



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 2ND DAY OF APRIL, 2014 AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Ellen Osoinach, Deputy City Attorney; and Jim Wood, Sergeant at Arms.

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

	Disposition:
COMMUNICATIONS	
293 Request of Paul Sivley to address Council regarding update on Portland’s sister city relationship with Mutare, Zimbabwe (Communication)	PLACED ON FILE
294 Request of Steve Unger to address Council regarding non-owner occupied short-term rentals in residential zones (Communication)	PLACED ON FILE
295 Request of Annie Maribona to address Council regarding Fat Fancy a plus size clothing store (Communication)	PLACED ON FILE
296 Request of Lucinda Karlic to address Council regarding housing for the homeless (Communication)	PLACED ON FILE
297 Request of Stefan Karlic to address Council regarding promote Hayden Island as a destination not a drive thru (Communication)	PLACED ON FILE
TIMES CERTAIN	
298 TIME CERTAIN: 9:30 AM – Proclaim April 2014 to be celebrated as Arbor Month in the City of Portland (Resolution introduced by Mayor Hales and Commissioner Fritz) 30 minutes requested for items 298-300 (Y-5)	37064
299 Approve the designation of three trees as City of Portland Heritage Trees and remove Heritage Tree designation from fifteen trees (Ordinance introduced by Commissioner Fritz) Motion to amend Directive b. to remove three trees: Moved by Fritz and seconded by Saltzman (Y-4; Fish absent)	PASSED TO SECOND READING AS AMENDED APRIL 9, 2014 AT 9:30 AM

April 2, 2014

<p>300 Appoint Mark Bello, Bryan Burch, David Diaz, Brian French and Barbara Hollenbeck to the Urban Forestry Commission for various terms and reappoint Meryl Redisch to a term to end February 28, 2018 (Report introduced by Mayor Hales)</p> <p>Motion to accept the report: Moved by Fish and seconded by Hales. (Y-5)</p>	<p>CONFIRMED</p>
<p>*301 TIME CERTAIN: 10:00 AM – Approve a License Agreement with Soccer United Marketing, LLC for use of the Official Flag of Portland including specifications for variations to City Code Chapter 1.06 (Ordinance introduced by Mayor Hales) 20 minutes requested</p>	<p>186516</p>
<p>CONSENT AGENDA – NO DISCUSSION</p>	
<p>302 Reappoint Dharam Yadav and Harry Ray Jordan to the Business License Appeals Board (Report) (Y-5)</p>	<p>CONFIRMED</p>
<p>303 Reappoint Catherine Howells and Thomas Badrick to Public Utility Review Board for terms to expire December 31, 2015 (Report) (Y-5)</p>	<p>CONFIRMED</p>
<p>Office of Management and Finance</p>	
<p>304 Accept bid of Brown Contracting, Inc. for the 102nd Avenue: NE Glisan Street–SE Washington Street PH 2 Project for \$673,836 (Procurement Report – Bid No. 115953) (Y-5)</p>	<p>ACCEPTED PREPARE CONTRACT</p>
<p>305 Accept bid of Canby Excavating, Inc. for the Rose City Park Sewer Rehabilitation Project for \$6,011,000 (Procurement Report – Bid No. 116383) (Y-5)</p>	<p>ACCEPTED PREPARE CONTRACT</p>
<p>*306 Authorize contingent loan agreement with Home Forward for Kafoury Commons (Ordinance) (Y-5)</p>	<p>186514</p>
<p>*307 Authorize contingent loan agreement with Home Forward for Hamilton West (Ordinance) (Y-5)</p>	<p>186515</p>
<p>Commissioner Steve Novick Position No. 4 Bureau of Transportation</p>	
<p>308 Accept a grant in the amount of \$1,879,465 from the Portland Development Commission, authorize an Intergovernmental Agreement and authorize a competitive bidding process for construction of the West Burnside and Pearl District Circulation Improvements Project (Ordinance)</p>	<p>PASSED TO SECOND READING APRIL 9, 2014 AT 9:30 AM</p>

<p>REGULAR AGENDA Mayor Charlie Hales Bureau of Police</p>		
<p>309 Accept Commissioner-in-Charge and Portland Police Bureau annual report regarding the Portland Police Bureau participation with the Federal Bureau of Investigation Joint Terrorism Task Force (Previous Agenda 283) Motion to accept the report: Moved by Fish and seconded by Hales. (Y-3; N-2 Fritz and Novick)</p>		<p>ACCEPTED</p>
<p>Office of Management and Finance</p>		
<p>310 Authorize long-term bonds for local improvement and sidewalk repair projects and financing of system development charges (Ordinance)</p>		<p>PASSED TO SECOND READING APRIL 9, 2014 AT 9:30 AM</p>
<p>Commissioner Steve Novick Position No. 4 Bureau of Transportation</p>		
<p>311 Authorize the Bureau of Transportation to acquire certain permanent and temporary property rights necessary for construction of the SE Holgate and SE Ramona: 122nd to 136th Avenue Sidewalk Project, through the exercise of the City's Eminent Domain Authority (Ordinance)</p>		<p>PASSED TO SECOND READING APRIL 9, 2014 AT 9:30 AM</p>
<p>312 Assess benefited properties for street, sidewalk and stormwater improvements in the SE 82nd Ave of Roses and Bybee Blvd Local Improvement District (Second Reading Agenda 289; C-10039) (Y-5)</p>		<p>186517</p>
<p>313 Repeal TRN 8.05, 8.07 and 10.01 for inclusion in TRN 8.08 Encroachments in the Public Right-of-Way administrative rules (Second Reading Agenda 290) (Y-5)</p>		<p>186518</p>
<p>314 Adopt TRN 8.08 Encroachments in the Public Right-of-Way administrative rules (Second Reading Agenda 291) (Y-5)</p>		<p>186519 AS AMENDED</p>
<p>315 Authorize Intergovernmental Agreement with Portland State University for traffic safety research, evaluation and communications (Second Reading Agenda 292) (Y-5)</p>		<p>186520</p>
<p>Commissioner Amanda Fritz Position No. 1 Portland Parks & Recreation</p>		

April 2, 2014

***316** Authorize the acquisition of 7.47 acres of real property at 15004 SE Division
for Park purposes (Ordinance)
(Y-5)

186521

At 11:48 a.m., Council adjourned.

LAVONNE GRIFFIN-VALADE
Auditor of the City of Portland



By Karla Moore-Love
Clerk of the Council

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

WEDNESDAY, 2:00 PM, APRIL 2, 2014

**DUE TO LACK OF AN AGENDA
THERE WAS NO REGULAR COUNCIL MEETING**

NOTE: COUNCIL BUDGET WORK SESSION WAS HELD 2:00-5:00 P.M

April 2, 2014
Closed Caption File of Portland City Council Meeting

This file was produced through the closed captioning process for the televised City Council broadcast and should not be considered a verbatim transcript.

Key: ***** means unidentified speaker.

APRIL 2, 2014 9:30 AM

Hales: Welcome to the Portland city council meeting of april 2, 2014. Please call the roll.

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

Hales: Here. Some procedural announcements first then some important calendar things. Give us your name, not your address or phone number unless you want to. If you're a lobbyist representing an organization please disclose that. On regular council items we give people three minutes to speak unless there's some prior arrangement that doesn't apply to proclamations we'll be doing before. That please testify only to the matter at hand. So that everybody feels welcome we applaud on ceremonial occasions like this morning but when someone is speaking, please keep the demonstrations to raised hands if you support somebody or maybe frown if you don but we like to give everyone the opportunity to state their case on contentious items which I think we may have one or two of on any given calendar day. Disruptive behavior is not tolerated. If we encounter that you'll be warned and then asked to leave. If you have any handouts please give them to our council clerk beforehand. Welcome. We had some important pre-calendar work to do this morning. First want to turn to commissioner Saltzman.

Saltzman: Thank you, mayor. Today the flags of the city of Portland are lowered to honor two-year-old coltin salisbury who died last month from abuse injuries at the hands of something that all too often which is the most terrifying aspect of a young person's life, at the hands of mom's boyfriend. This happened in a motel room on southeast 82nd avenue. Coltin will not have the life every toddler should have. Protected, nurtured and cared for. He will never become an americorp volunteer, he will never become a dancer. Instead he was being abused and hurt during his formative early childhood years ultimately to the point of death. As we recognize april as national child abuse prevention month, his story remind us all to take action if we suspect abuse and neglect. Don't wait for things to calm down or get better. If you suspect abuse, call the state child abuse hotline, 800-509-5439 or if you witness abuse call 911. If you want to make a difference in a young child's life you can by being a mentor or another volunteer. I would like to recognize coltin with a moment of silence. Thank you.

Hales: Thank you for your passionate advocacy of victims of domestic violence. Our next item of business is a proclamation about dance and commissioner Fish, who knows a little about that subject in his household, is here to present that.

Fish: As we transition from commissioner Saltzman's sober and somber news about the worst in our community, we are going to shift to some of the best, which is the arts. A celebration of work of northwest dance project. It's my honor to invite artistic director sarah slipper and director scott lewis to come forward. They are joined by some of the remarkable dancers that we'll meet shortly. For those of you who read willamette week there's a full page ad today on their show this week and it features two of their princess grace award winning dancers performing this week at the new mark. I welcome our special guests and to celebrate 10 years of excellence in dance in our community. Northwest dance project has helped raise the profile of our city as a world class arts destination. Last summer hi the honor of joining 3,000 Portlanders in Washington park to enjoy a free performance of northwest dance's in good company. Even with the threat of rain it was a packed house, and my favorite part is actually all the kids, young kids who gravitate to the edge of the stage

April 2, 2014

and dance throughout the evening with their heroes. Just this spring northwest dance project toured in Canada for the first time. I'm not surprised to report that they were a big hit. The Calgary Herald, the paper of record, of course, declared them some of the best dancers you'll ever see on any stage. This morning Mayor Hales and I are honored to issue the following proclamation which the Mayor has issued and I will read. Whereas Portland Northwest Dance Project was founded by award-winning choreographer Sarah Slipper in 2004 and whereas Northwest Dance Project has carved out a unique role in our community by creating bold new dance performances. Whereas Northwest Dance Project has attracted talented choreographers to our neighborhood, won prestigious international awards and has two Princess Grace Award dancers. Andrea Parson and Franco Nieto, both of whom we'll meet in a moment. Enrich our community and further Portland's reputation as a hub for dance and the arts and whereas more than 50,000 people have enjoyed performances at the historic Newmark Theater, Lincoln Performance Hall, Northwest Dance Project Studio and Performance Center on North Mississippi Avenue and our own Washington Park Amphitheater. Whereas it represented Portland in the city's vibrant performing arts scene in Canada in March of 2014 supported by a grant from the Canada Council for the Performing Arts. Whereas it's celebrating with special performances from April 3 to 5, 2014, and I'll be joining you tomorrow night at the Newmark. I, Charlie Hales, member of the City of Portland, Oregon, City of Roses, do hereby claim this a day of recognition for Northwest Dance Project in Portland and to encourage all residents to observe this day.

