



CITY OF  
**PORTLAND, OREGON**

OFFICIAL  
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 17<sup>TH</sup> DAY OF SEPTEMBER, 2014 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish and Fritz, 3.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Ben Walters, Chief Deputy City Attorney at 9:30 a.m. and 10:48 a.m.; Linly Rees, Deputy City Attorney at 10:00; and Jim Wood, Sergeant at Arms.

		<b>Disposition:</b>
<b>DUE TO THE ABSENCE OF TWO COUNCIL MEMBERS THE CONSENT AGENDA AND EMERGENCY ORDINANCES WERE RESCHEDULED</b>		
<b>COMMUNICATIONS</b>		
<b>953</b>	Request of Dan Handelman to address Council regarding meeting with the Mayor and police accountability concerns (Communication)	<b>PLACED ON FILE</b>
<b>954</b>	Request of Regina Hannon to address Council regarding meeting with the Mayor and police accountability concerns (Communication)	<b>PLACED ON FILE</b>
<b>955</b>	Request of Barbara Ross to address Council regarding the need for a strong and clear police accountability system and the Mayor's role (Communication)	<b>PLACED ON FILE</b>
<b>956</b>	Request of Carol Landsman to address Council regarding meeting with the Mayor and police accountability concerns (Communication)	<b>PLACED ON FILE</b>
<b>957</b>	Request of Mike Tabor to address Council regarding meeting with the Mayor and police accountability concerns (Communication)	<b>PLACED ON FILE</b>
<b>TIMES CERTAIN</b>		
<b>958</b>	<b>TIME CERTAIN: 9:30 AM</b> – Declare intent to initiate local improvement district formation proceedings to create a local improvement district to construct street, sidewalk and stormwater improvements in the SW 45 <sup>th</sup> Ave and California St Local Improvement District (Resolution introduced by Commissioner Novick; C-10048) 30 minutes requested for items 958 and 959 (Y-3)	<b>37087</b>

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<p><b>959</b></p>	<p>Amend ordinance to modify the conditions of approval and revise the legal description for the vacation of a portion of SW 46th Ave and a portion of SW Florida St subject to certain conditions and reservations (Ordinance introduced by Commissioner Novick; amend Ordinance No. 185174; VAC-10070)</p> <p><b>Motion to amend directive c(2) to add to first sentence “or as a condition of approval of a conditional use review approval for St. Luke church, whichever comes first”:</b> Moved by Fritz and seconded by Fish. No vote taken.</p>	<p><b>CONTINUED TO OCTOBER 15, 2014 AT 9:30 AM</b></p>
<p><b>960</b></p>	<p><b>TIME CERTAIN: 10:15 AM</b> – Appeal of Arlington Heights Neighborhood Association and Hilary Mackenzie against Hearings Officer’s decision to approve a conditional use review and an environmental review for proposed development at the Portland Japanese Garden at 400 SW Kingston Avenue (Introduced by Commissioner Fritz; Previous Agenda 904; Adopt Findings; LU 14-122172 CU EN) 10 minutes requested</p> <p><b>Motion to deny the appeal, uphold the Hearings Officer’s decision as modified and supplemented and approve the application of the Portland Japanese Garden Society for a conditional use and environmental review:</b> Moved by Fish and seconded by Fritz. (Y-3)</p>	<p><b>FINDINGS ADOPTED</b></p>
<p><b>961</b></p>	<p><b>TIME CERTAIN: 10:30 AM</b> – City Fleet awarded national recognition as a Certified Fleet Management Operation (Presentation introduced by Mayor Hales) 15 minutes requested</p>	<p><b>PLACED ON FILE</b></p>
<p><b>CONSENT AGENDA – NO DISCUSSION</b></p>		
<p><b>Mayor Charlie Hales</b></p>		
<p><b>*962</b></p>	<p>Authorize the Mayor to enter into a Funding and Participation Agreement with the Portland Harbor Natural Resource Trustees to pursue settlement of natural resource damages relating to the Superfund Site (Ordinance)</p>	<p><b>RESCHEDULED TO OCTOBER 1, 2014 AT 9:30 AM</b></p>
<p><b>Bureau of Planning &amp; Sustainability</b></p>		
<p><b>*963</b></p>	<p>Amend Intergovernmental Agreement with Metro to accept an additional \$44,741 in grant funds for the Construction Excise Tax Grant - Mixed Use Zoning Project (Ordinance; amend Contract No. 30003798)</p>	<p><b>RESCHEDULED TO OCTOBER 1, 2014 AT 9:30 AM</b></p>
<p><b>Office of Management and Finance</b></p>		
<p><b>*964</b></p>	<p>Pay claim of Cleon Harris in the sum of \$78,685 involving the Portland Fire Bureau (Ordinance)</p>	<p><b>RESCHEDULED TO OCTOBER 1, 2014 AT 9:30 AM</b></p>
<p><b>Commissioner Dan Saltzman Position No. 3 Portland Housing Bureau</b></p>		

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<p><b>965</b> Approve, deny and terminate limited tax exemptions for properties under the Homebuyer Opportunity and Multiple-Unit Limited Tax Exemption Programs (Resolution) (Y-3)</p>	<p><b>37088</b></p>
<p><b>Commissioner Steve Novick</b> <b>Position No. 4</b> <b>Bureau of Emergency Management</b></p>	
<p><b>*966</b> Authorize application to the Rockefeller Foundation for a grant in the amount of \$1,000,000 to develop and implement a citywide resilience plan, become an integrated member of the 100 Resilient Cities Network, and create a Chief Resilience Officer within City government (Ordinance)</p>	<p><b>RESCHEDULED TO OCTOBER 1, 2014 AT 9:30 AM</b></p>
<p><b>Commissioner Amanda Fritz</b> <b>Position No. 1</b> <b>Portland Parks &amp; Recreation</b></p>	
<p><b>*967</b> Accept a \$40,000 grant from the Oregon Department of Education and authorize a price agreement with Centennial School District for the Afterschool At-Risk Meal and Snack Program (Ordinance)</p>	<p><b>RESCHEDULED TO OCTOBER 1, 2014 AT 9:30 AM</b></p>
<p><b>Commissioner Nick Fish</b> <b>Position No. 2</b> <b>Bureau of Environmental Services</b></p>	
<p><b>*968</b> Accept a grant in the amount of \$200,000 from the State of Oregon Department of Environmental Quality for the Lower Columbia Slough Refugia Project (Ordinance)</p>	<p><b>RESCHEDULED TO OCTOBER 1, 2014 AT 9:30 AM</b></p>
<p><b>*969</b> Accept and appropriate a grant in the amount of \$20,320 from Oregon Business Development Department for brownfield project cleanup planning (Ordinance)</p>	<p><b>RESCHEDULED TO OCTOBER 1, 2014 AT 9:30 AM</b></p>
<p><b>City Auditor LaVonne Griffin-Valade</b></p>	
<p><b>*970</b> Assess property for system development charge contracts and private plumbing loan contracts and safety net loan deferral contracts (Ordinance; Z0806, K0149, T0160, T0162, W0037, P0128, Z1196, K0150, T0163, Z0807, W0038, P0129)</p>	<p><b>RESCHEDULED TO OCTOBER 1, 2014 AT 9:30 AM</b></p>
<p><b>REGULAR AGENDA</b> <b>Mayor Charlie Hales</b></p>	

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<b>Office of Management and Finance</b>		
<b>971</b>	Amend Code relating to franchises, public utility privilege taxes and Utility License Law for consistency and clarity (Ordinance; replace Code Chapter 7.12 and amend Section 7.14.040)	<b>PASSED TO SECOND READING SEPTEMBER 24, 2014 AT 9:30 AM</b>
<b>Commissioner Steve Novick</b>		
<b>Position No. 4</b>		
<b>Bureau of Transportation</b>		
<b>*972</b>	Authorize contracts as required with 15 technical and expert service firms for on-call architecture and engineering services in support of the Portland Bureau of Transportation (Previous Agenda 949)	<b>RESCHEDULED TO OCTOBER 1, 2014 AT 9:30 AM</b>
<b>*973</b>	Authorize contracts as required with eight service firms for Right of Way Appraisal and Acquisition and Relocation projects that are funded through Federal Aid (Previous Agenda 950)	<b>RESCHEDULED TO OCTOBER 1, 2014 AT 9:30 AM</b>
<b>Commissioner Nick Fish</b>		
<b>Position No. 2</b>		
<b>Bureau of Environmental Services</b>		
<b>974</b>	Amend Intergovernmental Agreement with U.S. Fish and Wildlife Service in the amount of \$62,577 to collect and analyze data from the Tryon Creek basin and other watersheds (Second Reading Agenda 947; amend Contract No. 30001882) (Y-3)	<b>186806</b>
<b>975</b>	Authorize an Intergovernmental Agreement with Oregon State University in an amount not to exceed \$11,500 to process and analyze data from Portland watersheds (Second Reading Agenda 948) (Y-3)	<b>186807</b>
<b>976</b>	Authorize contracts with Brown and Caldwell, Inc., Kennedy/Jenks Consultants, Inc. and Murray, Smith & Associates, Inc. for professional engineering services to continue the Sewer System Rehabilitation Program: Project No. E10031, Phase 2 Pipe Rehabilitation; E10500, Phase 3 Pipe Rehabilitation; and E10576, Large Diameter Sewer Rehabilitation; for a total of \$9,000,000 (Second Reading Agenda 951) (Y-3)	<b>186808</b>
<b>Water Bureau</b>		
<b>977</b>	Authorize a contract and provide payment for the construction phase of the Well Site Improvements Project at an estimated cost of \$750,000 (Second Reading 952) (Y-3)	<b>186809</b>
<b>City Auditor LaVonne Griffin-Valade</b>		
<b>978</b>	Assess property for sidewalk repair for the Bureau of Maintenance (Hearing; Ordinance; Y1084) 15 minutes requested	<b>PASSED TO SECOND READING SEPTEMBER 24, 2014 AT 9:30 AM</b>

At 11:40 a.m., Council adjourned.

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ORIGINALLY SCHEDULED MEETING OF THE COUNCIL OF THE CITY OF  
PORTLAND, OREGON FOR THE 17<sup>TH</sup> DAY OF SEPTEMBER, 2014 AT 2:00 P.M.

<b>DUE TO LACK OF AGENDA THE MEETING WAS CANCELED</b>		<b>Disposition</b>
<b>979</b>	<b>TIME CERTAIN: 2:00 PM</b> – City Club report on sewer and water utilities: Rising Rates and Customer Concerns (Report introduced by Mayor Hales) 1 hour requested	<b>REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</b>
<b>980</b>	<b>TIME CERTAIN: 3:00 PM</b> – Establish annual cap on estimated foregone revenue for the Multiple-Unit Limited Tax Exemption Program (Resolution introduced by Commissioner Saltzman) 20 minutes requested for items 980-983	<b>RESCHEDULED TO OCTOBER 1, 2014 AT 9:30 AM</b>
<b>981</b>	Approve application under the Multiple-Unit Limited Tax Exemption Program for Block 67 located at E Burnside St and NE Couch St between NE 2nd Ave and 3rd Ave (Ordinance introduced by Commissioner Saltzman)	<b>RESCHEDULED TO OCTOBER 1, 2014 AT 9:30 AM</b>
<b>982</b>	Approve application under the Multiple-Unit Limited Tax Exemption Program for Block 8L located at NW Naito Parkway and 1st Ave between NW Couch St and Davis St (Ordinance introduced by Commissioner Saltzman)	<b>RESCHEDULED TO OCTOBER 1, 2014 AT 9:30 AM</b>
<b>983</b>	Approve application under the Multiple-Unit Limited Tax Exemption Program for Riverscape Lot 1 located at NW Front Ave and NW 15th Ave (Ordinance introduced by Commissioner Saltzman)	<b>RESCHEDULED TO OCTOBER 1, 2014 AT 9:30 AM</b>

**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.

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**Closed Caption File of Portland City Council Meeting**

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

Key: \*\*\*\*\* means unidentified speaker.

**SEPTEMBER 17, 2014**

**Hales:** Good morning, everyone, and welcome to the September 17th meeting of the Portland City Council. We'll begin our agenda in a moment -- but first, we have some procedural announcements. Commissioner Novick is away, and Commissioner Saltzman is ill. So, we will not be able to take action on items that have the emergency clause today, which means virtually all of our consent calendar is going to get set over to next week. Then, there are a couple of items on the regular agenda that are also being requested to be rescheduled -- namely, items 972 and 973 are going to be rescheduled for next week as well. Then, this afternoon's calendar consisted -- I'm using the past tense -- of two items, both of which are being canceled or rescheduled. So we will not be meeting at 2:00 p.m. today, if anyone is watching or here with an eye on those items. So, we'll be addressing the morning agenda this morning on anything that we legally can act on with three of us, and those items will be heard in order. But there are a number of items that are emergency clauses or otherwise being rescheduled, as I've mentioned. So, I hope that makes sense. It's a little unusual for us to only have three of us, so we're adapting. Again, welcome. We'll begin with communications items, we'll have people called up in order on that. After that, we'll take up the regular agenda. The tradition in this chamber is that we give everyone a chance to speak, and so everybody who would like to sign up to speak on a regular calendar item can. We typically give people three minutes. You need only give us your name, you don't need to give us your address. If you represent an organization as a lobbyist, please let us know that because that's required under city code. And then in terms of the public demonstrations, we would like to ask people to observe decorum here. If you agree with someone and want to demonstrate that, wave your hand or something like that. But since people have the right to say something that you may not agree with, we ask people not vocally support or oppose their fellow citizens when they're up here talking to us and to the community. So those are the ground rules. Again, welcome, and we'll begin with calling the roll -- thank you -- and then we'll go to communication items. Thank you again.

