



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **1ST DAY OF APRIL, 2015** AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Linly Rees, Deputy City Attorney; and John Paolazzi, Sergeant at Arms.

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

COMMUNICATIONS		Disposition:
320	Request of Yuriy Boyechko to address Council regarding the Mayor and Chief of Police participation in the Ukrainian Church New Year Celebration and Prayer for Ukraine (Communication)	PLACED ON FILE
321	Request of Professors Oleh Taratula and Olena Taratula of Oregon State University to address Council regarding their current work at Oregon Health Sciences University and their journey from Ukraine to OSU (Communication)	PLACED ON FILE
322	Request of Olga Parker of Oregon State University to address Council regarding her professional practice and work with the Slavic Community (Communication)	PLACED ON FILE
323	Request of Pastors Paul Demyanik and Iliya Globak to address Council regarding Christian aspect of Slavic Community (Communication)	PLACED ON FILE
324	Request of Ihor Levkiv, Ukrainian American Cultural Association to address Council regarding Ukrainian American Community of Portland Metro (Communication)	PLACED ON FILE
TIMES CERTAIN		
325	TIME CERTAIN: 9:30 AM – Authorize the first sale of general obligation bonds for Portland Parks and Recreation repairs and improvements as approved by voters on November 4, 2014 (Ordinance introduced by Mayor Hales) 30 minutes requested	PASSED TO SECOND READING APRIL 8, 2015 AT 9:30 AM

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*326	TIME CERTAIN: 10:30 AM – Authorize an Intergovernmental Agreement with Portland State University for \$83,522 for survey of the Portland community regarding perceptions of the Police Bureau community outreach and accountability efforts (Ordinance introduced by Mayor Hales) 1 hour requested	REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION
CONSENT AGENDA – NO DISCUSSION		
Mayor Charlie Hales		
327	Reappoint Julie Greb and Carol Gossett to the Noise Review Board (Report) (Y-5)	CONFIRMED
328	Extend the terms of 2015 Comprehensive Plan Community Involvement Committee to December 2015 (Report) (Y-5)	CONFIRMED
Office of Management and Finance		
*329	Change the salary range for the Nonrepresented classification of Portland Streetcar Operations Manager and the Nonrepresented classification of Portland Streetcar Maintenance Manager (Ordinance) (Y-5)	187066
Commissioner Dan Saltzman Position No. 3 Portland Housing Bureau		
330	Authorize Intergovernmental Agreement with Multnomah County for \$67,796 to share costs of a Home for Everyone Initiative Director (Second Reading Agenda 307) (Y-5)	187067
Commissioner Steve Novick Position No. 4 Bureau of Transportation		
*331	Supersede and replace Intergovernmental Agreement with the Oregon Department of Transportation to allow the NE/SE 20s Bikeway Project to bid and construct through the Oregon Department of Transportation Local Agency Certification Program (Ordinance) (Y-5)	187068
REGULAR AGENDA		
332	Declare City Council support for the reopening of the Willamette Falls Locks and the development of the Willamette Falls Legacy Project (Resolution introduced by Mayor Hales and Commissioner Fish) 15 minutes requested (Y-5)	37117

<p>Mayor Charlie Hales Bureau of Police</p>		
<p>*333</p>	<p>Apply to the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for a grant in the amount of \$200,000 for the Justice and Mental Health Collaboration Program FY 2015 Solicitation to expand the capacity of the Portland Police Bureau Behavioral Health Unit (Ordinance) (Y-5)</p>	<p>187069</p>
<p>Portland Development Commission</p>		
<p>334</p>	<p>Approve the Eleventh Amendment to the Central Eastside Urban Renewal Plan to add plan area and projects, extend the duration of the Plan and increase the maximum indebtedness (Second Reading Agenda 298) (Y-4; N-1 Fritz)</p>	<p>187070 AS AMENDED</p>
<p>335</p>	<p>Approve the termination of the Education Urban Renewal Area Plan (Second Reading Agenda 299) (Y-4; Saltzman recused)</p>	<p>187071</p>
<p>336</p>	<p>Adopt the Fourth Amendment to the North Macadam Urban Renewal Plan to add to the plan area, add projects and extend the time frame of the Plan (Second Reading Agenda 300) (Y-4; Saltzman recused)</p>	<p>187072 AS AMENDED</p>
<p>337</p>	<p>Approve the Eleventh Amendment to the Airport Way Urban Renewal Plan to reduce plan area by approximately 970.5 acres (Second Reading Agenda 301) (Y-5)</p>	<p>187073</p>
<p>338</p>	<p>Approve the Second Amendment to the Willamette Industrial Urban Renewal Plan to cease collections of tax increment (Second Reading Agenda 302) (Y-5)</p>	<p>187074</p>
<p>339</p>	<p>Approve the Fourth Amendment to the Amended and Restated River District Urban Renewal Plan to reduce plan area by approximately 36.4 acres (Second Reading Agenda 303) (Y-5)</p>	<p>187075</p>
<p>Commissioner Nick Fish Position No. 2</p>		
<p>340</p>	<p>Require the identification and acquisition of rights to develop affordable housing on a site in North Macadam that will fully achieve all affordable housing goals in the district (Resolution) 30 minutes requested Motion to amend second Resolved paragraph to state “PDC and PHB will use up to \$47 million in TIF revenue towards achieving affordable housing goals in North Macadam...”: Moved by Novick and seconded by Fish (Y-5) (Y-5)</p>	<p>37118 AS AMENDED</p>
<p>Bureau of Environmental Services</p>		

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<p>341 Authorize a contract with the lowest responsible bidder for the construction of the Balch Consolidated Conduit Support Project No. E09017 for \$1,800,000 (Second Reading Agenda 314) (Y-5)</p>	<p>187076</p>
<p>Commissioner Steve Novick Position No. 4 Bureau of Transportation</p>	
<p>*342 Authorize a contract with the lowest responsible bidder for the East Portland Rapid Flash Beacon Project (Ordinance) 10 minutes requested (Y-5)</p>	<p>187077</p>
<p>Commissioner Amanda Fritz Position No. 1</p>	
<p>*343 Prohibit the use and purchase of neonicotinoid pesticides by the City of Portland; amend Integrated Pest Management strategies; and urge retailers operating within the City to label plants, seeds and products containing neonicotinoid pesticides (Second Reading Agenda 318) Motion to add emergency clause because public health is at risk: Moved by Fritz and seconded by Fish. (Y-5) (Y-5)</p>	<p>187078 AS AMENDED</p>
<p>FOUR-FIFTHS AGENDA Mayor Charlie Hales</p>	
<p>343-1 Declare City Council support for the overturn of the Religious Freedom Restoration act and temporarily suspend city travel by a public employee to the State of Indiana until the act is overturned (Resolution) (Y-5)</p>	<p>37119</p>

At 12:43 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **1ST DAY OF APRIL, 2015** AT 2:00 P.M.

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

Commissioner Saltzman arrived at 2:05 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Ben Walters, Chief Deputy City Attorney; and Wayne Dykes, Sergeant at Arms.

<p>344 TIME CERTAIN: 2:00 PM – Appeal of David Vanadia and Gwenn Seemel against the noise variance granted to Andersen Construction for the Block 17 construction site located at 1315 NW 11th Ave (Hearing introduced by Auditor Hull Caballero) 2 hours for items 344 and 345</p> <p>Motion to deny appeal: Moved by Fish and seconded by Novick. (Y-5)</p>	<p>Disposition:</p> <p>APPEAL DENIED</p>
<p>345 Appeal of David Vanadia, Gwenn Seemel, Ron and Morgan Cecil, Jim and Bette Havermaer and Tahlia Harrison against the noise variance granted to Walsh Construction for the Abigail construction site located at 1616 NW 13th Ave (Hearing introduced by Auditor Hull Caballero)</p> <p>Motion to deny appeal: Moved by Fritz and seconded by Fish. (Y-5)</p>	<p>APPEAL DENIED</p>

At 3:40 p.m., Council adjourned.

MARY HULL CABALLERO
Auditor of the City of Portland



By Karla Moore-Love
Clerk of the Council

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

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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.

APRIL 1, 2015 9:30 AM

Hales: Good morning, everyone. Welcome to the April 1st meeting of the Portland City Council. Would you please call the roll?

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

Hales: Good morning, everyone. Welcome. We have some communications items up front and then a couple of time certain and the rest of our agenda as well. I see that we have some of the folks that are signed up to testify. Let's take our communications items, and I think Yuriy you might want people to come up as a group rather than one at a time? OK. So, if you could call all five, please.

Item 320.

Item 321.

Item 322.

Item 323.

Item 324.

Hales: Good morning and welcome. Wanted to get everyone up here. I think you're on first. Welcome.

Yuriy Boyechko: Thank you. Dear Mayor, Dear Portland City Commissioners, my name is Yuriy Boyechko and I'm a member of local Ukrainian American community. I'm also an editor and publisher for a mostly bilingual magazine Kanon.

In December 2014, Chief O'Dea established the Slavic Advisory Council of which I'm a current member. Over the last two plus years, a positive open dialogue and interactions materialized on this council between police department and community members and has been very beneficial for both sides. It fuels a productive and useful product that this council collectively achieves -- just another example of building stronger relations between the Portland metro area city government and local American Ukraine community.

On January of this year, the local Ukrainian American community organized a pray for Ukraine rally. We were honored to have Mayor and Mrs. Hales as well as Chief O'Dea join us and show support for our cause with their presence and encouraging words. Thank you. On behalf of the local Ukrainian American community, I would personally like to thank you. This means a lot to me and our community. I believe your participation in our event was just another step toward achieving our united goal of building a solid foundation for a stronger and more productive community partnership. Thank you again.

Hales: Thank you.

Boyechko: I'd like to introduce our next speakers, Professor Olena Taratula, Oregon State University; Olga Parker, mental health and substance abuse therapist; Pastor Paul Demyanik of Ukraine Baptist church; and Ihor Levkiv, president of Ukrainian American Cultural Association of Oregon and Southwest Washington. Thank you very much.

Hales: Thank you. Welcome.

Olena Taratula: Thank you for the introduction. Mayor Hales, members of the City Council, thank you for this great opportunity to speak here today and to bring to your attention a side of Ukrainian community which you may or may not be aware of.

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My name is Olena Taratula, and my husband Oleh Taratula -- who isn't present here -- we are professors at College of Pharmacy Oregon State University working here in Portland in that newly-built collaborative life sciences building. It is common knowledge that a significant number of PhD students in science in United States are not U.S. natives but are from abroad. And among those students, Ukrainian students have demonstrated deep knowledge, significant achievements in scientific discoveries -- for instance, publishing organized work in prestigious papers -- as well as mentoring and training post-graduate and graduate students in American universities.

Ukrainians have always been known as hard-working people either in business, community infrastructure, or other settings -- including scientific settings. And I personally know at least 10 PhD students in science from Ukraine only during the last three years working at Oregon State University. All of them have acquired prestigious academic or industrial positions here in the United States or in Europe. I want to thank the Oregon State University and City of Portland and the great state of Oregon and America for providing Ukrainians like us opportunity to pursue scientific and personal dreams, and for supporting Ukrainian community.

My husband and I have had a similar journey to those students I was talking about. We came in 2003 to United States at the age of 22 for opportunities which we did not have in Ukraine at that time, to pursue a PhD in cutting-edge scientific field of nanotechnology. And after five hard-working years with advanced degrees in our hands, we moved forward to our goal of being independent researchers in the field of nanomedicine. After another three years, we became faculty members of Oregon State University to pursue a goal to cure cancer using nanomedicine-based approach. Thank you for this opportunity and for supporting Ukrainian community, and thank you so much for your attention. Hope it was useful.

Hales: Thanks very much.

Olga Parker: My name is Olga Parker. My last name is not Russian. I came here 25 years ago and I married, so now I am Parker. [laughs] I came as an immigrant -- not as a refugee -- to this country in a group of Russian-speaking specialist professions, and I have PhD from clinical psychology from Moscow State University.

Here in United States, I actually provide a lot of clinical work. I have been working for CODA, and now I'm working for Lutheran Community Services and I also have my own business, Modus Vivendi. I provide all clinical [indistinguishable] you can think of -- mental health therapy, substance abuse treatment. I provide treatment for clients who have domestic violence issues for victims and perpetrators. I have contracts with Multnomah County to provide substance abuse treatment. I'm working with [indistinguishable] clients, and a majority of my clients -- 99% of them are Russian-speaking.

Majority of my clients are from Ukraine. I have clients from Uzbekistan, from Moldova, from Kazakhstan, some clients from Romania though they don't speak Russian and I have to have an interpreter unless they speak English. I have probably just a few English-speaking clients. But mainly, it is culturally-specific services -- this is what we provide.

This is all of our patient services. A lot of people who have mental health services, mental health issues usually attend treatment at Lutheran Community Services with me. I'm working with other therapists who's also Russian-speaking, and we work with children, we work with families, with individuals, and I think this is very important because probably I would say 33% of my clients do not speak English, especially older generations. Even if I have younger generations who do speak English, they still benefit from culturally-specific issues that we provide in treatment. I think I'm out of time, thank you, unless you have questions.

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Hales: Thank you. We might have question at the end -- I think we'll let the whole panel proceed. Thank you.

Iliya Globak: I'd like to thank the Portland City Council for giving me this opportunity to address to you today. The invitation is a strong signal of support to our community and a testament of your commitment to serving this city. As introduced, Pastor Iliya Globak. It's largest Ukraine church in the west coast and I'm Ukrainian Baptist Church Pastor. I'm also the president of West Coast [inaudible].

I'd like to take a moment to reflect on how [inaudible] our church has served not only the Ukrainian American but also the Portland metro community over the past 24 years that my family and I have lived here. Our church see themselves as shepherds but our flock provided them with a strong spiritual value and giving them practical examples which they can use to enrich their lives on daily basis.

By believing in the transformative power of the Bible, we feel that we are critical component [inaudible] strengthen the moral fiber of our community. We also try to accomplish with a goal to build a relationship with other churches through [inaudible] and through missionary work that puts us shoulder-to-shoulder with the poor and helpless not only in our local community but throughout the world as well.

Locally, when we bring together the elderly who may need something as simple as getting a letter translated, with young adults who can help them translate their letter, we not only instill in the kids a sense of pride and belonging, but we also instill a sense of trust and respect in their elderly for those kids as well. And by encouraging our youth to participate in church services and various church activities, we help them build their confidence and strengthen their resolve so that they can naturally become strong, contributing members to our community.

In summary, because of our churches, I feel that our community are seeing the spiritual needs of its members and one that is also willing to reach out to all those in need, regardless of their beliefs, and one that has morally strong families where Christian values are always present and where respectful in participation of our nation, state, and local government and strongly encourage it.

I have seen these core values involved in our Ukrainian American community for over 20 years, and I am confident they will continue to do so for many years to come. On behalf of my fellow pastors and people here today, I am honored to have addressed you this morning. Thank you very much.

Hales: Thank you. Good morning.

Ihor Levkiv: Dear Mayor and Council members, good morning. My name is Ihor Levkiv, I'm president of Ukrainian American Cultural Association. I'm also an international service manager working for Daimler Trucks North America taking care of service accounts in Asia Pacific and Latin America.

We became organized more than nine years ago as a nonprofit umbrella group for the local Ukrainian American community. We are thankful to you, Mayor and City Council, for providing this time to recognize us.

Our community is comprising of more than 80,000 people and we have a distinct language and culture. The majority of the Ukrainian population here are the fourth wave of immigrants from Ukraine which declared its independence in 1991 after many years of oppression.

I would like to recognize Ukrainian community members that are present today: Alexander [indistinguishable] branch manager for Ukrainian Federal Credit Union; Tatiana Terdal, Ukrainian American Cultural Association Board member and small business owner; her husband Paul Terdal, visiting professor Ukrainian Catholic University and small business owner; Alexandra Hrycak, Professor of Sociology at Reed College; Michael

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[indistinguishable] president of Samaritan Missionary; David [indistinguishable] former director of City of Portland service coordinator for Sister City Project back in 2008, which we think we will continue try to establish with your help; also Lilya Demyanik, Ukrainian American Cultural Association Board member; Oleh Taratula, assistant professor, College of Pharmacy, Oregon State University; Tetyana Odarich, family doctor at Vancouver Clinic.

Our Ukrainian American population in Portland metro area represents hard-working, family-focused community of which this city can be proud. Since 2006, we held celebrations of Ukrainian independence day and assisted in hosting Ukrainian delegations in Portland, laid the groundwork for a sister city relationship between Portland and [indistinguishable] while working with other organizations, including the World Affairs Council, the State Department, and the City itself. Also, we helped create and support many additional organizations such as Ukrainian School of Knowledge, the Portland branch of Ukrainian Federal Credit Union, Ukrainian language publications as well as hosting radio broadcasts to our community.

We are also a church-going community and I would like to recognize several of our clergy. Some of them are here with us today. Paul Demyanik, president of Western Ukrainian Baptist Convention, pastor of Ukrainian Church of the Evangelical Christian Baptists; Iliya Globak, pastor of Ukrainian Bible Church; Victor Burlaka, pastor of Ukrainian Bible Church Pathway to God.

We have been working with Chief Larry O'Dea on the Slavic Advisory Council. We look forward to continue this relationship directly through Ukrainian American Cultural Association and we thank Chief O'Dea for including and supporting us. The Chief's commitment to diverse communities' importance is greatly appreciated and I would like to recognize his involvement and appreciate his help.

As the Council is surely aware, currently there is an ongoing crisis in Ukraine, one which has now gone for more than a year with thousands dead and wounded. There are over 1.2 million internally displaced people and refugees, of which 60% are children and elderly. This situation is a result of an illegal invasion and seizure of Ukrainian territory in violation of international law and subsequent outside intervention seeking to subvert and destroy Ukrainians' effort to reform its government and economy and stay independent.

Because of this crisis, our Ukrainian community in Portland metro area has been working hard to collect humanitarian and medical supplies we send back to our homeland. We are grateful to be working with Mercy Corps here in Portland who have just announced that they will immediately start administering humanitarian aid in Easter Ukraine. I would like to recognize the involvement of this organization. It's such a tremendous help.

On January 10th, 2015, it was an honor to have you, your mayor, and Chief O'Dea join us to participate in our non-denominational prayer for Ukraine rally, which helped raised substantial funds for Ukrainian relief efforts. By doing this at critical times in Ukraine, care and concern of the City of Portland by its elected officials mean more than I can say. On behalf of the Ukrainian American Cultural Association and the tens of thousands of families and community members in the Portland metro area, I would like to thank you all for your help and effort which you have extended and continue to offer us. We hope to see all of you and Lents Park on August 22nd of this year for our official Ukrainian Independence Day celebration. Thank you very much, and god bless you.

Hales: Thank you all. What an excellent panel. I think you all have done a great job of showing us the size and strength of the Ukrainian community, the professional accomplishments, the role in the business community here, the amazing role the churches are playing, and then the partnerships you have both with the Police Bureau and with Mercy Corps. Shown how you really have worked to integrate your community into the life of the City of Portland and I think in just a few minutes here you've really shown as a broad

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picture of all those fronts that you're working on. Really appreciate you. Questions, comments for this esteemed panel we have here this morning?

Boyechko: Thank you, Mayor Hales. Thank you, Commissioners. Thank you, Chief O'Dea.

Hales: Yuriy, thank you for organizing this. Thank you all very much. [applause] Thank was great. Thank you. Alright, let's move to our consent calendar and deal with that before we move into our consent items. I don't believe we have any requests to pull items from the consent calendar, is that right? Then let's take a vote please on the consent calendar as printed.

Roll on consent agenda.

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

Hales: Are we ready for the Willamette Falls item? All are here? OK, then let's please move to that item, which is 332.

Item 332.

Hales: Commissioner Fish.

Fish: Thank you, Mayor. In late 2014, I met with Lisa Naito and Congresswoman Darlene Hooley and others about a project they were working on with the National Trust for Historic Preservation. Lisa describe to use the fascinating story of the Willamette Falls Locks, their special place in Oregon's past, and their current status as "non-operational" in quotation marks. She asked whether the Council would consider sponsoring a resolution in support of the regional effort to reopen the locks. It's been an honor to work with Mayor Hales to bring this resolution to Council, and I'm glad that based on feedback from my friend, Oregon City Mayor Dan Holladay, it also includes language of the Willamette Falls Legacy Project. Mayor, do you have the proclamation?

Hales: I have the resolution.

Fish: Excuse me -- you have the resolution. OK. Welcome, honored guest Lisa.

Lisa Naito: Thank you. Congresswoman Hooley?

Darlene Hooley: Thank you very much for hearing us, and we want your support for this resolution. What we're trying to do as we -- we're working for the National Historic Trust, and our goal is to open the locks, which connects the Willamette River. It is only a navigable river if the locks are open. It goes from Springfield to the Columbia River.

The Native American tribes spent time helping to build the locks. They were operational through most of -- until, what -- when did they close them, 2011? Part of the problem is the locks used to carry all of the commerce through from Salem -- the mills that were along there -- timber. And when the timber cutting dried up, the tonnage went down on the locks, and so the Corps of Engineers decided that they would close it.

It is an important piece of our heritage. It will be important for recreational uses. We've talked to riverboat owners who would really like to have the locks open, as well as the canoeists and rafters going through there, and we also have people who want commerce to go through there.

We're trying to build support from the ground up to try to get the Corps of Engineers to actually partner with or fix the locks and then transfer it, but we're working on trying to make sure that this is a reality in the future, that those locks are open. It's an important part of our heritage. With that, Sandy?

Sandy Carter: Good morning. I'm Sandy Carter. Thank you for this opportunity to talk to you about this. As a board member of Willamette Falls Heritage Foundation -- which is a small nonprofit based in West Linn -- and more recently, as coordinator of the One Willamette River Coalition -- because if the locks are closed, there are two Willamette Rivers -- I've been focused on keeping the locks open for about a dozen years.

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Our 1873 locks were bought by the Corps of Engineers in 1915. They did yeoman's work for more than a century, but as Darlene mentioned, shrinking of the logging industry and some shifts by the mills at the falls to trucking over barging dealt them a deep blow on funding in the '90s, because they're funded from a decades' old Congressional model that's based on commercial tonnage.

In addition to their intrinsic value as an amazing historic resource, they provide an iconic river gateway for recreation heritage, ecotourism, marine businesses, and they simultaneously beckon both paddlers on the Willamette River water trail and gravel barges, which is a pretty big job description.

In 2005, Governor Kulongoski made the locks funding issue an Oregon Solutions project, and Verne Duncan was the convener on that over the next few years, pulling together to keep the locks maintained and operating. The stakeholders group chipped in to fund an engineering study, a study by Travel Oregon on the recreational return on investment, a study of other cases where locks have been transferred by the government to other entities so that they could survive, an update of the locks' nomination on the National Register, federal stimulus dollars to complete needed gate inspections and repairs, and a federal transportation grant for seasonal operations for a couple of years. This is a tremendous group effort sustained over years.

Since 2011, the job of ensuring that the locks have a future has belonged to the One Willamette River Coalition, and 2011 saw many milestones. Peggy Sigler, Oregon field officer for the National Trust, joined the effort. Restore Oregon declared the locks an endangered place, which is unfortunate, but it shine as light on the problem. The National Trust declared it a national treasure. Peggy and I had a large meeting. Sixty stakeholders came and easily arrived at consensus around the solution, which would be to transfer the locks out of federal stewardship and into some other partnership. But in order to do that, the locks need to be repaired and reopened.

You have in your materials the ECONorthwest economic potential report -- I believe digitally, we can get you hard copies if you would like to handle them. Through one-on-one interviewed by ECONorthwest and data mining, the study concluded two important things. There is pent-up regional, recreational, and tourism demand for the reopening of the locks, and there will likely be a return to barging past Willamette Falls after a few years of predictable operations. Barging is obviously the greenest way to move freight in the Willamette valley, if we could take it up again.