Congratulations. [applause] Mayor, before I turn it over to Sarah and Scott, I would like all the dancers who are joining us to stand for a moment. I have the phonetic spelling. Forgive me if I get any names wrong. We're joined by Samantha Campbell and Patrick Kilbane, Elisha Labay, Lindsey Mathias, Franco Nieto, Julia Radick, Victor Usov and Ching Ching Wong. They are an outstanding group of dancers. Welcome. [applause]

Fish: I'll turn it over to our honored guests.

Sarah Slipper: Thank you. I on behalf of Northwest Dance Project want to thank the city for this incredible honor. Portland is an amazing city. It's an amazing city to found the company as a Canadian I can say this is the place I choose to live. It's been an incredible ten years. I look forward to the next ten years. It's a vibrancy that allows a company like this to develop we have done over 160 works, which is an extraordinary number to make it happen here. I couldn't be more proud. The company as well in the world and as Nick Fish said, thank you, I was very proud to take the company back to Canada, my home country. It was quite a nostalgic tour for me. I'm looking forward to the next ten years to the next I don't know 160 creations, but I do also hope that you will join us this week and to let everyone know tomorrow night we are projecting the show at 10th and Stark on the Jive Building. All apropos. The show will be broadcast 50 feet tall, so we'll have 50 foot dancers on the side of the building. It's just one more thing that keeps this city alive and vibrant and creative.

Scott Lewis: I would like to thank Council, especially Nick Fish, for your support, recognition. It's an honor to have you as a friend and a fan. I appreciate you understand it's not just the usual big five that make the city an artistic hub. It's the small and medium organizations and independent artists that give artistic energy. That's one of the reasons Portland keeps showing up on everybody's top ten list of best places to live in the United States, now the world apparently. We're one of the best places within the world according to the Guardian. I appreciate that. I think it's a challenge to run an arts organization as you know. Sometimes I say it's like pushing water uphill. We have to get a lot of help, a lot of support. We have to share in that challenge. I encourage you to join us in that. I know later this month this place will be full with artists and arts representatives as RACC presents their State of the Arts. I want to encourage you to keep your investment in the arts. It's a great payoff not only in dollars it generates but the vibrancy it brings the city. I appreciate your support.

Fish: I'm going to turn it over to the Mayor. He has a personal connection to dance, which is really terrific. As someone who loves particularly the Christmas shows, the In Good Company shows

April 2, 2014

choreographed by your dancers in a very intimate setting on north mississippi, I wondered, why are we so drawn to dance. I did a little internet research. I found one of the greatest dancers in our history described dance as the unspoken language of the heart and the soul. So it speaks to you somehow. I know nothing about dance. I don't even know what they are doing except I know that it moves me. Charlie has a personal connection.

Hales: In this chamber we have to declare a conflict of interest. We may own some real estate or something. I have to declare a conflict of interest on this issue because the better that you do, the more likely that we'll be able to tempt my daughter, who is a dancer in new york, to come home to Portland and dance here. We'll keep telegraphing your success to her for personal reasons as well as because we support what you're doing.

Slipper: I will say we're supporting 10 artists full-time. They are getting paid for what they do.

Fish: Sarah, without tooting your own horn. The dances you have are dancers that had the pick of cities and companies to join, so it's an enormous vote of confidence in you and what you're doing with northwest dance and Portland that they chose Portland to be home.

Slipper: This is becoming -- there's not a lot of dance companies that are surviving in the u.s. This is one of the destination points along with one company in new york and one in chicago. So i'm really proud we're representing contemporary dance in america as one of the hottest dance companies in america.

Hales: Come on up. [applause]

Hales: That was great. Thank you. We have more inspiring people here in the chamber this morning. This is a morning for considerable inspiration because we're also here to talk about volunteerism and how alive it is in our community. Let me first read this proclamation and then we'll call up a group of people who represent some of the volunteers who are here in the room. Whereas service to others is a hallmark of the american character, central to how we meet our challenges, whereas the mayors are increasingly turning to national service and volunteerism as cost effective strategies to meet city needs. Whereas participants address the most pressing challenges facing our cities and our nation from educating students for jobs in the 21st century and supporting veterans and military families to helping communities recover from natural disasters. Whereas national service expands economic opportunity by creating more sustainable, resilient communities. Whereas national service participants serve in more than 60,000 locations across the country including 145 in Portland. Bolstering the civic neighborhood and faith based organization so vital to our city's economic and social well-being. Whereas more than 900 national service participants of all ages and backgrounds serve in Portland providing vital support to city residents and improving the quality of life in our city. Whereas national service represents a unique public-private partnership that invests in community solutions and leverages nonfederal resources to strengthen community impact and increase the return on taxpayer dollars including more than \$3.4 million in Portland. Whereas national service participants demonstrate commitment, dedication and patriotism by making an intensive commitment to service that remains with them. Whereas the corporation for national and community service shares priority with cities nationwide to engage citizens, improve lives and strengthen communities and is joining with the national league of cities, city of service and cities across the country to recognize the impact of service on the mayor's day of recognition for national service this week, now therefore i, charlie hales, mayor of the city of Portland, Oregon, city of roses, do hereby proclaim april 1, 2014 to be national service recognition day as it is across the country here in Portland and encourage all our residents to recognize the positive impact of national service in our city and to thank those who serve and define ways to give back to our community.

Thank you all for what you do. [applause]

Hales: Let me call up carrie watson and two others to talk about their programs and what they are up to here in our community. Welcome.

April 2, 2014

Hales: If you need another chair we'll get one to slide one up for you. Grab that loose chair there. Thank you. Welcome.

*****: Good morning.

Hales: Who would like to be first? Go ahead.

Carrie Watson: I'm Carrie Watson. I work for the Peninsula Child Center as a foster grandparent. I just love it. I retired from working with children, and over the years I wanted something to do and my older sister worked there and introduced me to the program. It's just been the joy of my life not only for me but I'm helping the children, teaching them how they need to go in life. I have already passed those bridges. What I know I want to pass it on and they are just darling and I enjoy it. I love it.

Hales: Thank you.

Gloria Brown: I'm Gloria Brown. I'm sister to Carrie Watson. I also work at the Peninsula Children's Center. I was also introduced to the program by an older sister, Norma. It's been a joy and a pleasure and I work with the infants from age six weeks to a year old. It's really something to see them as they grow and you teach them as they grow and they go from one department to another all the way up to kindergarten. It gives me something to do, and it enriches my life, continuing to help these children as they grow.

Hales: Wow.

*****: Thank you.

Hales: Thank you. Good morning.

Jora Planson: I'm Jora Planson. I'm an AmeriCorp State National volunteer. I serve with Metropolitan Family Service at a Sun School, Schools United Neighborhoods. My title is community involvement specialist. I really feel like my position and my service has embodied that tremendously. A lot of my position is bringing in resources for families so that the elementary school where I serve can act as a community resource hub so that everything from volunteers to donations to partnerships with local organizations, so sometimes that means that we're giving food to families through our food pantry or we're teaching families about higher education and bringing financial literacy classes, health and wellness events. I also get to work with kids, which is amazing and always a wonderful learning experience. Over all I would say my service has just been a phenomenal experience and being able to watch people learn about the mobility that they have in the social world. I'm just part of something that's a lot bigger. I think there's over almost 150 volunteers serving in Portland who are serving about 200,000 hours. There's a lot of great things happening.

Hales: That's great. Good morning.

Alicia Tull: Good morning. I'm Alicia Tull. I'm an AmeriCorp Vista leader, Oregon Campus Compact. Oregon Campus Compact is a nonprofit organization that works with four-year, two-year, private and public universities in Oregon. We're the only statewide organization that does that. We help to inspire students to be more engaged in their community with service learning, other service projects around Oregon, and to me Vista -- volunteers in service to America -- founded in 1965, so we're going on our 50th year coming up soon. To me, it's about -- not just about building capacity it's about building confidence. It's not just about helping people come up from poverty but you're also living in poverty. It's about giving whatever you can to your community and it's a great organization and I really enjoy it.

Hales: All of our members of the council have worked in a number of nonprofits and quite a few of our bureaus, particularly the Parks Bureau, work with volunteers and AmeriCorp all the time. I'm sure there are a lot of experiences here at the Council Days with how effective these programs are in the community whether it's helping young people, helping with the environment, we see it everywhere in the community.

April 2, 2014

Fish: Mayor, my brother peter has for the last 15 years been part of an americorp program in albany, new york, in an inner city area that's blighted. The program has been helping through a faith based community build infrastructure in albany. So I have a person connection. I also want to acknowledge molly, would you wave? Molly is an americorp now graduate I guess who was assigned to a sun school program in the centennial district. She contacted my office and asked if I would come out so her students could meet a commissioner. We had a little town hall forum with her elementary school kids. It's just that kind of sort of energy and passion for service and connection that is the hallmark of this program. I want to publicly thank molly for inviting me out to meet with her kids.

Hales: Other comments? Again, I have a couple wonderful conflicts of interest to declare. First I have two sons who worked as americorp volunteers with inuit kids in alaska building trails for a year and making sure they kept their bear repellent handy. That was a great experience for them, helped them develop as leaders and helped them think about their future careers. Even more significantly, the first lady of Portland nancy hales is here. She came to the northwest to work with low income, under-served communities in yakima as a vista volunteer from new jersey. I'm from virginia, so but for vista I might never have met her. Here's to vista for that: [laughter] she can tell stories and I bet will when she has a chance to spend time with you about how her start with vista has led to a career of service in a variety of ways. She is proof of where the trail goes from here. We very much appreciate all that you all do. We would love to take a photo with maybe a representative, some of the folks here from each of the groups with the council, if we could. [applause]

Hales: president johnson, president clinton did some good work when they created these programs. Thank you all. We'll move now to the regular council calendar. We have some communication items queued up and if you would start with the first, 293, please.

Item 293.

Hales: Paul, come on up. [Paul Sivley was not present.] Let's move to the next one, please.

Item 294.

Hales: Morning, steve. Welcome.

Steve Unger: Good morning. I certainly have enjoyed the inspirational opening of this meeting. It's been terrific.

Hales: Thank you. We think so too.