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

**Hales:** Thank you. So now we'll turn to item 953.

**Item 953.**

\*\*\*\*\*: [inaudible]

**Hales:** You can come as a group because you have others on the same subject, sure.

**Dan Handelman:** Thank you. Mayor Hales and members of council, my name is Dan Handelman, a member with Portland Copwatch. Five of us are here today to conduct a meeting with the mayor, as we spent over four months trying to get a sit-down meeting. We were alarmed by a number of city policies that were being formulated behind closed doors with no public discussion in these chambers. We wrote a lengthy analysis outlining our concerns. Despite being clear about these concerns, we were blocked by the mayor's current policy aid, current officer Deanna Wesson-Mitchell, who insisted we meet with her first to clarify these issues. Since our concerns include discussions held in private, we decided holding this meeting publicly would be most productive, albeit limited to 15 minutes and possibly a one-way conversation. You'll be hearing about issues of targeting homeless people, our oversight system, and video recording by the police. But I want to address a few issues, including one the mayor and I first encountered in the year 2000, the Joint Terrorism Task Force. Earlier this year, when the chief brought forward his less than satisfactory

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annual report on the bureau's participation with this FBI project, the mayor said he would ask the new special agent in charge for security clearance to properly oversee the Portland officers' involvement with JTTF. He also said he would bring the issue back to Council this summer if that did not happen. This is the last meeting before fall. One bit of information we did get from Ms. Wesson-Mitchell in response to our concerns was, quote, the mayor will not apply for or receive a security clearance as actually a standard throughout the nation. This shows a lack of insight into the history of the controversial issue, as the mayor in Portland is the police commissioner. While the other mayors may not have such clearance, it's our understanding that some police commissioners do. We also raised concerns about the stop and talk program that was outlined in the December issue of the Portland Tribune, which featured two officers stopping a car full of young African Americans, and one officer saying, you don't mind if we pat you down so we can speak like gentlemen. I don't know about you, but when I'm chit-chatting with friends or fellow Portlanders, I don't start the conversation by searching them for weapons. It's still not clear to us if this program - - which reportedly had to do with officers getting out of their cars for 15 minutes at a time -- is the same as the Neighborhood Involvement Locations program, or the quality of life patrols in the Hawthorne and Lloyd districts. We heard one story of a business person in a north Portland NILoc who was concerned that the foot patrols made it seem as if it was a high crime area, and anecdotal evidence that the people being approached on foot seemed to be primarily African American. Lack of written documentation on these programs make it very difficult to accurately assess the potential rights violations inherent in them. And of course, the lack of discussion of the issues at council means that broader community -- including those who will most likely be recipients of the policy's provisions -- people of color, homeless people and others vulnerable to police contact -- have no input into them. We would like to get copies written policies for stop and talk, NILoc, quality of life, and clarity on JTTF. And I seem to have 20 seconds left. While I have that 20 seconds, I should say, we also have concerns about the police review board still being closed to the public, and many other concerns that we will outline to you in the follow-up written paperwork.

**Hales:** OK, thank you. Good morning.

**Regina Hannon:** Good morning. Mayor Hales, Commissioners --

**Fish:** Bring the mic down just a little bit.

**Hannon:** My name is Regina Hannon, and I've been a member of Portland Copwatch for 10 years. In April, we asked for a meeting with the mayor, but were told that June would be better due to the budget process. We agreed, and made several other attempts to get a meeting scheduled. It is now September. However, this has resulted in our able to being able to discuss our concerns in a very public forum, and this is a good thing. My major concern is how the city and the Portland Police Bureau treat people who are homeless, and I find this to be inhumane and shameful. The Portland Police Bureau is constantly coming up with programs to make the lives of the homeless even more difficult than they are. First, there was Prosper Portland. Chief Reese stated this would ensure prosperity for everyone, including the homeless. That didn't happen, and the program presumably died. Then came the Chronic Offender Pilot Project, COPPP. If people indulged in certain behaviors, they were placed on the list, and if the behavior recurred, the person was charged with interfering with a police officer, IPO. When it was first instituted, 17 of 19 arrestees were alleged to be in violation of the sidewalk ordinance. This was completely wrong -- miscommunication, according to the DA's office. However, they couldn't undo the convictions already in place. Our articles in our recent people's police reports provide more information regarding the steps occurring after the arrests, including appearances in community court. I've spoken with a number of homeless people who are repeatedly stopped by the police and asked for their ID. In one instance, a man was told if he didn't produce his name and ID, he would be arrested. This doesn't happen to me, so why are my fellow human beings being treated differently? This seems too much like those times in recent history when certain people were stopped and asked to produce their papers. Frightening. The mayor signed a contract in April with Pacific Patrol Services, a private security firm that can go to

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various campsites, dismantle them, and confiscate people's property. To me, this smacks of theft and results in the taking of the most basic belongings, such as sleeping bags, blankets, and medication. Retrieving these belongings can be arduous and complicated. Fear of those who might be perceived as different is still being used, and most always about people who are homeless. There was a recent article about community policing in the Hawthorne area, but there seems to be some distinctions made between the homeless, people selling crafts, and travelers. We have some concern regarding the treatment of the travelers, and we ask, what is the distinction, how is it made, and who makes it? All people must be treated humanely and respectfully, or we are not the society we need to be. Thank you.

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

**Barbara Ross:** Hi, Mayor Hales and members of the council. First, I want to thank you for your thoughtful and patient service of our community. You spend many long hours in meetings, and I know this is difficult and challenging for you. I am here on behalf of Copwatch, an organization that has been monitoring the Portland Police Bureau for 20 years. And I want to applaud the current steps you're making to implement the DOJ agreement and improve training, performance, and accountability. However, there remain some serious barriers to successful implementation of the agreement. One of the most troublesome dictates the CRC -- the Citizen Review Committee -- must complete their appeals in 21 days. This is simply not possible, given the requirements that are in other parts of the DOJ agreement and that are in the City of Portland ordinances. The CRC, a dedicated group of volunteers, has to go through several steps. They have to review the files, they have to study the evidence, they have to determine if they need to ask for more investigation. The DOJ agreement requires that the bureau do an investigation if the CRC requests it. They hold a hearing, and then if they disagree with the bureau's findings, they send it back to the chief. If he disagrees, then they set up a conference hearing where they can discuss their differences. Ultimately, if the differences are not resolved, this thing goes the city council for an ultimate decision. At a recent hearing at the CRC, one of the DOJ representatives indicated there might be some flexibility in this area, and the 21-day timeline might extend the 41 days. That would be helpful, but it still would require changes to the city ordinances. And also, any new procedure needs to be really respectful of the time of our CRC members, many of whom are professionals who work full-time. So, it is important that everybody work together to resolve this issue. While the framing of the recommendations will depend on hard work from staff, we need strong leadership from you, Mr. Mayor, from the chief of police, and from the Auditor's Office to figure out a way to meet these dual goals of fairness and timeliness. Many people have said that we need to shorten the time that officers are held in limbo here, so it's important that we address this issue, and I thank you for your time.

**Hales:** Thank you.

**Ross:** I have 20 seconds? Well, one more thing. Officer Wesson-Mitchell holds an important position as your policy aid. However, since she was plucked out of the bureau, we have questions about her capacity to be impartial. And since she may want to go back to the bureau at some time in the future, we are concerned that she may be hesitant to make waves or to burn bridges. So, thank you for this opportunity.

**Hales:** Let me start with -- because you've requested to begin with me -- and in every case on every issue, I ask that people start with my staff. And I have full confidence in Ms. Wesson-Mitchell. Just as I plucked Gail Shibley out of state service and Jackie Dingfelder out of the state legislature and Jillian Detweiler out of TriMet, I have staff who have worked elsewhere in public service, and that's the case with Deanna as well. But in every case, I have full confidence in them, and their job is to be transparent and to bring me community concerns without coloring them with their own point of view, and to take my instructions to the bureaus or elsewhere with a similar transparency. So, I do ask you meet with her first. You may not agree with her analysis of your points, but they'll get to me -- again -- unfiltered, but that's how every discussion in my office starts, whether it's

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about land use, or transportation, or police, or anything else. So, I would like to end this impasse and ask you to have a meeting with her, and we'll follow-up after that. There are a number of these issues you raised that I definitely want to spend time talking with you about, and that you're going to hear things from our office on -- obviously, the DOJ settlement first and foremost. But there's a lot underway on these issues at the moment. So it's good that we have these conversations here and in my office and elsewhere. But do start with Deanna Wesson-Mitchell. She's my designated liaison to the police bureau, and I think you'll find that maybe she's more independent-minded than you might have presumed.

**Ross:** We would hope so, thank you.

**Fish:** Barbara, before we lose you, can I also acknowledge -- over the weekend I read the beautiful obituary of Leanne McCall, and was reminded of her service over the last -- the entire time I've been in Oregon, but certainly, public life around League of Women Voters and a whole host of issues. And I believe there's a memorial service in early October, which I hope is very well-attended, and I intend to be there. But I want to acknowledge her legacy because once upon a time, she would be sitting here as well, expressing views about issues of concern, and she will be greatly missed.

**Ross:** Thank you, Commissioner Fish. I think that the point is that in some way, we have to get to a partnership in working on these difficult issues. Thank you.

**Handelman:** And you'll be hearing more about our concerns.

**Hales:** OK, great. Thank you very much.

**Item 956.**

**Item 957.**

**Hales:** Good morning.

**Carol Landsman:** Hi. I'm Carol Landsman, I'm a relatively new member of Copwatch, and as a new member, I had to get up to speed relatively quickly. I did so by going to Copwatch trainings and going to meetings such as the CRC, and the community police communications committee, meeting with Right 2 Dream Too, AMA, talking with people on the street. And I think I'm beginning to have a really good understanding of police and city issues regarding this matter. So, I was really surprised when we couldn't get a meeting with you. Because we really do have depth and breadth on police issues. Now, it is true that Ms. Wesson-Mitchell offered us a meeting. However -- and you may not know this -- in her emails to us, she wrote, Portland Copwatch has -- this is the quote -- lack of information and a predisposition to bad intent. She also said that we make false, overarching statements that are simply not true. And she finally said our emails are full of misrepresentations and inaccuracies. We talked about meeting with her, but in light of those comments, we felt that she was not objective and would not listen to us fairly. Anyhow, moving on to my second issue. Some of the issues I've noticed in the CRC meetings -- or the community relations committee -- have been an education for me. Recently, we were hearing the case -- the CRC was hearing the case of a police officer who had pepper sprayed a man and his girlfriend because he was thinking of arresting them. Anyhow, the police speaking in his behalf said that they thought that that was a good decision on his part because it was the least use of force. Now, he could have shot them, he could have tasered them. I was just amazed. Why was there no discussion of no force? That wasn't even on the table. I was really quite concerned by that. Another thing that has concerned me is the Independent Police Review department officer, when telling of his findings regarding that horrible case of the nine-year-old girl who was handcuffed and arrested and taken to the police station in her bathing suit -- there was a note they couldn't do anything because there was no police directive about that. However, there is a state statute that says that children under 10 may not be arrested, not be taken down to the police station to be fingerprinted. Yet the independent review board officer did not mention that at all, and I was concerned about the lack of total and complete research. Thank you.