At the same time that ECONorthwest was mining Corps of Engineers data and interviewing upriver stakeholders, our coalition was aggressively pushing other equally important strategic goals to get this locks funding problem solved. Andy and Lisa will tell but some of them. Thank you very much.

Andy ***:** Mayor Hales and members of the commission, thank you for hearing our plea here for your support for the locks and the overall Willamette Falls area and legacy project. It's important to express broad-based public support now, because now is when we're going through a process with the Corps of Engineers to determine what are the historic impacts on this facility that's on the National Register, and how do you mitigate the adverse impacts of that action?

When the Corps closed the locks back in 2012, they did it on an emergency basis. It had to be closed -- in their minds -- right now. However, the lengthy process of examining historic impacts through the National Historic Preservation Act doesn't fit within the emergency time frame of closing locks for life safety purposes. But with the very capable assistance of the National Trust to restore preservation, the Corps was convinced that they needed to address it, even if it is retrospectively. They're in the midst of that process now, they've finished the first step that says, "yes, we have to do this," they finished the second

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step that says, "yes, there is an impact," and now they're on the third step, and that's the critical step. They're obliged to either reduce the impact, eliminate the impact, or mitigate the impact. And the best way to do that is to reopen the locks.

There needs to be a broad base of support to do just that, and not just sort of odds and ends of individual advocates. We've gotten a good support so far. Metro has adopted a similar resolution as you; Oregon City, West Linn, Milwaukie, Lake Oswego, Gladstone, Polk County, Association of Oregon Counties, Clackamas County have all adopted the same kind of resolutions to communicate to the Corps, this is a broad base of interest, not just a few vocal advocates that's trying to make a change here. So, the timing and your support on broadening that base of support -- you're the bottom of the Willamette, we've got interest from the top of the Willamette, as well -- is really important at this point in time.

I provided to you also -- there's a reference in our resolution and your resolution that we should include this in the regional transportation plan as a transportation corridor and a project necessary for that transportation corridor to function properly, and we should communicate our interest as part of region's policy position communicating back to D.C. This is what we're all taking back to D.C. later this month to meet with our delegation and advocate, and there's a reference on the next to last page to the locks, and there's a picture of the locks -- although, thanks to Commissioner Novick, the Tilikum Bridge gets page one. [laughter] The locks get page six as one of the items the region is interested in.

I've also given you a little brochure about the legacy project. On the other side of the falls, on the Oregon City side of the falls. Metro is working closely with Clackamas County and Oregon City to support the redevelopment of the Blue Heron mill site. The Blue Heron mill is in private ownership now and we're working closely with that developer. That developer has provided Metro with I think a 150-foot easement along the river bank. We're now working actively on designing, and we have sort of down payment revenues for starting construction of the river walk to give public access to the falls immediately adjacent to the falls for the first time in -- what, 100 years? So, that's the spark that really gains the public interest and we're well into advancing that public access. So, thank you for your support and thank you for including a reference to the legacy project in your resolution as well.

Hales: Thank you all. Questions for this panel? Oh, sorry, Lisa -- I didn't mean to leave you out.

Naito: Mayor Hales and Commissioners, thank you very much for your time this morning, we very much appreciate it. This is a national treasure. It was declared in 2012 by the National Trust for Historic Preservation as a top national priority to protect and maintain.

In addition to the number of jurisdictions and local governments that have adopted formal resolutions, we are pleased to say that the Confederated Tribes of the Grand Ronde have also issued a formal proclamation in support. PGE has been supporting us, the Oregon Concrete and Aggregate Producers as well. So, there is a broad base of support for this.

Your resolution would also support efforts at the State level. We Senate Bill 131 that we are promoting to create a state task force, which would include state agencies such as State Parks, the Marine Board, and the Department of Transportation in this effort to come to solutions for the Willamette Falls Locks. In addition, Senate Joint Memorial 10, which is sending a message to Congress that we want their participation.

Our federal delegation has been united in support for this project, and we're working together with them. And we specifically want to thank all of you, particularly Mayor Hales and Commissioner Fish for bringing this forward; Jackie Dingfelder in the Office of Sustainability; Matthew Robinson, policy analyst; and Sonia Schmanski for all of her work. So, we thank all of you very much.

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Hales: Thank you. And I know Mayor Holladay is on his way but may or may not make it in time.

Novick: And I have the honor, Mayor, of serving with the other mayor on the regional water users consortium, so he and I see each other every quarter. I think I'm the first Water Bureau Commissioner-in-Charge in a generation that actually goes to those meetings. [laughter] And it's important, because those are all our regional customers and we're building productive long-term relationships.

It's an honor for this Council to support this effort, because it meets a lot of our goals. It's a regional effort, it's about our heritage, there's jobs at stake. Inducing the Army Corps of Engineers to step up and do something is good for the region. It's a transportation priority, so says the document that was handed out. And I think also, Mayor, frankly what we've learned is that when a former Congresswoman and a former County Commissioner come and knock on our doors, it's very difficult to say no, and they have a good cause that they're pitching. We thank you for your advocacy.

Hales: Thank you all. Questions for the panel?

Naito: Mayor, I forgot to mention one thing. We also very much appreciate the leadership of Clackamas County. They have stepped up to spearhead the regional support, and Commissioner Tootie Smith is leading the effort along with Commissioner Schrader.

Hales: Great, thank you all.

Novick: Just a clarification and a question. The clarification is I asked for JPAC to put the Tilikum Crossing bridge picture on the front page of our document for the federal government, not to the slight the Willamette Falls Locks or any other piece of transportation infrastructure, because the federal Department of Transportation put a picture of the Tilikum Crossing on their own budget document this year -- on the front page -- so I wanted to let them know that our priorities were aligned.

Second, I should have asked this during the JPAC discussion, but I neglected to. When the locks reopen, will there be bagels? [laughter]

Hooley: If you bring them or if you order them, we'll make sure they are there.

Naito: We'll have a party.

Fish: Lisa, as this thing moves forward -- and you've got some wonderful materials and other things -- would you let the Council know if there are specific community celebrations that we can attend to go beyond --

Naito: We would be very happy to --

Fish: -- the written word that have a representative there to show support?

Naito: We'll be very happy to do that. Thank you so much.

Hales: Thank you all, thanks for being here this morning, appreciate it. Anyone else want to speak on this item?

Moore-Love: Mr. Lightning would like to.

Hooley: Thank you.

Hales: Thank you all.

Lightning: Good morning, my name is Lightning with Lightning Watchdog X. A couple of the concerns I have is that this was closed in 2012 by the Corps of Engineers on an emergency basis. I'd like a little more data on that, exactly why they would close this and what is the estimated cost to reopen this? I understand this Blue Heron mill site -- the developer has come in at a pretty good price to purchase this property. We're seeing this type of activity right now. I'd like to have an understanding from the developer's position on how much money he's willing to put up to also have this opened.

The concern I have is looking at the economic impact of if we have it closed currently, how much money that is costing us, as far as on the economic impact? If we come up with the money to open this, what is going to be the gain? I'd like to see some

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data going back a few years on that to see how much money we've actually lost and what will be the gain if we do reopen this. And I don't -- I have some hesitation at this time to understand it. I hope this isn't going to be just tied to this Blue Heron mill site, with the developer deciding to do what he plans on doing. I want to see the true economic benefits before any money is committed, especially from the transportation side, that I really don't think they have any additional money at this time to be even thinking of adding anything to this. But again, I guess you're going to go on a federal level and see if you're getting more funds for this. I'll just wait and see what happens. Again, I'm hesitating on the fact that it was closed on an emergency basis. I'd like to hear more from the Corps of Engineers on exactly why that happened and exactly what the cost would have been to keep this open. Thank you.

Hales: Thank you. Thanks very much. Anyone else want to speak? We should take roll call vote to vote on the resolution, then.

Item 332 Roll.

Fish: Again, I'm very proud to support this resolution. I want to thank our honored guests that are here for making such a compelling case. I'm sorry the mayor's not here, but in abstentia, we'll thank him for his advocacy.

Commissioner Novick, thank you for your role in placing this in this document. And while it's not on the first page, certainly it's rather prominent on page six, and we know that we won't let the page sequence get in the way of our advocacy.

You know that you're in the presence of a pro when the presenter, Mayor, actually thanks all the staff before we get the chance to do so, and that's why Lisa's so effective. But I want to reiterate that we are grateful -- because a lot of work went into this. This did not sort of materialize overnight. It was drafted and redrafted, and we tried to get it right. And so again, I want to acknowledge in the Mayor's Office, Jackie Dingfelder, Matthew Robinson, and Rachael Wiggins. They worked hard on this. And in my office, Sonia Schmanski, who did such a great job on this, Mayor, I made her part of my chief of staff after she completed this work. And everyone else. And I thank the Mayor for working collaboratively on this.

This is important. I'll just make one little -- get on my stump on one concern that I have generally, which is I think the idea of regionalism is under attack in our region. I think the old notion that we do our best work on a regional basis with our partners investing in things is taking a lot of hits. And it's not just in the transportation area, where transportation initiatives get big push-back, and not just light rail, but if you look at the housing statistics on who's building affordable housing and serving who in the region, if you look at the location of jobs, if you look at transportation -- if you look at a number of things, the idea that we are best when the region is successful is coming under attack and is being questioned. I think that when the City of Portland has a chance to reach out to a regional partner and support something that benefits all of us -- and particularly one that supports an important piece of our history -- then it is incumbent on us to join arms with our other partners and say, "yes, we'll help you." Again, thanks to our two friends, the former elected -- one of whom has a bridge in her honor -- for joining us. Thanks for the presentation. Mayor, I'm proud to vote aye.

Saltzman: Thank you for bringing this important item to our attention. I'm pleased to support the reopening of the locks and ultimately the redevelopment of the Blue Heron property to really improve the access and recognize Willamette Falls for the tremendous gem that it is in our state. Aye.

Novick: I think this -- I mean, I agree with Commissioner Fish that to some extent, the notion of regionalism is under attack. It's under attack, but it's still alive and well. And much as I hate getting up early enough to go to JPAC meetings at 7:30 once a month,

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regionalism is definitely alive and well in those meetings and our commitment to regionalism is reflected in this effort as well as the other transportation priorities identified in the JPAC document that you saw. Ben Franklin said that we must all hang together or assuredly we shall all hang separately, and I think that for the elected officials and staff in this region, they understand that that's true about transportation and transportation-related initiatives. Thank you so much for everybody's work on this. Aye.

Fritz: Thank you for all your work on this project. Aye.

Hales: Well, there's a long history here. When a couple of fellows named William Overton and Asa Lovejoy got interested in a site called the Clearing in those days -- because we earned our name Stumptown from the very early days when people started to do some logging around here -- we're sitting in the clearing -- they decided that would be a good place to start a town. They paddled their canoe in 1843 or 1844 -- depending on which historian you want to listen to -- up to Oregon City in order to pay 25 cents to the land office and file that claim. So, the history between these two cities goes back to our very beginning and it continues to this day.

I want to second the comments about regionalism. I think it's really important for cities around the state to support each other's hopes and dreams and good ideas, and that's what's going on here. Commissioner Fish, I appreciate your partnership with Mayor Holladay in getting this before us here because it's really important to each of our cities or our communities' destinies that we try to help the good things happen. They often require help from the federal government or state government or from the private sector in order for them to happen. And it's very much in Portland's interests for Oregon City to prosper. So, these projects will help that happen.

And again, even though there's always politics about regionalism, I think I see a lot of appreciation around the state for the fact that we do, as a city, try to reach out and be partners with other communities. The mayor of Klamath Falls called me yesterday to thank us for our support for the background check legislation that was before the legislature this motor vehicle because he just joined Mayors Against Illegal Guns. I think the fact on issues or on ideas and projects and the future economies of each of our communities, if we can get together and support each other, everybody wins. And I think that's what's happening here.

I want to thank you all for calling on us to be good partners and to call on us some more I hope to help make the reopening of the locks and redeveloping this amazing part of Oregon City a success. We wish you well on all of these fronts and we look forward to being your partners. Aye. Thank you. Let's move on to the next part of our calendar.

Item 325.

Hales: Commissioner Fritz.

Fritz: Thank you, Mayor. This is an exciting day, and I'm pleased to introduce Jonas Biery, the City's Debt Manager, to explain it.

Jonas Biery, Debt Manager, Office of Management and Finance: Great, thank you, Commissioner, Mr. Mayor. Good morning. For the record, Jonas Biery, the City's Debt Manager.

In November 2014, voters approved up to 68 million in bonds for parks improvements. This ordinance authorizes the first issuance of up to 29 million in voter-approved general obligation bonds to finance parks improvement projects. Proceeds from the first bond issue will cover the first two years of expected project expenditures from an initial project list. We expect that a second bond issue will occur in spring or summer of 2017 to fund expenditures from the first project list that extend beyond the two-year spending window, plus amounts to fund a second project list that's currently under development.

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Parks will conduct a public involvement process to identify specific projects for the second list. Next week, Parks will bring forward to Council information about the community oversight committee that will review performance and report back to you.

Security and payment for the parks bonds will be provided by a dedicated citywide property tax levy, as approved by voters. As previously described to Council and voters, a prior tax levy for a prior parks issue ended in fiscal year 14-15. The City's intent is to structure the newly-authorized bonds so that the levy impact of the new bonds should not exceed the estimated levy rate of 8.77 cents which recently expired. To achieve this goal, the first bond issue will have an atypical repayment structure, as we need to leave capacity for the second bond issue in 2017.

Property taxes generated by this levy are specifically dedicated for payment of funds and may only be used for that purpose. Bonds are expected to be paid off over a period of no more than 15 years. We expect to sell the bonds in June via competitive bidding process. And by buying and selling in June, we can assure an appropriate amount is committed to the County tax assessor in July so the replacement levy rate appears on the November 2015 tax rolls.

Citizens interested in purchasing the 2015 bonds should contact their investment brokers for information about that. I would be happy to answer questions about the bonds. First, Parks Director Mike Abbaté will discuss what's to come and the proposed citizen oversight committee.

Mike Abbaté, Director, Portland Parks and Recreation: Thank you, Jonas. Mr. Mayor, members of Council, Mike Abbaté, Portland Parks and Recreation Director. And though it's April Fool's Day, Portlanders are no fools. Once again, in November, Portlanders stepped up to make a major investment in an institution they love, and that's the parks and recreation -- the programs, the places, and the people of our bureau. It's also a historic day as an aside. April Fool's Day is my anniversary of four years with the City, and there is nothing that I'm more proud of in my four years here than this bond measure.

At this and every milestone along the way, we want to make sure that we thank the voters. The voters that have continued to make this investment in parks for so long.

We want to share our approach today of splitting up the bond measure into at least two bond issuances, one this spring and summer and the second in 2017. What we're doing is borrowing the minimum amount necessary to get us through the first two years, and that will allow to us minimize interest that we pay on money that would be essentially sitting around until other projects come on board.

The second part of our strategy is public involvement process in late 2016 that's designed to get more input about where our priorities should be for the about \$20 million in project funds that are not specifically allocated and earmarked for projects on our initial project list. With major maintenance needs of nearly \$300 million still unfunded, there will still be many competing needs for that second issuance, \$20 million, but we will engage the public in making those decisions.

The second list of projects will continue to focus on the replacement bond theme, which is urgent major repairs and replacement. The schedule for that has been moved back a year. The reason is to give us a little bit more time about scoping the individual projects, and to really be able to focus on these first two years of project implementation. So again, that's scheduled for 2016 after the initial oversight committee report is issued.

We have supplemented bond funds, as a matter of fact, leveraged them for key projects with some SDC funds used only as appropriate. And we're continue to look for ways to leverage the bond funds with outside grants and private fundraising efforts.

At the moment, our staff is fully engaged in refining the planning, the staff recruitment and orientation, along with hitting a goal of starting on these projects -- hitting

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the ground running effective the first of July, as soon as those funds are available. Early projects include Grant Pool and Pioneer Courthouse Square, where systems are failing; Lents and Parklane Park, where needs are great; and 13 others. In fact, Grant Pool, Couch Park, and Pioneer Courthouse Square are already underway with project managers assigned and work beginning.

Pioneer Courthouse Square will begin being renovating as early as 2016 with complete scheduled for late 2017/2018. Grant Pool will probably be the first completed project is scheduled for the pool season of next summer, 2016. The Springwater Trail bridge will probably be the last from this first list, scheduled for April of 2019.

Next week, we'll bring forward the selections from the community oversight committee. You have each nominated someone for this important group, and by next week we expect the last couple of them to confirm their participation. We look forward to engaging them in our work and getting good advice from them on the implementation. Your appointments will ensure that they are fully briefed and ready to go once the bond funds are in place.

I want to also thank Jonas Biery for his great assistance and leadership, the Assistant Parks Director Warren Jimenez, Kia Selley, Jen Yocom, Jeff Shaffer, Eileen Argentina, and Deb Lev. They have been working overtime to scope these projects and get ready for this day and for beginning the projects in July. And also, Commissioner Fritz I want to thank as a very important part of our team, as well. That's the end of my remarks. We have three people that I'd like to introduce -- oh, sure --

Fish: [inaudible] You mentioned you hope to have though oversight body impaneled. Do you have names of all the nominees?

Abbaté: We have names but we're confirming participation on one or two of them, that's why we're bringing them a week from today.

Fish: I understand there are a couple of rather famous names.

Abbaté: There are.

Fish: Familiar names.

Abbaté: Familiar names.

Hales: Everybody is in suspense for another week.

Fish: Celebrities.

Fritz: Tune in next week for another exciting installment of the parks bond! [laughter]

Abbaté: Yes. Three people to testify today. First, the chair of Parks and Recreation Parks Board, Kathy Fong Stephens. After Kathy, we'll hear from the former executive director of the Portland Parks Foundation and co-chair of the Fix Our Parks campaign, Nick Hardigg. Finally, we're pleased to be joined by Don Goldberg from the Trust for Public Lands.

Fritz: Before that, does Council have any questions for either Mike or Jonas?

Saltzman: So when you reason Pioneer Courthouse Square, what happens to all those bricks with our names on them?

Abbaté: Good question, Commissioner. We will be replacing or lifting and reinstalling the bricks -- the ones that aren't damaged. But damaged bricks will be redone with people's names on them.

Saltzman: Great.

Fish: I don't think you should give that away so easily. How much did Dan pay for his brick? [laughter]

Fritz: It's quite the deal, and there are still bricks available to purchase --

Fish: Given inflation and given changed circumstances, I think if Dan wants a brick, shouldn't there be an additional premium?

Fritz: There has been vigorous discussion about this on the Pioneer Courthouse Square board, and the commitment was the bricks would be there in perpetuity, so there is no

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additional fee and they will be going back -- I presume -- in the same places. But there are also other bricks available for purchase, and so if Portlanders would like to be a part of this once-in-a-lifetime deal -- because you only pay once in your lifetime -- certainly go to the Pioneer Courthouse Square website and sign up.

Novick: If I may make a suggestion -- it appears that David Geffen is willing to spend lots and lots of money to have his name on things, so I think we should reach out to him.

Hales: So if we own a brick today, we could send in a contribution to say "take good care of it for another 15 years" --

Fritz: That would be nice.

Abbaté: That would be wonderful, yes.

Fish: By the way, are the names still visible on the bricks? I notice at some other parks, there's enough wear and tear that they end up sort of getting obscured a bit.

Abbaté: There are some bricks that are obscured and we'll be replacing those, but in general, they're fairly.

Hales: Thank you. Come on up.

Kathy Fong Stephens: Good morning. Kathy Fong Stephens, Chair of the Parks Board. The Parks Board members asked me to come here and thank Commissioner Fritz for her leadership and Energizer Bunny-like energy for attending dozens if not hundreds of gatherings of Portlanders to get the word out about the bond this last year and the need for this funding. It really made a huge difference.

They wanted me to thank you, City Council, for your commitment to Portland's park system, and for your knowledge that it's essential to our livable city in so many ways. Obviously as community gathering places, supporting healthy lifestyles and affordable family fun, protecting nature and not least, being the employer of the largest number of teenagers in the city.

The Parks Board has been advocating for a new replacement bond for more than six years, and it's gratifying to see it finally happening. It took the efforts of all of you, the Parks Foundation, and so many people who cherish our park. Thank you very much. We're looking forward to this next phase.

Hales: Thank you. Good morning.

Nick Hardigg: Mr. Mayor and members of Council, I'm Nick Hardigg, the former Executive Director of the Portland Parks Foundation, the former co-chair with our Parks Commissioner of our Fix Our Parkk committee. I'm the new Executive Director of the Audubon Society of Portland, and I'm honored to be here in front of you to testify regarding this important day and effort for our park system.

I'd also like to thank -- with the other people who took a role -- just Amanda Fritz for her huge role in the campaign to have the confidence that we could succeed and also the personal level of engagement and commitment at all hours of the day to make it possible. There are so many citizens and groups that advocated for this bond that shook banners in the rain, put up yard signs, and generously donated so this could succeed. It was a beautiful community effort, and thank you, Commissioner, for making it possible and for the support of everyone -- all of you.

Chief of our unsung heroes I think is the Trust for Public Land. And since Don Goldberg might not say it himself, the Trust for Public Land and the Conservation Campaign, its affiliated organization, provided fiscal sponsorship, expertise, and a generous grant. And Don will speak next.

The nonprofit Portland Parks Foundation as a supportive hub for our parks system and the people that support it. We applaud a citizen oversight committee. The committee will provide the expert outside review, the public engagement necessary to maintain a high

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degree of public confidence in our Parks Bureau. And that confidence is absolutely essential if Portland is to carry out its responsibility to maintain all of our park assets.

Our park system is aging, much of the infrastructure will require replacement. \$68 million from this bond is just a piece of \$360 million that's slated for needs for the next decade. In addition to those needs for maintenance, we want every citizen to have access to a park for a healthier Portland.

If well-conducted, these bond-funded projects will set the stage for a future ballot measure to address all the critical maintenance needs we have, and the challenges of providing park access to all. Thank you very much.

Hales: Thank you. Mr. Goldberg.

Don Goldberg: Good morning, Mayor and Commissioners. As always, it's a pleasure to be here. We're celebrating and confirming our good work and our dedication and our deliverables. And I, as well -- since Mike brought it up -- today is my seventh anniversary with the Trust for Public Land. I started work on April 1st seven years ago here in Portland.

As many already know, the Trust for Public Land and our sister C4 organization, TCC, have been at the forefront of conservation finance measures both locally here as well as nationally. Some recent examples include Metro's recent levy; the '95 and 2006 bond measures; THPRD's \$100 million bond measure; the cities of Tigard, Springfield, and Bend; and of course Measure 76, which guaranteed a portion of all state lottery funds will help finance state parks and OWEB for a 25-years period; and of course, our most recent partnership, Measure 26 159 -- the reason we're here -- to benefit the City of Portland. Together, we've raised hundreds of millions of dollars for conservation work in the metro area as well as the state of Oregon.

At the Trust for Public Land, we realize that even though our mission is to protect and acquire properties for trails, parks, and natural areas, it's also very essential that we operate and maintain these precious resources. Without proper funding, we believe public support will dwindle for future key park acquisitions that are still required to some of our outlying communities.

On behalf of the Trust for Public Land and TCC, I want to thank everyone who was involved in this incredible partnership and process that led to this successful passing of the measure. More than one time, my national team has cited the professionalism and the process of our steering committee, as well as all the volunteers as the gold standard in passing a measure. So, the Trust for Public Land strongly supports this measure and we thank you for all your support.