Unger: I'm here to talk about the problem of fitting a large foot into a small shoe. Last thursday when it was announced Portland was to be its initial shared city mayor hales scored a huge victory in having Portland become the first city in the world for whom they agreed to submit lodging tax. Now that Portland has moved into the spotlight it's more important than ever that Portland develop a comprehensive short term rental policy that addresses all rentals as has austin, texas. Unfortunately the recap 6 proposal gap covers only 40% of air b&b rentals in Portland. That is private room, rentals in single family homes and duplexes that are the primary residence of the operator. Recap 6 does not address nearly 400 unsupervised air b&b entire place rentals. Any air b&b rental in a multifamily building and any vacation rental listings on vrbo, home away and flip key. The bureau planning and sustainability says these rentals will simply continue to be illegal, which is to say they will only be closed down when a complaint is filed yet it's difficult to file a complaint because all the major websites intentionally mask the address associated with the rental. So far air b&b horror stories have usually involved property damage in entire place rentals, but eventually there will be a fire, injury or loss of life. Then they will have a true horror story. In a real sense air b&b future is a serious accident waiting to happen. Since hundreds of the entire place rentals are in operation, I request that city council mandate and fund the bureau planning and sustainability to deal with the entire place rentals just as numerous other cities have in their vacation rental ordinances. If not, then city council needs to mandate and fund the bureau of development services compliance group

April 2, 2014

to actively pursue and enforce the current prohibition rather than wait for a complaint or catastrophe. Also, as part of its partnership with air b&b, and in exchange for implementing a reasonable licensing process, the city needs to have air b&b provide the name and address of their advertisers to assist the city in reasonable compliance activity. Air b&b could do this with a one-sentence addition to their 43 pages of terms and conditions. In doing so would not really endanger air b&b's basic business model. In a sense we need to get a shoe that's big enough to address the problem. Do you have any questions?

Hales: Thank you. You probably had a chance to see the planning bureau's proposal. Let us hear your thoughts as that develops. Thank you very much. Next person on the list.

Item 295.

Hales: Good morning.

Fish: Before they speak, mayor, working with enter Portland we have encouraged some of our local neighborhood small businesses to periodically come to council and talk about what they are doing and challenges they face. It's difficult with our agenda because it's booked so many months forward. We're glad they took time out to be with us this morning.

Carlee Smith: Thank you. We would like to thank the city council for having us this morning. It's an honor. I'm carlee smith, co-owner of fat fancy. Fat fancy is a plus-size vintage and modern clothing store. We carry both styles for men and women. Located in downtown Portland. At fat fancy we have reclaimed the word fat. We believe it's a neutral descriptive term and we both identify proudly. The business we created is created out of the need to provide unique, stylish, affordable clothing to people of all sizes.

Annie Maribona: Our first sale was in my studio apartment. I cleared out my belongings and brought in clothing racks and sold them with fabulous plus size clothing. From there we moved to our friend's basement where we set up an underground clothing boutique and had sales once a month and opened a brick and mortar store front.

Smith: In december of 2009 we opened the store front of our dreams on southwest morrison right on the edge of the west bend and on the edge the pine near district. We have been there four years and have expanded to sell our clothing online. Currently we ship nationally with the hopes to ship internationally. We do have a devoted global fan base eager to get their hands on our clothing.

Maribona: We're both queer latino women. Some might say we're unlikely business owners. We're really proud of our six going on seven-year-old business. We have had national and international press. We have had celebrity customers like adele and cameron mannheim, but our proudest accomplishments happen every day when we make someone feel comfortable in their skin maybe for the first time ever because when you're wearing an outfit you feel good in you're more empowered in the world.

Smith: Our community in Portland has been the driving support for us to start our business. Coming from new york I realized that Portland was a special place and I don't think that our business could have grown the way it did any w else. From friends who rented their basement for \$100 a month and friends who donated equipment, and the city, we knew Portland was special. We were so lucky to have access to resources like mercy corner northwest, small business legal clinic and the Portland development commission story front improvement grant. These resources have been essential to our success and we're eternally grateful. We love the other businesses on our block and have found community with them. We encourage our customers to patronize their stores and restaurants. We have promoted and developed a safety phone tree to reach out if we feel unsafe. The clean and safe have helped us several times and we feel better knowing that they are around.

Maribona: The real challenge to be a small business owner we never know from month to moment if we're going to make enough money to get by. Sometimes parking prohibits us from getting customers. Our biggest struggle is finding capital and we're working as hard as we can to make ends meet. We love what we're doing and we know it's important for us and for the city for us to do

April 2, 2014

what we do. We thank you for the opportunity for the opportunity to speak to you and for all that you do. We're grateful for the resources in Portland that have made our business possible.

Hales: That's great. Appreciate the connections of how these things are working in your search for capital. Maybe pdc has connected you with albina opportunities corporation?

Maribona: No.

Hales: I'll make sure they get in touch.

Fish: When we take up the budget, part of the action this council did two years ago we took the \$5 million of general fund support for economic development city-wide and made it ongoing. A small portion of that is access to capital, revolving loan fund. It's less than \$200,000 currently but my hunch is that council over time will want to see that grow so that there is essentially a line of credit from the city for short term needs at moments when you have cash flow problems. Maybe you don't have the same options with a local bank. Perhaps that's something we can put on our future agenda.

Smith: That would help us very much.

Hales: Good.

Smith: We are located at 1013 southwest morrison street. That is right on morrison between 10th and 11th.

Maribona: Across from the city target and our website is www.fatfancyfashions.com.

Smith: Thanks for asking.

Hales: Good luck to you. Thanks for coming. Commissioner Fritz and I were at northeast 42nd avenue earlier this week for a meeting. We're trying to work with an amazing small business environment where people have chosen to come as she has from new york to here to start a small business. I love to hear that progress. Thank you very much.

Hales: next one, please.

Item 296.

Hales: Good morning. Welcome.

Lucinda Karlic: Thank you, mayor, city council. I'm lucinda karlic. I reside on hayden island. I'm the chair of hayden island liveability project and i'm also on high noon, the network organization. Community organization. As i'm not in your homes on a sunday evening I don't know if you catch 60 minutes, but I saw this -- this is a transcript I have handed you of the february 9th 60 minutes. It's a program where they are taking -- trying to raise 100,000 homes. They literally give them to the homeless rent free. It's actually saving cities an enormous amount of money because when a homeless person is on the street in the winter, they average between two and four visits to an emergency room, hospital stay, and the city and taxpayers pick up this cost. If you do this right, a unit for a homeless person can cost the city around \$5,000 a year versus \$100,000 in medical care. I'm very nervous. You'll have to excuse me.

Hales: Don't be. You're fine.

L. Karlic: I personally stayed on the streets of london for four nights once. Waiting for a frequent flyer flight. I can tell you those were the most miserable nights of my life. I did that by choice. You take for granted that there are rest rooms, there's a shower, there's food. These people just -- it's a daily thing for them. Four nights is all I could take. I was so glad to get on a plane and come back to the states. Where I had a home. Now i've lost my thoughts. Sorry. It costs more for us to walk by a homeless person on the street than it does to put them in a home n. New york many places they have dedicated buildings, they also have landlords that are donating a percentage of their units in their apartments for this project. If you go to the 60 minutes website and watch the video, because it's online, there are many resources there that explain why this program works. They are doing it in new york, they are doing it in tennessee, atlanta. It's a benefit to everybody. This program. We have a definite problem here. You have any questions?

Hales: This is great.

April 2, 2014

Fish: Ms. Karlic, I have a comment. February 9 was the last significant day of the big snowstorm we had. That Sunday morning, I picked up Roseanne Hagerty at her hotel and took her halfway to her destination. She is executive director of 100,000 homes in Portland talking about maybe doing the idea here. As you know from the 60 minutes piece one of the big pushbacks in communities is should we be housing people that have an active drug addiction. This is the most challenging part of the housing first philosophy. The view is if you do help them and give them a chance to get this treatment they need, it's not only good for the person but it saves society a fortune. The push-back is some people I think misguidingly think you're rewarding someone for an addiction by giving them housing. I thank you for coming but I hope you stay engaged in this issue because there's a big debate in our community as to whether housing first we should take people with active drug addiction and give them housing. The evidence supports that policy because it gives them a better chance of becoming sober or clean and it saves the system a lot of money that otherwise gets spread out with fire and emergency rooms. It's flaring up right now about Clark Commons where so-called wet housing. This model does work. It has been proven to save money. Those costs otherwise get externalized on everybody, but at the heart I have a debate about whether people that have drug addictions should also be given housing. The city has decided the answer is yes but we're heavily criticized for that.

L. Karlic: Well, that's why I'm here. I believe that it doesn't matter if they go get treatment. They need to be off the street. It's beneficial for everyone. Your business owners complain constantly. I live on Hayden Island. It's a small island of 2,000 people, and we have a problem with homelessness there. It's a massive problem. Some people would say, well, more homeless will come here. I don't see our homeless going there, so I don't think that's an issue.

Hales: Thank you. Appreciate it. [shouting]

L. Karlic: Please keep saving West Hayden Island. I have a feeling the port is coming back at you with an oil terminal and I don't want to see you approving that.

Hales: Two more if Mr. Sivley showed up.

Item 297.

Hales: Good morning, Stefan.

Stefan Karlic: Good morning. The subject I'm supposed to be talking to you about is cleaning up Hayden Island. I want to touch on this. This could be my last presentation to you guys, so I have one to touch on a few things very quickly. The entry to Portland and Oregon at Hayden Island is pretty shameful. My wife and I have traveled across the country in our motor home, and you can't read the sign at night and during the day it's barely readable and says welcome to r.e.g.u.r.n., with all the dirt that's on the sign. I would encourage city council and ODOT to clean that area and make Oregon and Portland a welcoming opportunity. The pictures I have given you is a follow-up on the hunting issue. The pictures, we have just heard the wonderful things about Portland. Unfortunately I feel like the harbinger of bad, bad news. These three pictures of three separate deer were shot, killed just for the sake of killing, and the carcasses left to rot. I have been in contact with Oregon state police, speaker Kotek, and Oregon state police are investigating this. Everyone tells me that only way to remedy this is to change the law on hunting. I don't think that's having putting the law - - there's no hunting allowed within five miles of a residential area when you consider the 30-ought, six will travel five highlights. Could have been a pass-through. We're just waiting for something bad to happen. We really need to change the hunting laws. I also am of the understanding that this is going on in Sandy. We need you guys to pick up and go to the state about it. The other thing I want to talk about quickly is the dumping of contaminated spoils on West Hayden Island. The second here is dated 2010. Beneficial use is the term that is used currently for dumping the spoils on West Hayden Island. DEQ wildlands administrator at the time concluded prospects for industrial use are reasonably likely and dumping is justified. We need that changed. We need you guys to get ahead of the ball here. Beneficial use should be used for approved sites, not reasonably likely site,

April 2, 2014

not used to contaminate clean sites and natural areas. We would like the port to remove what is already there or cap it and restore the area. The next subject is the oil train terminal at Clatskanie. It's being hit with a \$117,000 fine by Oregon deq. They had a permit for moving 50 million gallons of crude oil. That is the same oil on the strains have exploded with death, destruction, and that was the residents of Portland should -- we need an oversight on d.e.q., and we need to know what trains are carrying for emergency response team responses. Last year the state -- the company moved 300 million gallons of this oil through Portland, Vancouver, and they are trying -- the terminal is now taking an air pollution permit that would allow it to move 1.8 billion gallons of oil annually. That's only expected to increase.

