe your shop cargo is right down there, in the heart of this neighborhood. Just be curious. Have you thought about or have any reflections on the transportation impacts this project would have? Any, you know, what do you think there?

Speaker: Well, for the most part, the district really is a daytime district these days. There's not much nighttime use. And to our restaurant friends, lament. In fact, so the traffic coming in in the evening hours won't really impact the daytime hours, I'm right, actually, on the train tracks, directly on the tracks. So for the most part, again, as they've said in terms of train impact, we've all learned ways to get around. And there are not there are several currently. I do hope that as this if this does move forward, that there will be other improvements, including pedestrian overpasses for the trains themselves, although I don't see that as the responsibility of the developers at this time, I do think that it is in the interest of the city, and it would be nice to get up to come to the table and be a part of that discussion as well, which is not easy either. But there are some improvements that could be made right now to both the morrison and the hawthorne, viaducts that would help in that. Right now, that actually could sit within the county and the county's purview at this moment,

because the morrison bridge overpass is, is needing help at the moment, and it only has stairway access. It doesn't have rolling access. So it is a concern, but a nighttime user is in my opinion, the perfect user for the district,

Speaker: Thank you very much. I really appreciate your perspective. Thank you.

Speaker: Next up we have sydney mead, preston green and mike film.

Speaker: Sydney. Yeah.

Speaker: Should I just go ahead and start?

Speaker: Yeah. Go ahead.

Speaker: Hi. Good afternoon. My name is sydney mead. I'm the senior director of downtown programs for the Portland metro chamber, thank you for this opportunity to speak today.

Speaker: I'm here to oppose the appeal and support the hearing officers.

Speaker: Description designation, vote,

Speaker: I'm here to support this project, this project represents an important economic opportunity for the revitalization of this area. It's also a significant, significant opportunity for the whole city, this venue, with the capacity of 3000 to 5000, fills a gap in Portland's entertainment market that currently lacks a mid-size indoor venue. I was in a meeting with travel Portland this morning, and they are estimating the recent foo fighters concert at providence park, a live nation concert resulted in roughly about 7000 room nights for the city. Having an indoor venue that can host these concerts all year round, and the economic boost that it gives the whole city is something that this city really needs right now. I'm excited, to be at this point of the development, what set this projects apart is that it requires no taxpayer dollars. Live nation is making a private investment in our community and the applicants as well, this investment will generate jobs from construction to permanent positions in venue operations, hospitality and event support, all this

said, the project is bigger than one music venue. It's about sending the message that Portland is a vibrant place for business, and that we're seeking partnerships with both developers and investors who are likewise looking to invest in Portland's future. Supporting this project is about choosing economic growth, job creation and a brighter future for Portland's most one of them most iconic districts. Thank you for your time and consideration. Thank you.

Speaker: Thank you all. I'm Preston Green, representing OMSI, Oregon Museum of Science and Industry.

Speaker: Thank you all for your time today.

Speaker: We are here to advocate for the denial of the appeal and for the application of the decision that was previously made. I'm going to talk really about the public benefit and the neighborhood benefit. And as you've heard before me, the supporters of the Eastside Economic Venue are neighborhood supporters. Everybody that you've heard from pretty much is within the neighborhood that works within the neighborhood. OMSI averages about 3000 visitors a day. We often have many more visitors than that. This past weekend, we held over 12,000 visitors for a community science event. So the overall impact of 3500 people coming into the central Eastside is something that happens every day. It's something that OMSI experiences on a daily basis, and sometimes that ebbs and flows to much larger scale, people within the venue. When I look at the public benefit and our organization looks at the public benefit, we look at the neighborhood impact. What is the effect to security? What is the effect to activity within the neighborhood? What is the economic impact? What is this? What is the impact to the transportation network? And we've had the opportunity to be privileged to view this project for the last year, we've participated in traffic studies. We've sat at meetings that Prosperous hosted. We've sat with both sides of the table and listened and heard

from really everybody within the interested parties that speak today. And we really feel that this activation within the city is really important to enhance security within the central eastside, the transportation network that the beam and his team has worked with pbot over the last year and their traffic engineers is something that also supports the omsi district network that pbot and the City Council here have worked tirelessly on over the past close to 8 to 10 years. So this is really you start to look at the original intent of why did prosper in the city of Portland purchase that land? And it was really to bring people to activate the area to support economic development. And this is when I look at it from afar, this is the exact intent of why you purchased that site. And omsi sees this as a future development that supports omsi, supports the region and we strongly advocate the denial of the appeal. Thank you.

Speaker: Hi mike thielen, I'm running a consulting firm called voltage consulting. Also been live in active and live events for years here in europe. And for ten years we produced the feast Portland event, a culinary festival here in Portland. For years I've followed the need for a medium sized music venue and watched it all fall short. Year after year. I personally remember multiple attempts, including 1 in 2017 with jonathan's dad, brad molson and randy rapoport. In that neighborhood, and another a few years later at the burnside bridgehead. Neither happened. Now we have two reputable local developers paired with a well resourced national partner who have complied with all land use regulations and are requesting no subsidy, ready to put shovels in the ground. Why would we block them citywide? From an economic development perspective, a 3500 person venue located across the river from downtown Portland is a massive win. This benefits hotels, restaurants and small businesses, all of which we know have been struggling since 2020. Plus, this project adds, adds vitality to a blighted neighborhood and I know this personally.

For 12 years, my business was headquartered in the central east side, in a building owned by Jonathan's family. I chose not to renew my lease in 2022, in part due to the deteriorating neighborhood conditions. I would love to be back in the central east side, and I know I speak for many when I say this project would give me the confidence to return to the neighborhood. It would also catalyze other opportunities as well. I do respect many of those who oppose this venue, but I don't believe this dialog reflects the full picture. The controversy, unfortunately, has been inaccurately framed as a zero sum game, with only winners and losers. Rather than focusing on how this benefit, this venue will benefit both the city and the people who live and visit here. Plus, the arguments seem emotional, but without the data to support how live nation venues have actually destroyed music culture in other cities, I happen to own a ten 000 person independent food and music festival in Austin, Texas, a city where live nation books multiple venues following their 2014 acquisition of the local promoter c3 in Austin, we booked bands at my partner's venue, the 1400 person Mohawk, as well as other venues including Anton's, which happens to be a live nation venue. Competition definitely has required a lot of negotiation and engagement, but my partners in Austin have said that live nation can also be a reasonable partner to if engaged. But good outcomes only happen when everyone is committed to working together, and people close to this project with leverage need to make sure that happens. Also fair to note, live nation is already in this market and has been booking venues here for years. As the city grows, there will be more situations like this, not fewer. That's why we need to adopt a more strategic and realistic approach rather than reflexively just saying no to everything, especially at a time when the city is struggling. Opposing this venue, I believe, sends the wrong message. We're a big city with big city problems. We need to move on from our culture of no thank you.