Hales: Thank you. Questions for this panel? Thank you all very much. Appreciate it. Others that want to speak on this item?

Moore-Love: Yes, we have five people signed up. The first three, please come on up.

Hales: Mr. Walsh, I think you're first.

Joe Walsh: My name is Joe Walsh, I represent individuals for justice. On this bond measure passed by the citizens of Portland, I personally voted for it and individuals for justice supported it. Our concern is something that happened recently with the smoking ban in our parks. We believe that if that was before the ballot measure, we would have opposed this this ballot measure solely on that.

Our concern is that people that are houseless or homeless are going to be profiled under the guise of smoking a cigarette to be excluded from the park. So, we ask that an amendment be submitted by this Council saying that no moneys under this particular grant from the people of Portland -- not be used to hinder, arrest, or cite anybody in the park for smoking.

Now, I don't smoke, so this does not affect me. This, to me, is a civil rights question. And we are still furious over the smoking ban in the park because we think --

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Hales: Mr. Walsh, I think I can answer your question.

Walsh: We think --

Hales: OK, never mind, go ahead.

Walsh: We think that this could be used to hurt people. And the way this Council has handled the homeless question and people on the streets is a disgrace, and we see this as continuation. Mayor, you wanted to say something?

Hales: Yes, I'm happy to answer your question about the funds.

Fritz: I'd like to clarify.

Hales: This is a capital bond measure, so.

Fritz: By law, we are not allowed to use money for operations. It can only be used for what was specified in the bond measure, and that is for repair and replacement of capital projects in the parks.

Walsh: OK, that sounds good.

Hales: Good, thank you.

Walsh: We will hold to you that.

Hales: You will, and so will state law. Who's next?

Steve Entwisle: Good morning, Council. My name is Steven Entwisle, lifelong resident here of Portland, love the parks, a number of individuals for justice, and CEO of healing man's sanctuary. My issue here is these -- well, along with the smoking law that is now being imposed on the public, which came down as fastball under the public radar -- I think a lot more people would have had a lot more to say about it instead of the less than 300 people that were found to make any kind of comment on it at all.

We're making parks into a place where certain folks can go. And certain folks are used to having the park be a certain way. Like in California, they have certain rules on smoking and such in their parks. So, they're used to having those kinds of laws. We're not here. When people say, "well, we want everybody to be in the parks. We want everybody to come into the parks." I don't believe that, not for one moment, not based on what I've seen in the past couple years, especially here in Portland.

When you throw fastballs under the public radar with laws and such, it gets the people that are locked into the workday culture -- they don't have a say. They cannot speak out about these issues. And to me, that's underhanded, sneaky, reactionary, unnecessary, and extreme.

But I love the parks. I think building the parks and making them nice is great, and I think hiring folks that are local to do it is even better. In fact, you could even put some folks that haven't worked in a long time to work in the park -- that would even be better, but I don't see that as being one of the options. As a result, there's a lot of people that could do those jobs that aren't doing them. That's based on a lot of typical history. So, we oppose this for those general reasons and we think everybody should be in the parks not, just the one-percent. Thank you.

Hales: Thank you.

Lightning: Good morning, my name is Lightning, I represent Lightning Watchdog X. One of the concerns I had on this bond originally was, is this going to be more or less a great benefit to the parks and not -- and leave transportation kind of on the sidelines of the timing when this was passed? I'm still wondering to see really what happens on this. If this gas tax doesn't come through at number that is within reason, then it's going to be very interesting on where this transportation issue ends up going. I've always had concern on this.

Another issue I have on this is that -- because, in my opinion, the SDCs are -- we're having a building frenzy. There should be ample funds coming in, if not a tremendous

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amount. And again, I've always questioned the timing of this -- on having transportation left to the side.

Now, one of the main things I want to have focused on is that we've seen a lot of acquisition of various properties for parks. Some even paid higher than the appraisal value or asking price. So, I question that. And again, I always refer back to FIN 2.03 on maintenance and operation of major capital assets should be given priority over acquisition of new assets, unless an analysis indicates a net benefit or a funding source to acquire or develop a new asset cannot be used for operating and maintenance.

Why I have a problem on some of these parks is that we're seeing estimates on what it's going to cost to maintain these parks. But in all reality, until they're developed, we really don't know where that number's going to be. I've tried to figure out even on, like, the Simon and Helen Director Park -- that park right there is the most expensive park in the system. I always wonder on maintaining these parks on how these costs are actually calculated overall. So, I have a lot of concern on these newer parks being proposed to being developed.

I understand this bond money is for the repair and replacement of capital projects in the parks, but I want to also have an understanding that, you know, when we're talking transportation we're talking like five-plus billion dollars in capital assets. When you're talking parks, we're about a billion to maybe a billion and a half. So, when you're talking 300 million-plus for the maintenance and deferred repairs -- when you look at the assets overall, transportation is asking for a million. You might be at 300 to 500 million but the overall asset dollar amount is quite a bit more toward transportation, and I think the benefits toward transportation might be more necessary at this time. So, I'm just questioning this overall issue on so much money being provided to the parks. And again, transportation has been neglected so I have an issue with the timing of all this at this time. Thank you.

Hales: Thank you. You want to go first, sir?

Barry Sutton: Thank you. Good morning.

Hales: Just about this item, Barry.

Sutton: Good morning, Mayor. About the encampment in back of Washington High School, I hope the area isn't -- as it was sold to the park -- from the public schools to the Parks Bureau -- I hope it isn't made into a park but instead used for an encampment for the homeless. I spoke last week with your aide, Josh Alpert. And apparently, something has to be changed in what it was in the intent of the sale, and after that's done it can be used for that encampment. Commissioner Fritz, you could tell us maybe what I put on your note -- they certainly weren't your thoughts but, I mean, maybe the thoughts of some people -- let them eat cake -- and I think you put a question mark by there.

Hales: It doesn't sound like Commissioner Fritz, but we'll look into that, Barry.

Barry: Yes.

Fritz: That was not me, Barry.

Sutton: Yes, right. What I'm saying is to sell that to a group of people and have a few people gain money off of it when there are all these people living on the sidewalk -- and one thing coming here this morning, I didn't notice any more tents on the sidewalk. They may have been moved off by the authorities. But there are a lot of people that just need a place to live.

Hales: Thank you, appreciate your advocacy.

Sutton: I hope those efforts come to something, please. Thank you very much for hearing me.

Hales: You bet, take care. Good morning, Charles.

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Charles Johnson: Good morning, Mayor and Commissioners. For the record, my name is Charles Johnson, and I was pleased to see the information as it comes up on page three of the PFF. My only regret is that Pioneer Courthouse Square beat out rest rooms by about \$600,000. So, as the next phase -- after we do this first \$29 million, I hope that we'll see some increasing work in that area.

The last week or the week before, we had some discussion about private partnership funding of parks, and I hope there will be some public discussion to find ways to that so that people who and corporations that evade tax consist improve their city citizenship, and in addition to the taxpayer-financed \$69 million that will be going on, that we can see you fine Commissioners use your wonderful connections to get Fox Tower and American Property Management and stuff to feel good about having some of the money they collect as rents come back to finance public-private partnerships. I should have prepared better for this to know exactly what goes on with the budget of our living room private partnership, where Pacific Patrol has their security office, but I think that having the possibility of small local districts -- we talked about New York City being divided into a lot of tiny -- I don't even think the they're BIDs, but one for Flatiron, one for Bryant square, etc. I think that's an excellent opportunity -- first to have an exercise in democracy, where citizens try to keep the companies from being overly advertising influence, but they can still push for business people to try and expose their company's name and put some money into the community.

The other issue that's on my mind is that next time we do a breakout about something as substantial as \$29 million, I hope we will do a better job of applying the equity lens and talk about breakdown by zip code and East Portland and neighborhoods and such. Thanks very much.

Hales: Thank you both. Anyone else on this item?

Fish: I have a question, if staff could come back up for a second. Mayor and colleagues, yesterday during the budget work session, we learned that the City has preserved its AAA credit rating for its general obligation debt. And we know that's important because it allows us to borrow debt on very favorable terms, which then allows us to spend more money on worthy projects. I thought since we had our finance team here, we'd ask, in this market, what does a AAA credit rating translate to in terms of an interest rate on the debt?

Biery: Good question, Commissioner -- and you're correct, we do expect these bonds to be issued with the highest AAA rating, the highest rating possible, which translated to the lowest cost of borrowing. We're currently projecting a cost of borrowing south of 2.5%.

Fish: That's brilliant.

Hales: Right. Well, actually, 20 years ago we were in this same exercise selling the first set of bonds for our previous parks bond measure. As it happened, Orange County, California defaulted on \$110 million in bonds a month after we passed our bond measure. And so, we had a little more of a hill to climb than may be the case at this point. They even took the Commissioner-in-Charge along at that point when they made the presentation to the rating agencies to keep that AAA bond rating. They had hard questions for our team, but our team was -- as we can today -- able to answer those questions with a record of good fiscal management. And we got good ratings, even after Orange County shook the foundations of municipal finance. So fortunately, the climate both in terms of bond rates and municipal behaviors are a little better this time.

Fish: I think it's useful this connect the dots on this. That's a very low rate, and that means less money will be going to debt service, more money will be going into the projects you'll be prioritizing. So, congratulations.

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Hales: Other questions or direction to the team? Commissioner, thank you very much for bringing this first piece forward. This will roll over for second reading for adoption by Council next week.

Fritz: Oh, so let me make some comments.

Hales: Please do.

Fritz: I really appreciate everyone being here and appreciate the support of the entire Council in the whole effort, and the team of Portland Parks and Recreation. Absolutely everyone I think from the Director down to seasonal folks who work just a few hours a work were dedicated to getting this bond measure passed. Of course, not campaigning on work time, but telling their friends and neighbors. Thank you to the Parks Board, and Portland Parks Foundation, particularly Nick Warren and Jesse Bond who were the staff to Nick Hardigg, fondly known as Jesse and the two Nicks. Nick Warren and Jesse Bond were particularly helpful in shuffling me from one event to the next so I could do as many as possible, and I greatly appreciate those. I also wanted to thank Mary Anne Cassin, our new program development manager who you will remember from a previous bond.

Hales: Very fondly.

Fritz: Yes, so I think everybody will be really excited next week. It'll be really nice actually that we can vote on the committee next week as well as the final vote on this. A particular shout-out to City Attorney Harry Auerbach, who was very, very careful on all of our Parks issues; and Patti Howard and Tim Crail on my staff. Particularly thank you to Commissioner Fish. I did do over 100 event of the first sixty days of the campaign. I did not make a single fundraising call. My colleagues to my left made a lot of fundraising calls and the committee raised over \$200,000 to fund the campaign. Campaigns in Portland are not cheap, and you have to reach 300,000 voters. It takes money, and I appreciate my colleagues making those calls, particularly Commissioner Fish who for the last 40 days of the campaign took over being the face of the campaign and helped bring it home. So, thank you very much.

Fish: That's actually why the margin of victory shrank a little bit with this being the face of the campaign. [laughter] All we had to do is mention that you were unavailable to make certain calls, and people were very generous supporting your work and your leadership, Commissioner Fritz. It was an honor.

Hales: Great work all around. Thank you all. So, this moves to second reading next week. With the Council's indulgence, I'm going briefly suspend the rules and return to item 332 and welcome Mayor Holladay to the Council chambers, because we acted on a resolution this morning that affects the city of Oregon City and your great plans, and we'd love to hear more about them. So, welcome.

Item 332.

Dan Holladay: Good morning, Mayor Hales, Commissioners. It's a very exciting time in Oregon City, and we appreciate you passing the resolution. That's going go a long ways at the legislature, both for the reopening of the locks and the second round of funding for the river walk for the Willamette Falls Legacy Project.

As you may or may not know, the legacy project is on the site of the former Blue Heron paper mill site, and it's going allow to us build about seven brand-new blocks of downtown Oregon City. So, it's our little version of the Pearl District.

We're just really excited about all the things going on. We've been working with State, County, Metro, and Oregon City. We've secured now through Metro a 120-foot easement from the end of 99E all the way to the top of the PGE power plant. So, for the first time in over 100 years, the public will actually be able to walk out to the Willamette Falls and experience the falls up close and personal. So you know, it's just a very exciting time in Oregon City.

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At the other end of town, we're also looking forward to a new development next to Home Depot and that surrounding area. And we expect to pass the DDA this evening at our meeting. So, we've got three really large projects coming up over the next eight years.

Hales: Wow.

Holladay: We just really wanted to say thanks for passing that resolution. And by the way, on Tuesday -- or Monday -- we went down to the legislature to talk about Amtrak. And I've gotten word that thanks to your letter and the letter from Salem and Eugene, that the funding for the Amtrak Cascades is actually going go through.

Hales: Aw, that's great, hurray -- good work on your part, as well. That's great.

Fish: Mayor, how many citizens do you represent at Oregon City?

Holladay: About 32,000.

Fish: and I'm reminded, Mayor, the bulk of the mayors in this state serve without compensation.

Hales: That's right.

Fish: And so they manage a day job, another day job, and they're always at night meetings. I have the honor of seeing this mayor at the regional water users consortium. I don't know how you balance all these things, sir, but that's true public service.

Holladay: Well, you just do what you gotta do. I've served as a state commissioner and on the school board, so I've been involved in my community for a long time. It takes active and committed people like yourselves to make a city work.

Hales: We think what you're doing in terms of these projects is really going to be great for Oregon City and great for the region. Recreationally, commercially -- having that different environment there on the river in Oregon City -- it's going to be very powerful. I think it's going to be really important, and we'll see possibilities in terms of recreation and commerce that we haven't even imagined yet once these projects are completed. It's really going to be great.

Holladay: Yeah, and in relation to convention tourism, as well. With the locks open, we anticipate maybe a fleet of small sternwheelers to maybe go all the way to Salem and back. There's all kinds of economic opportunities that this is going bring.

Hales: Now that we've completed our combined sewer overflow project and cleaned up our river, we're getting more and more demand and interest and access to the river from Portlanders. So, I think you're going to again see a lot more both recreational and tourist and commercial traffic on the river just because the mess we used to make of it has been cleaned up.

Holladay: Right.

Hales: That's really going to -- that plus what you're doing is going to have a different relationship with the river than we've had for a long time.

Holladay: We in Oregon City look forward to having a more productive and communicative relationship with the City of Portland, as well.

Hales: Well, you reaching out on this and other things is obviously a big part of that. Thanks for your leadership on the Amtrak issue. It's really important we keep that Cascades service going and actually growing -- it's more important than ever.

Holladay: Absolutely. Thanks for your time.

Hales: Thank you for being here today, appreciate your leadership. Thank you. Alright, let's return to the next Time Certain item, which is 326.

Item 326.

Hales: I understand that there's a request -- and I'll grant it -- to refer that back to my office. So, that's referred back to my office. Regular agenda, item 333 please.

Fish: Mayor, are you moving something up?

Hales: No, this is the DOJ.

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Fish: OK.

Item 333.

Hales: We have people here this morning to present this item, welcome. Good morning.

Billy Kemmer, Portland Police Bureau: This is a grant that would help you expand the coordination team's efforts --

Hales: Hold that microphone a little closer, and why don't you put your name into the record, Billy.

Kemmer: Oh sorry, Billy Kemmer, Service Coordination Team program manager for the Behavioral Health Unit. This grant would help us expand Service Coordination Team services to more dual diagnosis area that we can develop similar programming but in serving a different type populations. So, kind of the clients that we see now who are suffering from addiction and co-occurring disorders we can move into that direction, providing similar services to that population and expand the reach of the unit and the program.

Hales: According to my notes, it creates six additional beds?

Kemmer: Yeah, this will help start up six additional beds that we can then put into motion to affect that population.

Hales: Thank you. Ready to serve some more people?

******:** Yes, we are, sir.

Hales: Good, I think there are more to serve. Questions for this team on this grant application? OK, thank you very much. Appreciate you being here this morning.

Kemmer: Thank you.

Hales: Anyone want to speak on this item? OK, come on up.

Joe Walsh: For the record, my name is Joe Walsh, I represent individuals for justice. We take the position we don't want the Portland Police department anywhere near anything that has to do with mental health. We would like to see the County handle it. We don't want you to go through this grant. We want you to stay away from the federal government as far as getting grants for the police department to handle anything to do with mental health. \$200,000 should be given to the County, and let the County who has the responsibility for mental health do the job. We envision if somebody needs help that is not a police officer without a mental health worker arriving on the scene -- a qualified mental health worker. Thank you.

Hales: Thank you. Anyone else? OK, it's an emergency ordinance. Roll call, please.

Item 333 Roll.

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

Fritz: This is really important, to provide funding for dual diagnosis, which is mental health care and addiction services, and it's ridiculous how lots of the funding has to be channeled into one or the other and it's difficult to find programs that fund both. So, I appreciate the Police Bureau applying for this grant. It will be done in collaboration with Central City Concern, as with the rest of the Service Coordination Team. If anybody doubts the effectiveness of the collaboration between mental health care workers and the police, I invite you to come to the next Service Coordination Team graduation where the graduates will tell you how helpful it was that their police officer helped get them into this program that helps them get treatment for their addictions. Aye.

Hales: Like it or not, the Portland Police Bureau is in the mental health business. We had 114 suicides in Portland in 2013, and 129 in 2014. Police Bureau deals almost every day with somebody in a mental health crisis and deals with so many of the incidents brilliantly that we have hundreds of other avoided suicides thanks to their good work. It's a novel idea that the Police Bureau wouldn't be in the mental health business, but of course not only is that reality in the case for at least 50% of our calls for service, but also that the

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United States Department of Justice has informed us very specifically in item after item in our settlement with the federal government exactly what we need to be doing in terms of improving our approach to mental health crises, and this is a piece of that. So, thank you all for your good work and we hope they smile on this grant application. Aye.

Item 340.

Hales: Commissioner Fish.

Fish: Mayor, first, I want to thank you and the Council for rescheduling this entire package of issues from last week to this week. I was in the great city of San Francisco with my family getting visas and work permits and everything straightened out. So, I appreciate the courtesy you extended. It also gave us a chance to file the resolution that is before us and to work out some of the finish-line issues.

I want to offer a little context for how we got to this place. There has been over the last, say, eight months to a year a very robust community discussion centering on how the City fulfills commitments that were made back in 2003 concerning affordable housing in North Macadam. And while originally there were a package of amendments offered by you, Mayor, to effectively right-size urban renewal, this issue about housing came to dominate the discussions around the fourth amendment to the North Macadam Urban Renewal plan.

Something I think very powerful happened in this period, which is a lot of people came together and rolled up their sleeves and said, "how can we find a way to move forward and meet some of these ambitious goals?" And if you look at the 2003 North Mac development strategy, in fact, it specifically describes some of the goals as ambitious goals. As a result, of a lot of community activism -- including Gretchen Kafoury's last appearance before any deliberative body -- we have moved the ball pretty significantly both in the fourth amendment -- which is not the subject of my resolution -- and in my resolution, which sets a framework for a second development within North Mac.

So, the fourth amendment -- which you will be voting on in a little bit -- specifically calls out a development on what has been identified as Parcel 3 and identifies the funding to make a substantial down payment towards some existing affordable housing goals. This resolution commits the Council to a second development within a specified time frame with funding to complete the goals that were set for zero to 60 -- that is, people at 60% of MFI and below -- the people that are currently struggling the most in the market particularly people at the zero to 30 range -- that would complete our commitment at that level and allow us to begin to stretch to other commitments that were made around affordable housing.

There was some consideration given to seeking to boost the numbers at Parcel 3 to fit as many units as possible. And I think one of the concerns that was highlighted by the Housing Bureau was they did not want to make a commitment around Parcel 3 they could not fulfill. And that was I think the nature of the conversation. A lot of candid talk about how we all shared a goal, but we wanted to make sure that we could reach that goal.

So, instead of thinking in terms of Parcel 3 as the only place to meet some goals, my resolution would commit the Council to a second site -- to be determined, although there are two opportunity sites that are in our target -- and would allow us to complete the existing zero to 30 goals and zero to 60 goals and then begin to make progress on our additional goals.

This is the product of a lot of hard work by a lot of people and a lot of what I would consider highly collaborative. In my view, the most important piece of this was the public and a number of activists calling out the fact that we were falling short and we needed to do something. And that energy combined with the Council really focusing on this leads to today to having this matter before the Council. Later, Mayor, I'll identify some of the people who are at the table and specifically thank them.

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What this does is simply say that within a specific, specified time period, a second piece of land will be identified for the second development which will allow us to fulfill all of our zero to 60 goals under the 2003 strategy. It doesn't say that we're going to be finished in meeting affordable housing goals. And as additional resources are generated, we will meet, we will continue to make progress meeting our then-goals and the new goals that we've established.

But I will put this in context. At the time that the fourth amendment was originally proposed, there were approximately somewhere between \$7 and \$9 million of TIF available for affordable housing in North Macadam. And that doesn't buy much. The action that I hope we take today will ensure at least \$47 million is allocated to two specific developments within North Macadam -- down payments on meeting goals that we established in 2003 and have not yet fulfilled, and putting us I think on a forward path to do even more. I'm happy to talk in detail about the resolution, which has been file. And I think, Mayor, we have an amendment that is going to be proposed. Perhaps at this point we should turn to Commissioner Novick.

Hales: Commissioner Novick, do you have an amendment?

Novick: Thank you, Commissioner Fish. Thank you, Mayor. I do have a proposed amendment, which is basically rooted in an excess of caution. The second "be it resolved" paragraph now says that the true second site acquisition and development, PDC and PHB will fully achieve all affordable housing goals in North Macadam as defined by the 2003 North Macadam Urban Renewal Area housing development strategy.

I think that what -- so that's the way it reads currently. And I think that that might be susceptible to an out-of-context interpretation that we will spend whatever money is necessary to achieve those goals, even if it's a billion dollars. In context, that's clearly not the intent. As the rest of the resolution reflects, the intent is that \$47 million will be used to achieve the goals. But again, in an excess of caution, given that we have a limited amount of money, we have other needs in the district for transportation, parks, et al., I'm proposing that "be it resolved" be amended to read, "now, therefore be it resolved second site acquisition and development, PDC and PHB will use up to \$47 million in TIF revenue towards achieving affordable housing goals in North Macadam as defined by" etc.

Fish: I'll second the amendment, Mayor, for purpose of discussion, and I'd like to have a quick colloquy with the proposer.

Hales: Please.

Fish: So, thank you, Steve, and thank you for clarifying that the \$47 million is TIF resources. And I also appreciate the clarification because there was I think a drafting error in my resolution. There was no way we were going to fully achieve all affordable housing goals on the second site. And I think we have become so accustomed to thinking in terms of the most pressing goals as zero to 60 that we use it interchangeably with affordable housing goals. And the truth is, that was not our intent.

So, as I understand your amendment, it simply says that for the particular project identified in the fourth amendment, which is in Parcel 3, and in the second project to be identified under my resolution, there is up to \$47 million of TIF available to fund those two projects, and it makes no other changes to my resolution or to the fourth amendment.

Novick: Exactly.

Fish: So, I'm pleased to second it.

Hales: Other comments? And should we take a roll call to accept the amendment and then we'll take public testimony?

Roll on amendment.

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

Hales: OK, the amendment is included. So, now we can take testimony on the resolution.

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Moore-Love: We have about 13 people signed up. The first three, please come on up.

Joe Walsh: My name is Joe Walsh, I represent individuals for justice. I really have a question here and maybe someone can explain this to me. When I hear the term affordable housing, in my mind, what that generates is the average earning capacity of a person in Portland, which is about \$60,000 a year. And if you take the affordable housing, that becomes a percentage of what they pay. So, it could be as much as 50,000, 60,000, if they have to pay the full amount, depending on how much income they have coming in.