Hales: Thanks for bringing this to our attention. I see you have someone from the long shoreman's union. Just a word about that.

S. Karlic: We need to get this resolved. I'm not anti-port. The port is destroying itself internally. We need to get this resolved. Oregon needs the ships of the size that come. We're not a deep water terminal. We need to maintain what is there. On that note, there's no need for future development in West Hayden Island of a deep water port unless they are going to bring oil or coal, which has been suggested by port of Portland.

Hales: Thank you.

S. Karlic: Thank you.

Hales: Did Paul arrive? Apparently not.

Hales: Let's move on to consent calendar. I don't believe we have had any requests to remove anything. Is that right? None from the audience. Let's take a council vote on the calendar as printed.

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

Hales: Aye. Now we have item 298 time certain but I think you want to read all three together perhaps. 298, then commissioner Fritz.

Item 298.

Fritz: Thank you. This is to proclaim April 2014 to be celebrated as Arbor Month in the city of Portland. Whereas pioneers entering the treeless plains of the Nebraska Territory were encouraged by the state board of agriculture to set aside one day to plant trees and so April 10, 1872, was declared the first Arbor Day in the United States. Whereas Arbor Day is celebrated in all 50 states and around the world with an estimated total of more than 18 million trees planted in one day. Whereas J. Sterling Morton, founder of Arbor Day, believed other holidays repose upon the past; Arbor Day proposes for the future. Whereas this year's theme is stewardship, very difficult to say. Which can be defined as overseeing, protecting and admiring something worth caring for and preserving and this year we celebrate stewardship by proclaiming trees care for us, we care for trees. Whereas the 37th consecutive year Portland will be recognized by the National Arbor Day Foundation with a Tree City USA award. Whereas friends of trees in partnership with the Portland Timbers Major League Soccer team has planted a tree every time a goal is scored, therefore adding 134 more trees to the urban forest, and whereas the Portland Farmers Market has been bringing the best of the country to the heart of the city since 1992, and invites everyone to a festival in the PSU Farmers Market on April 26. Whereas the community volunteers, staff and partner organizations work year round to enhance our urban forests by planting, maintaining and advocating for our 240,000 street trees, 1.2 million park trees and countless private trees, now therefore be it resolved that Charlie Hales, Mayor of City of Portland, Oregon, the City of Roses, does hereby proclaim April 2014 Arbor Month and encourage everyone to observe it.

Hales: Thank you very much. We have a great record there. Thank you. Let's take up the next item too. We have lost our clerk. We'll give her a moment to read the other item. Commissioner Fritz, do you have any words of introduction for 299 and 300?

April 2, 2014

Fritz: We'll do those separately too. The first is to approve designation of street trees as the city of Portland heritage trees and remove the heritage street designation of 18 trees and we have a substitute ordinance because there were three that need to be removed that needs more work.

Hales: Read the item.

Item 299.

Hales: Do you want to move the substitute?

Fritz: Karla, could you please hand out the substitute? For those watching at home, this removes numbers 10, 12 and 15 from the published item. That's big leaf maple on davis street, a white oak at dosch park lane and a dutch elm at northwest 21st. Those will be considered later. I move the amendment.

Saltzman: Second.

Hales: Roll call on the amended version.

Saltzman: Aye.

Novick: I hesitate given that I haven't had the opportunity to review all the trees. I'll accept the commissioner's recommendation and vote aye.

Hales: Aye.

Fritz: I vote Aye too. It gives me great pleasure to introduce this item. We are very lucky to be part of a community that cherishes our open canopy and adoption of the urban forestry management plan and various other good work that we have done recognizes that Portland as a community value our trees. We have 300 heritage trees and we're going to add three to this list. Heritage trees are designated by city council upon recommendation of the urban forestry commission and are recognized due to their remarkable age, size, type, historical or horticultural value. Heritage trees symbolize the important services our urban forest provides. Cleaner air, summer shade, habitat for birds and other wildlife, cleaner water in our streams and rivers, and places to play and relax. The beauty and liveability that trees bring to our neighborhoods and also the symbol of a city known for its nature as well as the economic value of our trees. I just walked up to 11th on jefferson last evening and saw the tree planted in 1879. It has the heritage tree marker on it. So we have these 300 trees around our city marked. It would be a fun treasure hunt to see if somebody could visit all of them this summer. I'm pleased to introduce michael mccluskey, leading the urban forestry commission, and jenn cairo, the city's urban forester.

Michael McCloskey, Urban Forestry Commission: Good morning. We have three candidates for heritage tree designation to propose today. A common horse chestnut, european beech and a silver linden. Two are on rights of way. One is on private land. The trees on the rights of way were nominated by the abutting private owners and the owner did nominate it in the case of one that's on his property. We have a signed consent form. One is in the northern part of the city. One is in the southeast and one is in the southwest. The urban forestry commission approved these unanimously at various meetings, two on september 19 and the other on january 16th. The first tree we proposed to be designated is a common horse chestnut on the right of way adjoining 4741 southeast 36th place. It's being nominated because of its size. While there are now four trees of this type in our system, this specimen has a circumference and canopy that exceeds those of all the others. And height is within the range of those now in our system. It's well formed, well maintained, and a good example of its type and widely admired by those living around it. The next tree we propose be designated is a european beech at 1357 southwest spring garden street. While it's on private property, it adjoins the driveway and can be readily seen from the street. While there are many trees of this type in our system, that is 11 of them at the moment, most of them are purple and copper beaches in contrast to this tree, which has green leaves. There are no trees of this type and leaf color in this part of the city in our system. It's been well cared for, and has nice form. While it would put it in the middle of the range for this type of tree in our system, it's a large and admirable tree. It's being nominated because of its size and leaf color in this part of the city. The final tree we propose

April 2, 2014

be designated as a heritage tree is a silver linden, which is on the right of way abutting 408 north rosa parks way of. No trees of this type are now in our system. It's being proposed because of the type of tree it is. It's not easy to distinguish this type of tree from other lindens, but this one has been identified by martin nicholson of the hoyt arboretum. It's a large, well formed tree. Its measurements are height 82 feet, circumference 11 feet, and spread 66 feet. While it had been topped about 50 years ago, an abundance of branches have grown back. Turning on to a different subject, that is removal, we propose that you remove what you've already approved that I guess, I can say a word about it. These 15 trees were -- are being proposed to be removed from the list because they died and no longer do exist. This can be done under provisions of the code wherever it's no longer appropriate to continue their status. This has been done in the past when designated trees have died. Though not recently. The urban forestry commission agreed unanimously to this action at its last meeting. With regard to these 15 designated trees, and I believe the city forester concurs. It's been a pleasure to appear before you for the last eight years. It's been very gratifying to be a part of this process and I thank you.

Hales: Thank you. Questions?

Jenn Cairo, City Forester: I wanted to thank commissioner mccluskey for his service. He will be missed and we hope he will still be around to help us on the commission.

Novick: Why did the trees die? Is there any disease we should be worried about?

McCloskey: Maybe the city forester would be better answering this. There are a few types of trees that have widespread diseases which afflict them, such as elms. And chestnuts. Why don't I have her answer the rest of the question.

Cairo: I'm thinking most people recognize this but to be clear trees have a life span and at some point they begin to decline and eventually die. We have some particular disease concerns in Portland. One of those that I think most people in our tree world are familiar with is dutch elm disease. That does affect american elm trees. It's something that the city is paying attention to and invests significant resources in trying to prevent spread of and control. There are also pests and pathogens that can infect species at various times. We are on the lookout for asian longhorned beetle. It's not here yet but when it gets here will cause a dramatic change in our tree canopy.

Novick: Another thing, most of these trees were designated 20 years ago or less. I'm just curious, do we wait too long to designate heritage trees so that we don't give them a lengthy period of time to enjoy their heritageness before they die? [laughter]

Fritz: Perhaps you could explain how one designates -- how the trees gets to be on the list.

McCloskey: That really involves the dilemma that you specified in the code, five reasons or grounds for designating trees. One of them, that they are old trees, relates directly to age, and their limited life span. A number of the others such as large, the large trees are often old trees, historic trees are often old trees. So at various times I have estimated that four out of the five grounds are related in some way most often to age. Yes, there is a question of whether they should be nominated at an earlier time, but to be old they have to reach a certain age in their natural life span, where they move into that category. It's not always a clear exactly when that is, but on the other hand, we have some trees that continue to live that are very old. The council oak near my home is thought to be more than 300 years old. There are some others that are very old. Again, the yellow bellflower apple was planted by pioneers. Their fellow trees of their type die off but some of them enjoy a very long life. The trees of the same type don't all die at the same time. Various factors afflict them. Maybe some insect infestations or poor care, all sorts of things. Some manage to eke out a very long existence.

Novick: I will follow up on this. How long the average tree lasts after we designate it a heritage tree. I'm a baseball fan so I think in terms of the baseball hall of fame. You only have to wait six years after you retire to be eligible. If you get on the first ballot you have a long life as a hall of famer. I would like to make sure we can enjoy our heritage trees for a long amount of time.

April 2, 2014

McCloskey: We have learned certain very large trees do not have a very long life span like silver maples, and they are very impressive, but they die at a relatively early age. We're learning constantly. The program is evolving.

Novick: Thank you.

Fritz: Does urban forestry go out looking for these trees or do we rely on community members to nominate them?

McCloskey: We tend and have at least during my time relied on nominations. We need a nomination. In theory those of us on the commission and the committee could nominate them. We allow any visitor to Portland to do that, but we also are in the role of sort of judging nominations and we don't like to have a conflict of interest of favoring our own favorites versus the favorites of somebody else. So at least during my time we have chosen just to wait. And there are members on our committee who feel strongly that we get more than enough nominated by citizens.

Fritz: Thank you.

Hales: Other questions? Great presentation. Thank you very much. Is there anyone else who wants to testify?

Moore-Love: I only had one signup sheet for all three items. Anyone who wants to speak to this resolution specifically?

Hales: Okay. Yes, Charles, come on. This is the designation and removal item, Charles.

Moore-Love: Oh, I thought we were doing arbor month. Sorry. For the heritage trees.

Hales: Then let's take a roll call on 299. Sorry, it's not an emergency ordinance, right?

Moore-Love: Correct. Nonemergency.

Hales: It will pass second reading. Thank you for your service and for this great program. I had the privilege of serving as parks commissioner 20 years ago to go out with Jane Glazier and tap this little plaque into some of the first of the program's trees, many of which are still in our number of living heritage trees, but the fact that this is the first time I remember removing any from the list, it does highlight the point that we need to keep designating new heritage trees because we lose some from weather or natural causes. Thanks for the presentation.