Speaker: Caroline holcomb, james posey, art fortuna james already spoke.

Speaker: Oh, okay. Thank you.

Speaker: Welcome. Hello

Speaker: You can go ahead and start.

Speaker: Okay.

Speaker:

Speaker: Good afternoon, mayor and commissioners, I'm caroline holcomb, executive director of the central eastside industrial council. I am here today to oppose the land use appeal. The hearing officer's previous decision. I am here to speak to public benefit. And my comments today will represent our mission, which is to advocate for the business interests of our members, many of whom you have heard from today in pursuit of creating a more economically vibrant district. As you know, the central eastside is home to over 1300 businesses. We have approximately 22 000 employees. We have become a focal point for innovation, arts and culture. The proposed venue will fortify the district's distinctive food, beverage and retail scene and foster and foster a more vibrant, prosperous and harmonious business environment. As you've heard, the venue will fill a vital gap in Portland's entertainment infrastructure, adding a flexible space to host 125 annual events, which is 0.6 miles from Portland's living room, the central eastside music venue will serve as a catalyst for growth by aligning the numerous efforts, some of which you've already heard about, that have cast a vision for the water. Ave corridor. The proposed site abuts a long vacant property, which has created significant challenges at tremendous cost to our organization. Our enhanced service district, local businesses, and our bureau partners. As you know, the transformation of this vacant lot will invigorate the surrounding area, supporting business resilience, resiliency by improving the day time economy and aiding in the

evolution of nighttime activity. The venue placement aligns with governor kotek, central city task force recommendations for revitalizing the city core, particularly through job creation, which this project has promised to do public safety improvements and community activation. These are principles central to the six mission of building a vibrant community. We have appreciated beam development and coalesce developments group's prioritization of meaningful dialog with local stakeholders. We believe that this recognizes that for a project of this scale to succeed, it has to prioritize the community voice, they have also partnered with prosper Portland, as you've heard on multiple testimonies, by holding multiple community roundtables. And the cic has been a part of each of those. These have provided a forum for residents, business owners, and cultural leaders to share their thoughts, ask questions, and provide feedback. We believe that this level of engagement of engagement demonstrates a thoughtful and inclusive approach to this project. It ensures the central eastside broader vision. We have partnered with cic or we have the cic has partnered with beam and coalesce through our land use and transportation, parking and advisory committees, which have provided essential feedback to the developers on integrating the venue into the existing urban environment while protecting the industrial character of the district and adding value. Our support for the music venue cannot be overlooked. Eastside music venue will be a transformative addition to the Portland central city, driving economic growth, enhancing safety and increasing our vitality by attracting local and regional visitors to our businesses and public spaces. Thank you, thank you. Welcome.

Speaker: Thank you very much. My name is art fortuna and mayor Wheeler.

Speaker: Commissioners, I own a business called vibrant table catering and events.

Speaker: We also own a building in the central east side, which is at 2010 southeast eighth avenue.

Speaker: It's a venue. It has a 500 zero square foot ballroom, as well as our production center and our offices.

Speaker: I've been in the hospitality business in Portland for more than 40 years.

Speaker: I've done all different things in the city, and from running a fine dining restaurant to managing the convention center, food and beverage for a large international company called aramark, this opportunity that that we have here for the east side, I think is really unparalleled. We you know, it's all the things that are coming, coming together in a way that I think is really important at this time in the city. I'm also the president of the central eastside industrial council this year. So I've been involved in a lot of this discussion, and I think many have spoken already in much more articulate. In fact, I've made a few notes and I want to keep this tight and brief because you guys have had a long day, I think it's a project that has got the great partners that are representing the community in a very significant way. The venue is needed. Obviously, there's demand here in the city that even though there's many who are concerned about it, I think it's going to bring. If you look at the attendance at concerts, the concert that was at pge park was 20,000 people. There's obviously a lot of people in this community that want to see more live music and, and the kind of venue that this would give you the opportunity. The, the fact that the city needs new good news right now. You know, we've seen a lot of vacancies happening in our city that are people being driven out of the city. We need to find ways, and we've got an outside corporation that's willing to come in and invest in this city without any money being asked for from the local community with tax benefits or any other. I think that's a huge, huge win. So it comes down to me is you have to honor the system. They've met all the criteria that they've been

asked to do, got all the systems in place and proving it's clearly a demand in the community for it, and it's going to have a major impact in the city. Many years ago, I served on a committee and we talked about where is the center of the city, the Broadway was always perceived as the center of Portland, but really the center of the Portland is the river, and we represent the middle. You know, we're right there next to the river. And this is really important that this side of the city, the blighted area, the empty lots of gravel need to be replaced with an important venue. Thank you very much for your attention.

Speaker: Thank you sir. Thank you both.

Speaker: Winter johannes, marni smith and loretta smith.

Speaker: Welcome, loretta. Why don't you go ahead and start for us, please?
Perfect.

Speaker: Mayor and commissioners, my name is loretta smith. I'm here as an naacp member and the president and ceo of dream big communications, llc.

Speaker: And like james, I was thinking I had all these talking points that I wanted to say, but I was thinking about the last time I went to a concert, the last two concerts that I attended, I flew to las vegas, and I went to go see bobby brown and new edition and anita baker. Right they don't come to Portland.

Speaker: You have to be really, really big.

Speaker: Like beyonce, who has a crossover audience to get a black act that you want to see, or you have to go to Seattle, vegas or la.

Speaker: It's cheaper to go to las vegas. But for me, I was looking at this and I am in opposition of this appeal. I support jonathan and andrew being in college.

Speaker: They do good work.