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

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**Mike Tabor:** Good morning. Hello, Mayor and City Council. My name's Mike Tabor, and I am a member of Portland Copwatch that wanted to sit down and meet with you about concerns our group had regarding filming by the police. I'm now using this time to speak to you because our group was not able to get a meeting without getting by Officer Wesson-Mitchell's conflict of interest. I know we discussed this a bit here prior. Her position on this issue we've raised comes off as a defensive of the bureau's behavior and policies. We feel this is not helpful for someone who should be listening to our community concerns and figuring out how to implant change, rather than helping perpetrate the status quo. We are concerned about the filming, about the police filming residents of Portland. We've seen over and over police filming people at public gatherings and protests. When asked why they were filming or what they were doing, the police usually reply we are using it for training purposes and to ask the city attorney for more information. We know that ORS 181.575 states the police are not to be filming, spying, or recording citizens, religious organizations, or political groups. And we are concerned the police are continuing to film and collect this footage to this day. We have written about this concern repeatedly. This concern of filming by the police takes me to the point of lapel cameras better that are to be worn by the police. I am speaking of the body camera worn by an officer while on duty. Because there's not enough information on what is happening with the camera data and the use of storage of the video footage collected, and whether it will be viewed with transparent oversight, we at Portland Copwatch are not able to support the police filming the residents of Portland using these cameras. There have been only one public study so far of this type of camera worn by the police, and the information doesn't prove it makes police behavior any safer. It was paid for in part by the camera's manufacturer, who stands to make money from the press. Many were saying the police wearing cameras can stop abuse in police conduct, but we don't know if that's true or if it even changes the police conduct. We do encourage people to film the police -- and in fact, we are training the public on how to film the police and what a person's rights are. But it is our opinion that having the police film citizens with body-worn cameras is potentially illegal. There needs to be more conversation with the public, oversight committees, and organizations on what this type of filming does to our privacy, and how the recordings will be stored and accessed. Will the acquired footage be used for spying, tracing, investigating, or data mined for information? We have no assurance the police will use the footage for accountability purposes. We do not know how or who will be reviewing the video tapes and how it will be related to discipline or to correcting bad behavior. We are concerned the footage will be used as a dragnet to hunt for evidence or prosecute people. It could be used in assisting investigations that are not warranted nor would be allowed under the purview of a legitimate police business. It seems the city already made up its mind to get these cameras, but these questions need to be discussed with residents who need to feel safe and secure in their rights to privacy not to incriminate themselves. In conclusion, the police should not film the citizens of Portland by any type of camera without at least a reasonable suspicion of criminal activity, as called for in ORS 181.575.

**Hales:** Thank you. Again, I want to recommend first that you meet with Deanna and talk through these issues with her, and we'll take it from there. Secondly, the Willamette Week story about the foot patrols on Hawthorne was an unusually accurate news story -- in my point of view -- having been there on the street that day when the reporter was getting the information for her story. So, if you are haven't had a chance to take a look at that foot patrol that Sergeant DeLand and his officers are carrying out on Hawthorne, and talk to the citizens and the merchants and residents and visitors to that street, I urge you to do that, because I learned a lot from having those conversations and from having some of the young people who some describe as travelers come up and talk about the first constructive conversations they've ever had with a police officer being the ones that they had with those officers. So I regard that particular experiment as a success, but I would love to hear your perceptions of it if you have a chance to see how it's working both downtown and on Hawthorne. But in central precinct, we're using a lot more of that kind of a relationship-based approach where

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the officers actually patrol the same area day after day, week after week, know the people. And actually, we've issued only 19 citations on Hawthorne in the whole summer. So it's mostly avoiding problems rather than responding to them. Again, I would urge you to follow up with Deanna and follow up with some of that kind of field work, if you haven't done that already. The issue of filming is an interesting one, and the council is going to be discussing that as well. In my experience so far as police commissioner, the most dramatic and useful information that we've obtained from filming was one by a citizen in the case of an officer-involved shooting at Adventist hospital, and the other by the car cameras in the incident where the man confronted two of our officers on the roof of a parking garage and started firing his shotgun. In those two incidents, the presence of film that was by a citizen or by the police bureau helped really resolve the question about whether the officers acted appropriately in their use of force. So my impression, at least, is that properly-managed and with the proper controls, having video of our officers doing their work is more beneficial than not. Quite possibly, it influences their behavior, but certainly helps inform analysis of what actually happened out there rather than just word of mouth. So, I'm inclined towards the use of video, whether it's by officers wearing a lapel camera or having a camera in their vehicle, or by citizens filming an event. I take your point seriously about what are the controls on this, how does the information get managed, what are the purposes for which this information is being collected. All very legitimate civil liberty questions. But it appears to me -- and it did at the first time I tried on Google glasses at a conference last January -- that this technology, like all technology, could make the world a better place if properly used. So there's some interesting questions. I appreciate your interest in the subject and in the conversation, and again, something that I'm inclined towards but I understand the need for us to do it right.

**Tabor:** Thank you.

**Hales:** Thank you very much.

**Fritz:** So Mayor, I have a follow-up question. First of all, Dan Handelman mentioned the full out discussion on the Joint Terrorism Task Force. It kind of escaped my notice that the summer has flown by. What is your plan for having that?

**Hales:** Bring a recommendation to council on that subject pretty soon.

**Fritz:** So, do you have time frame?

**Hales:** I would say 30 days.

**Fritz:** Great, thank you. And then I wanted to make an announcement about the interviews for the Compliance Officer Community Liaison, which will be on Monday, September 29 from 9:00 in the morning 'til 1:00 in the afternoon in the Portland Building. Those will be public meetings. The candidates will give presentations, and then they will be interviewed by community panels. So I encourage everybody who's interested to either watch that on the Portland Community Media -- thank you again for videotaping all of our council sessions -- and also to participate. After the interview process, there will be a 30-day comment period, and then following that, the council will make a decision as to which of the candidates to hire. So all of that information will soon be posted on the city website, and I encourage everybody to participate.

**Hales:** Thank you. Thanks very much. Let's move to -- consent calendar is going to be held over in its entirety to next week because the one item requested to be pulled was being requested by Commissioner Saltzman --

**Moore-Love:** We have one more, 965. Commissioner Saltzman's office asked for it to be pulled. It's a resolution.

**Hales:** Right, but he wants to hold that over for next week, I believe. Did I get that wrong?

**Moore-Love:** Is anybody here from Commissioner Saltzman's office?

\*\*\*\*\*: [inaudible]

**Hales:** I'm sorry. Yeah, rolls over to the October 1st agenda, right?

**Moore-Love:** 966 does.

**Hales:** 965 is still being pulled and we are going to hear it today?

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\*\*\*\*\*: [inaudible]

**Fritz:** No, we're not -- oh, I'm sorry.

\*\*\*\*\*: 966 is being rolled over to October 1st.

**Fritz:** So Commissioner Saltzman's staff are here to talk about 965?

**Moore-Love:** They will be.

**Hales:** OK, but the entire consent calendar with the exception of 965 is being rolled over to next week.

**Moore-Love:** To October 1st.

**Hales:** October 1st, sorry. Two weeks. OK. Now that we've gotten that straight, I'm going to rule that the consent calendar -- with the exception of item 965 -- be held over to October 1st. Done. Now, let's get to item 958 and 959 and read those together.

**Item 958.**

**Item 959.**

**Hales:** Well, a formidable team is here to present this.

**Fish:** Normally, Andrew appears as a solitary presentation -- [laughter] -- obviously, you're trying to overwhelm us with numbers.

**Andrew Aebi, Bureau of Transportation:** Good morning, Mayor Hales and council members. I am Andrew Aebi, local improvement district administrator. On the immediate left is Lance Lindahl from the Bureau of Transportation right-of-way section. On his left is Bob Haley from transportation development review. And last but certainly not least, we have Nate Takara from the Fire Bureau. We know you have a very busy calendar today, so we'll move through this very quickly. Lance is going to explain the first two slides in terms of the original improvement plan with the street vacation that council approved two and a half years ago and how we are proposing an alternative today.

**Lance Lindahl, Bureau of Transportation:** Yes, as Andrew mentioned, this is a re-visitation of a street vacation ordinance that was approved in February of 2012. This street vacation was proposed by St. Luke Church to help consolidate property for future redevelopment purposes. Due to design difficulties in different design challenges out there on the site, it was found that many of the improvements that were being required as conditions of approval could not be economically or feasibly constructed. This map shows the vacation area along with the various improvements. [speaking simultaneously]

**Aebi:** You want to talk about the original?

**Lindahl:** Yeah, let's touch upon the original a bit more. So in this map you can see that there's a blue line with hatch marks in it, and that's an environmental protection zone. And it falls right over SW 46th. This portion of 46th is proposed from vacation all the way from Vermont down to California, and we're also looking at vacating a portion of Florida Street from 46th going eastward towards the middle of the block towards SW 45th Avenue. Also to help orient you a bit, the church hall is located to the left there on the map, and the church also has acquired two residential properties on the other side of 46th, as well as a former residential property and a commercial center on SW Vermont Street. In terms of meeting the conditions of approval, it was proposed that pedestrian rights be retained within SW 46th, at least in the short run, and then the long-term plan was to build an improved concrete walkway which would have been in dedicated right-of-way across the center of the block -- and that's the area that's shown in purple. As I mentioned, there is an environmental protection zone on 46th. Even though SW Florida Street is not in a protection zone, it does have a number of design challenges. It has steep grades, quite a bit of vegetation, and just general challenges. It's completely impassible currently to pedestrians. Andrew, let's go ahead and go to the next slide. What we're looking at in exchange for trying a different tact here on pedestrian improvements is to construct the sidewalk improvements along SW 45th Avenue, and this will take the place of having that separate dedicated walkway, and also having temporary pedestrian easement rights on SW 46th Avenue. There's also planned improvements for sidewalks

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along SW California Street and SW Vermont, as well as a bikeway here in SW 45th. And Andrew will talk to that more here in a little bit.

**Fritz:** I have a question about that. Would the sidewalk improvements on 45th have been required anyway, along with new development?

**Lindahl:** Yes, it would have been required as a part of new development. However, St. Luke does not own any properties on that frontage, so it would be some undetermined time in the future when that would happen.

**Hales:** So those properties that front on 45th, those are the property owners, so those are not included in the LID --

**Aebi:** Their properties are included in the LID, but they're not being asked to pay for the improvements. So, free is a very good price. Nate is going to talk just a little bit -- before we wrap up the street piece of this -- he's going to talk a bit about the fire response. If you look at that map there that's up on the screen, you can see the two red kind of plus signs way over on the right there. Those are the existing fire hydrants that we have on the east side of SW 45th Avenue, and Nate is going to talk a little bit about the Fire Bureau's perspective on this.

**Nate Takara, Fire Bureau:** Good morning, Mayor and Commissioners. At Portland Fire and Rescue, we do support this LID. What it does is -- as a result, we would have a new fire hydrant at SW 46th and SW California. What that does is it improves the efficiency for the firefighting in that immediate area. And also, if we do have an incident on SW California west of 45th, it minimizes the need to extend our hoses across the busy street of SW 45th.

**Hales:** So the LID includes a new hydrant at 46th and California?

**Takara:** I believe so, yep.

**Aebi:** And it also includes upsizing the water main. Right now, we can't put a fire hydrant there because the water main is undersized in SW California Street.

**Lindahl:** And that hydrant is required as a condition of the vacation, so it has to be constructed or at the least a performance bond put up prior to the vacation ordinance.

**Aebi:** Moving onto the next slide here. Lance recapped what the LID would build. There's bike lanes, sidewalk on 45th Avenue. We also add improved stormwater management. One key thing to just mention is there is a strictly optional element of this LID -- that the properties on 45th do not currently have sanitary sewer service. If those property owners voluntarily opt in to the LID, then we will extend the sanitary sewer south from Vermont Street. So again, I just want to emphasize that all of the LID costs -- other than the sanitary sewer extension -- are being paid by St. Luke, and the abutting property owners are not being asked to pay.

**Fish:** Andrew, when's the last time you came before us with 100% support?

**Aebi:** Well, I think it was the Vancouver and Cook LID. We've had a few over the years on the east side. I'm glad you asked that question, because I'm pretty sure that this is the first 100% petition support LID we've ever had on the west side, and I'm pretty sure that this is the first LID that we ever had in the Maplewood Neighborhood Association.

**Fish:** Just for those of you who are new to this process -- you know, I'm going to embarrass Andrew by just saying he is one of the gems who works for the city who handles a very complex area of the law, and he has to deal with people who are often faced with the option to fund an improvement, but they have to pay something for it. And no one likes to pay extra for things -- me included. So, we often get maps where there's little shadings of properties that have opted out. We call it the remonstrances, or whatever -- they're not in accord. So it is unusual to have 100% support, and I think that it's a further testimony, Mayor, to the way that Andrew approaches this job about working to get consensus. Because we would always prefer to have 100% support, it makes the job easier.