Saltzman: I would like to thank Mike McCloskey for his service.

Hales: Thank you so much. [applause]

Fish: We have four past or current parks commissioners on the dais. I don't think you can say that about any other bureau. [laughter] I think all four of us have had a chance to serve in one capacity or another in some way with Mr. McCloskey. I want to join Dan's comments and thank you for your service.

Hales: Thank you so much. This passes to second reading. The third item, 300.

Item 300.

Hales: Commissioner Fritz.

Fritz: For this final item it's my pleasure to introduce 5 individuals who have been recommended by the urban forestry commission to serve on their comm any of Mark Bello, Bryan Burch, David Diaz, Brian French, Barbara Hollenbeck to the urban forestry commission. If you're here, please come forward. Not everybody was able to be here but for those who are we greatly appreciate it.

Hales: Good morning.

*****: Good morning.

Hales: Thank you for your willingness to take this on. Any comments or suggestions for us as you take up this volunteer role?

Bryan Burch: I'm pleased. I appreciate it. I also wanted to interject if you are looking for intermediate heritage trees there's a program called trees of merit which aren't quite all the way there yet but might be an intermediate solution.

Saltzman: Minor league. [laughter]

April 2, 2014

Mark Bello: I'm mark bello. Thank you for this opportunity to help with trees. As a retired bureau of development services planner it's great to be on the other side of the table, so to speak. Thank you.

Hales: Thanks for finding another way to serve the community. Thank you both. Appreciate it.

Bello: Sure.

Hales: Questions?

Fish: I just want to say mark was coppea's representative president in a different light and was a fantastic partner for the city. I want to thank him for that service. Brian has kept our feet to the fire on some issues involving Washington park, parking and master planning, and he has been an extremely constructive member of the community. I'm delighted he's taking this on.

Burch: Happy arbor month, everybody.

Hales: Thank you very much. Is there someone else that wanted to testify? Come on up, charles.

Charles Johnson: Good morning, commissioners. I'm charles johnson. Unfortunately my comments are going to be directed primarily to commissioner Fish, who has the water bureau and I believe he has a duty to chop down some trees to appease the epa. I want to encourage the new nominees that have come forth to work on the forestry commission for the city to persuade mr. Fish to and the city to wait for litigation. I expect people appointed to the city commission about forestry to essentially believe in -- I can't remember the german word. Trees uber alis. When we have situations where any entity is saying that trees need to go, we should wait until somebody says actually we should wait until a judge says, yes, you have to remove these trees. So the reason i'm speaking is because there's a facebook group with 238 members that would probably contact today the newly appointed forestry people and reinforce this position that we don't need to cut down trees in mt. Tabor park to mess up our current reservoir system. I look forward to any response from any of you fine people.

Fish: I'm not going to respond, but to set the record straight. First of all, the water bureau does not decide whether trees can be cut. Any recommendation goes to land use ultimately has had the blessing of urban forestry. We don't make that call. Second commissioner Fritz and I are actually walking the various options next week in mt. Tabor park to see if there are alternatives to where the pipes can be placed to do the least damage to trees because we have the same commitment you do to saving trees. Number three, I have asked my bureau to come up with a number of options for how we can protect as many trees as possible. That includes rerouting pipes and doing other things. That will all be part of a type 3 land use process to follow which we have agreed to do from what was originally a type 2 land use process. We share your passion and we have made a number of changes to make sure the community has the maximum voice in those decisions and ultimately it cannot happen without the concurrence of the urban forester. Stay tuned.

Johnson: Thank you. I have seen nicole leggity, don -- we do appreciate the engagement of your staff and the fact that I didn't clearly specify we do have upcoming procedural hope to save every last tree. Thank you.

Fish: Appreciate your effort.

Hales: Anyone else on this item? A motion for the report, please.

Fish: So moved.

Saltzman: Second.

Hales: Roll call.

Fish: Thank you for your service. Thanks to Meryl redisch who is cycling off audubon but will stay engaged. We appreciate your service. Aye.

Saltzman: Thank you for your service. Aye.

Novick: I was going to express a concern mr. Burch may have a bias when it comes to tree, but I now see that the birches are under assault by something called the bronze birch borer. [chorus of ayes]

April 2, 2014

Fritz: We're going to have to stop commissioner novick from having a smart phone inside. That would be even scarier. You could probably get most of this from your memory too. Thanks to mark and brian for all the people for being willing to serve. This is a big commitment and I know you take it seriously. Very pleased Meryl redisch will be continuing in her role as chair for four years. Going back to the arbor month kickoff if you want to ride in a bucket truck, chapman square today from 11:00 to 1:00 there will be trees, bucket rides timber joey, teen environmental education students, and it says city council in action. I personally am not going in a bucket truck. I don't care how much you pay me. Thank you very much for entertaining these very important decisions. Aye.

Hales: Well, i'm very pleased to support this. I think we have great nominees willing to continue this work. It's really a hallmark of what we do as a city that we actually have citizens who nominate trees. We have volunteers willing to do the work and a staff at the parks bureau that are knowledgeable and committed to this as well. I'm not sure what german is for tree hugger but I think there are five here and more in the room. Aye.

Fritz: We are officially the guiness book of world records most tree huggers.

Hales: Good.

Fritz: We're going to break it again in july.

Hales: Item 301, please.

Moore-Love: I don't have a vote yet on 298.

Item 298 roll.

Hales: Was -- oh, resolution. Sorry. Roll call.

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

Hales: Aye. Now we're caught up. 301.

Item 301.

Hales: Mr. Kaye is here, susan hartnett as well. Welcome.

Susan Hartnett, Office of Management and Finance: Good morning, mr. Mayor, commissioners. I'm susan hartnett, city spectator facilities manager in the office of management and finance. Authorizes the mayor to sign an agreement with the marketing arm for major league soccer. The agreement is for use of the official city flag, Portland flag, on licensed merchandise and it does include some variations on the descriptions contained in the city code chapter 106 which does define the official flag for the city. Soccer united market hag been working with the lease franchise teams which includes the Portland timbers to enhance their sense of place, looking for emblems and other opportunities to more directly connect the team with their home city. The Portland flag was obviously a natural for the timbers as is evidenced at many of the home games. The soccer united marketing then initiated discussions a number of months ago to try to figure out how to create this license agreement and it's attached as exhibit a. It took us a bit of doing. The city attorney was involved. It's a little bit of an unusual circumstance. The license allows them to use three specified variations shown in the attachments to the agreement. Two of these include trademark Portland timber text in addition to the flag. One of the options is a two-color option opposed to four color flag as defined in the code. The third uses the boundaries of the state of Oregon to define the shape of the flag so it's not a rectangle. The ordinance approves modifications to the flag specifications for these specified marks since it's not consistent with the code. The license agreement provides the city with recourse and remedies for unauthorized use of the flag by soccer united marketing and their licensees. Without this agreement our only alternative would be a code enforcement action. I frankly am not sure who would pursue that code enforcement action. The city is also indemnified by soccer united marketing and licensed vendors as part of this agreement. It contains an emergency clause in part because it's taken us quite a while to get to this point and soccer united marketing is really interested in using these options on merchandise sold during the current soccer season. Just briefly i'm going to mention two other things under way. One is an amendment to chapter 1.06 that I hope to bring to council in may or june. It's intended to

April 2, 2014

accomplish two things. First of all the code reference system that is cited in the code that defines our flag is the ameritone color key. It's defunct. You cannot find it anywhere. And I have looked. The amendment will update this to the pantone matching system, which is the most commonly used color system. I have been working with ted kaye, his organization and others to make sure we use the right pantone colors to be consistent with what was originally intended using the ameritone to the best of our ability since we have not been able to lay our hands on an actual ameritone color key from the time period that was used when the flag was originally designed. We will also correct an error in the size specifications to the four greenfield sections of the flag. If you use the specifications you don't end up with a rectangle. I have been in touch with other organizations including the timbers army and Oregon pitch invasion to find out if a similar license agreement would be of interest to them and if they are and we complete an agreement i'll be bringing that to council at some point in the future. I think there's a couple people to testify to talk more about the flag. Ted kaye ,talk more about soccer united, cory dolich.

Fritz: If I might interject I have learned a lot thanks to susan about this issue over the past month or so. It turns out the flag is not intellectual property. Anyone could use it at any time without our permission. The reason we're doing this is to set some boundaries and to specify particularly where it's not the rectangle or the colors, how this might be used. It's not an exclusive use. We're not granting only to soccer united marketing. We're saying they may use it with our blessing and we encourage others to come to ask how they might do it with our blessing.

Hartnett: That was in addition to the findings commissioner Fritz asked for and I think it's appropriate.

Hales: We have a signup sheet.

Moore-Love: I have three people signed up. Ted kay, charles johnson, and cory dolich.

Hales: Come on up. If you're the three we'll take you all together.

*****: Good morning.

*****: Good morning.

Cory Dolich: I'm cory dolich, vice president of business operations and marketing for the timbers speaking on this topic on behalf of major league soccer and obviously our club as well. Portland timbers organization has always celebrated the relationship between team, town, and our supporters. Frankly, the spirit of this relationship has always very much been an organic one. That's dated back to the 1970s and has obviously continued through our transition to major league soccer in 2011. Our approach has always been to amplify, not interfere with the message. As stewards of the club we have been keenly sensitive to this relationship and how we engage, represent and work with and for our community. From billboard campaigns featuring our supporters to fan-centric programs where we feature local food carts every home game, to partnering with friends of trees, a.t.-Portland, the community and city is central to everything we do. We have the most vibrant soccer atmosphere in all of north america. That's a testament to this city and its residents. We think the integration of Portland city flag with the timbers brand and more formal capacity will continue to amplify this message between this team and this town. I would also note that the integration and -- of these two in merchandise is fairly small in scope and size, especially when you compare it to the full spectrum of possible products that would be available for sale. Ultimately the city and our team are always going to be fundamentally intertwined and our goal in this specific program and globally for that matter is to increase the scope and exposure of our city and our club. Thank you.

Hales: Thank you. Questions? Thank you because I think when we turn to our next speaker he can amplify on this as well. I think some of us could recognize the Portland flag before the timbers. But many more now can. Our city charter has a mayor and commissioners and an auditor but we probably should amend it to have a keeper of the flag. That would be you, so welcome.