Speaker: I've been watching them over the years. I've been watching andrew ever since him and my son went to high school at lincoln high school, so I've been

watching this kid. He's been doing amazing stuff for this community, and not to mention all the things that he has to go through as a black businessman. He's very well respected. In addition to jonathan, they're very well respected. They do stuff in the community, they care about the community. And then someone asked me, they said, well, why would you go and do this? I was like, look, we got a 35% vacancy rate. They originally were going to do a maker space or office leasing. They had to change their book of business. They had to do a new business model to make sure that this fit. And everybody knows that people are leaving Portland. They're leaving the inner core. We need people who are going to stay here, and they're going to fight. I'm glad that they're here. I'm glad that i'll have an opportunity to talk about what is the public benefit. And when we talk about public benefit, public benefit for who or whom I have lots of family members in the music industry. They would love this to come online right now, we're going to have folks who are going to be able to open for folks to close. We're going to have folks that are going to go to restaurants and dance and think about things that they haven't thought about before in the future. So I think when people come here, it's not just about one public benefit for one particular group of people. We have to think about everybody. And I want this venue to open. I want to be able to come and see anita baker, bobby brown, new edition, boys to men. I want to see all of that right here. I'm for it. So please, please deny this appeal. Thank you. Thank you.

Speaker: Marnie smith online.

Speaker: Welcome. Hi.

Speaker: Can you guys hear me? Okay.

Speaker: Loud and clear. And we see you. Oh, great.

Speaker: My name is marnie. I'm the general manager and one of the owners of the hayden homes amphitheater, as well as managing partner for the larger old mill district in bend, Oregon,

Speaker: We are wrapping up the final shows of our fourth season with live nation as our partner in the venue. Prior to our recent partnership, we averaged ten concerts per season at the amphitheater, the venue functioned as a loss leader to get people to come down to the greater old mill district. Shopping and dining area, and to be the highest and best use for riverfront property. And for our partnership, the venue needed to be economically independent and stand on its own. After an rfp process, we selected live nation as our partner. The critical mass of concerts we now host at the venue has allowed us to provide over 800 full and part time jobs in central Oregon. In the past four years, we've donated over \$75,000 to local high schools that have students who work on our green team, who have helped us achieve an 88% waste diversion rate. We've also been able to support numerous community organizations with both cash and in-kind donations like bend pride, deschutes river conservancy, central Oregon community college, local food banks, music programs for kids, and many more things. In 2023, we as the old mill district, commissioned an economic impact survey through our arc associates, and that that study showed us that the impact of hosting a concert at the amphitheater is \$1.5 million spent per concert in the community. That's for hotel rooms, restaurants, souvenirs, local shops, other activities in central Oregon. And that relates seasonally to a \$75,000, excuse me, \$75 million economic impact from our venue as a landlord for shops and restaurants across the river, we hear from local businesses who see the direct positive impact of concert nights. Guests come early and stay late to enjoy the district. They come back on non concert days because they saw something that intrigued them and as they walked to a show, ben brewing

company is about two miles away from the venue and has told us that on a concert night on a Monday or if we have a concert on a Monday or Tuesday, it will generate weekend level sales for their restaurant. We've become a major economic driver in central Oregon because of the quality and the volume of shows at the venue that same study told us that of the respondents, 58% of them plan to check out music at silver moon brewing, the tower theater, the volcanic theater, midtown ballroom, the domino room, general duffy's, and in addition to the economic impact of the visiting patrons, we also have vendor and community partnerships. We hire catering, police services, recycling and waste management, and spend on average between 65 to \$80,000 per show in support services with local and regional venue vendors, which also drives the economy and on a on a separate note, live nation has been a collaborative partner. They've been thoughtful when it comes to supporting local teams and helping us excel. They've operated open book, they pay attention to detail, and they treat us all with respect. We wish you good luck and thank you,

Speaker: Joe rogers, chris oxley.

Speaker: Now I'm all set. Thank you.

Speaker: Why don't you go ahead and start, please? Okay thank you,

Speaker: My name is joe rogers. On behalf of my partner, bruce carey, who couldn't be here due to his parkinson's diagnosis, he. We have owned many restaurants in this town, including zefiro saucebox clark lewis, which is on southeast water avenue since 2003, 23 hoyt and via tribunali. At one point we employed 200 people as small business owners. Many business, many business restaurant owners started with us and have gone on to make Portland what used to be the best restaurant city in the nation. I support the land use application because we support progress and jobs. We have many, many friends who are

artists and musicians. We employ them in our small ways, doing jazz nights, hiring for events. Some of our best friends have a band called pink martini. Many of you may know them. I am not an authority on live nation and don't pretend to be, but I do know a new venue will bring many needed customers to our neighborhood. We have seen the neighborhood at its best, but that is definitely in the past. It's been in decline over recent years due to crime, theft, drug use, camping, and a pervasive feeling of a lack of security. The decimation of downtown has been creeping into southeast and affecting our business in a big way. Our restaurant has been broken into our work truck vandalized, windows broken, mail stolen. It even affects our ability to control labor dollars because we must keep two people on the clock until we lock the doors so that they can chaperon each other to their cars or public transportation. We have survived a city backed homeless camp, and now many campers remain, who make the neighborhood less desirable for any one who considers visiting us. Citizens are fearful to come downtown and to the south to this close southeast industrial area. Even in the last couple of days, our business has been severely affected by the news of a recent shooting. We need good reasons for people to visit our neighborhood. Amc is a great one, but it is not enough and is more of a daytime draw. We are a dinner establishment. A music venue would greatly help the restaurants in the neighborhood and help displace the crime. Camping and drug use issues. Where there's light and activity, there is less crime. It's why there hanging lights in the downtown parks. I lost two businesses downtown due to this very issue, one by voodoo donuts called via tribunali and another called saucebox that was open for 25 years. I don't know how the other restaurants make it, but I've had to market my restaurant as a destination event space, basically to make up for the lack of foot traffic. The suburbs are booming and the city is dying. Please don't turn away progress. We need support in

our neighborhood and to show our citizens the city is coming back with bold new business. Thank you.

Speaker: Okay. Good afternoon, mr. Mayor.