**Aebi:** Thank you very much, Commissioner. I've had some wonderful partners on this project as well. This next slide that I am showing here is the Maplewood Neighborhood Association. So the green streets are a paved streets with curbs, the yellows are streets without curbs, and then there's a

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few red lines, which are unpaved streets. What I would really call your attention to is the blue lines that you see kind of snaking through the neighborhood. Those are the environmental protection zones, and that's where it is very problematic to put in new streets or sidewalk connections. What I want to point out is if you look at the right side of that map -- you see that pink circle where the LID is -- there are no east-west rights-of-way currently from Vermont all the way down to Multnomah Boulevard. So I suspect that this will probably be the only east-west connection that we will likely see in the Maplewood neighborhood. Just jumping off to the new slide. Mayor Hales, under your prior leadership on the city council, you got quite a few sidewalks built in southwest Portland, particularly along Capitol Highway. And I kind of wanted to show you where we have landed on this. Because under Commissioner Novick's more recent leadership, we've built sidewalks on Vermont between Capitol Highway, 35th and down to 45th, where you built the Southwest Community Center. If you look at that solid black line, you can see that we now have a sidewalk connection on at least one side of the street all the way from Hillsdale and Wilson High School -- Hillsdale town center -- all the way to 45th and Vermont. This LID is a small start on building sidewalk to the west, where we start building the sidewalks -- we continue the sidewalk from the Maplewood neighborhood into -- or excuse me, from the Multnomah neighborhood into the Maplewood Neighborhood Association. And if you look at that map, we are poised at some point to eventually close that gap and complete the sidewalk all the way to Oleson Road. So as we speak right now, Washington County is filling in their last sidewalk gap on Oleson Road just south of Raleigh Hills. When they get done, they're going to have a solid sidewalk connection all the way from Raleigh Hills to Washington Square. So I simply say that we are poised at some point to finish this connection and have a complete sidewalk connection in southwest Portland. This is kind of a close-up view of the preferred pedestrian connections. You will hear testimony today about the alternative of building sidewalk on Florida Street. PBOT staff really don't support this proposal because we just feel that it's much less problematic to build the sidewalk on California Street and stay far away from the P zone. If you look at that teal dotted line there, that is the 15-foot right-of-way dedication that St. Luke will be providing as a condition of the street vacation. So it sets this up. It doesn't get us all the way there, but it sets us up for a future connection to that green line -- you can see on the left, which is SW 49th Avenue. This is the so-called intersection of 46th and Florida looking east. You can kind of see it looks like a jungle there, and this is frankly why PBOT would rather not do a street improvement here and would prefer that we vacate it. St. Luke is a very welcoming congregation once you get inside, but when you approach the church, you're kind of greeted by a sea of asphalt. So this will look much different when the church rebuilds their facilities. This is what they have in mind to build at the end of SW California Street. And then the future ped connection will be to the left where you see the trees in the picture. So, it will be a very pleasant environment. I do want to emphasize that this LID does not actually build that pedestrian connection, it just gets the right-of-way set up. And then here is a slide of what their master plan looks like, and you can see that they've laid out what they plan to do here with their long-term development.

**Fritz:** Would the construction of that trail be part of their development agreement? Would it be a requirement of any improvements to the church buildings?

**Aebi:** I think that I will let Bob Haley answer that. And I'm going to quickly jump back to slide number seven -- and Bob, do you have a few comments about how they fit together?

**Bob Haley, Bureau of Transportation:** [laughs] I guess. You probably remember from the previous one, which had lots of convolutions that go through -- and I think there is a desire in part by some of the community to put the pedestrian connections through Florida. Even back in the previous one, our traffic engineers expressed strong safety concerns for ped connection at Florida without any other improvements. Currently, there's a gravel shoulder that's used quite a bit by the patrons of the community center across the street. They'll park there, and instead of walking down to the intersection of Vermont, cross from between parked cars, which is not a very safe operation. This one will create a continuous sidewalk on California. We can explore with the city traffic

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engineer to put a protective crossing from California directly over to the opposite side of 45th Avenue to the community center itself. It's a little bit further from the intersection, which helps, because when the light turns green, people speed up. The Florida crossing is close, so this will give a bit more time and distance. We feel it's more optimized to have the pedestrians cross at an intersection. Plus, I think that if we went the route of still requiring a pedestrian connection in Florida and then up the old 46 or the 46 to Vermont, it kind of removes the incentive for St. Luke's to voluntarily provide improvements on SW Vermont. It's one of these -- I keep thinking of the Rolling Stones song, you don't always get what you want, but if you try sometimes, you might get what you need. So, we are definitely in a big picture --

**Hales:** If Commissioner Novick were here, he would have supplied that by now. [laughter] But back to Commissioner Fritz's question, which is, how does the future past get implemented? Is it a condition of development? How does it go from the map to a real facility?

**Haley:** I think we can through the -- I believe St. Luke's is coming in with their next phase of conditional use, their planning in November. And a condition of that approval could be a waiver to construct that sidewalk or that pathway once we achieved the next step from the adjoining property owner.

**Hales:** To the west?

**Haley:** To the west.

**Fritz:** I would actually like it to be that piece to be sure in that their piece gets built concurrently with their development. So, is that a condition approval of this? Is it a condition of approval of their conditional use? How do I make sure that happens?

**Lindahl:** If I can just jump in -- the dedication is a condition of the street vacation, so that does need to happen prior to the vacation. The reason why we -- or one of the reasons we didn't push to have it constructed at this time is that it would be a dead-end walkway ending on private property. There is a road to the west, but that's a private road. So to open it now would promote trespassing.

**Fritz:** Well, the map that Mr. Aebi showed us shows southwest Portland is riddled with disconnected streets and certainly not very many sidewalks at all, so we're used to -- we being people who live in southwest Portland -- are used to coming up to the end of a pathway often with a barricade that says pathway ends. And what happens is that we get waivers and future development that never happens. So, my wish is to find some mechanism to make sure that when the church does its redevelopment, that the section of the path actually gets built. So, what needs to happen to make that a reality?

**Aebi:** Commissioner, I would suggest a phased approach on this. We've worked very hard, as you know, over the past four years on the street vacation, and one of the concerns that I have is that I want to make sure that we get the right-of-way dedicated, that it's in the right place. One thing we will do as part of the LID is to get it surveyed and figure out exactly, for example, where the storm sewer is going. So I would strongly urge the council to let us go ahead and design the LID and sort of inform where the logical place would be for that as opposed to throwing in another condition that if we right-of-way and we get it in the wrong place, then we're back up in front of you with another street vacation and getting new right-of-way in a different place. So I think that we can research that as part of the design in the construction of the LID. They will be in the door for other building permits, so I don't think that this is necessarily the last opportunity to get everything that we need to get.

**Fritz:** I heard Mr. Haley say the easement is part -- a condition of approval of the LID.

**Aebi:** The easement, but not physical construction of the improvements.

**Fritz:** Right. So they will be coming back for a conditional use for their building permit?

**Haley:** Yes.

**Fritz:** So at that point is where we can --

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**Haley:** It would be a conditional building permit approval. I think the concern we still have is we have the right-of-way. If we build the pathway and just stop, we're essentially leading people to a point where they'll either turn around and go back, or they'll trespass onto another private property.

**Fritz:** That's the case in multiple instances in southwest.

**Lindahl:** Another design concern here with the dedicated walkway is that St. John Fisher church and school is located to the immediate south. And at some point, it's likely that they will come in for a permit. It seems like it would be wasteful to construct something now and have them come in two years, trigger a dedication there, and have to take it out.

**Hales:** Alright, well you flagged a concern --

**Fritz:** Yes, thank you.

**Hales:** And let's hear the rest of the testimony and then see.

**Aebi:** Be assured, Commissioner -- that whole issue is on our radar screen.

**Fritz:** But to what you just said, this easement is on St. Luke's property, it's not on St. John Fisher property.

**Lindahl:** That's correct, yeah. We don't have the authority to get anything from St. John Fisher.

**Fritz:** Right, and there is currently a sidewalk on 49th.

**Lindahl:** That is correct. And our long-term goal here is to connect to that.

**Aebi:** And Bob, one more quick thing before we wrap up. You were going to talk about the new ADA issue on 46th.

**Haley:** Yeah. One of the things that has changed since the original street vacation -- which required the north-south connection somewhere around the 46 alignment -- was an interpretation from our manager of PBOT's public works, who was the ADA liaison for us. And it is his opinion that pedestrian connections used to meet connectivity standards must meet ADA unless there is an equal or shorter distance facility that needs ADA. So our ability to provide stairways through terrain is no longer an option. So we met on the site last winter with our BES engineering staff, PBOT's permit engineering staff, myself, their civil engineers with the full intention of coming up with a solution to meet the original conditions of approval of the street vacation. They were just trying to move through that process. We spent a good two hours out there walking the site extensively in the alignments and trying out different alignments. As you get to that center of the site -- even if you're outside of the P zone -- it gets into some 10% to 12% to 14% grades. And by the time you construct an ADA facility -- since there wasn't one on 45th -- you ended up with so many switchbacks that you were using up essentially the whole right-of-way -- if not even more -- to be able to get from the end of California up through the north to Vermont. It was only after those efforts that the church came up with the idea of voluntarily offering up improvements on 45th to meet that condition. And through lots of other meetings and weighing the benefits and the costs, it was still determined on whole that this was a very valuable improvement. SW 45th is an arterial street. It is classified as city walkway, it is a city bikeway, and it does lack sidewalks. And providing people the opportunity to give a safe passage up to the intersection where there is a signal and then cross over to the community center just seemed on balance more valuable than a switchback pathway in the old 46 right-of-way.

**Aebi:** Thank you, Bob. So to wrap up, this slide you're looking at is 45th Avenue. We're not proposing any changes on 45th right now south of California -- although the planned sidewalk improvements do fully build one-third of the connection on 45th between Vermont and Multnomah Boulevard. This is the picture I took. There is a woman here in a Volvo station wagon making a very awkward parking maneuver, trying to back into a parking space in front of a TriMet bus. I might just add the TriMet buses are not something that you see very often in Maplewood. Many years ago, they had two bus lines that ran seven days a week, one until 1:00 in the morning. Right now, Maplewood had one bus line with only peak hour service. So sidewalks are very important so people in Maplewood can use the sidewalks that have been built over the last 20 years to walk to other places where there is transit service. And Trimet -- if you approve this resolution today --

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TriMet was going to speak a bit more about that on October 15th. Then second to last slide here. This is just the timeline of the street vacation. Mayor Hales, we would really like to pass this to a second reading not next week but on October 22nd. We want that to dovetail with what we anticipate as the timeline for forming the LID. And then here's the LID timeline if you are approve the resolution today. You will have another opportunity to discuss this with staff on October 15th and take testimony, and then the final approval on the LID and the street vacation amendment would be on October 22nd which meets the church's desire for the November 1st timeline so they can get going on their building expansion. I'm going to be passing out three letters of support. One from TriMet, one from the Bicycle Transportation Alliance, and then last but not least, one of the abutting property owners on 45th sent a letter, and I will pass this out. He says, I believe the improvements will be beneficial, the sidewalk will improve pedestrian safety -- and as an avid cyclist, I'm in favor of more bike lanes. So I'll pass these out and am happy to take any questions you might have.

**Fish:** Andrew, I just have one question for now. You have a picture of St. Luke's and the impervious surface. Do we know whether as part of their master plan whether they are going to be replacing that with pervious surface or other technology?

**Aebi:** That's an excellent question. I think Chris Hagerman will be speaking, and I think that he would be able to answer that question better than I would. Thank you.

**Hales:** Great. Any other questions for our team here? Thank you all very much. Let's take public testimony.

**Moore-Love:** We have six people signed up. The first three, please come on up.

**Hales:** Good morning and welcome.

**Claire Carder:** My name is Claire Carder. I live at 6156 SW Nevada Court. It's in a neighborhood that this proposal pertains to. I am the land use coordinator of the Maplewood Neighborhood Association. I'm here on behalf of the association representing the board to testify in support of the proposed LID at the southwest corner of SW Vermont and SW 45th. The Maplewood board has reviewed the LID proposal twice over the past two months, as well as discussing it at our last general meeting which was September 10th. St. Luke Lutheran Church has been very diligent in coordinating with the neighborhood association as the church has gone through the master planning process. The formation of the LID supports commitments made during the street vacation process during which St. Luke's agreed to pay for better pedestrian connectivity in this area. The new proposal will provide sidewalks along one side of the improved section of SW California Street, and sidewalks and a bike lane along the west side of 45th between SW Vermont and SW California. A new stormwater swale for a section of SW 35th that currently has no water quality treatment will also be constructed. Although the sidewalk and the bike lane improvements will require removing on-street parking from SW 45th between Vermont and California, we think this will provide an overall increase in the safety, since the Southwest Community Center users currently park on the gravel shoulder and dart across SW 45th to the community center without walking to the signal. The sidewalk without parking will also provide a net benefit for the residents along SW 45th since they currently have to post signs to allow mail delivery during peak Southwest Community service hours. We commend St. Luke's for their spirit of cooperation, and we look forward to working with them as they grow their service commitment to the southwest Portland community. Any questions?

**Fritz:** Yes, I do have a question regarding the building of the pedestrian connection on the California right-of-way access. And I realize that you can't speak for the neighborhood association because this hasn't been considered, but perhaps before it comes back -- oh, we can't do emergencies today anyway, so it will come back for a second reading. I'm considering asking to change the condition of approval. That instead of just requiring the pedestrian connection when the through connection to 49th Avenue is established -- which could be never -- that part of the pedestrian trail be constructed as part of a conditional use approval for St. Luke's Church. You

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heard the concern from Transportation that that would produce a dead-end trail. I'm wondering about your opinion on that.

**Carder:** We in the Maplewood Neighborhood Association are desperate to get an east-west connection through our neighborhood. The streams that flow through the neighborhood are both a benefit and also a pedestrian barrier. We need bridges to get across them. We don't have any dedicated right-of-way that goes fully from the east to the west. Having this proposal just brought forth, I can't say the board would support this, but I think the board would be very disposed to supporting having that trail connection as part of the approval of the development of the St. Luke's master plan when they come for building permits.