Ted Kaye: Thank you, mr. Mayor and commissioners. I'm ted kay, i'm a flag scholar. I'm very familiar with Portland's city flag and its history and I appreciate you looking out for it. It's a

April 2, 2014

nationally recognized design and rated one of the 10 best city flags in the country. I would like to share my opinion in support of the proposed ordinance and license agreement. I helped with the effort which updated the flag to its current design in 2002, charlie and dan, you were there and voted for it. I also recently worked with susan hartnett to ensure the proposed license agreement uses accurate color specifications. The current specifications in the code reflect that out of date color system. Further, I added the definitive book on american city flags which I have just given you so i'm well aware of flag use in other cities. I have these observations. The first, I think it's great that soccer united marketing wants to use our flag. Second, as commissioner Fritz mentioned there's no reason why sum would need to license Portland's flag image. It could use it without any permission. With very few exceptions, like pocatello, idaho, I know of no city which copyrights, trademarks or limits the use of its flag image and Portland does not. However, since sum is asking to license the image, this provides the city with some control, specifically section 4.6 of the contract, which prohibits altering the approved designs. That provision means the city is well served by the license agreement in that the flag symbols, proportions and colors are more likely to be portrayed accurately by a significant promoter of that image. Helping the city's brand as expressed by the city flag. The license agreement also propose as simplified version in two colors, the timbers colors, which could be considered a problem since it doesn't match the official specifications. However, simplified versions of flags do occur all the time. For example, when rendering a flag in gray scale or reducing its complexity for production reasons, for example the u.s. Flag used in the 2014 winter olympics team usa graphics only had 13 stars. Further, since sum could use the simplified version from any case there seems no point in objecting to it. So it's likely that sum is seeking the same type of licensing in other cities, so in conclusion, I support the argument that although the license is unnecessary it's worth drafting because it benefits constituent to control the quality of its flag image. I also salute efforts of omf staff to get the specifications right. By the way, the Portland flag association, about 25 strong, is a group of Portland area folks interested in flags. We discuss the license at our last meeting. Some questioned the simplified version on aesthetic grounds but all understand that manufacturing constraints will make the two-color version necessary at times. As susan mentioned a related upcoming task will be to update the code to a modern color key and correct mathematical error. I look forward to supporting that change when it comes to you. The last point I would like to thank absolutely dan Saltzman and his staff and the fire department for putting the Portland flag on all fire stations in the city. That's a great step forward to broad recognition of our flag and I encourage the rest of the commission to look at their bureaus and departments to see how the flag can be promoted on their buildings and sites. I'm happy to answer any questions you might have.

Fish: I have just a question, a comment. I have the honor of leading the city's utilities. I suspect if we put a flag at every utility we will have another matter. This bias survey you referred to where we only came in 10th nationally, i'm hesitant to ask. What city came out on top?

Kaye: Washington d.c. Came first. Chicago came in second. All of the top ten are super flag designs. That's out of 150 that were rated by flag experts and the public.

Hales: Given that I would suspect ballot box stuffing.

Saltzman: I have to ask you, today, i'm well aware of your passion for flags and you're part of the north american vexillological association.

Kaye: It's the study of flags. Although my wife says it's vexing and silly. [laughter]

Hales: Thank you for your service. Good morning, charles.

Charles Johnson: Good morning. Charles johnson for the record. It's a pleasure to be here with ted to talk about our great city flag. Unfortunately also talks about the word licensing, so I think as responsible city commissioners you have a constituency that is also aware that while this is free sort of creative public licensing, they can do whatever they want, this is also connected to sports and we live in a city where we don't know exactly what's happening with some of the sports licensing

April 2, 2014

money. The timbers' home field has now become providence park and absorbed and unknown amount of money for unknown things. Our beloved rose quarter is fortunately getting an extra \$40 million worth of revenue from moda. So I would like to see a city council that while it fully supports the timbers, which are awesome, and the timbers army, which is great people, let's us know more about how things work around the money that flows through what's now providence park and was once a civic arena. I'm glad, though, that you have unentangled yourself from any financial problems with getting our flag better known. I don't even know what d.c. Has. In is definitely good move to get our city's logo better known and move up to at least number three in the next survey. I thank soccer united marking for working with the timbers, creating a deal that makes more sense than the shady financial shenanigans going on with providence park for the big amount of money that is getting us recognized at the trail blazer's home, Moda court.

Hales: Has anyone else signed up? OK let's call the roll.

Fish: Aye.

Saltzman: Aye.

Novick: Aye.

Fritz: There is somebody else who wants to testify.

Hales: I'm sorry. You can have a seat and we'll restart the roll.

Lili Mandel: Everything is for sale here, I feel very, very sad about that. I was going to keep quiet but I really can't. This is a beautiful, wonderful city. I think it's wonderful that we're all concerned about this and everybody has feelings about it. But I think this is going too -- in my opinion, going too far with commercialization. It's going to be good, but i'm sorry. And my husband stopped me before about something, and nothing is uber alles, and I know where that comes from unfortunately, from hitler. I don't think the gentleman meant it that way, he didn't mean it that way. And nothing is uber alles. I'm going to be quiet, but I love this city. This is still wonderful that we are able to come here and stand up and tell you that we agree or disagree, and I think this is fantastic. And I have always loved this city for that. If I agree with you or disagree with you, here -- in my native country I couldn't do this, I would have been arrested. But this is so wonderful. I love this place and I love all of you, it's terrific. I'm sorry that I don't always agree, but that is why it's so wonderful. Thank you.

Hales: Thank you.

Fritz: Would you put your name the record, please.

L. Mandel: Lili mandel, a downtown resident, very proud of that.

Fish: You and Irwin used to be a more frequent visitor, and your visit today reminds us that you are missed. Thanks for joining us.

Novick: We're glad you're here.

L. Mandel: Thank you, thank you.

Hales: You're welcome to come, it's good to have you both back in chambers.

Irwin Mandel: It's been a while.

Hales: Good morning, put your name in the record.

I. Mandel: Commissioner novick, why do trees die? I'm not aware of any living organism that is gifted with immortality, just simply.

L. Mandel: Except me.

Hales: You're as close as we've seen.

I. Mandel: Simply because i'm one year past the mid octogenarian age? Come on, I have a while to go yet. About the commercialization of the city, I think it was about five or six years ago mayor katz was up there selling the name rights to various things. At that time we spoke about, well, how would you like to have the nike transit mall? The city has to be very careful about what they sell, the rights to naming in this city. We are going to end up with a city full of commercial names. Parks, I like the timbers, they are a great outfit but they have bought the naming rights to a fusball field out

April 2, 2014

in the park. Please, be very careful about what you sell the city's name for. And get past the idea the city always needs money. But at what price do you pay for the money you get? Careful.

Hales: Thank you, thank you very much. Anyone else? Then let's do take roll call now.

Fish: I meant when I said, we welcome the mandels back, you've been in the chambers during some of the great debates over the last few years. When I was parks commissioner you used to call me quite frequently complaining about what's happening in front of your apartment building. The rangers were brought in and developed a personal relationship with you, and you said that changed your view of the public space in front of your building and your relationship with the city. I deeply appreciated that feedback. And I appreciate the admonitions you've placed on the record today. This will be one of the rare instances where I am compelled to disagree with you, but I do so with the utmost respect. I thank our friends for bringing this forward and I vote aye.

Saltzman: Good to see you back, mr. And mrs. Mandel. Aye.

Novick: Aye.

Fritz: I very much appreciate Susan Hartnet-Gibson's work on this. I have to declare a conflict of interest to a certain extent. This was my christmas present from my son, and it does have a very elongated version of the flag from the timbers army. I think it should be recognized it was actually the timbers army that brought the flag into common use at games both for the timbers and the thorns. It's very much a grass roots initiative now being licensed to major league soccer in their soccer united marketing. I am looking forward to the licenses with the 107ists and Portland pitch invasion which will incorporate the riveters team with the thorns. It's recognizing something already in common use and I think it's a good thing. My business cards have had the city flag on them since the first batch I got in 2009. I'm very much encouraged that more and more people are recognizing the city flag and wanting to use it. I think we should encourage people to use it appropriately, which is what this does. Aye.

Hales: I appreciate the clarification that it's not about revenue, but about reasonable regulation of a public good that's being used in a community in a supportive but somewhat commercial way. I think we've struck the right balance to make sure the licensing makes legitimate the use of the flag, but also it's done in a respectful way. Thank you for working with susan and coming up with a good balance. Ted, thank you for everything you've done to popularize our city flag. We really appreciate your advocacy and I think this arrangement will help make sure even more people here and around the world recognize our flag thank you, aye. [gavel pounded] next item.

Item 309.

Moore-Love: Item 309, accept commissioner in charge and Portland police bureau annual report regarding the police bureau participation with the federal bureau of investigation.

Hales: Anyone have any questions at the moment?

Fish: I have a question. I was on vacation last wednesday. In anticipation of today's vote i've read the report, the transcript of testimony and all the letters and e-mails i've received in my office. Mayor, it would be helpful for me to get a clarification, since you're the commissioner in charge, what it is you hope to accomplish with a new fbi agent in charge over the next, say, three to six months, in light of the fact that you were unsuccessful in round one obtaining secret clearance. In the most optimistic forecast what do you hope to accomplish with the new regime?

Hales: I am going to be meeting with the special agent in charge this month, the appointment has been set. I'm hoping we develop a better understanding and a better public understanding of what the arrangement is between the city and the fbi. I feel like we're a little bit in an awkward twilight at this point, not really fully participating in the jtff. I haven't been given the security clearance to know completely what's going on. However, i'm satisfied that what we are doing, the little the police bureau is engaged with this work, is dealing with a very small number of cases where there's a career criminal nexus to crimes that we would be concerned about in our community. But I think very few people are satisfied with the current arrangement. Although we're talking about a realm in

April 2, 2014

which we can't have real transparency, i'd at least like to have some clarity about what the city's engagement is and what i, as the police commissioner, will be given to know about the activities of our bureau. That's the start of that conversation which I do, again, intend to have this month. I'd like to report back to the council after that. It may be necessary for us to revisit the current arrangement if we can't improve on it.

Fish: That's helpful, thank you, mayor.

Hales: Any other questions? Let's take the roll call, please.

Moore-Love: Do you want a motion to accept the report?

Hales: Sorry, is there a motion to accept?

Fish: So moved.

Hales: Second.

Hales: Roll call, please.