Speaker: Esteemed members of council, thank you for your time and attention to this issue on, on, on both sides of the argument today. It's been appreciated and noticed. I'm Chris Oxley, coming to you today as a as a Portlander and a citizen, but at as somebody who's spent his entire professional life in the live events industry, sports, arts and music, much of that time at the intersection, as you know, of government and, and venues, over my career, I've seen upwards of 50 million people come through the doors of the venues in which I've operated, I look across Portland and the portfolio of venues that we have now, and there's new infrastructure and revitalized infrastructure desperately needed, these events, these these provide not just event opportunities, but, as you know, placemaking opportunities as well. And this, this type of investment would, would certainly further that I can affirm for you that this type and size of venue in Portland is desperately needed. You've heard that probably on both sides of the argument, but from somebody who's been in this business for 30 years, I can affirm that to you, what benefit comes now is that you've got private parties willing to come up to the table and build a venue that is desperately needed within this, within this community. This isn't just a how do we revitalize Portland conversation. This was a venue that was necessary to build when Portland was at its top. And so do it for the right reasons. In terms of what Portland and the central east side can need, but also do it because it's the right thing to do from a venues perspective and events perspective. I enthusiastically support the project. I appeal to you to uphold the conditional use permit, do live events, have impact to their surrounding areas of course they do, certainly. And there's things that are going to have to

happen from a mitigation perspective in the pre-development side as well as from an operating side. If I were to choose partners in a development project, they would look like Andrew and they would look like Jonathan. I can affirm for you that this is the right development team, with the right plans, and they're I guess I would close with the perspective that, live events and the live event industry for many, many years was taken for granted, statewide, citywide, the venues, always have needed that level of help. We've opened the eyes to the city. I think the city has responded incredibly well in their recent focus in the live events industry, and what it can mean for a thriving community and a thriving downtown. I think all together, not just from a development perspective, but the city can play an amazing partnership role in getting this done and getting it done for Portland, defeat and delay are not just acceptable anymore. So I urge you to uphold the thank you.

Speaker: That completes testimony, mayor.

Speaker: All right. Very good. Thank you everyone. This concludes the public participation portion of this on the record hearing. It's time for council discussion, at this point, colleagues, I would ask if there are questions or discussion points that you'd like to raise.

Speaker: And before council begins deliberation, because it is an on the record hearing, I'd like Andy has been keeping track of anything that's been submitted into the record that's new evidence. If he can just read that list and council can, we can get a head nod to reject that evidence. Yes. Go ahead.

Speaker: Thank you. So these are things that were mentioned that I think were new issues or new evidence that the hearings officer did not have at his disposal for his decision. So the first one was the Prosper Portland hearing last night and the decision that they made, discussions around that, including any concessions agreed to by the applicant in that in that process last night, there was discussion about

prior attempts to build mid-sized concert venues in the city, which I don't remember seeing in the hearings. Officer's record. The current project at the Lloyd center, the proposal at Lloyd center, I believe, was in the hearings officer's record. But the other ones that were brought up, I don't think were, there were comments about impacts, both positive and negative, from a recent live nation sponsored event at Providence Park. I don't believe that was in the record, any discussion of federal enforcement actions or new news about that process that are since the hearings, officer's decision or the closure of the record, rather, in July, end of July would be new evidence. There were comments about things that happened 48 hours ago that would be new. There were comments about things that have happened since the hearings. Officer's hearing. There were allegations of bullying. There were discussions of firebombing, these are things obviously, that were not in the hearings officer's record, because they took place after there were comments about the experience of Bend, Oregon with live nation. There were both positive and negative comments about that. But I think those are new evidence. And the experience in Austin, Texas, I believe, was new evidence as well.

Speaker: Very good. Thank you. And I'm sorry there was one more piece to the hearing that's very important that we don't want to forget. And that is the rebuttal by the appellant. Thank you for that summary. We appreciate it. If you'd like it. You have five minutes for rebuttal. Thank you. Thank you.

Speaker: Again, for the record, my name is Carrie Richter. And you know, all of this testimony and these passion please. You never want a land use lawyer to bring up the caboose, right? Because here we go back into the dry, boring land. Use criteria. So I'm going to quickly talk about public benefit. And I'm going to talk about I provided a memo to the City Council on Tuesday, and I'm going to read a portion of that memo to you, Luba has on one occasion considered public benefit criteria and

set forth set forth in the conditional use permit process in the city of Portland, in belushi versus city of Portland, petitioners challenged the public benefit of removing a previously imposed condition of approval requiring removal of the tower of a cell tower on a certain date. The public benefit that the city identified was additional co-location capacity, made possible by retaining the existing tower. Petitioners argued that the need for high powered transmission antennas in the future was entirely speculative, and pursued only for future private economic gain. Luba disagreed, affirming the city's decision, noting the quote undefined and subjective nature of the criterion. This case proves that the city that the public benefits obligation is broad and not restricted to the evaluation of traditional nuisance impacts like noise, dust, and traffic. The city has a practice of not requiring absolute certainty for expected benefits, because it wasn't sure wasn't clear in this case whether or not this private owner would benefit the number three. The benefit and impact analysis need not be constrained to the immediate surrounding areas. Again, it was the private owner that would benefit and the community that would benefit from co-location of the existing tower. And four, given the undefined and subjective nature of the criterion, the City Council has broad discretion in how to use these criteria, and luba will likely defer to the council's decision on this question. It is up to the council to interpret the criteria. It is not up to the hearings officer. You implement the code, you say what it means, the policy that the applicant continually restates is ensure that the potentially large size and impacts of uses are not harmful to surrounding areas. You haven't talked about what surrounding areas means. This is a 3500 person venue. The surrounding area from an economic impact will be huge. It will be the boon for this area or its destruction. Second thing I want to point out, the policy for the industrial area is set forth in the city's industrial sanctuary plan, and it says non industrial uses are significantly

restricted to facilitate freight mobility, retain market feasibility for industrial developments, prevent land use conflicts, reduce human exposure to freight traffic and potential air quality. Noise and pedestrian traffic impacts. With the final minute and 45 seconds, I want to point out that I did submit that the opponents did submit a traffic analysis into the record. It is in the record at X 41. The hearings officer made no mention of it. I also want to point out what the pbot staff said about the traffic impacts. I mean, the train impacts, they said the subject site does not abut the railroad right of way. Therefore improvements such as improved crossing is not required of the applicant or project. They didn't study it. They said under the code it's not adjacent, so it doesn't matter. That would be an appropriate answer if we were talking about a permitted use, a use permitted outright in the zone. Permitted uses. We have built the infrastructure as the city to provide the use. So in a commercial zone, we allow commercial activities because we have built the infrastructure needed to support the use. So we don't have to analyze that question. This area is an industrial zone. It hasn't been built with the amenities necessary to support an industrial or a commercial use like this. And we're not even conditioning this applicant to provide them. They don't have to provide lights. They don't have to provide ada accessibility. They don't have to provide train crossing information, data or an overpass. They haven't even studied it. You wouldn't let any other commercial developer away with that. A movie theater, a shopping mall. You had the testimony from the old mill, which was all new by the way, that testimony was that it has been a fabulous success. You know why? It's a fabulous success? Because the city helped build all the infrastructure that the old mill needs. So that those concert venue goers can come and go safely. They have sidewalks, they have parking lots, they have all kinds of amenities. And there are not conditions here that demand the same from this applicant. You have

to apply the criteria equally. Use your discretion to interpret the criteria with respect to public benefit and weigh all the testimony that has been submitted in the record because it has been voluminous. I'd be happy to answer any questions that you all have. If not, I hope that you will uphold the appeal and deny the application. Thank you.