I would like to see the wording changed to low income housing instead of affordable housing. And that has at least the implications that we really care about people that are struggling. When you say the people that are struggling in Portland, and if you base it on \$60,000 a year, that excludes a lot of people. So, if you were to change the wording on this stuff to say low income housing, that would incorporate people that are making minimum wage that we all seem to be really worried about.

And I find it offensive when I hear politicians use the phrase affordable housing, because it's a con phrase. It appeases the liberals, doesn't upset the conservatives, because the conservatives are really aware of what's going on. So, I would like to see all progressive elected officials start to use wording that makes sense to us. So, if you're going to argue that you are concerned about people struggling, then what about the people that are struggling on low income? Thank you.

Hales: Thank you.

Lightning: My name is Lightning, I represent Lightning Watchdog X. I do agree with Commissioner Novick's amendment on the \$47 million and pointing out it's TIF revenue resources.

One of the things I do question though is that when you're stating to meet the goals on the remaining properties -- whether it's an additional one or two parcels -- I'd like to have a better time frame on exactly when you're planning on purchasing these additional parcels, because I don't want these to be purchased at such a late date that the values are going to be so high that it will begin to not really make any sense on the overall numbers. So, I want to have a little bit better understanding on your timing on committing yourself to a purchase agreement on the additional parcels.

Another issue I have on the affordable housing issues is that I have a real issue on setting height restrictions on people that want to build additional units for affordable housing. I want developers to have the freedom to come in with ideas for additional affordable housing units, and having their height restrictions negotiated upon them doing that for the public good.

Again, we're looking at numbers here that are always estimates. We're looking at projecting out, and that's all great, but if we look at the current situation, we have a lot of people out there that need housing, we need to get them into housing, and we need to offer the developers incentives to do that. If we want to restrict them with the SDCs and try to add additional costs to them, if we try to restrict them in other areas, the developer is going to step back and say it doesn't make any sense to me to look at this time. I don't have any interest in affordable housing. The numbers don't work for me. We have to make the numbers work for the developers. We have to give them the incentives. We have to have the understanding that it's more advantageous to have people in housing than out on sidewalks.

Again, we need to keep looking at those areas for the developers to continue to build projects, to continue to focus on affordable housing, and be offered incentives on height restrictions to let them be able to develop their projects and offer more housing and not be shut down due to limitations of heights. Thank you.

Hales: Thank you.

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Charles Johnson: Good morning, Commissioners. For the record, my name is Charles Johnson. And let's just have a moment of honesty. Lies, lies, lies, deceit, manipulation. Those are the provinces of law.

We have about 40 attorneys that work for the City Attorney's Office. They should be looking at litigating these developers into remedying their mistakes. No passes. We criminalize and litigate against poor people all of the time, we can do it to the rich just as well. They will have better defense attorneys. So, let's make that the starting point.

And of course, we don't know if it is just developers that are the problem. It could be previous members of this Council that are also the problem. So, it really isn't just an issue for the City Attorney's Office trying to get recovery and legal pressure on developers so that the [indistinguishable] put forth by Commissioner Fish will be constrained by TIF money, it also means that dearly departed Amanda Marshall, who came up here and lied about the Mohamed Mohamud case -- her successor, the acting United States Attorney for Oregon, actually be doing a criminal investigation of fraud and deceit in the development in the Macadam area. Thank you.

Hales: Thank you. Next? Good morning. I think you're first, Debbie.

Debbie Aiona: OK. I'm Debbie Aiona representing the League of Women Voters of Portland. The League appreciates Commissioner Fish's efforts to give the public more certainty about meeting the North Macadam affordable housing goals. Unfortunately, the resolution does not go far enough.

The actions described will not fully achieve all of the district's affordable housing goals. The constrained funding model in the urban renewal plans applies to the first 3000 units. Once that point has been reached, the comprehensive plan applies and future housing developments should match the income profile of the city as a whole. There are currently about 2500 units, so we are fast approaching that point.

It was clear from the beginning that because the need for infrastructure, affordable housing, and parks was so great and the funds limited, it would be especially important to require commitments for land and infrastructure improvements from the property owners benefiting from the substantial public investment. It is not too late to make that happen. City Council should start by withholding approval of the amendment until agreements with Zidell and OHSU for housing sites, parks, and streets are in place.

One more housing site in addition to Parcel 3 is not sufficient, and delaying acquisition of an option to purchase land until 2023 is unacceptable. It is entirely possible nothing will be left by then, and what is left likely will be unaffordable. Instead, the City should put money down to secure a site now with the price locked in. OHSU should transfer ownership of half of Block 33 to the City for affordable housing development in lieu of repaying the \$2 million in housing money it owes. OHSU needs to do its part to contribute to the district's housing and infrastructure needs. The Schnitzer campus is situated on 20 acres of donated land and it is tax-exempt. Surely, OHSU can compare one acre for housing that would serve its lower paid workers.

The remainder of the development capacity on Parcel 3 should be reserved for affordable housing, particularly for units below 30% MFI. Given the City's lackluster performance on affordable housing to date, there is little confidence among the public that anymore sites will be secured.

The River District Urban Renewal Area has been held up as a model of success. In that case, the development agreement and urban renewal plan were adopted concurrently. For the most part, the developer and City held up their ends of the bargain, and in return for City infrastructure improvements, land was made available for parks and affordable housing. The League wants to see that success repeated in South Waterfront and urges

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you to secure commitments from property owners before adopting the amendment. Thank you.

Hales: Welcome.

Leah Greenwood: Hi, my name is Leah Greenwood, and I'm actually here as the former housing policy manager at the Portland Development Commission during a lot of the planning for North Macadam. I wanted to give a little bit of history to explain that where we're at now is because we haven't done anything for the last 12 years. We're at a place because we didn't secure land early that there are few options for us, and I think Debbie articulated what we really should be doing in the future.

The resolution is seen as a win, but it really isn't. In 1999, the framework plan for North Macadam was adopted, and it outlined what the affordable housing goals for the district would be if we were to follow the long-standing affordable housing policy of the City of Portland. And that policy was something that was exemplified in the implementation of the River District.

We recognized that the infrastructure needs were greater in North Macadam and through a public process that was huge and long, we actually adopted a constrained funding model for affordable housing -- constrained goals. And those goals were only 40% of what would have been adopted if we had applied the same policy that we used in the River District. Only 40% of the units.

In 2003, we developed the housing strategy and there were some key elements to that. One was that we knew there weren't any publicly-owned sites suitable for housing in the district and that a fair share assignment of affordable units to major land owners was the key recommendation of that strategy. Targets were calculated based on what land owners held. We also said there would be an annual report that would review the progress, and that inventories of housing would be conducted every three to five years.

In 2005, the seventh amendment to the central district really put Block 33 as the primary real estate focus for achieving affordable housing. And at that time, PDC purchased parking units -- non-existent parking stalls, but parking stalls that were to be developed.

In 2006, the eighth amendment revised that focus to be both Block 33 and Block 49. And PDC actually acquired land from North Macadam investors, \$5 million, and then it did a sole source development agreement with them. They acquired air rights from North Macadam investors, and did a first right of refusal that they could develop the affordable housing above Block 33. And then we didn't build anything.

We finally did develop Block 49. But until now, there's been no discussion of what our strategy would be. And my question is, what did we do the last 10 years? We really need leadership on this. In 2010, we eliminated Block 33 as a strategy. We need leadership.

Hales: Welcome.

Margaret Bax: Hi, Margaret Bax, 3435 NE 22nd. I'm going to try to adjust what I said based on what they said and see if I understand Commissioner Fish's proposal early.

First, I do want to thank everyone for the opportunity to comment again. This thing has been a gnarly one, it's drawn out for a while and we appreciate everyone really continuing to try to struggle with this. And --

Fish: Margaret, in fairness, you coined the word "gnarly" and it was nice to have you use it in your opening remarks.

Bax: OK -- [laughs]. Anyway, yeah, a lot of jokes about bringing back the old guard, and I do prefer not to be called the old bat but here we are again, along with other former PDC and City of Portland staff and housing advocates.

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We're here because we care deeply about Portland being a city with opportunities for everyone. Opportunities for people of all income levels, stages of life, to live, to work, and play in these diverse neighborhoods, including the new and emerging ones like North Macadam. I'm also here as a volunteer on the Home for Everyone housing work group that's been working with the City and County staff over the last several months to recommend strategies to reduce homelessness in our community.

Just last night, Mary Carroll, who works on homeless issues for County Chair Deborah Kafoury, was telling me -- you know, it's taking veterans -- sorry -- Gretchen comes back with me sometimes, and I get a little emotional -- it's taking veterans 40 days to find housing, even with vouchers and down payments because there just aren't enough affordable housing units. We have to increase that supply, and we need to be aggressive and strategic in using every housing dollar available.

We're not here to pick on anyone, we're not here to pit funding for parks and streets against funding for housing. We're here to just remind you again of the commitments made by us City staff, City agencies, and previous Councils, and we want to work with you to meet those commitments. These are commitments, again, that were made after extensive public input and process.

We want citizens of Portland to know that commitments made in the past will be honored and that the commitments made today by you guys are going to be honored by future City officials. We believe in government, and want others in the city to trust and believe in government, too.

You know, we've been back and forth about the different number of sites. But it's really not that -- [beeping] -- can I have a little bit more?

Hales: Yes, please.

Bax: We're not that far away. You know, for the first 3000 units that we're talking about -- the constrained goal -- we need 270 units more. For the second thousand units, you need 300 units. At 200 units an acre, that's a total of 520 units, which is basically three acres of land. You've got two acres at Parcel 3 if you choose to develop that that offer affordable housing. You're currently in negotiations with another property owner for another acre of land. With that property, you could meet it.

Along with the funding that you've got and will expect to get in the future, you know, whatever percentage, there will be more revenue in North Macadam just like there was in River District -- probably a lot more. City debt office is very professional and very smart about underestimating some of those things.

So, I absolutely believe if we have the three sites we can do it. If you don't want to use all of Parcel 3 -- the only site the City still has left for a full affordable housing project -- then you need one more site. And I agree with Leah and Debbie, the Parcel 3 is a good place to go. OHSU still owes you \$2 million. We paid \$6 million for it. At the time, some of us argued against it. I for one was very skeptical about it, but was told it was a great investment -- that even if housing wasn't built there, if the parking garage wasn't built, that we would get not only the \$6 million back but we would get more back. That it was a good investment, a leverage against rising land costs.

I'm quite sure that the people who made the deal in 2010 weren't aware of all of those conversations or whatever, because not everything was documented -- or documents that people have read -- but that's the kind of community commitment and community discussion that I'm referring to that we remember very clearly.

So, you know, you have your choices. You can either do all of Parcel 3 plus the one you're working on now, or see if OHSU will transfer back either Block 33 or another acre anywhere in their holdings, and you will have the sites to do the housing. With the money that you've set aside with the TIF set-aside, you will have the money and leverage those

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with the other housing resources, the vouchers. I think someone from the Housing Authority may be here today. They have lots and lots of vouchers that they can't get out because they don't have the sites. They don't have the place to put them.

We're so close as a community to put all of these resources together. I'm absolutely confident that we could do it. And I thank you again very much for really trying to dig in and make this work and for your staffs, who have continued to struggle with this along with the rest of us for the last several months and years and decades. Thank you.

Fish: Margaret, before you go, can I just make one comment? Because you've been absolutely critical to this process, and I just want to reaffirm a commitment that I hope we're going to make today with a unified Council.

We will build at least 270 units. That's the remaining goal at zero to 60 that we have to do. We will build those. One project will start in 2017. We will acquire a second piece of dirt and there is at least two places right now that I know we can do it. We used to have \$7 million to fund it. We now have a commitment of at least \$47 million that's available for this.

And to put this in context, one year ago, we had no path forward and we had no money. And so, I take Debbie's comments to heart -- that this is not a day we're going to pop champagne and say, you know, we're done. But I also -- having worked with that great optimist once named Barney Frank -- I refuse to miss the opportunity to acknowledge the extraordinary work of the community to get to a milestone.

A year ago, we had no money and no path forward. And thanks to especially you two, I hope today with a big vote this Council's prepared to say at least 270 will be built, the money is there, and we'll make that commitment. And I guarantee you we have the sites to do this. So, that's what your admonishment to us and I appreciate it. And when the Council votes today, we're going to be saying back to you that we make that commitment and you've asked for it and we're going to. And the resolution was drafted so that there could be no ambiguity that we are making that additional commitment.

Hales: Thanks, Margaret. Thank you all. Good morning.

Carolyn Whitney: Good morning, my name is Carolyn Whitney. Mayor and Commissioners, I appreciate the opportunity to speak today. I feel like I should apologize because I didn't know about this meeting until last night so I don't feel very well-prepared. And also, I hope that I don't speak as an opponent to low income housing, because I really believe in that.

But I urge you to approach this with democracy. There was a speaker before me that talked about having people work together to figure out how to implement housing, and I really think that's true. So, I am speaking for myself today, a resident at the Strand. And I pay \$7000 a year for taxes for 1200 square feet. I know that a lot of that is going to go for low income or affordable housing, and I think that's great.

I have strong feelings about the need for having that in the city. I helped a woman whose family was living in a car who was struggling and earning her way through law school to get a job at Bonneville Power, a very good job, and so I really care for those people.

My problem is -- and I think the problem with some of the residents at the Strand -- is we confuse the security along the river bank, the gem of Portland and the people who are using drugs and prefer to live on the street. We get confused, I think, about whether or not those are the low income people. And so, we need somebody to come and talk to us about who are these people that are going to be moving in. If it's low income citizens, you know, older people, if it's students at Portland State that have a family and struggling -- they're welcome for sure and we would like to help you site them in our neighborhood.

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But it's with all of this confusion and apprehension that we're being informed by the newspapers about this coming in and we don't really know about that. We don't know if we should be concerned about our safety or not. So, I think it would be advantageous for some of your staff or somebody to come and talk to us so that we can be welcoming the people that are coming in. And the other thing I'm concerned about is the resources, if we have the right resources for people. Five hundred people, 200 people, I don't really know how it is going to be. [beeping] So, it sounds like I have the tone there that I need to stop talking. But I was wondering if I could ask a question here. Two additional sites that are being considered -- could you tell me where those two sites are?

Fish: Actually, can I first respond to your first comment? Dan, would you stand and raise your hand for a second? We have the executive director of REACH CDC here. And you asked, "what might this look like?" Well, we don't have to give you a hypothetical. The only other affordable housing development in your neighborhood is operated by REACH, and it's a little bit to the south of where you live currently. And I would say that -- and Dan, I'll take a liberty on this if I could -- if you could connect with him before you leave. I think the first step is to go see what he's doing, because the building that REACH operates is going to be quite similar to what is contemplated closer to your neighborhood.

And I will tell you that we get lots of complaints at City Council from people for all kinds of things. We do not get complaints about the folks who live at Gray's Landing or the way it's operated. And I think it will go a long way to allaying some of your concerns if you see how REACH operates its development, and then we can follow up with answering your questions.

In terms of sites, there are a couple of sites that are under consideration. One is called Harbor Naito. It's not the preferred site. And there is currently a negotiation underway with Mr. Zidell and the Zidell Property Group, and they've identified a piece of dirt in their footprint which the City could acquire. Those are two candidates for what would be the third, the total development in South Waterfront -- which under my resolution, the dirt has to be acquired between now and 2022.

Whitney: So, the site is not where the substation currently is.

Fish: No.

Saltzman: Well, that site is slated for development.

Fish: Parcel 3 is the site that's in the amendment.

Saltzman: If you want to get in touch with my office, I'll make sure the Portland Housing Bureau involves the Strand residents in that decision. But yes, Parcel 3 is the first parcel that will be developed for affordable housing.

Whitney: So, Parcel 3 includes the land currently empty as well as the substation land?

Saltzman: I don't think it includes the substation, but it includes the adjoining land.

Hales: We can definitely follow up with you and get you more information.

Saltzman: Yeah, if you want to get in touch with my office.

Whitney: OK. And I think it would be important to have a conversation with the businesses along the esplanade. I've talked to a few of them, and they have no idea what's happening.

Hales: Good suggestion, thank you. Mr. White?

Will White: Thank you, Mayor Hales. Good morning, Mr. Mayor and members of City Council. It is good to be before you again. At last month's --

Hales: Just put your name on the record.

White: Sorry. Will White, former director of the Bureau of Housing and Community Development. At last month's Council hearing, I testified about a history of broken promises in the North Macadam URA with regard to housing. I also outlined the steps that the City could take now to turn the South Waterfront district into a truly mixed income neighborhood rather than one only affordable to middle and upper class Portlanders.

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My key points then were the following. Utilize Parcel 3 for maximum development of affordable housing. Stick to the goal committed to in 2003 that housing after the first 3000 units will match the income profile of the city as a whole. And to do this, acquire sites now.

As you know, the City is currently 270 units behind the promised production of affordable housing in North Macadam. By the time Parcel 3 is developed and 4000 units total have been built in the district, the shortfall would be 570 units less whatever is developed on Parcel 3.

To develop 570 homes, we need approximately three acres of land. If all of Parcel 3 is used for affordable housing, just one more acre would be required to reach existing targets. If only half of Parcel 3 is used for affordable housing and the balance for other housing, we would need two more acres. Those sites should be secured now before they become even more expensive. They don't need to be developed now because we don't have the funds to secure and develop, but locking up those sites is critical. That's what we failed to do in the past, and what leaves you having to confront the difficult bind you have now of trying to find sites where these goals can be met.

I also wanted to say a word about the income mix in the recommendations that workforce housing should be built there, perhaps on Parcel 3. This is certainly a worthy goal, but this is not where the primary need is in our community. The data shows that currently, we are short 23,000 units of housing affordable to people below 30% of median income, and another 600 units that we're short for those between 31% and 50% MFI. However, there is a surplus of 45,000 units for households between 51% and 80% MFI, and the excess of affordable housing increases as we go higher up the income scale. So again, the gap of over 23,000 homes affordable to people below 30% is the great housing challenge now facing our community.

With regard to financing, the priority is just now to acquire those sites, we can get the rest of the development money down the road. And we can supplement TIF and general fund with federal funds that include the rent subsidy contracts that can write down the rents through project-based Section 8, VASH vouchers for homeless veterans, and a new batch of McKinney vouchers.

In its current form, I would not personally support approving the urban renewal amendment. Some have been surprised at that, saying, "well, there's \$47 million in additional affordable housing money, why wouldn't you support that?" But to be clear, the net increase in tax increment for affordable housing is only \$3 million, not \$47 million.

Finally, another concern I've heard expressed is that too much money being spent on housing versus infrastructure such as transportation and parks -- and those are also goals that I support. I checked the expenditures to date. In fact, over the life of the district where a total of \$150 million in TIF has been spent, nearly twice as much has been spent on infrastructure as has been spent on housing: 62 million for infrastructure versus 35 million on housing.

In closing, I just want to note when I last testified before you last month, I sat at this table with Gretchen Kafoury. Sadly, she is no longer with us, but I'm certain that she would advise you not to move forward on North Macadam until we can be certain it will be a community open to all Portland citizens. And I second that thought, and leave you with an urging to find the leadership to develop a way to make North Macadam open to all while completing the parks and infrastructure and other needs that we want to see in that vibrant district. Thank you very much.

Susan Emmons: My name is Susan Emmons, I'm the director of Northwest Pilot Project. I would like to start by saying that I think we've all fully exhausted each other on this subject, and I thank everybody for hanging in and being here today and having one more chance to talk about this.

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I've been in my job for 30 years, and from 1992 to 1995, I chaired the Housing and Community Development Commission. And what I was most interested in my time there was not big documents that sat on a shelf, but identifying a problem and saying what's the solution -- and we did that. We had a 10-page document that Cathey Briggs authored, and we showed at the time great statistics that we had a shortage for people -- men, women, and children in Multnomah County who are at 30% of median or less -- we had a shortage of 10,000 units. And I said, well, as a citizen what would it take to solve that? The solution was \$500 million. I was really lobbying at that time for a housing trust fund. But people got the figure, they said, OK, here is the need and here is the figure. And we all blinked -- \$500 million, well, where is that money going to come from? And we moved on.

In that time period, we did wonderful things with transportation in this system. We built a light rail system. We built a streetcar. We spent \$100 million on one light rail stop on the westside, and of course -- of course we're going to have a stop at the Zoo, but we made that a priority. We didn't say, is there the money? And maybe it was federal in origin. Certainly some of it was, maybe most of it was. But we said, we're going to do this and we did it.

So, I think that when we come to North Macadam, I think our thought was with the River District and North Macadam, we're not going to get housing for the poorest of the poor in Eastmoreland, Willamette heights and Irvington -- those were built neighborhoods. And the reason we became so focused on the new neighborhoods -- here is an opportunity, not that it is going to be all for the poorest of the poor, but a segment, a fair share.

I think now we come down to Parcel 3. I'm excited about it. I would really encourage you and everyone in charge not to be reluctant. I can stand on the corner of SW 12th and Clay and look in eyesight at over 500 units that are affordable for people 30% of median or less. The Rose Schnitzer Tower, Hamilton West, Peter Paulson and 12th Avenue Terrace, Gretchen Kafoury Commons. I think you can do decent housing, it can be beautifully managed, it can be a good neighbor. I would love to tour you and anyone of the Strand through this housing. So I say, let's get 200 units on Parcel 3 of people 30% of median. As Will said, fast forward from 1995 -- a shortage of 10,000 units -- to 2015: we have a shortage of 23,000 units. We desperately need this housing for the most vulnerable people in our community.

Hales: Thank you very much, thank you all. Good morning.

Dan Valliere: Good morning. Thanks for taking all of this testimony today. I'll try to be brief because you have heard a lot already. Dan Valliere, REACH Community Development, owner and manager at Gray's Landing and many other affordable apartments around the city.

And affordable housing -- to define it, which is important -- at REACH that means all of our housing is affordable to households with income below 60% of median, and many are affordable to households below 30% of median depending on the building and the apartment.

Again, to start with the positive, I have been struck here the past almost two years. Portland does have a long-standing commitment to mixed income communities and to be inclusive, because a lot of progress has been made -- you just heard Susan Emmons talk about some of the examples of that. That is to be celebrated. And also been struck by the fact that there are many strong people and organizations working on housing in Portland. You don't always see in cities. I will highlight even the Housing Authority, which -- in some cities, the Housing Authority is a big problem. And here, it's not. We have one of the most innovative housing authorities in the country. I have heard that time and again when I am in other cities.

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So, we have a lot to build on, and that's really good. And then I would say the progress that's been made the past few months here with Parcel 3 is also really good, and so, thank you. We really thank you for making the progress.

And the only other piece I will offer in support of the resolution is that it points us in a good direction. I think what still isn't in the resolution and is a fundamental piece is, what's the monitoring process, what's the tracking process we're all going to use so that we continue to move forward after the first win here? Because from what I've heard from the many who have testified who have been here longer than me -- that's what often has made the difference. There were forums, there were processes so that progress could be tracked and private individuals, private organizations, public sector could work together to come up with a strategy and make it happen over a period of years. Thank you.

Hales: Thank you. Good morning.

Jessica Larson: Good morning, Commissioners and Mayor Hales, thank you again for taking this testimony. It's good to be here with my colleagues, and I echo many of the sentiments that have been shared this morning.

Hales: Just put your name on the record.

Larson: My name is Jessica Larson, I'm the director of the Welcome Home Coalition. This morning I guess I just want to add to the conversation two points from the perspective of my current work and the perspective of my past work.

Currently, leading up the Welcome Home Coalition, our work -- we are an organization of 75 local nonprofits working to address the affordable housing crisis before our city and metro region. And my first assignment was to convene a survey of how other cities are funding affordable housing with local revenue strategies. Clearly, federal and state resources are not going far enough. Everywhere, cities around the country like ours are in the midst of this housing crisis, and what could we do?