Fish: I have reviewed the materials and had a chance to talk briefly with the mayor. I want to provide some context for my vote this morning. I served in a council under mayor adams that undertook a long and comprehensive process to determine if there's a different relationship we could have with the jttf. Out of that came a template where, on an as-needed basis, the goals we struck were to strengthen our security but not at the expense of our civil liberties. I was pleased when the final product came to council, I had had the blessing of a number of civil liberties organizations in our community that felt it was a worthy experiment. This is the second time now, I believe, may be third but I think second that, we've had a report come to council. The purpose of this exercise is simply to accept or reject the report. We are not deciding the policy question in accepting or rejecting the report. We're simply saying, does the report satisfy the requirements of the ordinance. What has become clear to me in our second year of this important exercise, there's a significant question as to whether the relationship is working. I liken it to a marriage, let's call it a troubled marriage. To use a homie metaphor, there's three-ways to save a marriage. You stay together for the sake of the kids and tough it out. Or you get a divorce and you try something new. Or you seek some kind of therapy and counseling to see whether you can improve the current situation. There may be other options but I think those are typically viewed as the three options for how you intervene and deal with a troubled relationship. Well, I believe it is now clear that this relationship is troubled, because we're not sure whether we have a willing partner on the other side. And I think particularly in recent history there's been a strain in our relationship with the fbi and particularly one person. Mayor hales, you're the person in charge. You are the person we have tasked with developing a relationship with federal law enforcement and making this thing work. It's clear it hasn't been working the way we envisioned. But there is a new person that the fbi has designated and there's a chance to build a new relationship and perhaps hope springs eternal, you may even build the secret clearance we would all hope that you get. That said, I think what we have started to get in a bad habit of doing is using the accepted or rejected version of this report as a proxy to whether we should continue to be a partner of the jttf. We simply say, does it meet the requirements that we called upon, yes or no. I'm hearing enough concern in the community and among my colleagues that it seems to me it's time for us to take a different approach. So for purposes of today's vote, accepting or rejecting the report, I will accept the report because I believe it is faithful to what the ordinance requires. But for purposes of moving forward, I think we have to actually call the question about whether this relationship is working. And so I was heartened to hear you're going spend the next few months talking to your counterparts and you're going to have that discussion. I would like to propose, only one commissioner's view, is that sometime this summer you let us know about how that is going. And if you believe that the relationship is not functioning at the level that you need as the commissioner in charge to faithfully execute your responsibilities under this agreement, I would suggest in the early fall we bring back the question of our participation to the full council for a full vote and debate and we present to the counsel a number of options. I think

April 2, 2014

shadow-boxing around this issue at this moment, around accepting or rejecting a report, is a pale substitute for having a debate about whether we should be in our out or somewhere in between. That's a great debate, we've had that debate. We have in a democracy the right to revisit that debate. But let's not continue to have mini-debates around accepting or rejecting reports. Let's call the question if it's the view of the council that it's not working. For today I will accept the report. Mayor haes, I hope you will report back this summer on the progress of your discussions with the fbi. If you are determined that you are not satisfied that you can fulfill your responsibilities under this ordinance, I would urge you to bring it back to the council for a debate. And we'll decide if this is a relationship we should continue or not. I would also just close by saying the stakes are rather high in this debate. It is very important to each one of us that we observe legal programs in our relationships with law enforcement, not one of us looks at that as an -- in a cavalier fashion. I believe we are also united in our concern for maintaining the safety of the people who live in this community. It wasn't more than about a year ago where someone disrupted the boston marathon and hurt a lot of people. We know we live in a dangerous world. How we balance bad things that occur, oversight, and our civil liberties is a great question. But I don't think we should continue to duck that question through this discussion, if you determine the relationship is not working let's come back to council and present a number of options to the community for consideration. And let's take it up as a formal matter, and not simply as a question of whether we accept or reject a report, which after all has no impact on the underlying policy question. With that caveat I vote aye.

Saltzman: Aye.

Novick: I agree with virtually everything commissioner Fish just said, although I did come to a different conclusion on this vote. I wasn't on the council and those who were have differing opinions as to what exactly they expected the report to show. But I as a citizen followed this issue somewhat closely when it was resolved. My assumption at the time was that part of the deal was there would be a report that the council would receive which would have some substance, some detail in it. This is a report that has virtually no detail in it. I'm saying that as slap at the police who I think have no choice, or even really at the fbi. I think there was an understanding that part of coming back under the jtff was that there would be a report and there would be an idea of what the city was doing with jtff. The report is so limited in detail, I would be tempted to call it dog and pony show, except there's no dog and no pony. I agree with commissioner Fish that we should have a discussion about what exactly our participation consists of. We could conclude we will participate in the jtff and Council doesn't need to have any sort of report of what's going on, or we could conclude to withdraw entirely, or participate but with the understanding that our officers will only spend x hours per year on investigations. If it's limited we don't need to know detail. I think we do need, as commissioner Fish said to, resolve the policy issue. The reason I can't accept the report is just because I think the report itself doesn't provide us any information. And normally when we look at a report, we can accept it without resolving the underlying policy issue. Here I think the nature of the report itself is problematic. With that preamble I vote no.

Fritz: Well, thank you to both commissioner Fish and commissioner novick for your eloquence in describing the pros and cons in what we're actually discussing here and thank you to the citizens who testified last week and have taken the time to come back today, and to those who have sent in testimony, including dr herman frankle, I particularly appreciated you're input. I originally voted for this arrangement with the fbi in order to maintain our collective knowledge of threats to our city and to be able to simultaneously build a working relationship with the fbi in order to protect or citizens on many levels. The intent behind the yearly reporting was to indicate whether or not we have been asked to violate any federal or state laws and to determine the amount of resources devoted to this relationship with the federal government and determine whether or not this is a useful relationship that should continue. I've come to understand a little more about the facts, why voicing certain facts might jeopardize our ability to catch criminals. I don't believe there is extensive participation and I

April 2, 2014

have no doubt that our police force is dedicated to catching criminals. My main concern has been around the maintenance of civil rights of our citizens and our community. I believe there are police officers, including the officers involved with the fbi in this agreement are well trained, observant at staying within the law, and that they have been having their required meetings with the city attorney's office. However I can't support a report that fails to provide our community, as well me, with the data that would honestly show what's the nature of our relationship with the fbi, and whether it's protecting our citizens on both fiscal issues, criminality issues and human rights issues. I concur that we need another forum to have a discussion and see whether the current collaborative agreement is the right way to go. I believe we should have that policy discussion on a different way move forward and I look forward to engaging that, and respectfully I vote no.

Hales: Thank you for the discussion. I agree with all the comments my colleagues have made. Virtually everyone remembers my first exposure to the issue was when the initial vote was taken to join the jttf and I was the only council member at the time to vote no. I was not present for the drafting of the current arrangement. I find it unsatisfactory. So that's the premise of the meeting i'll have with the new special agent in charge. And again, I want to support the comments that have been made. We should have a full community debate f this is the only option or frankly to really look at what the options are. I'm not satisfied with the current arrangement. There are times when the federal bureau of investigations and our police bureau need to work together. I think almost all of us would agree with that, even if there are deep concerns about some federal agencies' activities, perhaps including the fbi. There are times when our police bureau and the fbi need to work together. There was a federal fugitive with a handgun in hillsdale a few weeks ago who got into a gunfight with one of our police officers who fortunately was only lightly wounded. I think very few people would question whether the fbi and the city of Portland's police bureau should are sharing information in a situation like that. The tragedy in boston, I would expect the fbi to cooperate and so would anyone else. The question is how do we do that in a way that people will accept and have confidence in, especially the five of us. But not just us. So that's where we're headed. I will indeed report back after my conversations with the new special agent in charge. I very much expect frankly this is the last report of this type that this council will be asked to vote on. Aye. [gavel pounded] okay. Let's move on.

Item 310.

Moore-Love: Item 310, authorize long term bonds for local improvement and sidewalk repair projects and financing of system development charges.

Hales: Thank you, good morning.

Jonas Biery, City Debt Manager: Good morning, mr. Mayor, commissioners, Jonas biery, the city's debt manager. The issuance of the long term bonds will allow a number of sdc and lid contracts with certain property owners convert from interim financing to a lower fixed-rate long term cost based upon current market conditions. I know this is an exercise we perform from time to time, typically every two or three years depending on the pool of assessments. In order to achieve lowest cost borrowing, the city will receive periodic payment from the assessment contract holders. Those payments will be used to actual pay debt service on the bond and the bonds will be structured in a manner that reasonably mirrors the expected receipt of those contract payments. We expect to issue the bonds prior to the end of this fiscal year, while we're requesting \$21.9 million we expect the issuance will be somewhat lower as we continue to work with the contract holders and determine which property owners choose to use the long term facility. I would be glad to answer questions.

Fish: Based on your professional judgment, do you think it is wise for us to issue these long term bonds?

Biery: If --

April 2, 2014

Fish: This is an artificial exercise, so bear with me. Have you in your professional capacity reviewed this request and determined that it is appropriate for us to support it?

Biery: Yes, that's correct.

Fish: Okay. Have you conducted any due diligence to determine whether there's a favorable interest rate environment for us to go out at this time?

Biery: We have, and agree it is a favorable environment.

Fish: Have you made a professional judgment to determine whether it is appropriate for us in full faith and credit to back these bonds?

Biery: We have. In fact, it would not be cost-effective for us not do that.

Fish: Those are three questions we would not be permitted to ask of mr. Beery after may 20th if the water district is adopted. The water district charter change directs that the council shall issue debt upon demand. So we have a professional and team that advises us as to whether it's proper or not to put the city's full faith and credit behind debt. The questions I just asked in this little exercise would be irrelevant in any future proceeding under the new charter where we would be directed to issue debt if the district directed to us do so. And there is no qualification in the proposed charter language that would give our professional team the opportunity to evaluate whether it was appropriate debt, the timing of the debt, the details of the debt or whether we should apply our full faith and credit to the debt. I wanted to make that clear on the record.

Hales: Thank you for doing that. Other questions for jonas? Anyone else signed up to testify?

Moore-Love: I didn't have a sign-up sheet.

Hales: Anyone want to testify on this item? Therefore it rolls to second read. Thank you. [gavel pounded] item 311.

Item 311.

Moore-Love: Authorize the bureau of transportation to acquire certain permanent and temporary property rights necessary for construction of the southeast holgate and southeast ramona, 122nd to 136th avenue sidewalk project, through the exercise of the city's eminent domain authority.

Novick: Colleagues, the sidewalk project will help facilitate safe connections along southeast holgate and near two neighborhood schools. They will construct curb extensions, green curb swale extensions, and marked bike lanes along southeast holgate. The project requires the acquisition of certain property rights. Marty Maloney from pbob is here to answer any questions.

Marty Maloney, Portland Bureau of Transportation: Marty Maloney with the Portland right of way. I just wanted to answer any questions you guys might have. Basically pbob is requesting this ordinance due to ors 35 requiring the city to complete condemnation ordinance to offer just compensation for the property owners for needed easement rights, and if necessary to condemn, to protect project timelines. Basically to complete holgate's ramona project, design pbob needs 27 temporary new construction easements for driveway, reconnections and two small permanent right of way easements for permanent easement acquisitions located on the street frontage of both properties.

Fritz: The two properties, have they agreed to that?

Maloney: We spoke to one of them and they are very agreeable to the project. We haven't had any conversation with the other one as of yet.

Fritz: Why?

Maloney: Usually we wait actually to get our condemnation ordinance to actually be able to talk to them a little bit more about what we're going to be doing in the project. I could, however, give them a call and ask them.

Fritz: Are we voting on this next week?

Hales: That's right, not today, it's next week.