Speaker: Thank you. Any questions?

Speaker: I'll have questions. I'm not really sure if they're for the appellant. Maybe for. Okay.

Speaker: Why don't we have staff come up and then if it turns out that that your perspective can be helpful, we will certainly happy to ask for it. Thank you very much, why don't we have. Well, let's let's start with the questions and see where we go.

Speaker: Well, I guess a threshold matter I'm trying to understand in the record, the current amc plan and transportation infrastructure plans as a part of the plan. To what extent? That was in the record, as we're talking about the transportation impacts here.

Speaker: Yeah. Do you want to come up?

Speaker: Could you reintroduce yourself for the record, please? Sure.

Speaker: I'm andy galicia, the planner with Portland permitting, and development. There was documentation about these operations in the record. There was thousands of pages in the record. And I don't remember offhand all the details that were in there, but there was information about amc as a use that's on the same side of the railroad tracks, and there's a letter from amc as well.

Speaker: Let me rephrase the question. So, you know, we are looking at a major redevelopment in, in that area. And I'm broadly calling that the amc plan. I'm not talking specifically about their current property, but the whole region. That includes

some pretty substantial transportation investment and infrastructure investment. That would imply a very different infrastructure and transportation reality than what exists today. And what I'm trying to determine is to what extent was that, on the record in the record for this particular matter, I do not believe that those details for transportation improvements related to the amc master plan were in the record.

Speaker: Is that something that pbot would have reviewed and can speak to or pbot may would have reviewed there?

Speaker: Yeah. And the person from pbot that reviewed this is on the zoom. Maybe we could ask him if he remembers anything different. I don't believe that was in the record, but maybe michael would be able to speak to that. Yeah

Speaker: Hi everyone. Again, michael.

Speaker: Gina, transportation p and d for my recollection of the tis the amc there was information gathered in terms of mode splits that were referenced from the amc master plan,

Speaker: I don't believe there was any other information of the logistics and infrastructure, investments, both public or private,

Speaker: As far as for this development. But they did reference, bicycle trips and those sort of data gathering, from, from ormsby's plan to support this, this project.

Speaker: So if I understand that correctly, you're saying that it contemplated a potential different future mode split than exists today. That is reflective of these plans? I'm just wondering, trying to level so you're saying that, no, I just think they used some of the data points to help support the, data collection in terms of, gathering, an anticipated demand, the mode split travel, based on what, transportation analysis gathered.

Speaker: So in this record for this one, did they they never from my recollection, talked about anything other about amc or the future build out or any of that other than just for the data points.

Speaker: Okay. So then the related question is, can you just give us a highlight high level, the mitigation plan, that was a part of this approval with respect to transportation,

Speaker: So they are required to do frontage improvements abutting the site, on all three frontages, there's two intersections that will be improved. There will be requirements for ada accessible, accessible ramps, street lighting, street trees, any other sort of kind of, infrastructure frontage improvements we do with any other sort of development that triggers the two thresholds that we have, they're not required, I think, as the other person said, to do off site, mitigation. Again, we have that same sort of standard with any sort of development that typically it's tied to the site that they're developing.

Speaker: Okay. So that's a typical approach that you're looking at what's adjacent and okay, I think I'm good in this area for now.

Speaker: Great. I have a question. And it's something that was, I think hotly disputed. And that gets to the question of use versus user. Can somebody give this council guidance on that. The difference between the two and what the standard is.

Speaker: I can take a stab at it. I think there's not a there's not a clear division there in the code. I think, city attorney said, you know, we typically look at use and not user. And that's true. That's that's the how we've typically done land use reviews, kind of the scale of the building. What kind of operations are going to be in there rather than the specific business practices of the tenant that aren't related to what's happening inside directly related to what's happening inside the building, the appellant's attorney said, you have discretion to interpret that a different way. I

think that's true. But that is how land use reviews have generally been done, is to think about the use as, you know, scale impacts on transportation, impacts on neighbors, direct neighbors rather than the whole city. And that's that's consistent with how the hearings officer looked at this one.

Speaker: All right. Let me give you sort of a hypothetical that was running through my mind as I was listening to testimony. So there were some who testified that we have the discretion. And you suggest we have some degree of discretion. And I can see benefits to government using its discretion. I can also see some significant negatives to government using its discretion. So a couple of hypotheticals. Number one, somebody wants to build a house. And you look at the zoning you look at the approvals process. You look at whether it is appropriate to use a house, but you like this guy and you don't like that guy. Would anybody suggest we would use our discretion because we don't like a particular person or a particular user of that house? Would that be a justifiable standard for government to uphold? I don't I don't think it would be.

Speaker: I don't think so either. And that's not how we administer the zoning code.

Speaker: Okay. And then we you know, some people might say, well, that's a spurious example. It's a house, there are corporations that do business in this city. Some I like, some I don't like very much. Some are very good corporate community partners, some are lousy. And I can think of examples in health care. I can think of examples in the grocery business. I can think of examples in social media. I can think of examples in modern technology around transportation, where we as a government look at the standards as opposed to the specific operators. And I'm wondering what kind of, you know, when we're talking about and again, the appeal that was brought to us isn't a broad question. It's narrow as broad as a land use challenge. And the question is, did the hearings officer appropriately evaluate these

three areas that were identified in a slide and correct me if I'm wrong, but I feel like they covered their bases now, that's not to say there aren't other things that people are suggesting should have been considered that weren't, but I'm struggling to figure out why we would want to give government broad latitude and broad discretion between two different individuals or organizations seeking to do exactly the same thing in the same place.

Speaker: Yeah, i, I would say that whether the hearings officer appropriately applied the approval criteria isn't for me to say today, but I will say that his decision was in line with the staff recommendation that we presented to him. So we were looking at it the same way.