**Fritz:** Thank you.

**Hales:** Thank you. Pastor, welcome.

**David Knapp:** Thank you. David Knapp, senior pastor at St. Luke. I've been there for 23 years. Mayor Hales and Commissioners, thanks for letting us in the door again. It's been two years, I think, when we were here last. I want to let you know that I spoke with the neighbors two doors down from the church -- name is Jim -- just last week I caught him in his garage when he was coming home. And I started to give him the details that I could about what was happening in the community. He stops me halfway through the conversation and he says, pastor, I don't need the details, whatever you do is fine, I don't need more details. It made me realize that there are neighbors in our community who want more details and some that want less. One of the reasons we're here this morning is to provide you with some details because you desire them, and also, my part is to talk a bit about community and connections and partnerships with our neighbors and with our community. So we are a community of 1300 members with 500 that worship every Sunday morning. There were 99 families that came on Labor Day weekend for our community table meal, which we hold once a month. We distribute a food box and also provide a meal. I believe it was one of those 99 families that were members of St. Luke. All the others are not from the church but are from the community. We are the second largest Lutheran church in the state of Oregon. We are the largest Lutheran church in the city of Portland. We are aware that Stephens Creek Crossing has come in just up the hill from us -- subsidized housing. As you know, that's now open with 130 families and 280 children. We are noticing that especially with the Hayhurst School -- so at Hayhurst, we've given money to help improve their playground as good community members. We're also noticing it with our back-to-school project. Every August, we open up our doors to give away items to children in the community in need -- backpacks, school supplies, new shoes, new clothes -- and we had 397 kids in this past August. We've done that for about 10 years, and we are noticing the influx from Stephens Creek Crossing as well. Last Sunday at church, internally, we had 126 kids in our Sunday school -- so that's from age three through high school. We're kind of running out of space, which is one of the reasons we're here today. And the other trend that we're noticing -- besides 32 kids in the high school group -- the other end, we're noticing we have 36 kids between zero and 36 months. So, we have a lot of kids coming through, and we want to make sure we can provide space for them and for their families. We continue our work with Neighborhood House and Multnomah Village, and other groups in the area. Thank you.

**Hales:** Just a couple of questions. We've got a conceptual version of your master plan here. But you have property that's in addition to the master plan that you intend to redevelop at some point. Do I get that right? Or all the property that you have is going to be used for church facilities ultimately? In other words, the impression I got from Andrew's presentation was that you purchased a number of lots east of 46th. Those are the ones you intend to build a multi-purpose hall on, right?

**Knapp:** Kind of right in the middle of the property is where we'd build it. And I think one of the reasons for the purchase of the commercial property on Vermont and the house is to have enough space for that and for possible parking needs, yeah.

**Hales:** Great, thank you.

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**Fritz:** Pastor, my daughter and I visited your church to take the WomenStrength class 10 years ago. We appreciated your opening up your facilities to the Portland Police Bureau. So my question is again related to the right-of-way on the south side of your property -- is that what it is?

**Knapp:** Mm-hmm.

**Fritz:** I notice on the master plan that that would be connecting to the parking lot -- and you have a parking lot adjacent to that border. And I'm wondering if, as part of the conditional use permit, you would be willing to construct that part of that pedestrian trail as shown in the picture that we saw.

**Knapp:** I don't know the answer to that. Some of the others from our group would know the answer to that.

**Fritz:** OK, thank you.

**Knapp:** Yeah. If you have a theological question -- [laughter] -- sorry --

**Fish:** I have a question --

**Fritz:** I'm sure I could reframe my question -- [laughter]

**Fish:** Are you as part of your master plan contemplating removing some of the asphalt? And if so -- to have an offline conversation about some of the nonprofits that we use that come in and de-pave and turn these into community exercises. A related question would be, is there a part of your vision that includes a community garden or some space to grow healthy food? And if so, we have a couple of city bureaus that partner with all kinds of organizations to make that happen. So really, more just planting seeds --

**Knapp:** Yeah.

**Fish:** It's not necessarily germane to what we're talking about today. But we did a project a couple years ago at another church off of Vermont, where all the asphalt was removed and a community garden was put in, it was a big community exercise. I used to have Parks, now I have the Bureau of Environmental Services. So any time I see a lot of asphalt, my mind is at least thinking, is there a chance to remove some of it? And are we good partners with you about looking at the range of options to turn asphalt into gardens bioswales or whatever.

**Knapp:** Yeah, thank you. One of the sheets you have there shows a green section where the pavement gets torn up and green space gets put in. But to address your question specifically, we, right now have a garden used mostly by members of the congregation behind the Vermont house. And we use that, and then ask that members give at least 25% of the produce to our community table meal, which is then distributed to those in the community in need. But we don't have specific plans beyond that.

**Fish:** Food for thought.

**Hales:** To be continued, right. Good. Good morning.

**Jerome Adibonou:** Good morning, Mayor and Commissioners. My name is Jerome, and my last name is Adibonou. I have a beautiful wife. Her name is Claudine Adibonou [spelling?] and four beautiful daughters -- their names are Gladys, Linda, [indistinguishable] and Rosaline [spelling?]. St. Luke sponsored me to come to the United States in 2007. Since then -- when I was here, they helped me for my legal status and provided me food and shelter. In 2008, I tried to bring my family over but I couldn't. So I reached out to them and the community stood up and helped to bring my family over. And since, they were providing them food, clothes, and a range of services -- all those kind of stuff. When they came in March, they are late for school. St. Luke provided them Sunday school for seven months before they were going to start for school, and it has been great for them because English is not our first language, and it has been helpful for my kids. Every year in August, they helped provide school supplies, shoes, jacket for the winter, food -- and my whole family was grateful to the community. And I can't even describe how this community has been helpful for my whole family and I. And today, I just want to support and to tell them how they have been helping me and my whole family. Every Sunday, I go to the community table for a meal -- and every August for the clothes and school supplies for my family and all those, everyone that is now part of

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the community. That's how the community was -- grateful for everybody. That's all that I have. Thank you.

**Hales:** Great, thank you.

**Fritz:** Mr. Adibonou, where did you come from? Which country did you come from?

**Adibonou:** West Africa, Togo.

**Fritz:** Now that you've testified at City Council, you are a true Portlander. [laughter]

**Fish:** I'm just curious -- when you were trying to bring your family to join you -- once upon a time, we had immigration laws that allowed for family reunification. What was the biggest obstacle that you faced?

**Adibonou:** I started asking questions and information -- and I called once -- U.S. Benin -- back in 2008, and they didn't know who I am because they don't know me. And I had reached out to my pastor, and we have members in our community, wonderful people, so they just voted to start calling U.S Embassy in Benin and start talking to them about who I am --

**Fish:** They in effect sponsored you?

**Adibonou:** Yes. And for a few months. So they got visa, and everybody just came here, and it was - - you know, I'm blessed.

**Hales:** It's nice to have help getting through the bureaucracy, then. That's great.

**Fish:** Congratulations.

**Hales:** Thank you. Appreciate you being here today. Thank you. Good morning.

**Don Baack:** Good morning. I'm Don Baack, I live in Hillsdale. I'm a registered professional engineer -- just to get that out, because some of the things I'm going to talk about are going to be technical. Nick, I wanted to share something that happened last week with us. My wife and I went to the airport with a mother of a child who was coming from Eritrea that she -- it's emotional for me -- that she hadn't seen for 13 years. A family reunification thing. Our family has been involved with this family for a long time along with other refugees. I think we've had 10 or 12 live with us over the years, and we now have very extended family of people from around the world -- excuse me, I apologize. So anyway, first of all, I want to start -- I fully support the street improvements. I think that's great. I do think we need to do three things. First of all, there was a provision in the original motion that was passed that PBOT meet with SW Trails. They did end up meeting with us. However, the intent that I had -- and I think that that was what Amanda's idea was -- was to work with us. And were basically told what the decisions were. There was no opportunity beyond just basically bitching rights to actually affect the things being done in time to do anything about it. And that wasn't what I had in mind, I don't think that's what others had in mind. So I've got three points to consider. First of all, retain the Florida right-of-way. There's no reason in my view that I can see that the church should have that vacated. I don't think that there's any public interest served in having it vacated. I think that there is a public service interest that could be in the future maintained so that we can, in fact, have a use of that right-of-way. It is directly across from the entrance to the Southwest Community Center. And it isn't contrary to testimony that's been presented. It's not insurmountable, it's not all that steep. It would be very easy to construct a soft surface trail through there. I would guess that we could probably do that in about four hours with a work group, because we've done it all over the city in southwest in that regard. Amanda has helped with work parties, Commissioner Saltzman has helped with work parties -- you know, we know how to get these things done, and they're not insurmountable. And a big jumble of blackberries is something you can cut through in a couple of hours. Building a trail in that condition would be very simple. We gravel it and we'd have a pedestrian connection. I see no reason to vacate it. So that's the first thing. Second, extend the right-of-way that Amanda has been talking about the trail on the south side of St. Luke's property. Turn that around 90 degrees -- roughly 90 -- north to their north boundary as well. And the reason for that is -- I want to see if I can use my mouse, I'm not sure I can run this thing right. But down right here, this is the [indistinguishable] property, as I remember.

**Hales:** Right.

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**Baack:** So right here is where we really would need to put a trail across St. John Fisher's property. This is a ball field, and so they wouldn't be at all -- in running across here would not be a wise thing -- they wouldn't approve it, and it doesn't make sense. What we want to be is over here, coming down along the edge of the P zone. Now, this is steep. This is not something we're not going to do without stairs. It's not going to be ADA. But on the other hand, I just want to take a digression about the ADA part. A year and a half or two years ago, Joe VanderVeer, the head of the disability commission; Mark Lear and I and Glenn Bridger took a trip and went around Hillsdale, Maplewood, and Garden Home Road looking at the alternatives we had of doing full sidewalks. And the idea was that we were looking at extended shoulders. Joe said, it's not going to be ADA-acceptable, but the only place he would be comfortable riding on his wheelchair was on the extended shoulder relative to what we have riding in gravel or otherwise. Now, that was really refreshing for PBOT, because they said, oh, we don't have to worry so much about the ADA stuff. So let's say we build a gravel trail here. Who's going to police this and sue us for something that makes it so much better for 95% of the people, rather than build it ADA? If it's 8.4%, it doesn't make it. There's lots of places in the city that would benefit a lot of people, but we're getting hung up on the rules that no one is going to enforce, and I don't think any of the ADA community -- where we're doing it reasonably, and it's not, you know, the middle of a huge thoroughfare where we're going to be doing it -- so I think we get a bit of a straw man being put up here that's killing us in all kinds of places unnecessarily. We've been permitted in SW Trails to move ahead in doing trails, and they view that as a quote, exception. Well, that's fine. We'll even volunteer to build this trail. The point is, we need to keep the right-of-way. Right-of-way is tough to come by. I view it as a crown jewel, I oppose right-of-way -- you know -- things. So the third thing to consider is to retain some portion of SW 46th right-of-way from Florida to Vermont. That way we would have a complete loop around the area. Now, I want to talk about the impact on Southwest Community Center. The first thing that was done with regard to removing the -- vacating SW 46th eliminated on a public basis around 20 parking spaces.

**Hales:** About 25 what?

**Baack:** Around 20 parking spaces on SW 46th. So now we have 14, 15, 16 that will be eliminated on 45th. Significant impact on public available parking. Now, at the meeting last night, PBOT said well, gee, that's Parks' problem. We don't have to worry about Parks, we're only worried about our thing here, they should have put a bigger parking lot in -- I explained it was a bit of a battle -- which Charlie, I'm sure you remember well.

**Hales:** That would have gone over very well.

**Baack:** Right. And that point -- well, we didn't put in parking along 45th on their side of the street. I wasn't involved in that discussion, but -- you know, we are where we are. If in some future date we wanted to be able to use space in St. John Fisher with the right kind of contract -- I'm sorry, St. Luke with the right kind of contracts, this connection through Florida would be very key to get there. Now, you've heard testimony that the engineer views this as an unsafe crossing. This is a [indistinguishable] community center, the paint's not even dry on two pedestrian crossings on SW Vermont at Idaho. So we've got basically 9000 cars a day, 34, 35 miles per hour speed limits at the speeds -- and 85 percentile speeds at that point. Now, my assessment is that we have fewer cars and lower speeds at SW Florida. If, on the other hand, you look at the crossing on SW California, and you're coming up with the sidewalk would be basically on the north side of the street, and you're a child, you can't see very far over that hill. Because we've got a vertical curve, and we're slightly over the top of the curve. And so, for a child standing in the street, you've got far less safety there than we do at Florida. And I challenge anyone to take out a tape measure or whatever and check it out, but you've got a vertical curve and people can't see you, and you're at more risk. So anyway --

**Hales:** Don, I've given you some extra time but I need you to wrap up.

**Fritz:** I'm sorry, I didn't understand the last point. It's safer at Florida than where?

**Baack:** Than SW California crossing at 45th.

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**Hales:** Because of the vertical curve?

**Baack:** The vertical curve. You're basically over the top of the hill. If you take the picture, third to the last picture.