Unfortunately, what we find is a list of revenue mechanisms that are preempted in Oregon, preempted at the state level. And here we are with the TIF set-aside, which was an enormous win about a decade ago for affordable housing advocates and has brought a lot of revenue -- \$150 million -- to Portland for affordable housing development. Unfortunately, that revenue is limited to use in only our urban renewal areas. And so, here we are working to find new solutions for affordable housing, because clearly this conversation is evidence of the fact that our TIF set-aside, while wonderful, is not going the distance to meet the need of our affordable housing crisis of our 20,000 unit shortage in the Portland area for families and individuals with less than 30% income.

We have a lot of work to do, but the TIF set-aside is our opportunity to do it and the urban renewal districts are the place, the opportunity for us to implement that strategy. And so, I'm here to ask and encourage and thank you for finding ways to make this resource go the distance while it's the only resource that we have.

And then the second point I want to bring to the conversation is from the perspective of my previous work where I was at Northwest Pilot Project for eight years, and Cascade Behavioral Healthcare for two years before that working with people with very low incomes in the midst of the housing crisis. We're behind 270 units today in North Macadam, and I know if housing had been the priority of our strategy in North Macadam from the get-go, we'd have 270 families in shelters, who are doubled up in cars, living at home now in North Mac. And so I'm just asking -- we have an urgent need. We have families ready to go. We know that this is the greatest indicator of equity, of graduation rates, of opportunity, and this is our opportunity to do it. If not now, when? If not in North Macadam, where? Thank you.

Hales: Thank you. Good morning.

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Justin Buri: Justin Buri, executive director of Community Alliance of Tenants. I will keep it brief because a lot of my colleagues have delved into the details. Interesting, because we've seen a little of the old guard, new guard conversation here, but we know that the conversation is the same and the need is the same, and we need more affordable housing priorities here in the City. I appreciate the fact that the situation that we're in now is the product of past decisions that we may not be able to overcome, and I appreciate the work that this Council has done to try to get us as close there as possible.

But we know Portland is becoming less and less affordable, especially for people with working families, disabilities, and seniors. As we put investments in the areas of urban renewals, we have to prioritize housing and we have to do better. On our end at the Community Alliance of Tenants, we hear on the renters' rights hotline astronomical rent increases. There is such a dire need for people to find and keep affordable housing. And the private market will not provide enough. We need more investments. We need more priorities. And even people that can afford some of the private markets are still having trouble getting into housing just because of the competition that's out there and the fact that the vacancy rate is so low. We have come up short year after year, again and again on these commitments that we have made and we need to do better.

We need to do better. We need to hold ourselves to the commitments that we have set. Like Jess mentioned a second ago, if not North Macadam where? If not now, when? We've put millions of investments into these areas with great redevelopment and parks and transportation, and if we're not providing enough housing opportunities across the income scale, then how equitable are these investments? How successful are these investments if the people that live and work and contribute to the city don't have enough opportunity to live there?

We really can't build our way out of this housing crisis with mostly private development. The more private development we build, that actually creates more of a need for affordable housing. We as a community can look forward not only now, but in the next coming years, and see what we can do about prioritizing affordable housing. Thank you very much.

Hales: Thank you. Thank you all.

Moore-Love: That's all who signed up.

Hales: Anyone else want to speak on the resolution?

Fish: Mayor, may I ask a question?

Hales: Sure.

Fish: So, we're going to vote on the resolution and then we're going to go through the amendments?

Hales: Yes.

Fish: Alright. So, each of us will decide how we want to allocate the time. But we are going to get, in essence -- because we have the fourth amendment vote. Is it your intention to bring the fourth amendment vote up first?

Hales: I was going to take them in order. And give everyone a chance to speak. I plan to speak at the first one and not after that.

Fish: OK.

Hales: Roll call, please.

Item 340 Roll.

Fish: Well, I deeply appreciate this hearing and the inspiring testimony from so many friends and advocates. I was reflecting on the constant refrain about the past, the present, and the future. And I don't have the power to change the past. We do collectively have the power to change the future, and I honestly believe that the path that I hope we together choose today as a Council puts us on a more solid footing going forward.

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We would not be here had it not been for all of the advocates who stepped up and said we've got to do better. I said last time how inspired I was personally by Margaret Bax stepping up and Debbie Aiona and Susan Emmons and all of the people that literally built this movement and have sustained it, but the person who inspired me the most was Gretchen. Because Gretchen came to these chambers when she was at the end of her life. And none of us knew how grave her illness was when she was here. She did not look like herself, and she had difficulty moving and was obviously in pain. And it was literally the last time she went to a public forum and said something about essentially the life cause that she championed, which was people in poverty and holding government and people in power accountable to do something about it.

This Saturday, there will be a memorial service and we'll all get a chance to reflect on how she impacted our lives. I can't begin to catalog or describe all of the ways that she impacted my life. But I found her words at the last hearing so inspiring that I just want to close with what she said.

She said, "I'm Gretchen Kafoury, retired -- I thought." She didn't say that she was at the very end of her life. "I'm here today like the ghost of Christmas past, and my job is to remind you" -- as she looked at us sternly -- "I'm Scrooge, by the way," she said, laughing, "and everyone that had to work with me and for me knows that's the truth. And the reason I feel like the Christmas past reminder is relevant is that commitments that we have made have not been kept. Believe me, I know how hard this is. I still don't think it's enough. Our little group of old timers -- with apologies -- or old bats, or whatever we call ourselves, we just don't think that this" -- meaning amendment four -- "is specific enough. There isn't enough agreement as to what will be developed and when it will be developed, and we want to see more of specificity. I am just begging you to reserve this very critical tool. Like it or not, it is a critical tool that the City has to finance affordable housing. Use it wisely. These are precious resources and you have the power to use them wisely."

The last words that she spoke in her very public life was to tell us that it was her job to remind us -- and each of you who have testified today in your way have reminded us that we have a commitment that we have not kept.

A year ago, there was no path forward to meeting the goals of zero to 60 in this district, and there was no money to fund it. Today, through the combination of the fourth amendment to the urban renewal plan and this resolution, we have a commitment of this Council to meet and exceed the 270-unit gap. We have at least \$40 million of new resources, and we are confident that we have the dirt to build this housing. But as Gretchen would say, that's not enough -- but it's a hell of a start.

And so, while I accept that we have fallen short and we always have to do more, I always want to acknowledge and celebrate this moment and give thanks to everybody that allowed us to make this progress today. To all the advocates and people who have testified; to Liam Frost in my office and Shannon Callahan, Dan, in your office; to Patrick Quinton and the stellar team at PDC; to Traci and Javier at PHB; to all of my colleagues, in particular Commissioner Fritz, who after all did not support the Education URA but insisted that once that commitment was made, all of the parties be treated fairly once we pulled the plug on that URA; to Jillian Detweiler and Josh Alpert; to all of the people who spent all of this time coming up with this imperfect plan, I say humbly, thank you, and today I'm proud to vote aye.

Saltzman: This resolution memorializes the diligent efforts that have occurred and will occur in the future by both the Portland Development Commission and the Portland Housing Bureau to identify an additional parcel of land to achieve our affordable housing goals for the North Macadam Urban Renewal Area.

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As we all know, as has been so eloquently stated this morning, the need for affordable housing has never been greater. Rents are rising rapidly, and many Portlanders and Portland families are being priced out of our city. The North Macadam area offers a very opportunity-rich area for affordable housing to be. It's got [indistinguishable] transportation, it's got good schools that young people will go to in that area, and it meets all of our criteria for a high opportunity area. So, we are determined to make sure that we meet our goals and hopefully we'll exceed our goals on affordable housing in North Macadam. I thank Commissioner Fish for his leadership on this resolution and everybody he also thanked previously as well. Aye.

Fish: Mayor, just a point of privilege -- and I apologize, because my handwriting is like a doctor's handwriting and sometimes I cannot read it. The reason that Jillian and Josh were at the table and PDC at the table and that we were able to do a little bit of a stretch in this work is because the Mayor of our city said it was important to him personally. So, I would be remiss if I didn't also thank our Mayor Charlie Hales for his steadfast support throughout this process.

Hales: Thank you.

Novick: Aye.

Fritz: That was short and sweet, Commissioner. I'm just going to speak to the resolution and then I'll make more remarks to the amendments. I think Susan Emmons perhaps captured it best when she said that we've all fully exhausted each other. And that certainly is the case for many of us on the Council. And then Margaret Bax said, "I'm absolutely sure that we can do this." And I am absolutely sure we can do this, too. The resolve of the community, the testimony that we've heard, the monitoring as the community is continuing to come at every opportunity to let us know behind the scenes and in front of the camera what we all expect for the North Macadam district. And I need to go way back in honor Ernie Bonner on the Portland Planning Commission, who insisted that North Macadam should not be an enclave for one segment of our community, and everybody should be welcome to live there.

I'm very pleased with this amendment. It shows true leadership by Commissioner Fish to ensure that affordable housing gets going soon and then that there's more of it coming and I would hope at least one more site would be there. I hope in addition to the Zidell agreement -- which I'm hopeful that we'll be getting to shortly -- is that OHSU will do their fair share. I misspoke in the last hearing, and said that the taxpayers had spent \$57 million on the tram. It turns out -- thanks to Andrew Theen of the Oregonian who pointed out we only spent \$18 million on the tram. That was a significant investment in infrastructure, which I have to say has helped the North Macadam district to grow to be what it has been and was quite visionary and also quite expensive. And so, lot of the infrastructure put into North Macadam so far has been the streetcar and light rail and the tram.

So, we do need to continue to look at all of the other needs to make this a complete neighborhood. And thanks to Commissioner Fish graciously accepting the amendment proposed by Commissioner Novick. And thank you, Commissioner Novick, for your leadership on that to at the very last hour bring the Council together -- the both of you -- to find something that we can all support, recognizing that we still have work to do. This is not the last hearing on North Macadam ever. I think there will be another hearing very shortly with a development agreement with Zidell, and I believe we can do it. Thank you for that, and thank you, Mayor, for sticking with it also. Aye.

Hales: Well, I want to thank you, Commissioner Fish and Commissioner Novick, for this morning's particulars and all of us as a Council for working together on this issue with a lot

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of people in the community who care passionately about it, and I think we have gotten to a good result.

I also appreciate the reminder that you made, Commissioner Fish, that without the proposed URA amendments that we're about to act on, the North Macadam district would be running out of money. So, it's really important that we remember the larger context -- and we're going to be getting to that shortly -- of what we are about here. This resolution I think does give us the additional clarity about our implementing strategies for affordable housing, the specificity that Gretchen came here and asked us for I think is now before us, and I'm very pleased to support this and vote aye. Thank you.

Hales: Now, I think that was as amended or --

Fritz: We voted on the amendment.

Hales: We're there. Thank you all. Let's move to items 334 through 339. And why don't you read them all.

Item 334.

Item 335.

Item 336.

Item 337.

Item 338.

Item 339.

Hales: Thank you. These are all second reading items. We'll proceed in a moment with voting on them, but since it is a package, I want to take a moment and give my colleagues a moment if they would like to talk about the package as a whole.

First, let's remember that the purpose of this group of ordinances is to right-size urban renewal, to target urban renewal for where it actually will make a positive difference, and to be responsible to the City's general fund and to our other taxing jurisdictions, the County and the schools, about where we do and don't sequester peoples' tax revenues in urban renewal.

I think that urban renewal is a great tool, as long as we use it appropriately and not as an ATM for this or that, but as a focused effort to create place and to create shared prosperity. Creating efficient employment districts and livable neighborhoods is what this tool should do. And when we do it right, it pays back the investment or the forgone tax revenues many fold in future tax revenues from better places.

We have used this tool very successfully in Portland. In fact, so successfully that now we have this opportunity to declare victory in some areas and put that value that was created back on the tax rolls for schools and for the County and for the City's general fund.

When I took office two years ago, I asked the Portland Development Commission -- who's the keeper of this system -- to re-examine the boundaries and the duration and the purpose of all of our 17 urban renewal areas, and this package now represents the first comprehensive review and reform of urban renewal.

In May of last year, almost a year ago, I brought to the Council a proposed amendments to six urban renewal areas, and the Council affirmed the general direction and asked for more public outreach, and we obviously and certainly have had it. The package before us today has the support of an advisory committee, the PDC board, and the Planning and Sustainability Commission. I think Chair Baugh is here. The Council obviously has heard extensively from the public on this package, which returns \$800 million in assessed value to local taxing jurisdictions, increases the resources for affordable housing and advances the implementation of our affordable housing goals, and helps achieve the potential of new station areas in the Central Eastside and the South Waterfront.

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Let me make some specific comments about a few of these areas. Regarding the Central Eastside, the area around the Clinton MAX station is a problem. There's essentially no activity at street level, there's poor pedestrian access, there's underutilized public facilities, there's some emergency facilities, and some unreinforced masonry building all on a billion dollar light rail line. It's a terrible place to wait for a train today. If we do this right, it will be a great place sometime soon. And realizing that potential will take more than TIF, but TIF is a part of the mix.

Airport Way -- it's a great success, and we're able to substantially reduce the area of that Urban Renewal Area and put 970 acres of it back on the tax rolls. Sometimes, again, we speak about these abstractions. Go as I've done and stand on the floor at Leatherman Tools and see the amazing amount of employment and the amazing diverse workforce that's operating there, because this is an urban renewal area that's working and created a lot of jobs. It's not done yet, but it's done enough that we can move this much of the value back on to the tax rolls.

Regarding the Willamette Industrial Urban Renewal Area -- 1800 acres going back on the tax rolls in an area which is again creating a lot of job growth even today, and will continue to provide a lot of job growth even without the tool of the URA there.

When it comes to the Education URA and the North Macadam District, again, I want to thank our partners at Oregon Health Sciences University and Portland State for working through some very complex issues and getting to a good outcome here. We're going to focus our relationship with PSU and with OHSU on the catalytic opportunities that exist in this district and that are so exciting, and we want to be good partners for them.

Finally, I just want to thank a lot of people. The board members and the staff of Portland Development Commission. Patrick, you and your team have done a huge amount of work on this in addition to carrying on the actual work of making these urban renewal districts do what they're supposed to do. Thank you for all of the time and effort that you put into this.

Andre, if you're still here, the members of the Planning and Sustainability Commission for their work on top of a lot of other requirements that we load on to those amazing volunteers who spend way too much time in public meetings. Jillian, Matthew, Josh, members of my staff, thank you for all of the work that you've done on this.

I'm looking forward to us taking action on the package today. I'm very proud of this moment. I spent a lot of time talking to voters a couple of years ago who said, I believe in what City is trying to do with urban renewal, but it needs to be properly focused and right-sized, and I think that is what we are doing with the package. I will offer my colleagues to make any comments on the package as a whole, and then move on to the roll call vote if you're ready to do that.

Novick: I would just like to say the idea that we are returning value to the tax rolls is very important, and it shows a great deal of restraint on behalf of the mayor and the City.

People need to understand how seductive it is for the City to use urban renewal as much as possible. Because if we shut down an urban renewal district, then we only get 20% of the release money back for our general fund. So basically, urban renewal is -- one could characterize it as a way for the City to take other people's money, and for every dollar of ours we're losing for general fund, we get \$4 of other jurisdictions' money. So, there's a huge incentive for the City to overuse urban renewal, frankly, and the idea that we're acknowledging some limits and scaling back I think is something that -- an extraordinary thing which people should recognize.

I wanted to thank the mayor for being willing in the River District set aside some money to help facilitate retrofits of unreinforced masonry buildings, which are one of our biggest safety hazards in the event of an earthquake.

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With regard to North Macadam, I just wanted to say that we do still need some more investments for transportation. I wish we had no transportation needs and we put all of the money into affordable housing, but despite the fact that we have a tram, despite the fact that we have a streetcar, we also have a complete mess at the intersection of Bancroft and Macadam and Hood Avenue, which will get much worse as development proceeds and there's more travel there. So, affordable housing is a critical need for the entire city. But unfortunately, we do have to save some of the revenue to deal with other issues, including parks and transportation.

Anyway, thanks to my colleagues. Thanks especially to Jillian and to Patrick for explaining a number of things to me over and over and over again. Thanks to Katie Shriver of my staff, and I think this is a fine day for the city.

Hales: Thank you. OK. If there aren't other general comments, let's move to roll call on 334.

Item 334 Roll.

Fish: Aye.

Saltzman: Well, I'm very pleased to vote yes on this amendment to the Central Eastside Urban Renewal Area, and appreciate the mayor's overall leadership in the whole package and taking it the final yard across the goal line. The inclusion of the land in the Clinton triangle and a firm guarantee that the Portland Fire and Rescue owned land will be affordable housing. I think it ensures that we will be able to bring another affordable housing project to inner Southeast Portland. Pleased to vote aye.

Novick: Aye.

Fritz: The reason for urban renewal districts to redevelop lands that are blighted, underutilized, and depreciated as a result of that blight. This urban renewal area, the Central Eastside Industrial District, has been in existence since 1986 to eliminate that blight -- a good year for me, when my first born son was born. He's now 28.

Tax increment financing money has been directed to projects like the streetcar and the Eastside Esplanade, and it's not entirely clear how much blight has been actually eliminating the 28 years of the existence. This amendment adds 21 million to maximum indebtedness for a new total of 126 million. That's a 20% increase in maximum indebtedness, and the local taxing jurisdictions will take a hit. To echo what Commissioner Novick just said as far as who we are taking money from, half a million dollars from Portland Community College, almost \$10 million from Portland Public Schools, about \$8.5 million from Multnomah County, and about \$9 million from the rest of the city's taxpayers. This money forgone from the taxing jurisdictions and the amount of reinvestment coming back at \$21 million doesn't justify the expansion in my opinion. With the extension, the URA will start paying off the taxpayers in 2051, when I will be 93.

There are two major property owners that benefit. One is a corporation, the other is the City that owns the old fire station at 3.32 acres. The other property for the most part in the triangle -- 8.2 of it in public right-of-way or TriMet light rail right-of-way. And so, we have to look at who pays, who benefits, and is that fair.

I do appreciate the effort by Commissioner Saltzman to add an affordable housing requirement, and yet the amendment is unclear and doesn't specify exactly what that means. There is not enough evidence in my opinion to support an expansion of the district in this way.

I was quite persuaded by the testimony from the Brooklyn action core and neighborhood representatives that in addition to the Clinton triangle, or perhaps instead of, and having a new urban renewal district along light rail that would have made more sense to adding property along 17th or along Powell. But in the absence of that unbalance, I

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believe this URA should have run its course and should be allowed to expire. So, I respectfully vote no.

Hales: Appreciate your football metaphor, Commissioner Saltzman. I'm glad after this long process that we are not the Seattle Seahawks in that last yard. Aye. Before we turn to item 335, I think Commissioner Saltzman needs to make an announcement.

Saltzman: Yes. With respect to items 335 and 336, to avoid the appearance of a potential conflict of interest, I will recuse myself from voting on those items, as I do have a financial interest in property that is within the current Education Urban Renewal Area and also within the proposed expansion of the North Macadam Urban Renewal Area.

Hales: Thank you. Roll call vote please on 335.

Item 335 Roll.

Fish: I have been on this Council long enough to remember when we adopted the Education Urban Renewal district. And once upon a time, I had high hopes for how we might spend the affordable housing dollars in that part of town. When it became clear that we were going to pull the plug on that district, the primary consideration that I had was that Portland State University be treated fairly because we had in fact made commitments to make joint investments to help grow out the university district, which I think we all acknowledge is extremely important to Portland's future. Thanks to the robust discussions and negotiations that ensued, in fact, Portland State felt at the end of that process they were treated fairly. And that was very important to me that having once made a commitment that we would partner with them, that in pulling the plug on Education URA and expanding North Macadam, we would keep faith with some of the commitments that we had made. On that basis, I will vote aye.

Novick: A little off topic, but in defense of Pete Carroll and the Seattle Seahawks, throwing a pass was reasonable, Marshawn Lynch was not automatic from a one yard line, the Seahawks were just victimized by a brilliant defensive play. Aye.

Fritz: Once again, we have a significant disagreement, Commissioner Novick, and we need to watch the video again. Terrible call. Anyway, back to this.

To continue on the theme of the money -- because it is all about the money -- significant sums will be returned to the taxing jurisdictions as a part of this termination over the life of what this district would have been in 2043 or '44. It's \$216 million coming back to taxing jurisdictions of which about \$63 million is returned to City over that lifespan. And this is a good thing that the mayor has revisited, which is partly what I said when I was opposing it in 2012 in the first place. So, I didn't oppose the education URA, because I consider it a lack of blight in the area and too much money for too long going from the local jurisdictions. But at the vote, I said I would support any decision made by the rest of the Council and work to make the education URA successful. I think probably most of us when we are in the minority, we hope that our -- we hope that we were wrong in our convictions. We hope things turn out better than we feared.

So, it's now under the mayor's leadership, and I think this was one of the first things he started work on when he became Mayor was looking at can we get there under a different route? And he also was very committed to supporting Portland State University as our urban university, as am I. And I believe this revised plan better meets the intent of the Council and certainly better meets my goals for urban renewal district. Thank you, Mayor, for your leadership on this aye.

Hales: Aye.

Item 336 Roll.

Fish: I would like to -- I don't think Andre Baugh is here or anyone from Planning and Sustainability, so I would like to at least acknowledge because of their advocacy, we did bump up the target for the set-aside for affordable housing under this original amendment

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above 30% -- which as we know was always a floor -- to a blended rate of 42%. That was because in part because Planning and Sustainability said there was such an urgency, they wanted to see more money and wanted to see the money front-loaded. And so, I'm deeply appreciative that Andre and his leadership at the commission led to the City adopting that framework and significantly increasing the dollars that will be allocated to affordable housing for the life of this district. Aye.

Novick: I just realize that I have a really stupid procedural question. Did we adopt or simply put on the table my amendment the other week to table 10A to consolidate certain categories?

Hales: We adopted it.

Fritz: We adopted it.

Novick: In that case, aye. [laughter]

Fritz: I'm hopeful that that table 10A which allocates funding from this particular amendment, the fourth amendment, will soon be amended again when we get an agreement with Zidell. I'm looking forward to that.

I have been very concerned all along from back when I was on the Planning Commission when the North Macadam district was under consideration that there are so many competing needs and indeed there continue to be competing needs in the amendment. The problem that the advocates highlighted immediately was deficit in affordable housing, and I applaud Commissioner Fish for diving in and working so hard to identify the solution on block three, and I'm very happy to support the proposed funding for the projects at \$47 million.

Building on the amendment that Council adopted in 2011 under Commissioner Fish's leadership to increase the set-aside for affordable housing in North Macadam to 36%. So, that is the adopted floor today. There has been a suggestion by the Planning Commission to increase that further, which the Council has not yet discussed. And so, perhaps there will be a framework for that discussion as we continue to move forward on urban renewal districts.

Appreciate all of the housing advocates. Thanks for reading Gretchen's last words to us earlier to the Council as a whole, and also the League of Women Voters for pushing on this. There are other problems, however. One is the lack of funding for crucial transportation infrastructure, particularly the south portal, which is backing up significantly even today. And although the Portland Bureau of Transportation will receive system development charges as development occurs, system development charges will not cover all of the necessary transportation improvements, and so this challenge is being deferred until the next stage.

And also deferred in today's vote is providing enough for active parks. We don't have enough funding under this amendment for the greenway or for the active parks. And particularly for affordable housing as well as market rate housing, there needs to be an active park in the district. Housing advocates, Gretchen, and the League recognize and support this need. And again, system development charges will provide some revenue, but there won't be enough.