Speaker: Counterargument I'd love to hear the counterargument as well. Thank you. Okay

Speaker: Thank you, kerry richter, for the record, the reason why we don't treat house approvals differently is because state law has special laws that protect housing. Very, very rigorous, special laws that are completely discreet to housing. This is a conditional use permit. And the city has a criterion that requires an evaluation of benefits versus impacts. So you all have decided that you're going to take this interpretive odyssey on. And I'm going to tell you why I think that. And because I've put a lot of thought into this to what's the difference between a sin business, a business that maybe isn't good for us, a bar, a adult entertainment place, a gun shop, like, you know, we don't we don't not allow gun shops, right. Or we don't. You know, I mean, there are certainly first amendment rules, but why, why, why what makes this different than a sin business that we wouldn't want or or, you know, some people say walmarts are bad for economies or amazon distribution centers, right? Those aren't active. And they're bad for small scale commercial. I'm going to tell you what I what I've come up with. There are criminal

charges here. There is illegal activity here. There is, there are there. There is. That is what makes this different. You wouldn't let you know. The Exxon Valdez drivers come drive boats up the Willamette because, you know, they broke the law. That's what's different in my mind about this. It is it is up to you, to decide above my pay grade to decide what's the public benefit. It's you who adopted the standard. It's you who took on that discretion. And it is you who must exercise it. Thank you.

Speaker: I just want to be clear on that last point, though. I mean, is there are they violating city law? The applicants here that we are aware of, have they been tried for something? Have they been prosecuted for something in the state of Oregon or the city of Portland,

Speaker: So I don't think the so the answer to that question straight on is no. The applicant is saying there's an economic benefit and why that's so important.

Speaker: Right. It's one thing when we're talking about someone who has been tried and is found guilty of something is entirely different. When we're talking about someone who is presumed innocent until prosecuted. And that's both on a national scale and on a local scale, I don't think we can deny land use decisions because someone is being investigated for something. I don't think that's a that can never be a sufficient basis for a whole host of reasons, including their constitutional right to a fair trial. And that and the presumption of innocence. And I agree. So I that's why I'm pausing you there. I'm not saying that that is an irrelevant consideration from a public policy perspective. The behaviors of what some people do, but the presumption that there is not a public benefit for their use because someone is alleging they're violating the law, that that cannot be the standard.

Speaker: The I appreciate that they have not been found guilty. I appreciate the distinction that you're making there. But the applicant has said that there is an economic benefit to this use. That is, they've done a whole Johnson economic study

about it. And what we have challenged is that economic benefit and what that does to the music industry. And you may decide that the public benefit of fixing up the central east side outweighs the impact to the music industry. You may decide that and that is within your discretion to do that, but I would purport to you that that economic impact because the applicant has made it part of this benefits analysis makes the impact it will have to my clients and all of the music, you know, the musicians that testified today is just as relevant because that if you're going to make a decision on economics, that's part of it.

Speaker: So can I just follow up one at some point, if we're going to keep asking questions to the appellant, I'd like an opportunity to respond to those as well.

Speaker: Sure. Thank you.

Speaker: You know, we had we heard some testimony about the risk of life when we're talking about the railroad crossing, and it's I mean, I know this area. Well, I understand the point, we've had a lot of homicides in that area. And, how dark it is, the lack of economic activity, the lack of what we call social effervescence in that area is that from your vantage point, a relevant thing for us to consider when we're talking about public benefit, what exists there today in that, both on that property, adjacent property, the immediate vicinity, which does include a lot of crime, which does include a lot of really sad behaviors, is that relevant from your vantage point? When we talk about public benefit, I think it absolutely is relevant.

Speaker: But I think you have to ask yourself if the infrastructure is there to, to let to have this flourish. You can't set a use like this in an industrial zone where the infrastructure isn't there to support it. And I would also suggest that the central east side needs a win. But this is not it. The reason why it's sat vacant for a long time might be because the city hasn't made the investment in the infrastructure so that the economic industry can flourish. The sidewalks aren't there, the transit isn't

there. So you can't we can't, you know. So yes, I think that absolutely. The answer to the question is it should be considered. It can be considered.

Speaker: Mr. Mayor, I go ahead. Yeah. And I'd like to just point out a couple things at a little bit of facts to the dialog, you know, we're talking about the infrastructure for the site. We're talking about sidewalks. We're here presenting and proposing a substantial private and privately funded investment in the infrastructure. Yes. These are vacant lots. The sidewalks are not to city standards, but after if we're fortunate enough to get this venue approved and to build it, they will be built to city standards. The pedestrian corridors will be expanded, you know, I believe that appellant's case is that those improvements should somehow be required throughout the district. On the back of this one development. I think we know why that's not practical. I think we know why that's not constitutional, the discussion about what? Why are there no requirements for improvements to train crossings? That's a jurisdictional one, but it's not in the city's jurisdiction. If you wanted to today to tell us to go and prove a train crossing, we couldn't do it. Okay, so those are those train crossings, and there's a safety analysis demonstrating what the build out impact would be to train crossing safety. That's in the record, and it is well within acceptable limits, you know, I believe the way to describe that is the same the, the build and no build scenarios with, the project happening or not, the way that that the engineers articulated it is, the margin of error where you start needing to look at what our improvements and getting into discussions with, train, railroad operators and under the engineering manuals that, control these things, it's point five. We're at 0.0002. So we are having a conversation that's not focused on the facts in the record. We've we have before we came here on appeal, created a very thorough record. The other side has not responded to those with facts. The other side has responded those with arguments. The hearings officer noted as much.

They noted that we had expert evidence in the record and that the transportation related arguments presented by, project opponents were largely based on inference and argument. I'd also like to just clarify one other thing. Sure. Go ahead. A couple of presenters have leaned really hard into the criminality argument. There are no criminal charges. It's civil. And you know, I think to commissioner Gonzalez this point, right. Like we have federal courts for a reason. Those charges are being vigorously denied and defended by live nation. However, that plays out over, however much time the venue will still operate, consistent with federal law and whatever any federal judge says is what live nation should do. And, you know what? However, however that goes, we don't actually know. Nor do we think that your land use code is, requiring you to kind of handicap that or figure it out or make your decision based on the existence of that proceeding commissioner Mapps, I'll pause right now.

Speaker: Question, so related to the conversation you just mentioned, it matters who the applicant is here from your perspective, the applicant is coalesce and beam. Is that correct?

Speaker: Correct. That is the applicant. Okay.

Speaker: And so this question is about the applicant okay. From your perspective, not the user. Is that correct?

Speaker: The application of the what we're calling the benefit standard that weighing of benefits land use question.

Speaker: And the hearings officer approval of this application from the applicant. The applicant is beam and coalesce correct applicant or beam and coalesce from my perspective that is important because that's who my clients are not live nation.