**Fritz:** I've been there multiple times --

**Baack:** I'm sure you have.

**Fritz:** OK. Thank you.

**Baack:** You know, we'd want to put in a pedestrian crossing there as well. But that was part of the point. Anyway, the essence at what I'm recommending is that you retain the Florida right-of-way and you extend the dedication north. Now, the comment has been made -- well, we're going to have a storm sewer, we'll eventually do that. Fixing to do it in the future is things that a lot of times don't get done in cities because people change and so on and people forget about those things, and the institutional memories go away. So I say, do it now. If it needs to be changed in the future, so be it.

**Fish:** Don, one comment you made in passing -- you referred to straw man issues on compliance with the American with Disabilities Act. And I have two very substantial infrastructure bureaus now -- water, sewer/stormwater -- and this came up in Parks. This is not the right forum to drill down on that, but I would invite you to send some additional comments to council on that question.

**Baack:** I would be happy to.

**Fish:** The typical feedback we get is that we are out of compliance with the ADA -- and in fact, we are still doing curb cuts and other things that we are required to do. And there's a strong feeling on this council that we want to make those investments so that the city is accessible. But this question comes up a lot both in terms of what's the applicable standard; and second, does the standard change depending on who does the work? And rather than deal with this in an ad hoc basis, you sort of whet my appetite for looking at this more holistically. And we may not end up agreeing on the back end, but it keeps getting salted into these discussions, and I would actually like to have a clearer understanding of your perspective and of city policy. And then we can have that debate. So at a future time, if you would share your thoughts.

**Baack:** I would be glad to. And I'd like to invite Joe VanderVeer and his crew to talk with us as well. Because they're the ones that are at risk here, and I think they have a very objective view of the world. And so, I think it would be a great discussion. Like to get Earl Blumenauer involved in that, he probably can probably affect that more than anyone else around here. Anyway, thank you very much.

**Fish:** And just to be clear, I think that there's a distinction between a risk assessments of whether we can be sued -- because obviously, the ADA is a remedial statute. I mean -- and I know that because my father wrote it -- so it's enforced when people blow the whistle and pursue a remedy. It's different from whether we have adopted the appropriate standard. And my guess is we're more interested in what is the appropriate standard than the risk assessment side, because that's just a question of whether someone is motivated to get us to do the right thing. I'm more interested in knowing what's the right thing, and then making that a standard that applies regardless of who is actually doing the work. So.

**Baack:** And probably the geography you're going over is a key component in that, and I would be very happy to participate in that. Thank you.

**Hales:** Thank you, good discussion. Welcome

**Chris Hagerman:** Hi, my name is Chris Hagerman with the Bookin Group. Our address is 813 SW Alder, Suite 320, zip code 97205. The Bookin Group is the land use planners that have been hired by St. Luke's Lutheran Church to help them with all these fairly complicated processes. And as you can see, there's a lot going on here with the street vacation interacting with the conditional use reviews and then future building permits. We've been trying to shepherd the church -- which is largely volunteer-driven -- through a lot of these complex procedures. This work has been greatly aided -- since we have joined them -- by various city staff. In particular, from PBOT, Bureau of Development Services, and the Fire Bureau. And they've worked really hard to find solutions that

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can benefit public safety in a significant way and better integrate the church campus with the surrounding community. I just want to speak to a couple points that have been raised so far. In terms of stormwater, there are some significant site improvements that are going to accompany the church's new development plan. Their development in the next couple years is very modest -- it's only a couple thousand square feet of building space -- but there's significant site improvements to creating public plazas to better make a public-private kind of interface as you come down SW California. And as a part of that, we'll look at creating some pervious surfaces for pedestrian ways, we'll look at de-paving, taking out some paved areas, increasing green space in the parking lot. And we're happy to partner with organizations like Depave and other organizations such as Bureau of Environmental Services to make a dramatic improvement in the site conditions there. Of course, new developments and new pervious surfaces will have to meet stormwater manual, so we'll be working to gain compliance with that. Second, after the improvements -- there are a number of improvements which we were signaled by PBOT that would be is a part of a future conditional use preview. Those include the improvements on SW Vermont, there's various additional improvements on California that were going to be part of the conditional use review -- they were not part of the initial street vacation ordinance. So the LID in front of you today more or less encompasses a full body of improvements that were going to be both the street vacation conditions and the next conditional use review. And those improvements are going to total somewhere -- I think the LID budget is somewhere over \$600,000 at this point. The dedication at the south end of the site runs 400 feet long and is 15 feet wide. And it was seen as an exchange for the east-west connection that was in the original vacation ordinance, which was a very short easement in existing SW Florida. So, this is a dedication of public right-of-way that is much more significant, and ultimately can lead to a full connection out to 49th at such time as St. John Fisher's property also develops. So on balance, what was in front of you now is what's seen as a fairly equivalent set of compromises which actually dramatically improves the public connectivity in the area. We continue to be happy to meet with SW Trails about improving trail access, particularly across that south end of the site once that's part of the public right-of-way. Ultimately, a south side trail may be the most appropriate connection there, particularly until such time as St. John's Fisher may be fully developed and in a way other than it currently is. So in summary, I'd like to again thank PBOT staff, they've been wonderful help. In particular, we want to stress that the LID has been a great vehicle for both financing the project and for heling the church meet the conditions of approval for both the street vacation and the conditional uses. And be able to draw on the design expertise and the project management expertise of PBOT has been a wonderful help. So I'd like to thank staff, thank the council, and make myself available for any further questions you might have.

**Fritz:** So the conditional use application has not yet been submitted?

**Hagerman:** No, we went up for a pre-application conference in November of last year, where those improvements were laid out. So we will be submitting a new conditional use by the first week of November.

**Fritz:** OK. And your concept plan doesn't show any improvements in the to-be-vacated portions of Florida Street or 46th.

**Hagerman:** There's discussion at this point of potentially paving the roadway form 46th from Vermont, and providing a pedestrian connection from Vermont down to the church. The new plazas will be out in front of the church, so we'll have a continuous pedestrian system that will access the church from Vermont as well as from California.

**Fritz:** That would be private?

**Hagerman:** That's true.

**Fritz:** Would there be any objection to having a pedestrian easement over it?

**Hagerman:** I'd not want to speak for St. Luke's. They have a number of responsibilities to their congregation before agreeing to something like that, but it's certainly something they could entertain.

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**Fritz:** Maybe that's something that you could discuss with them before we come back for a vote. Because in looking at the plan, actually building the trail on the southern property boundary would connect it to the parking lot. So it might be good for the parishioners to be able to walk on a pathway, an asphalt pathway to the California Street if they wanted to park at the church and go to the tennis courts, for example. So, that's -- I'm going to be proposing a condition of approval, not of the street vacation, but of the revision to modify then conditions of approval, the 959.

**Hagerman:** OK.

**Hales:** I actually gave more questions for you and for staff now that I unfortunately confused myself further by looking at the aerial photo and my phone. So 49th is currently a paved street, right?

**Hagerman:** Right.

**Hales:** And both St. John's Fisher and this church parking lot connect to 49th, right? With driveways?

**Hagerman:** This parking lot does not connect to 49th.

**Hales:** So my Google map is -- or my photo is incorrect?

**Hagerman:** There's a private street which runs down from Vermont on the west side of St. Luke's property, and it is actually owned by St. John Fisher to the south. And St. John Fisher has given St. Luke's the opportunity to use it. 49th is the next paved street to the west.

**Hales:** I show a driveway connection from St. Luke's into 49th.

**Hagerman:** I think you may be misreading it. 49th is the next street over up to the west of the ball fields. Yeah, there's no driveway access that crosses those ball fields to get there.

**Hales:** Not crossing the ball fields, getting to 49th.

**Hagerman:** You have to cross the ball field to get to 49th.

**Fish:** There's an iPhone 6a -- [laughter] -- that has a bigger screen, Charlie.

**Baack:** OK. So, 49th is on the west side of St. John Fisher.

**Hales:** It's labeled at 46th, so it shows two 46ths.

**Hagerman:** 49th comes into a cul-de-sac.

**Hales:** Right. At St. John Fisher.

**Baack:** No, the next one to the west.

**Hales:** My map must not be -- because I have two 46th avenues. One to the east of the sanctuary and one to the west of the sanctuary.

**Baack:** Yeah, and that is a private drive for the second one is St. John Fisher private entrance. That's why we want to have that easement across the end there.

**Hales:** Is 46th Place going to continue to exist?

**Baack:** The one to St. John Fisher -- yes. So that's the reason we're trying to go across the whole length of St. Luke's property, so we can then cross reasonably on the part that they wouldn't want to have, which is close to the P zone. And it would be steep. But there's another point that needs to be made here, and that is the east-west connection is in response to the street master plan specifying that will there be an east-west connection. That wasn't mentioned in any testimony, but that's really important. It's a policy issue you guys have -- you know, prior council has adopted. And that's the reason that we have that in there, it answers that question.

**Fish:** OK.

**Aebi:** Mayor -- Andrew Aebi. I just want to point you to slide number seven on the left of that green line, which is 49th Avenue. The driveway to which you are referring is the dashed black line that goes through the first O in Maplewood there.

**Hales:** 46th Place.

**Fritz:** Right.

**Aebi:** Whatever they're calling it. I call it an unnamed street, but whatever you want to call it, the driveway is where that is along the west property line of St. Luke.

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**Hales:** But is it not possible that in some future LID or development approval for St. John Fisher, that we might require the improvement of that driveway to the street standards and the installation of the sidewalks, which would be a normal progress of urbanization.

**Fritz:** Yes.

**Aebi:** It is entirely possible, yes.

**Hales:** And we're not foreclosing that possibility with this LID, are we?

**Aebi:** No. We're setting the stage for it. And you know, I think that that's what we've been grappling with. There's a lot of great possibilities that arise out of the LID, we're not going to get all the way there. But I think we set the table for it.

**Hales:** But if the sidewalk that Commissioner Fritz has been discussing here is a potential condition of approval were built, it would connect to SW 46th Place.

**Fritz:** Yes. It wouldn't just --

**Hales:** It wouldn't just end up in a wall of trees and a fence, it would end up at a private street that looks like a street and acts like a street in many other ways.

**Aebi:** I mean, my only point of emphasis is that this discussion is primarily has primarily been with St. Luke, and I think the next step is to talk to St. John Fisher. And I would be a little reluctant to not have that fair conversation with them.

**Hales:** Sure it is. And we have got to respect -- in my opinion -- respect the quality of the negotiation that has proceeded so far, and assume that similar negotiations are going to occur at some point in the future, timing to be controlled by others. But job is to systemically set the stage for a real street grid in places that don't have one. And that's what you are doing, of course. But I wanted to make clear in my mind that that's why I asked these questions. That sidewalk, if it were built now, wouldn't end up at somebody's backyard fence. It would end up a driveway that acts -- for pedestrian purposes -- like a street today. I would expect St. John Fisher doesn't chase residents off the sidewalk when they walk down it. Right?

**Aebi:** And my point that I would add is I think that negotiation with St. John Fisher becomes easier when we have a real project.

**Fritz:** Right.

**Hales:** I'm tracking now.

**Fritz:** Have we had all the public testimony?

**Moore-Love:** There was one person I called who did not come. Oscar Villar?

**Hales:** Mr. Villar, are you here? Apparently not. So we have --

**Hagerman:** I was going to add one more point, if it's possible. I think it's important when considering the development of the area to remember that St. John's Fisher's development plans are not in front of us. And that is all R-zoned property, including the ball fields, so there could be significant future residential development. And you would be looking then at that point at a dedication on their side of the property line and at some point on a future street.

**Hales:** Right.

**Hagerman:** So you know, the city retains its ability to get the necessary and appropriate infrastructure into those places at such time development occurs.

**Hales:** Right. OK, thank you.

**Fritz:** Mayor, I would like to move an amendment to 959. Condition under the therefore council directs on page three of four, under condition C2, that's the requirement that the petitioner will dedicate a 15-foot wide strip of public right-of-way along the southerly most portion of their property west of 46th Avenue to be improved as a sidewalk or recreational trail at such time in the future that a through pedestrian connection to SW 49th is established. Change that period to a comma, and then add, or as a condition of approval of a conditional use review approval St. Luke's church, whichever comes first.

**Fish:** Before we take that up, I have a question --

**Fritz:** Second it for purpose of discussion?

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**Fish:** For purpose of discussion, I second it. I have a question for the sponsor. When that question was posed to the representative of the church, they deferred on addressing it. Commissioner Novick is the author of the underlying resolution. I'm just wondering, procedurally, is that something that we should take up today or we should put into the hopper for consideration with other issues?

**Hales:** We're not taking final action today. We can certainly put an amendment on the table.

**Fritz:** I would like to put it on the table and vote on it. Because to me, it is an appropriate condition of approval of this street vacation and the amendments to the resolution.

**Fish:** I guess what I'm saying is --

**Hales:** Commissioner Novick's staff is present --

**Fish:** If we're amending the resolution -- I hear from PBOT and Commissioner Novick, I don't know how I can vote to amend the resolution without hearing the sponsor's view of it.