I have been working diligently with the major land holder left in the area that is not yet part of a development agreement, the Zidell Industries, and we've made significant progress in the last two weeks. Although I believe it would have been better to finalize the agreement with Zidell before voting on this amendment, developers and the City and the taxpayers all need certainty about cost and benefits. Once again, the decision boils down to who pays, who benefits, and is that fair? However, I believe we also need to look at the big picture and that I'm confident we're on the right track to accomplish the positive outcome. So, I'm able to support this amendment to the URA. Particularly thank Tim Crail

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and Tom Bizeau on my staff and Commissioners Novick and Fish for coming to agreements on the resolution that allows me to support this amendment. Aye.

Hales: Aye.

Item 337 Roll.

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

Fritz: This is the amendment to the Airport Way Urban Renewal district. We have already reduced the size of that under Mayor Adams, and now we are finishing it, and that takes approximately \$500 million in assessed value out and will end up the district. Thank you to PDC and Patrick Quinton and other leaders who -- this is an example of really successful urban renewal district and why we do urban renewal because it's worked really well. Aye.

Hales: Aside from all of the other good that this district has done -- and I mentioned the jobs earlier -- people have been riding light rail to the airport for almost 15 years now, which is about 10 years longer than they ever would -- I mean, we have been able to ride it a lot longer thanks to this urban renewal area, but also thanks to some people whose names we might not always remember. O

One is a guy named Joe Walsh, not the one we usually see here, but a project manager for TriMet who brought that project in on time and on budget. Fred Hanson [spelling?], Mike Thorne [spelling?], and particularly Ralph Stanley [spelling?] had this vision of this district served by light rail as an important part of our economy. It's turned out to be a good vision, and it's taken a lot of amendments over the years to get us to this point, but that's how these districts evolve if we have a good vision and good management at PDC to bring it home. And that's exactly what happened here. Aye.

Item 338 Roll.

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

Fritz: This is the Willamette Industrial Urban Renewal district, which I think could be best characterized it seemed like a good idea at the time. The outcome of this action is to return \$12.6 million in revenues to taxing jurisdictions over the life of the plan, which is to be 23 to 24.

Hales: Aye.

Item 339 Roll.

Fish: Well, this is the last amendment we'll be taking up in this package, so this is my chance to thank Patrick and Kimberly, and to thank Lisa, and to thank Jillian, and to thank Liam, and all of the other people that worked so diligently to make sure that we got the information we needed to make an informed decision. Thank you. Aye.

Saltzman: Aye.

Novick: Aye.

Fritz: Again, this is the River District. The League of Women Voters believes this doesn't go far enough and would like to see the district ended in the next few years, as suggested by Commissioner Novick. If the district were terminated in 2018, 72 million would be returned to the City's general fund over the next seven years instead of the 10 million that is in this proposal. However, it is a good step in the right direction. Again, thanks to the League of Women Voters for raising important questions on this and other proposed amendments; and Mayor, for returning this nice chunk of money, as you like to say, \$10 million here and there --

Hales: Actually get real money.

Fritz: There you go. And thank you for your leadership. Aye.

Hales: Thank you all. This district is an amazing place and now it's really paying off and that return to the larger citizens of our city, citywide will be enormous over the years to come. You know, you walk through the Pearl District today, and you see what's been accomplished there and what's still going on. And yeah, we'll look forward to other days in

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the future when this Council and our successors get to put enormous value onto the tax rolls to pay for public services citywide. That is what this whole package is about and this piece, too. Well done, everyone. Aye.

Item 341.

Hales: Second reading and roll call.

Item 341 Roll.

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

Item 342.

Hales: Commissioner Novick.

Novick: Colleagues, last week we approved a left turn signal which I think we need to name after Commissioner Fish. Today, we're talking about 17 rapid flash beacons that should be named after Representative Shemia Fagan. Representative Fagan secured the funding to make these crossing improvements possible at high-traffic volume arterial locations in East Portland.

The East Portland Rapid Flash Beacon Project will improve pedestrian and bicycle crossing safety at 17 locations in outer East Portland, where safety is a high priority. The rapid flash beacons will also improve accessibility to transit, making it easier for our youth and senior citizens to get around. These 17 locations -- which include for example NE Glisan and 117th, NE 122nd and Russel, SE Division and 165th -- were identified prioritized through the East Portland in Motion Plan, a five-year project that East Portland community members have successfully used to advocate for the most-needed safety improvements in their neighborhoods.

Project design began in 2014 when funds were received from the State legislature, and is now complete. PBOT is now proceeding with the project to begin construction. The project is seeking to advertise bids as soon as possible, thus the emergency ordinance. Five crossings were actually installed last summer, the last 12 will be installed this summer after the bidding process is complete.

Hales: Thank you. Anyone want to speak on this item? If not, then we'll take a roll call vote.

Item 342 Roll.

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

Fritz: Thanks to the legislature and Representative Fagan and Commissioner Novick for this important improvement. Aye

Hales: Very important safety project, thank you. Aye.

Item 343.

Hales: Any comments before we vote?

Fritz: Mayor, I wonder if you would entertain a motion -- if it's OK with the rest of my colleagues -- to add an emergency clause. It is a public health issue and we'd like to get started on the pilot project as soon as possible.

Fish: Second.

Hales: It's been moved and seconded to add the emergency clause. Discussion? Roll call to add the clause.

Roll on emergency clause.

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

Hales: OK, the emergency clause has been added. Roll call on the emergency ordinance.

Item 343 Roll.

Fish: Commissioner Fritz, congratulations to you and your team on your leadership on this important issue. I'm pleased to vote aye.

Saltzman: I'm pleased to report that Portland Fire and Rescue does not use neonicotinoids in dealing with bedbug issues. I'm also pleased to say they don't have

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much of a bedbug issue, period -- [laughter] -- but when they do, they use heat. Anyway, I'm pleased to support this ban. I think it's an important step towards helping our bee population. Aye.

Novick: I'm relieved to hear that Portland Fire and Rescue doesn't have a bedbug problem. I appreciate Commissioner Saltzman checking that out. And thanks to Commissioner Fritz for striking a blow for the bees. Aye.

Fritz: Thank you, colleagues, and thank you to the advocates who sat faithfully through our long hearing this morning to wait and watch the vote. Just for those watching at home, adding an emergency clause means it goes into effect immediately rather than taking 30 days as a regular ordinance would. And so, so wanted get started not striking a blow at the bees, but making sure that we continue to build on the work of former Commissioner Mike Lindberg, who established the integrated pest management system at Parks. And we will continue to look about how can we be even safer in how we look after our environment. So, thank you very much to Beyond Toxics, the Xerces Society, the Center for Biological Diversity, and Audubon for your partnership on this. Thank you to John Reed, the integrated pest manager at Portland Parks and Recreation; Eric Shaffner, who was the City Attorney who looked this over and provided extremely constructive suggestions. Christina Nieves in my office was very helpful as we were pulling it together. Most of the credit needs to go to Tom Bizeau, my chief of staff, who led this project and coordinated it. I think we're doing another good thing for the citizens of Portland and indeed for Oregon, United States, maybe the entire world. Aye.

Hales: Thank you for your leadership on this, Commissioner Fritz. I mentioned my dad was a beekeeper, he kept bees at my parents' place out in the Blue Ridge Mountains. And every year when the apple trees blossomed, the honey would take on that flavor of the apple blossoms. And I still remember that, and I remember learning about that miraculous process from just watching him as an amateur beekeeper. It's important that we as a nation maintain that critical piece of our agriculture, but also that we be good stewards of nature in general. And when we find out there may be a particularly pernicious effect of some chemical that we're using or some practice that we have, it's the right and responsible thing to do to take early action, and that's what you've done here. I'm really glad that you took this on. Very pleased to vote aye. OK, we have one more item this morning, which is a four-fifths agenda item.

Item 343-1.

Hales: Thank you, colleagues. I appreciate people being willing to put this on the agenda today. I wanted to give us a chance as a city to speak on this issue and to take a stand on it. I've spent some time over the last couple of days talking to my colleague, Greg Ballard, who's the mayor of Indianapolis who also opposes the legislation that the Indiana legislature has so recklessly passed. And so, I wanted to give us a chance to speak as collective body on this issue, and that's why this is on the calendar today. Is anyone here to speak on the item? We didn't ask a lot of people to show up and sign up, but if anyone would like to speak. Thumbs up is good.

Moore-Love: I have Joe Walsh and Charles Johnson.

Hales: Alright, Charles, you may get to sing solo on this.

Charles Johnson: Good morning, Commissioners. For the record, my name is Charles Johnson. Portland and Oregon being anti-discrimination and anti-hate states are so fun and terrific to live in that we don't have any representatives here from Basic Rights Oregon or the Human Rights Campaign. Our good friend Kate Lore from First Unitarian, former Human Rights Commissioner, is not here. But we know all these people and -- as you mentioned -- the mayor of Indianapolis understand the importance of this action, even if Indianapolis as a city has spoken clearly that Governor Mike Pence and his legislative

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body for that state have made a huge mistake. They know that we need to put economic pressure on the misguided motives behind this legislation -- so, I want to thank you, Mayor -- and other areas. I think the state of Connecticut maybe was the first one nationwide. Because this isn't really about religious freedom. We have a constitution that has worked fairly well for religious freedom for a long time. We are sad that so many people elected to the legislative body of Indiana could vote to encourage their neighbors to be un-Christian, immoral, and mean to one another and call it protection of religious freedom. Thank you all.

Hales: Thank you.

Fish: Mayor, just one comment -- and thank you for being this forward. This past weekend, former Congressman Barney Frank was in town. His book has shot up to number 11 on the New York Times best seller list in the first week.

Hales: That's great.

Fish: He told his story to a packed house and Powell's. He concealed his sexual orientation in 1980 because he knew he could not get collected to Congress had he been out. And three legal barriers stood in his way in 1988. He could not serve in the military, he could not marry the love of his life in the state of his choice, and he could not qualify for a top level security clearance because of an old Eisenhower executive order that said if you were a gay you were too much of a security risk and you couldn't qualify. Thirty-five years later, that Eisenhower executive order was superseded by another executive order, "don't ask, don't tell" was repealed, 37 states plus the District of Columbia allowed for marriage. And 35 years later, when the state of Indiana under the guise of religious freedom said they wanted to discriminate against gays and lesbians, cities, states, and Fortune 500 companies said "no, you're not." And it looks like the governor is going to back down. We hope in short order there's a new piece of legislation. If they don't, it looks like they'll miss out on some sporting events, conventions, and a lot of tourism and economic activity. I appreciate you bringing this forward and joining with Connecticut and San Francisco and Seattle and people of good will around the country who say discrimination is discrimination and they should not hiding behind this false notion of religious freedom. So, thank you.

Hales: Thanks very much. Let's take a roll call vote.

Item 343-1 Roll.

Fish: Aye.

Saltzman: I appreciate you, Mayor, bringing this forward and actually establishing a travel ban by City employees to Indiana. Looks like we'll be doing the same for Arkansas -- I trust you'll handle that quickly. But this is really important to call this out. I can only -- you know, I'm trying to wonder why states are doing things like this, and I can only conclude that there's an element of the population in these states, Arkansas, Indiana, perhaps Georgia, that fortunately have found out that they've been totally shut out from banning gay marriage. And due to some tremendous rulings in the federal judicial system, gay marriage is here. And so I think this is in many respects it's a lashing out by some very conservative, very religious elements because they can't lash out on the number one topic that really drives them nuts, and so they're going number two. So, we will defeat them here, as well. Aye.

Novick: This episode is a reminder that the struggle for LGBT rights is not over but fortunately, now as opposed to 40 or 20 or even 10 years ago, the momentum and the firepower seem to be mostly on our side. I'm proud to have our city join this latest battle. Aye.

Fritz: Well, I can't believe that Commissioner Novick spoke before me and I still can make this joke that if Indiana wants me, lord, I can't go back there. [laughter]

Hales: Touché.

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Fritz: I know, hurray! This is not going to happen again, ever. Thank you, Mayor, and thank you, Josh Alpert and your entire team for moving forward so quickly on this. It's important for us to make this statement. Sometimes, the rest of the country does watch little Portland, Oregon. Aye.

Hales: I appreciate this, colleagues, and I think peer pressure actually does make a difference in our business, like any other. And actually, this one is personal for me, not just because we all share these values in Portland and this is so antithetical to those, but because Greg Ballard is a good guy who's been leading a progressive agenda as Republican in a Midwestern city and this is hurting Indianapolis. I look forward to this getting overturned and personally attending the U.S. Conference of Mayors in Indianapolis next year after this is overturned and spending some money there. But until then, nope. Thank you all. Aye. And we're recessed until 2:00 p.m.

At 12:43 p.m., Council recessed.

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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.

APRIL 1, 2015 2:00 PM

Hales: Good afternoon. The Council will return to order. Will you please call the roll, Karla?

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

Item 344.

Hales: Welcome, everyone. We'll start with the staff report and follow the usual hearing procedure in which we have a staff report, any guidance from our City Attorney, the appellant, supporters of the appellant, opponent of the appeal, and supporters of the opposition to the appeal, rebuttal, and discussion and decision. With that, Mr. Van Orden, take it away.

Paul van Orden, Noise Control Officer, Office of Neighborhood Involvement: Thank you, members of the City Council. I'm Paul van Orden, the City's Noise Control Officer within the Office of Neighborhood Involvement.

Members of City Council, we're here today to review an appeal of the construction noise variance for Anderson Construction for noise variance number 355862201. This particular project is related to four dates in the variance for pouring concrete, starting as early as 5:00 a.m. on the project that's commonly known as Block 17. The project is bordered by NW 11th, 12th Avenues and NW Overton and Pettygrove. An additional three dates of variance under the application that we approved included dates for demobilization and erection of the tower crane, with the delivery of equipment to make that operation happen that could potentially start as early as 5:00, but the actual crane erection and demobilization wouldn't start until 6:00 a.m.

In review of the application, the Noise Control Office was directed by the governing body, the Noise Review Board, to first vet all construction projects that might normally be dealt with in-house by staff first through the Noise Review Board for consideration. At the January Noise Review Board meeting, the board members discussed the variance and the chair, David Sweet, delegated the variance back to staff based on the size of the variance was not one that necessitated the full board to review the variance.

Within their review and delegation back to the Noise Control Officer, they did offer specific recommendations. In their discussion, they encouraged the Noise Control Officer to place limitations on weekend work for the early concrete pours and to also limit quieter crane work from happening on Sundays.

The Noise Control Office limited the pours to Tuesday through Friday, unless the contractor could show a clear need with the predicted weather that week to require the pour on a Monday. So, our limitations were not just on weekends, but we also placed limitations on a Monday at request during the hearing from the public and in direct response to the appellant Mr. Vanadia's request to explore Monday as an additional date to place limitations.

The Noise Office also reported in our last meeting before Council that we would in general be looking to find reasonable limits to place on construction work in the City when we had a situation where there was an aggregation of many construction projects happening, and so that came into account in placing these limitations in this particular area.

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The Noise Office previously supported the City Council in approving an appeal from the appellant David Vanadia on a separate project by Andersen Construction. In this case, we're asking City Council to deny this appeal that's before you today -- there are two, but the one we're talking about first.

The Noise Office has several points to offer as to why the denial is a reasonable denial. The project was first vetted through the Noise Review Board to see if the proposed early morning work was of a significant impact on the community to require review and a decision by the full board. The board delegated the short-term variance request back to staff, complete with the suggestions to help offer some respite on the weekend to the public.

Number two, there were no complaints from the public on these two projects since the Noise Office and the Noise Review Board started placing a tighter watch on work in the Pearl. In particular, to check our progress, the Noise Office called concerned citizens in the Pearl, reaching out to 25 citizens whose phone numbers we had who've been vocal recently on area construction. Most of their initial interest in construction in the Pearl had been pile drivers, but we still reached out to them.

Eight were reached live, and only one had trepidation in general about construction noise in the Pearl. Twelve received voicemails to call back to discuss construction noise and also to notify them of our work on the pile driver effort that's continuing tonight with the Noise Review Board. None called back. Five additional callers either had their numbers disconnected, had no voicemail, or we had a wrong number.

No one had general concerns about early morning work to share, and no one commented on the two variances being appealed today. We did call and leave a voicemail for Mr. Vanadia and we also called his partner Gwenn Seemel, who I talked with personally.

The third issue -- the Police Bureau's effort through Assistant Chief Day to look at noise calls more closely as requested by Council has not documented a pattern of community complaints to dispatch on the noise projects happening -- on the construction project happening in the Pearl, and has not resulted in calls for service or documented special reports for construction noise for the Noise Office to examine more closely.

Number four. Notification has been extensive on these two variances, in particular with the project on Andersen. They actually delivered just under a thousand notices to neighboring residential towers, supplying those to the building managers, and an additional notice after we approved the variance was given to the building managers -- in this case, not a thousand notices but individual notices to post in each building with the variance conditions and the variance approval.

And number five, the Noise Review Board has respectfully modified its planned code changes in 2014 and 2015 in which they were looking to address garbage truck noise, and has switched gears to focus on preparing a set of recommendations to Council for pile driver noise in the Pearl. And in that effort, they have a meeting tonight to help finalize those recommendations but that will not only include the pile driver recommendations -- there are a few policy changes and code improvements that should offer some respite to folks in the Pearl regarding construction noise in the Pearl. So, although the project is primarily focused on pile driving, they'll be recommending changing EX zoning in the noise code to a commercial classification, which is planned to happen as part of the comp plan mixed use zones process within the next few years anyway.

They are also looking at a defined concept within their policies and procedures for a noise impact zone that when we have challenges where there's an aggregation of projects -- and in this case, it wouldn't only be construction, it might also be concerts or other things -- that the board would be responsive and limit issuing noise variances as openly as they

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might in an area that doesn't have that particular impact. And those are our main points for the appeal.

Hales: OK, great. Questions for Paul? Alright. Then let's proceed on in the process and Mr. Vanadia, come on up. Ben, do you have any other guidance for us before we get further into this process?

Ben Walters, Deputy City Attorney: I would just remind the Council that the appeal is in the nature of quasi-judicial proceeding, where you're determining the -- a request for a variance from a particular applicant and the determination of the Noise Board, and then the appeal of Mr. Vanadia. And if there's a proposal to -- which seems to be on the table from Mr. Vanadia -- to adopt a restriction that is outside the bounds of this particular application, then that would be in the nature of a legislative determination which would not be proper in this particular proceeding. Just as a bit of guidance in this particular setting.

Hales: OK, thank you. Good afternoon.

David Vanadia: Hello. My name is David Vanadia, Pearl District resident. We were coming here today hoping that you would help us on February 19th. You appointed a Noise Board task force. And that Noise Board task force together with us and the City had come up with a recommendation which was given to Chad, your assistant -- or someone who works in your office -- and as a result of poor planning, people in the Pearl District are being exposed to excessive noise and contaminants and damage to our livability.

With regard to this particular appeal -- which at this point, if you can't make a decision that actually could help us might be moot for us to really discuss -- but we have yet to determine if the noise in question in the Pearl District is subjective as it has been told to us by the Noise Board -- this is all subjective.

Prober DBA measurements have not been taken in our area despite our repeated requests over a span of months. We've requested for them to come -- the Noise Office to come and do proper testing. They have not done that. Only one member of the Noise Board was present at the January 14th Noise Board meeting, and so there was no quorum and no vote happened when David Sweet recommended the granting of the variances for an additional nine days of out of the ordinary early morning and late evening construction activity that was to happen over the following 30 days -- even after he heard in person and ongoing opposing testimony from three neighborhood residents there that night and ongoing and in-person and written testimony from the previous few months of people who had complained about the noise.

It's kind of disheartening to hear that Paul can come here and say there are no complaints received, because we know we've sent them. I've had people CC us on emails that they've sent in to the Noise Office, and those things disappear into the ether and it's very frustrating.

We've only really begun to experience the disruptive early morning and late-night activity in our neighborhood. Cash and Carry is closed today, as a matter of fact, [indistinguishable] will soon be built in that spot, and citizens have no idea what kind of a situation we're going to be getting into. We don't know what the timeline is. We can't get information. You can't get information from the construction companies, from the developers, or from the City -- nobody knows and everyone refers you to someone else. It's sort of hot potato politics.

Andersen Construction had scheduled three 5:00 a.m. concrete pours the Thursday, Friday, and Saturday mornings on the week of the hearing date and none of those events happened. So, when they talk about notification, yeah, we got a letter -- and we always get a letter right before there's a hearing like this. In fact, notification works very well when we had a City Council meeting like we're having now.

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And during that time, what that shows me is that when the Noise Office works with the construction companies to enforce the ordinance, then companies can comply and we can actually be notified. But the rest of the time -- like, probably the rest of this week and the rest of this month -- notification just goes right out the window because there's no more oversight.

Thomas [indistinguishable] is here from Andersen Construction. He stated on a Wednesday meeting that the pour was scheduled for the following morning on Block 17. That never happened. So, it's very hard for citizens to plan.

And we realize that it's hard for construction companies to plan as well, and they've expressed to us that they need a window and that there are many conditions that affect their construction pours or their construction activity in general, and we get that. That's why we have worked with your task force to come up with a solution that would potentially solve a lot of problems. And we wrote a long letter to you that you have in your packets, I believe, that shows that having -- as Paul mentioned -- like, a noise impact zone with specific criteria and specific ways to deal with that zone would really help both citizens, businesses, companies that are doing construction in the area because there are clearly defined roles for everyone, and this would help eliminate promise with notification.

The concrete trucks that Andersen were using to do the pours were starting with their alarms -- they have these "eee-ee-eee" alarms that kind of kick off when they lower the back portion of the concrete truck, which they would start doing two blocks away underneath our window and then as they pass the Parker building and around the corner finally over to where Block 17 is.

And finally, Andersen has claimed they've been monitoring their noise levels, but they refuse to share their finding us because they claim everything they do is under legal noise limits. And so, what we find as citizens when we ask questions and when we come before a group of people like today -- which is really exciting for us because we really hope that something can be done -- we get a lot of kickback and we get a lot of sleight of hand and we get a lot of put you off to that department, go talk to this person. It's just very difficult to be a citizen living in that neighborhood right now.

And so, again, this poor planning has a couple buildings -- ours has about 150 children living in it and we're surrounded by construction and surrounded by contaminants, and we can't get any answers. Nobody will talk to us. And it's been difficult.

Garbage noise is being looked at. We've only heard about this recently. Garbage noise was looked at in 2003 when the entire city was looked at for noise, and there was a \$12,000 investigation into garbage noise that said that nothing could be done about it. So, I'm surprised that our problems which are current and happening right now are pushing garbage noise out of the way.

The changes that are proposed for the upcoming -- tonight's meeting, the changes that are proposed for Title 18 -- the one that Paul mentioned in particular with moving the EX zoning into commercial doesn't actually affect us. It won't do anything for us in the Pearl because the residents are also still in EX zoning and so the decibel levels actually remain exactly the same. So, it looks like something's being done and it sounds nice when you talk about it, but in reality it won't protect us at all any better fashion.

Gwenn Seemel: I'm Gwenn Seemel, and I wanted to address just one point that Paul made that there were no complaints for this particular project, Block 17. And while that may be true for sound -- I don't know if that was true -- I was in contact with the DEQ about the huge piles of contaminated soil that they had left out uncovered for five months until I started talking to them. I emailed Amanda about this when I started to try and get in touch with someone. So, I was trying to sort of bring different government parties together.