Speaker: I think to put a finer point on, I think the distinction and where I draw the line and going back again to what is the actual language of the code, it asks you

whether or not public benefit outweighs any impacts that are not mitigated. The hearings officer found that there are no impacts that are not mitigated. What we're really talking about is impacts, not a broad concept of what is public benefit or not. Not whether or not prosper. Portland commissioned a an economic study about whether or not this venue is because the johnson economic study that we're talking about was commissioned by prosper Portland. It's a good study, but it doesn't open the door to all manner of forward looking arguments about impacts that have nothing to do with the venue. What I would what I point you to is the purpose language that talks about impacts to the local area, impacts to the transportation system. And I would say that's what we're dealing with. Another very bright line, I think one that rises to constitutional level is, are these impacts flowing from the development that is proposed here today? There's a whole lot of arguments about future business practices and what will live in contracts for musical tours that don't exist yet. I don't know how that can be brought to bear and have a nexus to what we're actually doing here today with proposing this venue. Thank you. Yeah.

Speaker: Other questions.

Speaker: Commissioner Mapps did you have some,

Speaker: Yeah. Let me, since we got both of you up here. I miss victor. I think one of the things I've heard you say today is that, this is just the wrong project and the wrong place. There's just no way to throw up 3000, an auditorium for 3000 people and have it work, in in the neighborhood. Because of the train issues and the public transportation issues and the ada issues. That's basically correct.

Speaker: And the three intersections that are at high crash ratings and that the applicant's only mitigating for one. Okay

Speaker:, do you have a response to that? Absolutely. My response is the standards. The standards are the, what is supposed to be analyzed in the

transportation impact study. That's the level of service and a currently and in a build scenario, we've looked at that for each of the intersections. The standard is whether the intersections are failing. The standard of high crash is something from the vision zero, analysis. And the high crash is a threshold that is not actually applicable in the code. It sounds intense when you say high crash. However, what we're talking about are fender benders and people not stopping fully at stop signs and having situations like that, you know, i, I don't want to cite the numbers offhand, but we can get you those numbers and it is not a lot of crashes that over years that get you into that scenario. So we're talking about, you know, a handful of crashes over a handful of years type situation versus, you know, a threshold where if there were only three as opposed to five, we wouldn't be high crash that. All that said, the standard is what is the level of service that these intersections are they failing? They absolutely are not. And that's why the transportation system has the capacity to support the proposed use. Okay

Speaker: I see that the factors that the commission is supposed to consider or council is supposed to consider include safety, street capacity, level of service, which is what he's talking about, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle and transit circulation. So it is not those things.

Speaker: And mr. Richter, just to confirm, you're in two, 15a3a yes. Okay. Just want to make sure I can. Sorry. Thank you.

Speaker: And table four is the summary of collisions at study intersections. And the total collisions is 66 over a five year period, most of those collisions involved pedestrians. So it's not nothing,

Speaker: I appreciate, thank you for that clarification. Also, your former pbot guy. So I kind of know these numbers are I have a sense of what's happening in this

space. I'm, I think I'm just trying to figure make sure that I'm clear on the precise arguments that that are before us and maybe i'll ask one more, miss richter, one of the things that you've expressed concerns about is the specific operator, live nation, operating this. Would things be different if a different company was running this venue? Same 3000, 3000 seat theater. But you have a different company without the baggage that is associated with live nation.

Speaker: Yes, but it wouldn't change that. This is the wrong place. It wouldn't change that. They haven't studied any of the sidewalks beyond their own frontage, and they're not intending to improve them in any way.

Speaker: Okay. Thank you. Do you have a response to that at all. And I don't know if you would, yeah. I mean, I think we've heard what the thrust of the arguments here today are and what's brought people out. It's opposition to live nation. Miss richter is doing her job and trying to tie that to the code. However, all of these issues that we're talking about weighing different factors, what we're talking about is weighing evidence. And it's the evidence in the record. We have a transportation impact impact study. We have an amendment to that as negotiated with pbot. We have follow up memoranda from, regarding any number of these issues. That is the lion's share of the evidence and is over. And it has not been, rebutted in a meaningful way on any kind of, point by point issue or with actual evidence. The other side, clearly opposition has said, you know, they don't agree with that more should happen, that type of thing. However, they've not actually gone and done the analysis provided impacts. Note that every conversation talks about what our traffic impact study says, and our traffic impact has been reviewed by pbot and scoped with pbot and, you know, that's how we threw those numbers. We got to the recommendation of approval. Okay thank you very, very much. Commissioner Gonzalez.

Speaker: I think this is helpful. I had one other question on the scope of public benefit, but sure, let me just put a pin on it.

Speaker: Everyone's tired, and, you know, I think there's one question. Can we stand up a 3000 seat theater in this neighborhood and make it work? They'll be trade offs here, but maybe we can mitigate some things, and maybe we can't. And that's one of the questions before us, and then there is, I think, a slightly different question is if we stood up the same theater, but we have a different owner here, what are we mitigating? And I think in a land use space at least my understanding and I'll put my staff is going to have a heart attack and, but I think in a land use situation, in an appeal like this, one of the things we're trying to do is, are we mitigating for the physical world that we're building? That's at least my current understanding of it, and as you're kind of infrastructure guy, you know, this is not this is a space I've revisited before, and we've revisited before, and typically in spaces like this, we're trying to manage traffic and stormwater and sewer and all that, all these sorts of things, and you know, we, I have heard some, you know, I see the headlines, I've heard the testimony. They're very concerning questions about how live nation operates as a business, I'm not sure if this is the place to address that. You know, one of the frustrating things here is I don't exactly know where the forum for addressing, you know, Portlanders skepticisms about live nation's business practices are. It feels like there should be a place for that kind of feel like I might have been prosperous board, but I'm not quite sure.

Speaker: Can I can I respond to that last question? Sure. I mean, I think that's an appropriate question for a future City Council. I think that's an appropriate question for the state legislature. If there's behaviors that we believe are predatory by a major operator inside the state, that is 100% the proper domain of the legislative branch of a future city of Portland and state legislature, that is, if the d.o.j. Process

doesn't satisfy the concerns of citizens in our community. I'm not sure it's a land use consideration.