**Fritz:** Well that's a function of the sponsor putting it on the agenda for a day that he was gone.

**Fish:** Well we can blame him for his marriage, but I would say --

**Hales:** [laughs] Let's not.

**Fritz:** We can always amend it again.

**Fish:** Can I just say -- if you weren't present and it was an issue in your portfolio, I would not adopt to amend something without asking you how it would impact your view of the package and the propriety -- I am agnostic -- I shouldn't say that in front of the pastor -- [laughter] -- I am agnostic on the underlying issue. But I'm just wondering, if we amend it and then come back, is that appropriate or could we amend it at a future council and then simply adopt it?

**Fritz:** No, because it would pass to second reading un-amended.

**Fish:** Why? It's a resolution. Oh, excuse me -- you're talking about the ordinance.

**Fritz:** I'm talking about the ordinance.

**Fish:** Alright. I'm speaking out loud because I don't know what the good practice is here, and we have Commissioner Novick's staff here.

**Hales:** Chris, would you like to opine about how your office would like to have this addressed?

**Fish:** I guess the question is, do you have an official position on the amendment? Because I would like to hear what it is.

**Fritz:** Perhaps I could argue my case first while PBOT and staff are discussing it. I was one of the primary authors of the original compromise back in 2012 to get to the street vacation. In looking at the first couple of slides, comparing what was approved back then and what is now being asked, there is significantly more street vacation being done. It seems to me that requiring the pedestrian trail to be built rather than promised would be an appropriate way to address Mr. Baack's concerns and as well as keeping true to the spirit of the original approval.

**Hales:** So before you answer -- so maybe to state what's obvious, but just in case -- there's interest in the council, and I share Commissioner Fritz's interest in trying to make sure that this incremental progress happens sooner rather than later -- at the time of development approval rather than someday soon when we get everybody in the neighborhood to align. So given that interest on the council, how would you recommend -- and do you think that Commissioner Novick's likely to share that interest, or are we in a dispute about this, or is this something that we can take up in an orderly way when we get back to this in two weeks?

**Aebi:** Mayor, that point -- I'm going out on a limb here but I know I've got a lot of trains backed up behind me here. But what I would suggest is two things. Why don't we approve the LID resolution today? And then secondly, we were going to bring back the street vacation amendment on October 22nd for a second reading. We have to come back anyway for a LID formation hearing in October 15th. My friendly suggestion would be why don't we just continue the street vacation amendment rather than pass it to a second reading and just bring it back on October 15th. Because I would kind of like to vet this with St. Luke and staff and think through this.

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**Hales:** Is that OK, Amanda, if we adopt the resolution today but carry over the 959, the ordinance until the 15th? The amendment is on the table. We've got it in front of staff for further review. They know we're interested in doing this.

**Fritz:** Wouldn't the LID involve -- you know, that's a transportation connection it would need to be built into the cost of the LID.

**Hales:** The resolution declares intent and describes the boundaries. It does not necessarily contain all the details, right?

**Aebi:** Well, the LID ordinance will have more details. Again, my friendly suggestion is that if we could sit down and hammer something out, I'm confident that we could come up to council's satisfaction.

**Fish:** I'm likely to join my colleague in supporting that on the 15th. But I just -- I raise it as a procedural question and would prefer to hear from Commissioner Novick, have you report back on the 15th and then we can adopt it.

**Fritz:** Maybe we should set them both over. Because the LID says in the be it resolved -- it specifies what's in the LID. That does not include paving that connection.

**Aebi:** Right. You get a second bite at the apple on October 15th. Remember, we're trying to get this done by November because that's the deadline the church is working on.

**Hales:** I understand, but -- [simultaneous speaking] If we wait on the resolution, does that hurt anything?

**Aebi:** Yes.

**Hales:** OK, so you would prefer --

**Aebi:** And keep in mind, when we come back on October 15th, Council is under no obligation to approve the LID.

**Fritz:** So what happens on October 15th?

**Aebi:** We'll come back with an ordinance on October 15th.

**Fritz:** For the LID?

**Aebi:** Yes. So, your voting for the resolution today is not final approval in any way, shape or form for the LID. I'm sorry I didn't make that clear.

**Fish:** Furthermore, I think that she has protected the record by saying this is potentially a condition of her approval. So I think we've accomplished the goal and I appreciate the sponsor's approach to this issue.

**Hales:** Thank you.

**Fritz:** Thank you. Did you have anything you wanted to comment on, Chris?

**Hagerman:** I don't. I will consult with staff and we can consult with -- I'll call Steve right now and ask.

**Fritz:** Don't do that -- [laughter] poor guy --

**Fish:** Chris, I think this is the first time you appeared before us. Since you are under oath, I do have some unrelated questions -- [laughter] -- I do have some unrelated questions about the street fee -- Mayor, could we vote --

**Hagerman:** You're out of order -- [laughter] Thank you very much.

**Lindahl:** Lance Lindahl, PBOT Right of Way. There's a couple of points of clarification. I was conferencing with senior staff -- we wanted to make clear this amended street vacation ordinance decreases the size of the vacation area. It doesn't show up clearly in the map, but the intersection of California and SW 46th was planned for vacation, and that's now --

**Hales:** Thank you. That helps.

**Lindahl:** That's number one. And two -- conferencing with staff, there was some concern about the conditional use requirement being put into the vacation, and they need to have the vacation done in order to move forward with the conditional use permit. So we certainly want to work with the Commissioner Fritz and her office to get the language that will make her comfortable.

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**Fritz:** Well, it's merely amending your condition, which said when that has to happen, and I'm adding a bit more to say when it has to happen.

**Lindahl:** OK, yeah. And we'll continue the conversation to make sure that we have the language that works -- but yeah, we need to make sure that we're not putting the cart before the horse here in requiring something that would derail the street vacation.

**Hales:** Got it. Thank you. Any further discussion? Let's take a roll call on the resolution.

**Item 958 Roll.**

**Fritz:** Thank you. I appreciate everybody's participation in getting this right. Aye.

**Fish:** This has been an excellent discussion, and I appreciate the time and care that it's received. Between now and the next meeting, I'm going to get the mayor the bigger iPhone because apparently the screen is about 50% bigger, and you can turn it on the side and also will replace Google maps with something that's apparently more reliable. Aye.

**Hales:** I'd bring down my iPad and show you that I'm actually more current than I appear to be.

[laughter] Good process, good project, and look forward to the next discussion. Aye. And then we will continue item 959 to October 15th.

**Fritz:** Thank you.

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

**Fish:** Mayor, you had -- 960 is pretty quick. And then we have 961, which --

**Hales:** No, 965 was the only item surviving.

**Fish:** And then 974 to 976 are second readings?

**Hales:** Right.

**Fish:** And then 977 is second reading -- is there a likely a casualty here with your schedule?

**Hales:** I don't think so. I think we're going to power through, so let's do that and take item 960.

**Item 960.**

**Hales:** And our team is here with our findings.

**Kathleen Stokes, Bureau of Development Services:** Thank you, Mayor Hales and City Commissioners. I'm Kathleen Stokes, BDS staff person. You heard the appeal on the hearing officer's decision on this proposal for the Portland Japanese Garden on August 28th. At that hearing, you made a tentative vote to deny the appeal and uphold the hearings officer's decision with a change to one condition related to a sidewalk along SW Kingston Avenue. You have the proposed final findings for this case before you. The findings were prepared by the applicant's attorney, and they've been reviewed by the Bureau of Development Services staff and the city attorney. And we recommend that you adopt them today. My supervisor, Douglas Hardy; and Kathryn Beaumont, the city attorney for this case, are available here if you have any questions.

**Kathryn Beaumont, Chief Deputy City Attorney:** The one comment I would add about the condition that was revised last time. There had been further discussions with the -- between the applicant and the Arlington Heights Neighborhood Association about clarifying the condition that the council amended last time. And they have come up with some slightly revised language to clarify it. Basically -- and that's included in the decision. As clarified, the condition would require construction of a concrete sidewalk from the existing curb along the west side of the park road/SW Kingston Avenue between the garden's redeveloped parking lot and the existing public sidewalk at the park entrance. The sidewalk would be intended to achieve a minimum six foot wide unobstructed pedestrian access. It would be built at the time the parking lot is redeveloped, and the design would require the approval of Parks, BDS, and PBOT. So that change has been reflected in the decision and the supplemental findings. As Kathleen said, we recommend the findings as drafted to you. And if you are so inclined, it would be appropriate to adopt a motion to deny the appeal, uphold the hearings officer's decision as modified and supplemented, and to approve the application of the Portland Japanese Garden Society for a conditional use and environmental review.

**Fish:** So moved.

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**Fritz:** Second.

**Hales:** Any further discussion? I think your revisions captured council's intent.

**Fish:** Kathryn, thank you. We need to start doing this more regularly -- having you frame the question.

**Beaumont:** Happy to help.

**Hales:** OK, roll call please.

**Item 960 Roll.**

**Fritz:** She usually does frame the question, just sometimes one of us reads it. [laughter] I really appreciate the staff work, both from the Bureau of Development Services and the City Attorney's Office; the Arlington Heights Neighborhood Association coming to an agreement before the hearing last time; Hilary Mackenzie's thoughtful input. And we in Parks will work with her and others who are interested in the redesign of the trail around the revised boundaries of the property. Thanks especially to the Japanese Garden and their consultants for working with us and for creating something which will be even more special. Aye.

**Fish:** I just want to associate myself with Commissioner Fritz's remarks. Aye.

**Hales:** Ditto. Well done. And again, a great project that has gotten to yes and I think it will be a real success for the city. Thank you all very much. Aye. OK, let us move to 961.

**Item 961.**

**Hales:** This keeps happening. Our fleet keeps attracting national attention and getting awards, and it's a good thing. Our team -- starting with Fred Miller -- are here to talk about why OMF -- there we go. We have to build a bigger shelf over there.

**Fred Miller, Director, Office of Management and Finance:** Thank you. Fred Miller, Office of Management and Finance. This is strictly an opportunistic visit for me to be associated with the success I've had nothing to do with. I wanted to introduce it. Prior to that, it's kind of been interesting sitting here. I don't know anyone would know that Claire Carder -- who was sitting right here from Maplewood -- is one of the only people who's finished 50 marathons in 50 states. There are all kinds of personalities behind the people testifying. And I think Don Baack has walked as many miles as that, and I've actually walked that territory of the trail with him at an earlier time trying to figure out how to deal with the city when I was a silent retiree -- I had no idea. So, today when I got my job, I looked and saw what kind of responsibilities were under it, and I noted that fleet was there -- and I've had fleets before in previous jobs -- I thought, we need somebody who's really good at customer service, making vehicles available, we really need an all-star there -- not knowing who was there. And low and behold, we have one. And I look back through the records and he was the American Public Works Association public fleet professional manager of the year prior to coming here. And I think you intelligently hired him. And then the City of Portland was named the number one fleet for 2011 by government fleet magazine and was named elite fleet 2012, 2013, 2014. So there's tremendous performance out there. And I watched that. I talk to John often enough that I have a lunch where random employees show up every Friday and we -- four, five people -- and we talk. And every time there is someone from fleet, they're focused, they're interested in performing, and they want to be the best. Not just the best public sector fleet, but the best fleet -- public or private. And as recently as yesterday, we met with Multnomah County, talking about how we might do their fleet operation as well. Because they, too, want to be associated with success and getting things done. So I'm really happy just to introduce this because I admire what these people do. In terms of customer service and focus, it's a model for the city.

**Hales:** Thank you. Good morning, John. Congratulations.

**John Hunt, Office of Management and Finance:** Thank you very much. Good morning, Mayor and City Commissioners. It's wonderful to be here. We're just pleased and proud to be before you today and to provide more information about the significance of being a certified fleet management operation. The government fleet alliance is a group of folks that came together to put this program together, and they're really saying that we're industry competitive. So they took a look at many

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different categories within a fleet. They looked at all of our goals, our business plan, our performance measurement that goes along with our goals, our computer systems, shop equipment, the facilities, staffing and qualifications. We have ASE masters -- are at 42% of ASE master certified technicians. We looked at our activity-based costing, our productivity analysis, all of our policies and procedures, our preventative maintenance program, our work flow and communication, our predictive maintenance program -- which means that we look into the crystal ball and fix things before they break as best we can so that things don't break during the height of the season, such as road building and so forth. The utilization management program -- which as you recall in our last budget, we went through complete study of the entire fleet and looked at all of the utilization, again replacement program, accounting and billing. In fact, we have folks from business operations here today. You know, I really see this very much as a win for the city of Portland. This is not really about me and it's not about just us, but if you think about all of the areas that we touch -- like our emergency management program, we touch PBEM. If we're looking at working with computers, we have BTS helping us. When we looked at our accounting and billing, again, bus-ops was there with us. We looked at our parts inventory, our fuel management programs, vehicle procurement, and safety and environmental policy. The reason I read through that list is because you can see it's a pretty extensive testing procedure, and there was actually an outside person that took a look and did a review. And again, consider us as industry competitive. So, it really wouldn't serve the city well to exchange us with an outside entity. So that's very important to us. This is something that we really have been working on for a long time, probably close to nine years. So it's not something that comes easy. In fact, there are 300 fleets that are actively pursuing, and Portland -- I'm very proud to tell you today that Portland, Oregon is only one of 15 that are certified by this very rigorous testing and certification program. So, I'm extremely proud of it. I'm very proud of our labor management committee -- they came with me today. We have Marvin Abbott, who's the business agent for the machinist union who is part of our LMC as well who joined us today. And again, very pleased to introduce Frank Wilson, who is to my left, who is the co-chair with me on the LMC and I thought he might mention a couple of things about our work together.