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Even if this company is maybe not doing something wrong with regards to noise -- which I'm not sure that I'm convinced of -- they have other things that they're not complying with. Like, the DEQ did send them a warning about it. I had to poke the DEQ again to get that soil removed. It is soil that is known to be -- to have an unacceptable risk of cancer associated with it and it was left out uncovered during our very dry and warm last couple of months when we had our windows open. We have a preschool in our building that uses the playground that is coated in this stuff. The kids come in with their hands covered in the black dust that we know is contaminated, and we can't get answers. No one has come and test the dust. Do you have any idea? No.

Anyway, the point is that Block 17 may or may not have had complaints about noise, but they had complaints about other things they were doing wrong and there is very little enforcement going on and oversight going on for these projects and it's damaging livability. It has damaged -- destroyed -- livability in our neighborhood.

Vanadia: Two months ago, you put together a task force, and that task force recommended that we come to City Council -- and this is what Chad encouraged us -- to come before City Council and ask you directly for help. And we in that letter outlined this idea of having a noise impact zone that would then offset the weekend so that we could have a livable weekend in the neighborhood or in neighborhoods around Portland. And so the noise task force -- which was Maryhelen, who is not able to be a noise task force anymore -- had recommended a 90-day trial. And we feel that that's a really valid form of research that we hope could be instituted.

Fritz: So, I really appreciate all your work and your concerns. This appeal is about the variance. So, could you just tell me what about the variance are you appealing, what are you not in agreement with on the variance?

Vanadia: Well, in the letter that I wrote, I said that at this point the construction activity has already been carried out. And so really, having this City Council meeting -- if we were going to try to retroactively enact the stipulations that I had originally requested -- was a waste of time for everybody. So, since we're here, now -- all of us are here -- maybe we can discuss some form of -- I guess we can't, though.

Fritz: No. That's a legislative process. There's a way it goes through the Noise Board and they bring recommendations to us. We have to rule on the appeal.

Seemel: OK, Amanda, I understand that. But it does feel like one more delaying tactic. As citizens who have been asking for months for help, it feels like one more delaying tactic. I get that you have your rules, but I just want you to know how it appears to us.

Vanadia: And also, I asked for a change in the appeal, so -- with regard to how to deal with this situation. But I guess -- yeah. I don't know what else to say.

Hales: Alright. Questions? Thank you both, appreciate it. We'll see if there's -- is there anyone speaking in opposition to the appeal?

Moore-Love: We have Joel Andersen and Tiffany Schweitzer.

Tiffany Schweitzer: Good afternoon, Mayor and Commissioners. I happened to go to lunch with this guy today. I didn't know he was coming here. After listening to a couple of our residents, I thought I'd speak as well.

Hales: Put your name in the record, though.

Schweitzer: Can I go last? I'll let Joel go first. Thank you.

Joel Andersen: Joel Andersen with Andersen Construction Company. I do want to say first and foremost that I'm very sympathetic and apologize to Mr. Vanadia and his partner because I grew up in the city. I've lived here my whole life. I've been around construction. I know that it does make noise and cause dust and debris, and it is the unfortunate price of progress. I lived at the Portland towers. My window looked out at the Civic Stadium at the time when in the late '90s the Multnomah Athletic Club started an expansion to their

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campus, and I woke up every morning to the pile driver. And today, I use that facility with my children. It was an unfortunate price to pay, you know, to an 18-year-old, but it was part of what happens. And it doesn't make it easy. Construction is by its very nature a risky endeavor.

Our concern that we have for the citizens -- I'll tell you, I don't mind speaking here and dealing with the complaints because 15 years ago, the Pearl District was nothing. And today, that we have such great citizens that want to live there and are concerned about what's happening is really a tremendous sign of progress that our city's had. That has all come at the same way. We've pile driven in every site down there. We've dug holes, moved the contaminated soils. We've done it all in the process, and at the price of this progress. And our main concern has always been safety.

Our core values at our company dictate that we do it safely. And that's not just to our workers, but also to the greater audience that we deal with in the community and the public that surrounds us.

Our core value also says that we take responsibility. So, if we've done something wrong and erred, we have no problem taking ownership of that. But as it stands -- and my understanding of the issues here is that it's not convenient but that we haven't violated anything in the process. That when we do have trucks come early, we have long pour days. So, we have them come early in the morning because we can only pour, we can only get so much concrete down in a certain period of time. We can start it early or we can start it late. The earlier we start it, the lower impact it has on the traffic to the community. That's why we start early. The price of that, though, unfortunately, is that it creates a noise issue to the surrounding residents. And there's not much that can be done about that.

As far as the tower crane's erection and dismantling, the big concern we have there is public safety. As any of you who have ever watched a tower crane being erected or dismantled know, it is hands-down the most risky endeavor in all of the construction process. And to propose to not do that on the weekend -- the reason we do it on Sunday, in specifics, is because it's the lowest overall impact to a given area, primarily for traffic reasons. Because we're trying to avoid a global impact or a local impact to all of the vehicular traffic, but also realizing the Pearl in particular has a high population of pedestrian and foot traffic around, and certainly everybody likes to stop and see the tower cranes being erected, but doing it on a weekend is in more of a controlled environment than having to do it during the week. It's not just because it's saves us from a workday.

I'm the employer, the last thing I want is for my employees to work on a Saturday and Sunday. It makes me feel really bad that they have to do that, and I've done that in my career as well. But it's also -- it's a necessity to ensure that the public safety is met throughout the process. And that's really what is at the core of this. It is not always going to be convenient for construction. Period. It won't be. But convenience is superseded by safety. And that's what these issues are really driven around.

Are there things could we do better as an industry? For sure. Are we doing the best we can? I really think we are. We have a great team of people on all of our projects. We have a large contingent of projects that happen to be touching each other, and there's another project being built that's kind of kitty corner from one of our sites, and it's a big conflux right down there right now. And the Cash and Carry site is about to go too. That's going to put a big impact on the community. And in two years, that will all be behind, and maybe there will be more projects hopefully that we'll be building, but if not, the community will be back to living and there will be all the more residents down there.

But for the time being, we're left with very few options. But our primary focus is on safety. And we can't and will not compromise on that issue, particularly as it relates to the public and our own workers.

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Hales: Thank you.

Schweitzer: Good afternoon. I just jotted down some notes --

Hales: Put your name in the record.

Schweitzer: Sorry, Mayor. Tiffany Schweitzer, Hoyt Street Properties. Commissioner Fritz, you mentioned that we're talking about this appeal today, and I realize that, so I'm going to try and stay on point.

A couple of things I heard, though, and I want to give some history. This is actually my fourteenth building in the Pearl District, and we have built Hoyt Street Properties -- every building -- by pile. And yes, it has been noisy and it's been disruptive and dusty and we've had environmental issues. And our homeowners, residents, people living in the area -- which is quite a mix of all groups -- luckily have moved there and helped create one of the most successful neighborhoods that we have in the country.

I'm so happy we're building again. You know, anybody moving into the neighborhood, particularly some of the residents that you just heard from, could look out and see that there are eight or nine vacant blocks and maybe think that there might be some construction coming someday. We've had the last seven years of not having anything going on, unfortunately, and to have Andersen as our builder on two of our projects right next door -- yes, it is disruptive. But we will get through it, and the sooner the 30 to 40 days it takes of pile driving and noise and disruption, we're done with it -- of the two years of building.

As far as notification -- I have to speak to that because I think particularly Hoyt Street Properties probably notifies more people than they even have to. Given that from Hoyt to hopefully the Fremont Bridge someday, most of those buildings are ours, we notify every building. It either goes up in the elevator or it goes down by the trash room -- some notification to say there's a project coming, what's going to be happening. We have the same property management company for all of our buildings, so there's one voice speaking for all of the buildings.

Each site is posted. On top of that, we have a Hoyt Yards community association, which is a separate neighborhood association that every homeowner living in Hoyt belongs to and contributes to financially. That group -- of which I am a part -- meets annually, but they also can meet monthly to talk about these issues. Every building can belong to it, including -- whether you're rental, an affordable building, or a for-sale building. So, to say there hasn't been proper communication -- there has been and there always has been and there will continue to be.

Andersen has gone above and beyond that. They have website, they have somebody you can call in to complain. In fact, it got so bad that from about 10 people that we chose not to do that on our current project that Andersen is also building.

As far as -- I just want to touch on this because it is important -- as far as contamination, we have a record of decision that was put in place almost 20 years ago with Burlington Northern and DEQ. We have to follow the rules of that record of decision. We have to follow that with DEQ, and they sign off on every project that we build.

The dirt that was described today -- yes, because we did not do pile driving on our most recent project -- we did auger drilling, which is something we tried. It cost us \$430,000 more and 40 days we lost off the schedule, but we wanted to try it not because of noise, because we were told that would be an alternative method. We had to pile dirt, let it dry out -- which was all approved by DEQ -- and yes, there were times where it was not covered. We had a few windstorms and it got uncovered, and we re-covered it. Once we were able to transport it and truck it out, we did that. There is no longer any dirt there because DEQ doesn't allow us to keep the dirt there. So, you know, I just wanted to be clear on some of the things that you heard today.

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The development community is just now getting involved in this because there hasn't been proper notification. That's fine. I've now notified a whole host of people to say, this is an issue that I'd like to you speak on starting tonight at the last of the noise committee, and then unfortunately it's coming to you to make an ultimate decision on Saturdays and reduced hours and a whole host of other things that you will hear us all speak on.

So, I hope you will listen. I hope you all understand that this is progress. It's for a short period of time. We don't want to extend the time. We want to get to the construction over with as much as anybody else. So, I'm just hot talking to you guys today, but I appreciate you listening, and thanks.

Hales: Thank you. Questions? Thank you very much. Anyone else want to speak in opposition to the appeal? OK. Mr. Vanadia, do you want a rebuttal? Come on up.

Vanadia: It's interesting -- in the past year, I've been really closely involved with all this, and so to hear one of the main people from Andersen saying that the reason they want -- the reasons why they do things they do. The person on the street from Andersen tells me that they do the pours in the morning so that they can have time to do them, and so it's about them. He's talking about really being concerned with safety, yet if a crane jump is the most dangerous thing, why would you want to do that on a weekend in the Pearl District when people are there to shop and go into the parks and be on the street that they would actually stop and take a look? What's more -- block the streets off, then, so people aren't in danger.

What's more is we had another appeal where Andersen Construction -- a representative from Andersen said, "we don't want to work on Sundays. I don't want to work on Sundays. I'm not going to work on Sundays. We just had that as a reserve." And so they have a variance for a reserve on Sundays in case they possible needed it. And so, they gave up Sundays. So, they don't have any problems with giving up Sundays because they never plan to use them.

This whole idea of, "it's just temporary, it's just two years, and it's all behind you." Well, I've been living in the Pearl for years and it started with the streetcar construction in 2010. We moved over to the Ramona Apartments from where we were to actually escape some of the construction. And yeah, we knew eventually it would catch up to us. And we're not against progress by any means.

We're thrilled with the way the City is developing and growing. There's a lot of exciting things happening. What we are and have always been working towards and trying to work with the City about is unlawful construction work. That is, construction work that happens outside of the variance -- excuse me -- outside of ordinance hours. And so, if Andersen's primary concern is safety, I have to say, why would they -- why would people plan to put two family-centric houses in the center of brownfields? If their primary concern is safety, why would they leave contaminated dirt upwind uncovered from a playground where children play every single day?

The record of decision also says that the entire brownfields of Hoyt Street Property should be capped by now. The anticipated idea of how the Pearl would be in 2015 was that it would be done. And we realize there was a lag in time when people didn't have enough money and there wasn't -- nothing was happening. And so, there was a time in there where the development didn't happen. But that doesn't mean that because of finances that children should be put at risk, and that's what's happening right now.

Seemel: I wanted to add -- it's Gwenn Seemel. These two lovely people who came up to share with you -- I don't think they're acknowledging that this is eight sites. Some of them are staging sites and parking sites, but it's eight sites that are active right now, six of them in brownfields. There's a difference between one site maybe being a little lax in following

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the rules and eight sites doing that sort of thing. That has a whole other level. And again, that's what we're trying to say. We're not against construction, we just want it done in a livable manner, and when there are eight active sites, you gotta work to make that happen.

Vanadia: And when citizens express themselves or give feedback to construction companies, the City has set it up that this is a complaint-driven system. So, for us to come forward means we're complainers and that just puts us into a negative light immediately. It's a very difficult place to be in. To bring information -- which is feedback to developers and construction companies and City planners -- would actually -- even if you called it something different -- information -- we're informing you that things are either working or not working. And where they're not working, let's make improvements.

And the two-year thing -- you know, the Parker went up and that took a little over two years of people working seven days a week. And now, we have Cash and Carry going up right next door. That's going to take maybe a little over two years of people maybe perhaps working seven days a week. So, now we're talking about a four-year project. And yeah, we do have more areas near us that are not developed and are brownfields and are just dirt and dust that are being kicked up. So, are we safe living there? Nobody can answer that question.

Seemel: And it's not just going to be for two years, it's going to be longer.

Vanadia: Thank you.

Hales: Thank you very much. Any further questions or discussions from Council? Is there a motion?

Fish: Well, Mayor, this is a noise variance appeal and I think there's no in the record that issue is moot.

Hales: We'll have to dispose of the appeal, though, don't we?

Fish: Is the motion to deny the appeal? I move to deny the appeal.

Novick: Second.

Hales: Further discussion? So, roll call on that decision, please.

Roll on motion to deny appeal.

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

Fritz: There's a process in play moving forward with looking at the rules and are the rules the right rules, should they be changed, should the processes be changed? That I understand is underway at the Noise Review Board. So, that's the opportunity -- in your appeal, you talk about an opportunity for citizens to come in and figure things out. That's the process to do that. So, if you then disagree with the recommendation of the Noise Board, that's the time to come back when the regularly-scheduled hearing is made with others to discuss what you'd like us to do differently. But the quasi-judicial process of appealing variances must by law focus on what's the matter with the variance.

When I'm looking at the variance, I can see your point -- that 6:00 a.m. does seem unreasonable for active noisy construction, and that's something that I hope that the Noise Review Board is considering. I think it's reasonable for them to look at restricting the operation of pile drivers to 8:00 to 5:00 on Monday through Friday. Not quite sure why Monday morning is different from any other morning other than it's Monday morning, but, you know, those are things this legislative process is going to deal with and can be looking at your livable weekends concept.

I do urge the Noise Review Board to be careful about expanding the noise rules on EX zones to make them light commercial zones. EX in the Pearl is very different from EX in Central Eastside, and we don't know yet what the Planning Bureau and the Planning and Sustainability Commission is going to bring forward in terms of these new mixed use zones. Let's not inadvertently mess things up in the Central Eastside as we're trying to fix some of these problems in the Pearl and in some of the more residential areas. In fact, the

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EX zone itself I think has some particular challenges that I'm not sure are being adequately noodled through in the review process because I haven't heard what that proposal is yet.

So, definitely, you're raising some great concerns. This isn't the venue to do it, though. The appeal of noise variance is specifically what's the matter with that variance in terms of how -- why should it not have been approved? And I think the way it's written out with four variances over a course of several months is not unreasonable if the details had been better. But since it's now -- the pours have been done, the noise is done, it's moot and that's why I'm supporting denying the appeal. Aye.

Hales: I may misunderstand this, but in terms of the work that's going to be done tonight on potential changes in the regulations, the classification of the zone, which is -- it is zoned EX -- but right now EX is classified as industrial. And so classing it as commercial means that residents will get a more differential approach to noise than they do now.

Fritz: That's the problem in the Pearl -- I mean, in the Central Eastside.

Hales: Right.

Fritz: Because it really is industrial. EX is industrial in Central Eastside.

Hales: You're right. We may have to figure that out. But for the short-term in the Pearl, life will be better if it's classified as commercial instead of industrial, I think. Maybe I've got that wrong. But that is the legislative issue and we'll discuss that in the legislative process. I agree with your comments completely -- that this process has to be about -- did the rules we had in place, where they -- were they properly applied and followed? I believe they were and there's no basis for appeal in this case. It doesn't mean there's not a basis for conversation about what the rules should be, but that has to be in that legislative arena which again is taking place in three hours. So, I vote in favor of the motion to deny the appeal. That one is disposed of. We have a second one on the calendar here.

Item 345.

Hales: OK, Mr. Van Orden.

Paul van Orden, Noise Control Officer, Office of Neighborhood Involvement: Thank you, members of the Council. Paul van Orden, the Noise Control Officer with ONI. Very similar situation here, so I may be repeating myself in many ways.

We have a review of a construction noise variance for Walsh Construction. The appeal regards the approval of the noise variance by the Noise Control Officer for Walsh Construction for four dates under the approved variance for pouring concrete starting at 5:00 a.m. There were two dates that were approved by the board earlier and then they moved the four dates under this particular appeal that we're actually looking at to the Noise Control Officer for review. That was noise variance 3569176.

In review of the application, the Noise Control Office was directed by the Noise Review Board to first -- as I mentioned earlier -- vet the variances through the board, and in this case -- again, like Andersen variance -- they did not see a necessity for the board to review this variance, and they -- the chair technically moves the variance review to the Noise Control Officer when that's the case. And at that January meeting when the chair moved the variance to review to the Noise Control Officer, they also offered the same input for consideration of the neighbors to explore not having the concrete pours happen on the weekend with the same type of concerns for trying to make -- trying to adapt as best as possible to the weather conditions, and if the weather necessitated a pour on a Monday -- which was a request we had heard at the hearing from the community -- to try and limit as many days as possible if that was something that three the contractor could do.

And so, we did administer a noise variance -- again, in this case, sensitive to the neighbors' requests to not have concrete pourers on the weekends -- and went above and beyond that and tried to explore also limiting it on Mondays. The variance that we

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administered -- same conditions that I was mentioning before that the Noise Office is asking you to deny this appeal for basically the same concerns that I mentioned.

The first concern being that the project and community was delegated by the board to the Noise Control Officer and was done in a respective fashion to the concerns from the community, that there were no complaints -- and let me help clarify, because I do understand Mr. Vanadia's concern in the earlier appeal. When I say complaints -- there were concerns raised in the review process by neighbors in terms of a handful of letters saying we would like to not see construction work early in the day. But in terms of what the actual noise impacts were in our feedback we received after the projects were transpiring, we did not have complaints that the work that actually transpired impacted the community. So, yes, I will agree there were a handful of concerns at the front end that citizens said in the review process we'd like you not to administer a noise variance for early construction at all.

Hales: Is that because the work didn't occur as planned, or because it was quieter than anticipated?

Van Orden: I think very respectfully to the community, experiencing much of the same -- not quite as dense as the Pearl, but very similar over in the Elliot Boise, that area that I live -- that if you tell someone you're going to do construction work at 5:00 in the morning, I would say that any citizen would say, "who's the knucklehead who's approving that?" And so, I understand unless you have the 19 years that -- 19, 20 years I have doing this for the City combined with the experience we have with the Noise Review Board to try and figure out is there an actual balance, by no means is there no impact on the community, but clearly in the case of crane erections -- which we have taken sound readings on -- they're not a giant noise activity.

Concrete pours can be a notable impact on the community -- things like having trucks stage and have too many trucks in a row, having too many pumping operations happening at the same time. So, I think what transpired was that the impact was not significant enough for the community to say that a handful of those dates necessitated all early morning work from not happening. So, I would definitely intone that it is an impact on the community and hopefully one that's metered out in a respectful fashion, and I think that's what transpired in this case.

The third condition we said earlier was that the Police Bureau did help us out in looking to see if there were concerns in the community. We did not get a report back that they documented concerns from calls for dispatch or special reports from officers delineating that the community members had reported a noise impact they were able to document.

The notification was a little less on the Walsh project because they're not -- the Walsh project is to the north of the Andersen projects we've been talking about in recent Council meetings, and it's a little more isolated from being directly next door to neighbors, so they did about a third as much notification in terms of just the numbers they did initially in submitting their application. But they did then again -- after the application was approved -- offered those buildings a copy of what the actual application was so they could be posted for neighbors to see.

And then lastly, the reasoning for denying this appeal is that the Noise Review Board is respectfully addressing this issue and is very serious about trying to find some kind of balance. You now, obviously, we probably are doing something right when we're hearing from the development industry that they have concerns and we're hearing from neighbors that it may not be enough. Not sure we're going to get to a point that we won't have that situation at the end when we bring something forward to Council, but the board is definitely taking this issue seriously and trying to find ways to address it.

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And just as a slight clarification, when I said the issue about the garbage truck noise, what I was trying to intone and may not have effectively done is we were going to be working on garbage truck noise, which Council actually directed us the last time we brought garbage truck noise forward to go back and look at it one more time before something was more formally approved by Council other than a handful of changes we made to garbage truck collection in the city. And so, that was on our work plan for this year and we changed our direction and have been focusing on the construction issues at heart in the Pearl that we've been talking about at Council. So, those are the primary reasons for our asking of Council to explore a denial of this appeal.

Hales: Questions? Thank you, Paul. OK. So, appellant?

David Vanadia: I'm David Vanadia. The timeline for this particular variance was rather interesting. I also want to point out that the reason we're here today is the result of over a year of constant struggle with the City and with construction companies trying to just find a common ground, a level of respect. We have been through quite a bit.

So, with regard to this particular situation -- according to Paul, Walsh notified the Noise Officer, Paul, on Friday, January 9th about their intent to apply for a noise variance. Citizens were not told. On Wednesday, January 14th at approximately 12 noon, I was notified by my office -- the office in my building -- that Walsh delivered notice about their application. Management was going to hand out flyers the next day about their application but instead, at my urging -- since the next day would have been after the Noise Board meeting -- the office placed flyers in the mailboxes of every resident at approximately 3:00 p.m. that afternoon.

So, the Noise Board meeting was that night at 6:00 p.m. That day at noon -- Walsh sent a note notice that they were applying for this variance, and my office where I live was going to hand that thing out the next day. They handed it out that day.

Now, most people if they get home from work let's say 5:30 and they have children, they're going to see this notice in their mailbox and run out to the Noise Board meeting a half hour later? I don't think that really is a lot of notice.

Gwenn and I attended the meeting and we opposed the granting of this variance. The board chair, with no quorum, said he didn't want Walsh to have to wait and said that they would retroactively ratify the variance the following month. The Walsh variance was drawn up and we got the first draft from Paul via email on Tuesday, January 20th at 6:00 p.m.

Paul's email claimed, "here is the Walsh permit I sent over to them this evening. They had completed notification to the community on these two upcoming pours and the chair mentioned that as a citizen representative, he was supportive of issuing a permit during the timeframe before they could return to a full board meeting. Neighbors are also aware that there will be construction activity tomorrow." There were stipulations sent to the police and to Walsh explaining to them both how to behave if and when Gwenn and I called the cops. Because this all happened right after we had met with you. And so, there was a lot of attention being paid into this situation. In fact, Theresa Marchetti called this period a 30-day trial period wherein something was being tried.

Walsh gave the Ramona office notice the night before the 5:00 a.m. concrete pour. And Walsh did a 5:00 a.m. concrete pour on January 21st, and I actually went and stood at the door of my building, and when people walked in and out I said, "do you know about this construction activity that's happening tomorrow?" And nobody did. Nobody in the building knew what was happening.

When it started, when the construction pour happened, we didn't call the police. What was the point? The whole thing was a ruse. After the initial pour, Paul distributed a clean version of the variance, and in that variance there were stipulations like no Sunday

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work, which was never something that was going to happen anyway, and according to ordinance, shouldn't be happening. They claim notification was met and Kathy clarified it. However, like I said, I stood by the door and nobody in the building knew it was happening.

Paul and Erik, who is the super there, had private communications via email and phone to organize the variance activity and prevent the police from being able to stop it. Walsh distributed flyers to the Ramona to notify residents about the application.

Now, the interesting thing is they distributed flyers enough to the office to give out to every single resident, and that was a stipulation in the variance. But they didn't receive the variance until after they had handed out those notifications. So, how did they know that was a stipulation they should actually be doing? And they didn't do that same thing to alert people of the construction pour.