Speaker: Yes. So I'll take a stab at this. And first of all, I'm impressed with the legal teams here. And I mean that quite sincerely. And this has been a very good conversation. And I think people have raised valid concerns about live nation in particular. And as commissioner Gonzalez has pointed out, they're being adjudicated right now. But I have not heard what I think are sufficient reasons to overturn the hearings officer's determination. I haven't heard that. Or as I said, right off the bat, our scope here is narrow and so personally, I'm ready for a motion, to deny the appeal. But if my colleagues have more questions, let's hear them. So moved.

Speaker: Well, okay, so there's formal language I would like to put forth.

Speaker: I would move that the council tentatively deny the appeal, uphold the decision of the hearings officer and ask applicant and or staff to return with revised findings. Second, I have a second from commissioner Ryan. Any further discussion?

Speaker: Can I clarify? So we're voting on your motion?

Speaker: We're not voting on this is a tentative vote on my motion. Yeah. And the motion would be to, to deny the appeal and just to ground all of us, especially those still watching at home or in the crowds, what would happen after this motion? So we take a vote unless people want to further discuss it, or if people have more questions, I can stick around all night. But frankly, I've heard enough and I'm ready to make a decision. And then we would vote, and then we would have to come back on a date certain which Rebecca would identify for us for a final vote.

Speaker: Okay. Thank you.

Speaker: And just to state the might be obvious to everyone, but the on the record is closed for public participation. There'll be no additional testimony. Council will

make a tentative vote, and then we'll come back for a final vote. But there will be no more opportunities to testify.

Speaker: That is correct. Right any further discussion, please call the roll.

Speaker: Gonzales,

Speaker: This property is zoned ej. One major event entertainment is a conditional use permitted in the zone 33 815215 sets forth the standard of the standards to consider here. I simply do not see failure to comply with those requirements at this juncture, especially when taking into account the mitigation plans articulated. What I do see is local business owners with skin in the game bringing capital to the city, a project to the city that will bring joy, connection, family, wage jobs and economic stimulus to the property, to the neighborhood, and by extension to the city. I see two folks abiding by the rules to do so. I recognize the concerns of the local music industry. I would recommend that you monitor the d.o.j. Process, and if it does not satisfy your concerns, concerns lobby a future City Council and state legislature for appropriate protections beyond seeking protections. I would encourage you to engage with local and state government on how to continue to build and foster the local and independent music ecosystem. I just do not see this as a zero sum game with respect to public benefits. I vote aye on the motion maps,

Speaker: Yeah. I appreciate everyone who testified today. We had two great legal counsel in the room, I am of the view that the hearings officer got this, correct, and for those listening at home, because I'm sure this will be the subject of chatter for the next several days. You know, I think the question before us was, does the building proposal in front of us comply with land use law, I believe it does today. I also heard some important and compelling testimony about the business practices of live nation, the folks bringing this project forward have raised assurances that, they have a path forward where live nation can be in Portland and do business in

Portland in a way which is consistent with our values. Time will tell in terms of whether or not that works out, I do, however, think it's really important for someone who sits in these chairs as a member of council to fundamentally obey the law. And I think we've heard some arguments here today that have urged us to, ignore the law. And I understand why, that's not a good practice, I think it leads to a slippery slope that will not serve us well in the long run. As a nation and as a city. Which is why I vote yea. Rubio.

Speaker: I hear and appreciate what I've heard about the fear of losing that special independence in our music ecosystem and artists and venues and enthusiasts are a critical part of the city's identity and our fabric. And clearly, there are a lot of concerns on the operation side, and again, that isn't related specifically to our decision today. And I'm not deeply familiar with all the aspects of the proposed tenant. Like many of the testifiers have noted, and have a lot of depth of, you know, study. But, clearly their practices are under scrutiny. Right now elsewhere, I also understand that as of this morning, all related parties in the project put some of their concessions in as commitments in the purchase and sale agreement, which was positive news. My hope is that it will provide the accountability needed to follow through and make sure those happen. What I am more familiar with is how I've seen the applicants beam and coalesce, open, operate locally, and also cargo bunk bob cozzie and others who actually are located and operate in that area, the jobs they all bring to working families and their legacy of building opportunities for working people. So I trust how they all know how to do business in our city and what they believe is good for their neighborhood. I also see this project as an upside in our city in terms of local opportunities for investment, including how it contributes to other catalytic development like the abc district that we talked about, and also the overall benefit to Portland's east side, and as one of the testifiers

stated, we as a city, we need to provide a consistent standard of evaluation for everyone. And in this case, I believe our hearings officer did that, several testifiers also mentioned that the current state of the neighborhood, was not safe. And particularly at night when they're alone and the reality is that one of the biggest contributors to safety is the presence of having other people around. So from that perspective, I'm really hopeful that the activity generated would make the area look and feel much safer than it is today. And I believe that is a big public benefit. So in regard to the narrow, decision criteria for this land use action, I haven't seen or heard anything in the record that suggests to me that the hearings officer erred in the decision. So my vote is i.

Speaker: Ryan, the matter before us is a land use question. This is not a referendum on business practices. Convening as a land use body. We only examine the evidence in the record and whether to uphold or deny the hearing officer's decision. Based on the presentation today and the evidence in the record, I vote to uphold the hearing officer's decision to approve the land use permit. As such, I oppose the appeal. I, Wheeler, I the motion to deny the appeal passes five zero unanimously.

Speaker: The appeal is tentatively denied. Council clerk and city attorney. Do we have a time and date certain for this to come back for a final vote and adoption of findings?

Speaker: So I believe we have October 2nd, because we are under operating under the 120 day clock, is that enough time for the prevailing party's attorney to prepare findings and return them to staff and myself by we have to file it with counsel. So, like mid next week, the 25th. Yes. You can do that. Okay. Is that enough time, andy, for us to then turn it around, okay. So the October second, is that not what we

have? Well, I think the second, at 945, we won't have we'll only have, the mayor can't participate. I think then, but I cannot participate.

Speaker: The final vote. That is correct. But since it was five zero town visiting our sister city. Yeah however, if I can participate by phone, I will attempt to do so. Okay. I think you know where my sentiment lies.

Speaker: Yeah, I think that we will be okay even if there's, 3 or 4 members. Given the tentative vote.

Speaker: If not, our team knows how to reach me and where i'll be.

Speaker: Okay, so October third at October 2nd at 9:35 a.m, not 9:45 a.m. Time certain for a final vote and the prevailing party's attorney will prepare updated findings and get them to staff and myself by September 25th.

Speaker: Okay, so to clarify, this matter returns to council on October 2nd at 9:45 a.m. For adoption of the findings and the final vote. Thank you everybody. We are adjourned. Thank you. Thank you.