Fritz: I would like to hear -- I was trained on the planning commission that often our exercise of eminent domain is welcomed by property owners, and it's more of a friendly condemnation because

April 2, 2014

that gives them tax advantages. I do take it very seriously when government is going to take private land, and I want to make sure that second property owner is aware of and has the opportunity to object.

Maloney: Yeah, most definitely.

Novick: So we can check back in in the next week?

Maloney: I can give them a call and ask them, usually when I complete the right of way portion I get your guys' okay with the condemnation ordinance and then go out and speak to the property owners and i'm able to collect a little bit more information. But yeah, I can give them a call.

Novick: The ordinance is the beginning of the process?

Maloney: Yeah, exactly. We're still waiting for odot to buy off on the right of way notice to proceed, as well. It's really in a preliminary part of what I do.

Fritz: I understand that, it's the only chance I have to weigh in and the only chance the property owner had as to object and stop the project if there's a significant issue. So i'd like to know that before I vote next week.

Maloney: No problem, I will make sure to get ahold of them.

Hales: Other questions? If not, this goes to second reading and we'll get answers. Thank you. [gavel pounded] item 312, please.

Item 312.

Moore-Love: Assess benefited properties for street, sidewalk and stormwater improvements in the southeast 82nd avenue of roses and bybee boulevard local improvement district.

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

Hales: It's good to see this effective use of the program, good stuff. Aye. [gavel pounded] 313, please.

Item 313.

Moore-Love: Repeal trn 8.05, 8.07 and 10.01 for inclusion in trn 8.08 encroachments in the public right of way.

Hales: Roll call please.

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

Fritz: I very much appreciate having these changes in the administrative rules come to Council. Aye.

Hales: Aye. [gavel pounded] 314.

Item 314.

Moore-Love: Adopt trn 8.08 encroachments in the public right of way, administrative rules.

Hales: Roll call.

Fish: I just want to note, commissioner novick, you have all the great jargon in your business. We have hearings on remonstrances, encroachments, a lot of drama in this work, aye.

Novick: Aye.

Fritz: Aye. I have a long statement to read into the record, but in general I want to say I very much appreciate the work of krueger in transportation and tom of my staff to help me understand what we're doing here, and particularly commissioner novick's willingness to delay and discuss these things with me. This is about the adoption and consolidation of administrative rules and regulations pertaining to objects in and use of the right of way. The right of way is intended to be for pedestrian and vehicular traffic and it's a public right of way. These rules indicate there are other uses as well, such as banners, planter beds, fences, etc which are allowed under certain circumstances. Something rather benign, others like sidewalk cafe require additional city code more than just an administrative rule. And it's good those come to council with code. All rules and code are important ingredients in maintaining the primary use of the right of way for the public. And for safe pedestrian and vehicular circulation. Other uses of the right of way should be considered by the community and by council. I was on the council when we adopted the latest sidewalk cafe code and

April 2, 2014

I know there wasn't any discussion of renting parking spaces for restaurant cafes. The title suggests it was about the sidewalks, not about the parking strip. I mention this because transportation under our previous commissioner has extrapolated the authority over the use of the right of way using the sidewalk cafe code and that's a significant policy issue. Greatly appreciate commissioner novick being willing to have that discussion at council at some point soon. I was on the council when we did the pilot of the ankeny street closure, which was quite controversial. It was intended to be a pilot and we extended that pilot. There has been little overall guidance on when we close off a street and allow it to be used for private streets. We had a beginning of a continued discussion with the bureau of transportation staff on monday during the budget discussion about other potential uses of unimproved streets for community areas. The concepts are good, but they have additional policy ramifications I would like to see come back to council so that we know and decide as a body how we're going to be using these public spaces. I do support the adoption of these administrative rules because they represent good input from community representatives. Because they are being adopted by the council we have additional public process. Because there is an additional amendment that gives a little more check and balance to the adopting of new administrative rules in circulating those to council on an annual basis. Very much appreciate your acceptance of that amendment. I look forward to continue working to develop better ground rules and how neighborhood right of way use is understood by the public and by council's participation in the process. Aye.

Hales: Aye.

Item 315.

Moore: Authorize intergovernmental agreement with Portland state university for traffic safety research, evaluation and communications.

Hales: Second reading and roll call.

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

Fritz: Again, thank you for your extensive discussions with me. Aye.

Hales: Aye.

Hales: Our final item today, 316.

Item 316.

Moore-Love: Authorize the acquisition of 7.47 acres of real property at 15004 southeast division for park purposes.

Fritz: Thank you Mayor. I'm very excited to bring this to council. The centennial neighborhood has been identified as one of the most park deficient neighborhoods in Portland in outer southeast. Parks has been looking for property suitable for a park in the centennial neighborhood for years. We have been actively seeking to purchase this particular property since 2007. It finally came on the market and we have the opportunity to purchase nearly 7.5 acres on division which will be later developed as neighborhood park although we don't have the money for that at this time. It's our best opportunity to acquire property close to the service gap in centennial neighborhood. Once developed this park will provide service within a half mile to 1,572 new households. 1,572 households, and of those 1,208 do not have a park or service area within a half mile. The cost is a little more than I hoped, but less than what it might have been. The purchase of the property is going to be paid for with \$1.7 million of the city's local share of the 2006 metro area greenspaces bond. Thank you to the citizens of metro for voting for that measure. And also for parks, a remainder from the park system development charges. The cost is approximately \$2.2 million. This is \$630,000 above the appraised value of \$1.57 but it's \$340,000 below the listed price of 2.54. We negotiated with the owners to get to a price we could all agree to. When I was initially shown a proposal and was told it was about the appraised value, I did my due diligence and looked at the maps in the developed area. Indeed, it is the last big property in this area. I'd like to ask staff to come forward and see if you have any questions.

April 2, 2014

Zalane Nunn, Parks & Recreation: Hi, i'm with parks and i've worked on this acquisition. I'm happy to answer any questions.

Fish: I'm reminded we're about to put a number of parcels of property through bureau of environmental services out for bid, including terminal 1, a very attractive piece of property used during dan's days on big pipe. It has a value on the tax rolls that is published. We've already heard from so many interested parties we expect there will be somewhat of a bidding war and we'll be able to pay more. It's not unusual that we pay more than the tax price or the appraised value, because each of these transactions is arm's length. I go back to just the basic point, which is because of this full run on multifamily development and a flood of money coming into our coffers you've been able to do something historic in east Portland and double down on a promise we made. I congratulate you for staying true to your vision.

Novick: Oh, do we have even a wild-eyed guess as to what the ongoing o&m will be once the park gets going?

Fritz: We have a specific guess, \$17,097. It's low because we're going fence it and mow it and leave it as it is and not have it for public use until there's a master plan and it can be developed.

Novick: Do we expect at some point there will be a master plan and be developed?

Fritz: Not in my tenure on the council. It will eventually. We have enough to do one master plan citywide in this upcoming fiscal year. It won't be this one because it's the last in. There are others that have been waiting for decades.

Fish: I'd be willing to make a motion to put it into a contingency of a half million a year for o&m if you like. Just so some future triggering event --

Novick: And agree it comes out of --

Hales: Stop it.

Hales: Further actual questions, as opposed to those statements. There is anyone that wants to testify on this item?

Moore: Mr. Johnson signed up but I believe he has left.

Hales: It's an emergency ordinance, let's take a role call.

Fish: This comes on the heels of the funding for the master plan of 20 acres, and on the heels of also a significant investment in cully and someday we'll just have to tag you as the robert moses of the park system for all the investments you're making in this part of the city. Again, congratulations. This is money that's a bit of a windfall partially because of the market. But you were very clear about your priorities about where the money will be invested and you have held true to the commitment you made and I congratulate you.

Saltzman: Thank you for the continuing addition for a new park, ultimately. Aye.

Novick: If I recall correctly, robert moses was known for neglecting undisturbed areas in addition to his efforts in transportation. I take offense on commissioner Fritz's behalf for your characterization. I do very much appreciate her efforts to ensure that underserved parts of the city do have parts. I have to be cassandra for a moment to note at some point we will be able to develop this into a park and it'll have o & m costs. Either we will be responsible for o & m or we will close down existing parks or find other cuts in the budget, primarily police and fire. I hope by the time we have a master plan for this park we have worked all that out. Aye.

Fritz: Thank you, commissioner novick, I hope you have. It's daunting to think of the amount of unfunded needs we have and the ongoing maintenance and operations of our parks. As soon as you get your transportation funding figured out we will be having more conversations with the community. I'm grateful we have the metro bond measure money which was designated to be targeted to centennial, cully and argay which is not coincidentally why we have been investing in those neighborhoods. Thanks to zalane Nunn, good work on bringing it to a close. The whole team at Portland parks are excellent at looking out for these opportunities and saving the land while we can. We don't know how we're going be able to master plan and build it, we don't then know how

April 2, 2014

we will be able to maintain it but if we don't buy it it won't be there. I was very glad to be able to bring this one home. Aye.

Hales: Amanda, I don't think you're the robert mores either, although he maybe deserves a little bit of the park system but I think you're the emanuel meesh of our time.

Hales: Most people don't even know who he is, that's my point. This is part of a very long continuum. I guess my counsel, commissioner novick, these opportunities come along and we have to seize them. Commissioner Fritz is doing exactly the right thing to seize this one because they are not making any more land. What we've done as a city over time is had that vision of a great city parks system and a park within range of every citizen. And then be opportunistic about how that might happen. Emmanuel meesh was the project manager, hired by Frederick law olmstead firm to come to Portland and complete the parks master plan he did for the parks board in 1901. He then refused to leave Portland after the project was done and became our first parks director. And then designed columbia park and laurelhurst park and sellwood park and some others in the system. One of the things in the report was a recommendation that someday it would be a long way from Portland to the forest, which sounded absurd in 1901. We should set aside a forest reserve in the nw hills so Portlanders could see a forest. That languished for 45 years until after a developer went bankrupt, a Multnomah county assessment and taxation staffer called the Portland parks bureau and said, we've got this 2500 acres that went belly up, do you want it? The predecessor of our current parks planners had the good sense to say yes, and took it. So that's how we started forest park. There's a guy -- another name many people in Portland wouldn't remember, don clark, who assiduously set about picking up five acres here and 10 acres there in what we now call east Portland that was deeded over as 10 unimproved neighborhood park sites like this one when I was parks commissioner. We've gotten lucky a few times invested when the opportunity has come available. I'm just enormously enthusiastic about this move. This was the one and only opportunity to correct the lack of a park in this neighborhood. That's a bargain at any price.

Fish: Will the gentleman yield? I'd like to change my -- in retrospect, amanda Fritz is the jane jacobs.

Fritz: I accept your accolade, thank you.

Hales: And a woman to boot.

Fritz: I had noticed that.

Hales: We are adjourned.

At 11:48 a.m., Council adjourned.