**Hales:** Great, thank you. Good morning, Frank.

**Frank Wilson:** Good morning, Mayor. Good morning, Council. I just want to impress upon everybody that this was like a team effort from everybody, from you guys, from Mr. Miller, to Mr. Bryant Enge, between me and John Hunt -- it's one of those where everybody came together and worked together fluently for our goal, and I think we're very happy for the city of Portland to win this award as a certified fleet. And it's like Mr. John Hunt said, I don't see that as us saying, you know, look -- but I think that the city of Portland has won -- and by us winning this award, it gives us the ability to serve the city of Portland much, much better. So, I'm very happy.

**Hales:** Thank you.

**Wilson:** Thank you very much.

**Hales:** Thanks very much.

**Fish:** What are all of the trades that are represented in our workforce and fleet?

**Hunt:** There's a lot. We have all of the mechanics --

**Fish:** I'm sorry -- I meant who are all of the labor partners?

**Hunt:** As far as each individual, 189, 483, we have AFSCME, the machinists --

**Fish:** So the laborers, AFSCME, and the machinists?

**Hunt:** Correct.

**Fish:** That's terrific. We should acknowledge that.

**Hunt:** And that's the thing. We're just here as a representative sample. We have a night shift -- they're home asleep right now, but they worked all night last night. We have a person up in the watershed right now working hard, and will be there when it is snowing on him. When the snow and ice hit -- you know this -- we were there around the clock fixing things. So this is really a representation of the pit crew that keeps the city rolling all of the time. That's why I'm just so

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pleased to be here to share their story with you, because it's a significant thing for the city to acknowledge and appreciate. And thank you, Commissioner, I appreciate you recognizing the different unions. In fact, I like to take a moment to thank you, because the work through the collective bargaining agreement and that enables us to retain quality staff. We just went through a recent hire and we were able to pull in some journey-level top technicians from local dealerships and so forth. And I don't think we would have been able to be an employer of choice without your support. So, we would ask for your continued support into the future.

**Hales:** That's great. Thanks to all three of you. Are there others that want to speak on this recognition as well?

**Wilson:** Well, I'd just like to say that I think -- one of the major things that helped us go along with our LMCs. We go there, we tackled every problem trying to make it as fluid as possible. And so, I think that helps out quite a bit.

**Hales:** Thank you. Thanks all three. It looks like there's somebody else does want to come up and speak. Come on up. Good morning.

**Marvin Abbott:** Mr. Mayor, Council, I just wanted to speak real briefly. I am the labor representative for the IAM, the machinists. And to show you how important this is to the union to me is that I've been in this business for over 45 years. I've been full-time for over 25 years. I've worked in Washington, Oregon, California, and Idaho, and I'm here to tell you that I don't --- I've recently gotten this assignment about six months ago, and I've been extremely impressed and really, really pleased. I consider this an opportunity and a privilege. This crew and this leadership team -- beyond anybody I have ever dealt with in my entire tenure -- is the best of the best. And it's everything that they do. And so I just wanted to thank the crew for their hard work that they've done -- my members -- and you for the support and reiterate what John said about the collective bargaining unit. That is a key component. You get the best when you pay well and you invest in the training, and obviously, you're getting the real benefit from it. So thank you.

**Fish:** I have a question. Since we all have LMCs in our bureaus that we work with. If you were to just identify one factor that is critical to the success of a labor management committee process based on your experience, what would it be?

**Abbott:** I would put a name to it, it's probably John Hunt. [laughter] I have never been more impressed with a leader that -- I mean, his patience, his consideration, his commitment is absolutely instrumental to the success of this.

**Hales:** Thank you, sir.

**Fish:** That's great to hear.

**Fritz:** Could you give us your name for the record, please?

**Abbott:** Marvin Abbott.

**Hales:** Thank you all. We would like to associate ourselves with your success and take a picture with your award -- if we might -- and the team here from fleet. This is the workforce that keeps us doing our job. Describing your folks as the pit crew for city government is a good description, because we literally get the work done every day with hundreds of vehicles. And if they don't work, we don't serve the public. So this is a good opportunity to remind everyone -- ourselves, as well as others -- of how important that work is. But the fact that our folks are the best in the business is really something wonderful, and you are all to be congratulated. We really appreciate that. Bravo, thank you. Let's take a picture. [applause] Outstanding. That's great. OK. We have a few items remaining. Let's go to our regular agenda. And we have one item I believe we can deal with, 971.

**Item 971.**

**Hales:** Good morning.

**Mary Beth Henry, Office for Community Technology:** Good morning, Mayor and Commissioners. I'm Mary Beth Henry with the Office for Community Technology, and with me is Jennifer Li, our utility program manager. Also in the audience is Gordon Tiemeyer with the state of Oregon 911 system. We're here today to recommend that the council amend city code relating to

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franchises, public utility privilege taxes, and utility license law for consistency and clarity. There's two pieces to today's action. First, there's the proposal to amend Chapter 7.12, as recommended by the city auditor to eliminate obsolete provisions and ensure consistency between utility franchise and privilege tax code provisions. The second clarifies the utility license law, Chapter 7.14, that charges relating to 911 services are excluded from the calculation of the utility license fee. And Jennifer Li will provide more detail on the 911 exclusion.

**Jennifer Li, Office for Community Technology:** Good morning, Mayor and Commissioners. Jennifer Li, utility program manager with the Office for Community Technology. The ordinance you have before you today is a proposed amendment to two chapters of the Portland City Code. The purpose of the amendments is for general housekeeping and clarification. Mary Beth has already spoken on the proposed amendments to Chapter 7.12. I have a few additional statements regarding Chapter 7.14. The ordinance proposes a new subsection for the utility license law, Chapter 7.14, to clarify the scope of tax on telecommunication utilities operating in Portland. Specifically, the ordinance will exclude from the calculation of the utility license fee charges related to 911 services. The purpose of this amendment is to clarify the scope of the utility license fee base as it applies to telecommunication utilities. In 2012, City Council revised Chapter 7.14 to adjust the utility license fee rate and the utility license fee base for telecommunications and utilities operating within Portland. The State of Oregon Office of Emergency Management purchases services from a telecommunications provider for the state 911 backbone to connect 911 callers with the appropriate 911 center for response. OEM is not subject to the utility license law. However, it has seen an increase in cost because of the past charges related to the 2012 amendment from the telecommunications provider which provides the necessary services. This was an unintended consequence of the 2012 code change. The proposed amendment will clarify that 911-related services are exempt from the scope of the utility license tax. In conclusion, these amendments to Chapters 7.12 and 7.14 are housekeeping and clarifying revisions. We provide a notice to all franchisees, licensees, and other entities of the proposed code change and received no comments. I'm happy to answer any questions you have, and as Mary Beth mentioned, Gordon Tiemeyer from Oregon Office of Emergency Management is here this morning if you have any questions for the state.

**Hales:** Thank you both. Any questions for staff? Mr. Tiemeyer, did you want to speak? I know we have the letter here from Mark Tennyson. Thank you very much. Anyone else signed up to testify on this item?

**Moore-Love:** I did not have a sign-up sheet.

**Hales:** If not, then it will come for second reading next week. Thank you very much. Good work. OK, let's take item 974.

**Moore-Love:** Should we read the titles of 972 and 973 so we can reschedule them?

**Hales:** I'm sorry -- they are rescheduled for next week.

**Moore-Love:** We didn't read the titles. Is that OK?

**Hales:** You don't have to read them. I will reschedule them for next week and then 974 we can act on.

**Moore-Love:** Actually, those are rescheduled to October 1st. They're emergencies.

**Hales:** OK.

**Item 974.**

**Hales:** Second reading, roll call.

**Item 974 Roll.**

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

**Item 975.**

**Hales:** Roll call, please.

**Item 975 Roll.**

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

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**Item 976.**

**Hales:** Second reading, roll call.

**Item 976 Roll.**

**Fritz:** Commissioner Fish, thank you for your extensive presentation and for the minority and women participation in these contracts. Aye.

**Fish:** Thank you, Commissioner Fritz. And I want to thank my team. I think the way they have worked up to PowerPoints area also particularly helpful, and I hope that actually becomes a uniform requirement. Because I think it's easier for us to track and ask questions about where we fall short, which frequently happens for reasons the mayor explained recently about just a shortage of qualified firms in certain professions, like engineering and the like. Aye.

**Hales:** Yeah, it was a very good quality of public information and I think it helped us as well. That was well done. Thank you. Aye.

**Item 977.**

**Hales:** Second reading, roll call.

**Item 977 Roll.**

**Fritz:** Aye.

**Fish:** Just had to say, I'm reading a book called The Deep Economy and it's giving me nightmares as I read it. Because it's an ominous book by a guy named Bill McKibben about what happens as we continue to exploit natural resources, contaminate our water supply, and degrade the environment. And all around the country, well sites are drying up or becoming contaminated. We are blessed to have two supplies of water that are plentiful. One is the Bull Run, which has in an optimum time almost 19 billion gallons of pristine water in reserve. And the other our well water capacity, which can generate -- if needed -- an extra hundred million gallons a day. So we have these two extraordinary resources, and it is incumbent on us to maintain them and invest in them for future generations. That's what we're proposing to do here, and I'm pleased to vote aye.

**Hales:** Time of year when we remember that we do occasionally need a well field. Aye.

**Item 978.**

**Hales:** OK. Patience of the staff is appreciated. And here we are at last. Good

**Sherree Matias, City Auditor's Office:** Good morning. I'm Sherree Matias from the Auditor's Office.

**Lee Munson, Bureau of Transportation:** Lee Munson from the sidewalk [indistinguishable] program.

**Mike Zeller, Bureau of Transportation:** And I'm Mike Zeller, I'm one of the inspectors in the sidewalk department.

**Matias:** This ordinance is for sidewalk repair on property that is required by the city. Any remonstrances have been pulled from this assessment and are not in this ordinance.

**Hales:** OK. Straightforward enough. Any questions? Is there anyone here to speak?

**Moore-Love:** Oh, I left the sign-up sheet out there.

**Fish:** This would move to a second reading even though it's an emergency?

**Hales:** It's not an emergency, no.

**Fish:** Just moves to a second.

**Hales:** It will move to a second. We'll see if there is anyone here to speak. Any last minute remonstrators that may have showed up.

**Moore-Love:** No one signed up.

**Hales:** No remonstrators. Thank you very much. Good work. Passes to second reading. OK. We have one item we pulled from the consent calendar for reasons I'm still not quite clear on.

**Item 965.**

**Hales:** Good morning.

**Andrea Matthiessen, Portland Housing Bureau:** Good morning. Andrea Matthiessen, Portland Housing Bureau. This ordinance was previously on the consent agenda, we asked it be moved to the

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regular agenda so that it could be heard today. The ordinance represents periodic administrative action that needs to happen in order to meet statutory deadlines for the Portland Housing Bureau's administration of our single family property tax exemption programs. What this ordinance does is it approves, denies, and terminates 10-year single family property tax exemptions that have been provided for low-income home buyers. And what we do with this information after this council action is then provide that to Multnomah County in time for them to close their tax rolls.

**Hales:** So it's based on the calendar of the 10 year rolling time table.

**Matthiessen:** Yes.

**Fritz:** And what was the purpose of having it on the regular agenda?

**Matthiessen:** It was on the consent agenda, and so it's just an administrative action that comes to council quarterly, but it needed to be heard today in order to meet the statutory deadline and get this information to the county before their tax rolls close.

**Fritz:** I see. And we didn't have a consent agenda today.

**Matthiessen:** Correct.

**Fritz:** Got it. Thank you.

**Fish:** I just have to say that over the past six years, I've seen all of the drama drained out of this exercise. But once upon a time, there was a big debate about the state of our tax abatement programs, the coordination with the county and the assessor's office, and the level of oversight. One of the consequences of the creation of the new Portland Housing Bureau was this function was squarely placed on the bureau's to-do list, and the bureau came up with a way of regularly coming forward in a transparent way and telling us who's observing the rules, who isn't, and then taking action. An awful lot of work went into it. Commissioner Fritz even volunteered to serve on a Big Look committee that went on for a couple of years that produced really important work, but it's not the kind of work that often gets recognition. But the fact that this is no longer a point of controversy is a credit to the way -- in my view -- the way the bureau administers this program. So I want to thank you.

**Matthiessen:** Thank you.

**Hales:** Good work. Is there anyone who wants to speak up on this?

**Moore-Love:** I did not have a sign-up sheet.

**Hales:** No, if you didn't sign up, Crystal -- this is ministerial action. OK, roll call on the resolution.

**Item 965 Roll.**

**Fritz:** Aye.

**Fish:** Thanks very much. Aye.

**Hales:** Aye. And we are adjourned until next week.

At 11:40 a.m., Council adjourned.