So, we appealed the variance because notification was not ethical and nonexistent, citizens were cut out of the decision, and decisions were made without due process. The City was not prepared to process the variance and again opted to favor construction company over citizens.

The Noise Board didn't have a quorum to vote and opted to ratify the chair's decision at the following meeting -- which they did. The notification stipulation were not fully met. Walsh still used backup beepers though they claim otherwise, the Noise Board didn't ask pertinent questions at the hearing and failed to take into account citizen feedback -- which was ongoing citizen feedback. The Noise Office and the police worked in tandem to protect the privilege of the construction company while undermining the rights of citizens.

The way in which the Noise Board and the City is acting damages trust and goes against the ethical principles of Title 18. With the speed and deception of this variance approval, we didn't even have time to receive a proper appeal process because the construction activity was already carried out.

If the City can't handle the noise complaints, then it should give less variances instead of facilitating unlawful behavior. And the reason we're here before you today is because we've just followed every little avenue. When I first talked to a foreman who told me, "the City is never going to do anything, you know the City is never going to do anything." He instructed me to keep pursuing the matter until I talked to you, the Mayor. And here I am. And I'm wondering really now who you might refer me to.

Hales: OK, well, we have a hearing tonight, so --

Vanadia: That's about pile drivers, though.

Hales: OK, anyone else want to speak in favor of the appeal? Or if not, in opposition to the appeal? Good afternoon.

Erik Holte: Good afternoon. I'm Erik Holte with Walsh Construction. With regard to the timeline that Mr. Vanadia described, I had sent one of my assistants to the Noise Control Officer to apply for a variance for an early morning concrete pour, as we've done many times before. And at that time, we were told that all variance activity in the Pearl District was being handled by the citizen review board and we were told that it was going to be meeting on the 14th. So, the reality of the whole notification of the first concrete pour is that we found out a week and a half before the 14th or a week before the 14th that we had to go before the board. We weren't actually on the agenda, but Paul insisted that we had to go before the board to have our variance heard. He is correct -- at the time we went before the board there was no quorum, so they kicked it back to the Noise Office.

And at that time, they had described the notification that we needed to do. And my belief was that we were in compliance with the notification requests that the Noise Officer had made. It sounds as if they don't believe that to be the case.

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As far as the amount of noise, the location of the site -- again, it's progress, it's progress in the Pearl. The site is not bordered by another building. The Pearl family housing or the Ramona Apartments where Mr. Vanadia lives is kitty corner to the southeast -- or excuse me, southwest. And the amount of noise when the concrete pumps are on site is fairly minimal.

We made an effort to stage our concrete trucks an additional block to the west. We had Cal Portland, the concrete supplier, provide certified flaggers, disable the backup alarms because that's a safety issue. So, we did what we could to comply with the variance and I'm surprised to hear so much concern or so much negativity regarding it, to be honest, because I feel like we went pretty far.

At the second Noise Review Board meeting, we also explained that we were going to use less days than we had previously asked for, and the reason behind that was we'd got together with our concrete superintendent and figured out a way to do one of the pours without an early start. So, I recognize this is an impact to the community, but I believe we are giving our best effort to reduce our impact. Thank you.

Hales: Thank you.

Brian Johnson: I'm Brian Johnson with Walsh Construction. I just wanted to add -- talking about going above and beyond -- that the Monday exemption, which is a little odd and I wouldn't recommend necessarily be a rule going forward, was in response to a particular citizen concern just in this area just about these projects. So, we've actually in addition to staying away from weekends, we stayed away from Mondays. We've had to either accelerate for overtime or delay pours to make that work. As Erik said, I think we've done everything we can within reason.

I'm actually not a fan of turning off the backup alarms. I understand the noise improvement, but the noise is there for a reason. It's the same reason that you have alarms on garage doors, you have train whistles in crossings -- because people don't always look. So, we're providing flaggers, but I would say flaggers are not as good as an audible alarm for most citizens. So, we have to balance the safety aspect of this. But we're fine with it, I think it's worked fine. It's just there's always this sort of give and take -- folks just don't look.

Fritz: Why aren't the flaggers as good as the alarms?

Johnson: The flaggers can only be in one place at a time. The alarm is where the safety issue is. So, if you have multiple trucks, the flaggers are protecting an intersection, but someone comes out of a doorway, comes out of their car, whatever -- they don't control the entire street in an instant.

Fritz: You don't have a flagger behind each truck that is backing up?

Johnson: No -- or --

Holte: There's a flagger that backs up each truck.

Johnson: Right.

Holte: But the issue is that an audible alarm covers more area than one person with a pair of eyes. That's just the reality of it.

Johnson: They can't be 360 degrees around the truck.

Fritz: Right, but they're there to stop people from being behind the truck. So, if there's person behind the truck saying "watch out, this truck is backing up" doesn't that do the trick?

Johnson: Well, it's worked so far.

Fritz: So, I have a question about the -- are we on to questions?

Hales: Yes, please.

Fritz: So, even if -- I'm going to ask staff about going to the board first as the Noise Officer, but didn't you know sooner than the day before that you weren't needing this noise

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variance? Whether it was done by the board or it just happened the board was meeting that night, but --

Holte: No, no -- we had gone to the Noise Officer -- I don't know, a week or a week and a half before the pour to apply for a nice variance over the counter, as we've done many times in many different jurisdictions. And at that time, we were told we had to appear before the board on the 14th.

Fritz: And why didn't you notify the neighborhood that week before that you were going to be going to the board?

Holte: I didn't know -- I think -- let me back up. We went in, they told us we would have to go before the board. Actually, they denied my assistant the variance. He came back, I had to go down and meet with them the next day, I believe, and then I found out eventually that I had to notify everybody that we were going to be at the Noise Review Board meeting. I don't know -- to be honest, I don't know how many days passed between the time that I found out I had to notify people and I notified people. I think it was done in a timely manner. I mean, it's not like I was deliberately stalling --

Fritz: No, I'm just trying -- I'm not --

Holte: No, no, I understand. I'm just trying to make it clear -- it's not like I was -- there seems to be this perception that construction companies are evil entities that are out to do no good, and I mean --

Fritz: Actually, I have the perception that you know what you're doing and you plan to do it in advance so that it would be relatively easy to tell people. I mean, you did. According to what you just told me, you went a week ahead of time to get the variance.

Holte: Yes.

Fritz: So, what I'm wondering -- and maybe directing staff and the Noise Board folks -- maybe we need to specify that there needs to be a certain amount of notice -- if it has to go through the board, I think you'd probably agree it's not reasonable to get a notice at 3 o'clock in the afternoon when the --

Holte: I do agree. The other thing, though, would be if I had come in after the 14th and asked for a variance for a concrete pour on the 20th, would I have had no recourse.

Fritz: Right.

Holte: So, I would have been delaying my construction project for two or three weeks 'til the next board meeting?

Fritz: Would that have been the case? Or is there --

Holte: I don't know. It didn't happen that way, unfortunately.

Fritz: I have not been involved in construction. So, does the pour have to be done early in the morning? Could it be done in the middle of the afternoon?

Holte: It's an all-day activity. It's a thing that takes a great deal of time to accomplish and there are many, many factors involved.

Fritz: Unless you start early, you're not going to get done by the end of the day, and that's the problem with concrete because it sets?

Johnson: The start of that pour -- those pours are 5:00 a.m. and they were done by 5:00 to 6:00 in the p.m. So, if you shift it, you're shifting it later. It doesn't improve things.

Fritz: Especially in the winter when it's not light --

Johnson: Not going to get --

Fritz: That helps me understand, because I wasn't understanding why needed to start early any day. Never mind.

Johnson: And the reason -- as folks from Andersen mentioned -- is traffic. To relieve traffic in the neighborhood, we don't want to pile up a bunch of trucks, because most of the trucks come early while the people are trying to commute. It makes for a lot delays in the

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trucks getting to the site, and it equally makes delays for people trying to get out of the area. So, we try to work in lower traffic hours.

Fish: Can I ask -- in a typical construction process, how much time are you likely to know in advance that you're going to do a pour? And conversely, what's an example of the least amount of time that -- what's an example -- under what circumstance would you need to schedule a concrete pour on a very short notice?

Holte: It's a very weather-dependent process. And so, this time of year, the weather man has no idea what it's going to do three days from now. I mean, you can look at three different weather websites and they'll get --

Fish: You can't do it when it's raining?

Holte: You can't do it when it's raining.

Fish: So that's like you can't leave the house when it's raining. So, as good as your weather forecast is from your favorite weather person on TV, you're still somewhat at the mercy of weather.

Holte: Yes, absolutely.

Fish: And then you contract for this service?

Holte: Yes. We have a concrete subcontractor who builds the deck, we have -- there's a great many people involved.

Fish: So, at a time currently, for example, where there's a crane on every street corner, does that mean that it's harder for you to schedule concrete pours just because of the -- how much activity there is in the marketplace?

Holte: Absolutely. The availability of finishers -- it's very hard to find them. So what we end up doing is we schedule a week window and we tell the finishers, we're going to pour on this week. And we hope and pray that there's a dry day, especially this time of year where it rains every 10 minutes.

Fish: Just so we know -- because we're not in your business -- what's an example of the worst case scenario where you can't in a timely manner do a concrete pour and it has some negative impact on your construction schedule? What's an example of the worst case scenario -- not able to pour within a reasonable period of time and its impact on everything else you've got scheduled?

Holte: Every day -- it depends on whether the concrete pour is part of the critical path of the schedule, which it usually is, which basically means every day the concrete pour is delayed, delays the completion date of the project. Does that answer your question?

Fish: Yeah. And so, there's a cost.

Holte: Absolutely, yeah. There's definitely a cost. And then we have an obligation to the developer to deliver on time, so when the concrete pour gets delayed, then we're looking to work a Saturday to try and make up time which costs us money, which we don't really like to do.

Fish: What I'm hearing is, there's a little tension here in the system. There's the -- your difficulty in scheduling certain things and not necessarily having scientific precision when you can do it and the dominoes, and then the public interest and wanting to get reasonable notice, and how you mesh those two and they don't always overlap.

Holte: Yep. That's a fair assessment. You're looking to put \$100,000 worth of work in place in one day. It's a risky proposition, and the last thing you want to have happen is a downpour like we had yesterday where it hails and lightning. And this time of year, the weather is very unpredictable. So, we were asked at the second Noise Review Board meeting to give a three-day window a week in advance, and we did that for the second -- excuse me, the third and fourth pour, we delivered notices with a three-day window to try and do what we can to notify folks.

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Fish: I also want to make a comment about what you're talking about -- about the alarms going off as you're backing up. You know, I may not be typical but I often rely more on my hearing than my sight. I'll cross the street listening to see whether there's something rather than necessarily looking. And I think the benefit for many people of the alarm in addition to the flagger is that if you're not in the field of sight -- if you're a kid coming off the sidewalk and running or if you're a parent with kids, whatever the situation -- when you hear that noise of a truck backing up, you kind of know there's a zone of danger and a risk, even if you don't see a flagger.

Holte: Sure.

Fish: So, I know you're kind of rolling the dice a little bit saying you're trading off the noise versus the safety issue, but I do think we all have become accustomed to when we hear that noise, that sound, it tells us that there's an area of danger. And a child can get off the sidewalk or a dog or a person can get into harm's way -- in my opinion -- before they see a flagger.

Holte: Sure.

Johnson: Or the flagger sees them.

Fish: Or vice versa.

Fritz: Turning off the sound -- is that just until a certain time of day?

Holte: Until after 7:00 a.m.

Fritz: Because if I'm out, Commissioner Fish, at 5 o'clock in the morning, then I'm looking around myself pretty carefully to make sure there's not --

Johnson: We've had some joggers --

Fritz: All kinds of hazards.

Johnson: Joggers with music on. The iPad, iPhone thing really gets us.

Fritz: Right.

Johnson: On folks just wandering. We're not working around the college on this project, but it's always texting whenever you're around the college. They're never looking up.

Fritz: Right.

Hales: Thank you. Other questions? Thank you both. Anyone else want to speak in opposition to the appeal? And then let me give you an opportunity if you want one for rebuttal and we'll get staff back up.

Fish: So Mayor, what are we rebutting?

Hales: Their version of why they got variance.

Fish: OK.

Gween Seemel: Gwenn Seemel. So, I want to refer to another project in the neighborhood just to give you -- no, I need to give you an understanding of how things work with construction. Block 15 has never asked for a variance to do a concrete pour early. It's a very large building. I don't know how they do it, I'm not a construction expert.

Fish: Where is that located?

Seemel: Between Northrup and Overton and 10th and 11th. It's called the Cosmopolitan, I think.

David Vanadia: Next to the Tanner Springs Park.

Fish: OK, thank you.

Seemel: They've never needed a variance. And I don't know how they do that, but it's genius. And if we could only encourage all of these projects to be designed in such a way they don't need variances either, that would really help livability quite a bit. And the only way they're going to start making those design choices that way is if they're made to understand that they're not going to get the early morning pours.

So, when I brought this up at the Noise Review Board meeting when this variance was being asked for, I was mocked. I was told, "don't you understand? They just said they

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need it and it's a different project." Yeah, I get that. I get that it's a different project. But we need to start making changes so that projects are doing things like whatever it is Block 15 did so it doesn't need an early morning variance, because it is obviously possible.

Hales: Anything else?

David Vanadia: David Vanadia. At the Noise Board meeting after all of this took place, Paul said he knew about the Walsh variance application on Friday, January 9th and the meeting was held on Wednesday, January 14th -- just to put that into perspective. It was just a matter of days.

Erik mentioned construction companies get this rap like they're all evil. And you know, we don't think they're evil, but what we do feel is that -- our experience has been that they're deceptive. For instance, he had said that concrete runs out, so they have to do these concrete pours early in the morning. But when I talked to a representative at Cal Portland, he said they never run out of concrete. So, I don't know what the truth is, but there are many situations like that where one person says one thing, another person says another thing. For instance, Tiffany said today that they use more expensive auger method. But recently, the vice-president of Hoyt Street told us the only reason they use the auger is because it was cheaper. So, we don't know what the truth is. But when we look at the list of conflicting information and which way does it lean, does it lean toward the company's benefit or the citizens' benefit, we can sort of suss out what's what.

The relatively quiet pour that they did is in excess of 80 DBA at the property line. So, when you're having a large concrete truck staging that is stopped outside of your window spewing out exhaust and running, it's at 80 DBA. And people in our building have children. So, that's -- it's a difficult situation.

And I forget the other gentleman's name from Walsh who said this is a give and take. But it's not a give and take, and that's why we're here, because it's always a take, take, take. And it's always the citizens who have to bear the brunt of progress. We're not against progress, but we would like to see a give and stake. So, if they're going to show up and do with backup beepers and 80 DBA trucks and do their thing they have to do -- which we understand is a difficult and expensive process -- then that week, give us some time back. Because we as citizens -- and this includes everybody here -- when a construction site pops up next to your building -- unless it's Block 15 -- then you want a little give and take. So when you have your time taken, that affects your bottom line. And it's hard to put a number on that, like you can say it's \$100,000 bottom line to do a concrete pour. But over the course of several years, how many thousands of dollars are being affected in a neighborhood where there are many families and many people working?

So, the idea that we've presented with your task force of livable weekends I think solves or at least is worth the trial because it provides a give and take, and that's what we're asking for. And that's a really equitable solution. And you know, the Portland story is all about telling the world how equitable Portland is, and we would like to see that be enacted here in Portland.

Fish: Just a clarification -- what you just referred to about your proposal is what is -- as Commissioner Fritz earlier said -- is before the -- in the legislative process. You have an idea -- you floated an idea, and that's going to be reviewed.

Seemel: Is it going to be reviewed?

Fish: I'm asking them.

Hales: We'll hear from the Noise Review Board and the staff about that.

Vanadia: I haven't heard any --

Fish: [inaudible] or is that the evening hearing?

Hales: That's not for this hearing.

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Vanadia: As far as we know, that's just an idea that got proposed and is just out in the ether kind of like some of the complaints. So, as a citizen, the last thing I'd like to say is that again, the fact that we're sitting here before you is over a year's worth of diligent and difficult work for which we have seen little results. But we have seen some little results. And so, we know that change is possible and we're asking for your help. We're asking for you to do something to actually enact or live out the ethics that Title 18 and the Portland story say and profess.

Hales: Thank you very much. So, maybe we could get you, Paul, and David to both comment on this particular variance appeal and any issue it raises and then we can also ask you about larger issues.

David Sweet: Yeah, I want to speak to the --

Hales: Put your name in the record, David.

Sweet: David Sweet, Noise Review Board chair. The question that's been raised about notice -- first of all, as Walsh Construction told you, they were not aware until they came in to get their over-the-counter variance as they have done many times before that I had asked the Noise Office to refer all construction noise variances in the Pearl District to the board for adjudication. And I'm aware that that puts an extra burden on the construction companies -- extra time -- and in this case, they had every expectation that they could walk in and walk out with a variance.

Fritz: Let me just stop you right there. Have we corrected that problem? Has the Office of Neighborhood Involvement now worked with Development Services to notify developers in the Pearl that they're going to need a variance?

Van Orden: We have not done that. We have definitely talked to the individuals who are operating actively right now in the Pearl. And as the Cash and Carry gets started, we'll reach out to them.

One of the big challenges -- which is not necessarily on the plate right now -- is that there is definitely a disconnect in so far as what the citizens are bringing to the table is a request of better understanding of when projects are happening. We're only going to know about those projects in the Noise Office if they're actually asking to vary from normal construction hours. So, it would definitely be a great dialogue that I could sit down with Claire or one of the other folks in your office and figure out how to best --

Fritz: I'm thinking it should be put in the plan's examiner, for example, so you could get the information with that current directive to the Bureau of developers you know about. In general, in Development Services, if we changed a protocol, we try to get it out to everybody so that they're more aware. Sorry to interrupt. Please continue.

Sweet: Thank you. Good suggestions, we'll follow up. So, in this case, we did ask Walsh to come to our January 14th meeting because it was an opportunity for people to hear what was going to happen and to comment, although we told them we would not be able to make a decision on their variance at the January meeting because there had not been sufficient time for notification and the decision would be postponed to the February meeting. So, Walsh ended up having to show up for two Noise Review Board meetings to get their variance. Two of the pours they anticipated doing were scheduled to happen before our February meeting, and in that case, I authorized the Noise Control Officer to issue those variances on the basis -- under the conditions that we had set and --

Fritz: Could you clarify that? It's not in code as to --

Sweet: No, it's not in code. What is in code is that the chair of the Noise Review Board decides which variances come before the board and which are decided by the Noise Control Office. And just this past winter when we were hearing so many complaints about construction noise in the Pearl, I thought it best to bring those before a citizen board rather

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than have the single Noise Control Officer catching all the flak on these, and let the board make those calls and take the necessary abuse about them.

So, I don't see that -- I don't know that any of our decisions would have been different, but it does give us an opportunity to hear from -- to do notification, to hear from citizens about these proposed variances, and to talk about how they can be done more quietly for the neighborhood. And that's what we've tried to do.

So in this instance, we heard from Mr. Vanadia that he suggested that variances be limited so that they didn't happen -- the early starts didn't happen on Saturday, Sunday, or Monday. And so, after conversation with the contractor, we did that with the exception that if there was steady rain and Monday looked like a clear day, we understood that that may have to happen. So, I think the process has given us an opportunity to improve our decisions and to be more supportive of the community.

Van Orden: Two other quick clarifications. The issue of not having backup beepers has been a long-held one in the Noise Office, even before I started at the City, and that's one that we have to very carefully coordinate with OSHA. So every year, every several years I give OSHA a call and make they're they haven't changed their delineation that we're in a comfortable position to require using flaggers instead of an audible or visible flashing alarm, and they have traditionally been fine with that. And if they tell us at some point they feel it's no longer a safe procedure, then we're obviously going to immediately for the City's protection and citizens' protection, if it's not safe, stop using that protocol. So, we do that only in the nighttime hours, usually starting 9:30 at night at the earliest and going until the 7:00 a.m. hour. Occasionally, on Sunday if somebody is working we might carry that until 9:00 or so in the morning to let someone not have backup beepers too early on Sunday.

Fritz: What's -- going back to notice, what's the standard amount of notice before a meeting that -- is there a standard in the code as to you must notify seven days before the meeting, or whatever?

Sweet: It's not in the code, but I feel that notice has to be mailed at least two weeks before a meeting in order to allow people to actually attempt.

Fritz: So, that might be something to add to your list of amendments -- to specify that. Obviously, you might need some kind of emergency but I would imagine most companies - - they may not know the particular day because of the weather, but they know they're going to be doing a pour sometime between 1st of January and 30th of October or something. Is there a limit on the length of time -- because the last one we have was for a whole year, right?

Van Orden: Technically it was in the board's policies and procedures. I can only review up to a year of work. Anything where someone is doing a big TriMet, a bridge renovation, a combined sewer overflow -- those go to the Noise Review Board when they're multiyear projects.

Fritz: But an experienced developer would be able to come in a month ahead of time saying, "I'd like a variance for some time between these months" and you would give a variance board three days or five days, whatever it is, and then what's the notification to the neighbors that, "hey, it's going to happen tomorrow, or next week"? What are the requirements for that?

Sweet: It's not unusual -- well, when it's a variance that's being heard by the board --

Fritz: No, once the variance has been granted but it's not for a date certain, it's for pick three days out of three months --

Sweet: That's something that the board will often require as a condition of the variance, that we like the contractor to give notification to -- and this is specific to the Pearl District -- give notification to the surrounding properties with a window of when these pours are going to occur.

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Fritz: Are they ever required just to give a 24-hour notice that it's going to be tomorrow?

Van Orden: Depends on the project. Sometimes with ODOT, they're actually doing multiple notifications, warning months ahead of time. It really just depends on the extent of the project. We deal with such a broad spectrum of projects that if you have a static project like the Hawthorne renovation, then you're going to keep regular communication with the hotels who are close by. If it's a moving project like ODOT, you're re-notifying because you're hitting a neighborhood for a month or two and then moving into the next neighborhood. So, it's not -- there's not an extremely delineated set notification because each project really brings a different set of parameters and impacts to the community. It really just depends on what the applicant is asking to do.

Fish: Paul, can I ask you a question --

Fritz: Actually, can I just finish one follow-up question? So, what they're specifically asking to do is the concrete pour, and they've been given permission with the variance that's duly notified, "yes, you do three within this window." Are they then required to notice around in the Pearl it's going to be tomorrow, or not?

Van Orden: Not currently -- not in every single project -- but what we're trying to do in the Pearl is add the condition because it is dense and there's a lot of projects happening -- the issue we heard of re-notifying within a three-day window. So, if they don't know it's going to be Monday but they want to try to get it in Monday, Tuesday, or Wednesday, then they're going to re-notify folks and say these are the three days we're going to try to get it to happen.

Fritz: That's currently in the standards?

Van Orden: Yeah.

Fritz: Thank you. Thank you, Commissioner Fish.

Fish: I was curious -- and this is slightly outside the scope of the issue, but you've mentioned something. So, I'm in charge of the Bureau of Environmental Services. We're being told by some neighborhoods that given the option of spending, say, three months on a project or doing work in the evenings where it can be compressed and get it done in a month, that residents and neighbors and businesses are saying, get it done. So, we're running, you know, odd hours. But I'm guessing that creates another set of challenges around people who are concerned about the noise and does that -- is that beginning -- does that add additional burden on you with people that even though we've got that sort green light to go that way, that when they actually have to deal with the consequences maybe have some buyers' remorse?

Van Orden: Interestingly, for the Bureau of Environmental Services, Water Bureau, and PBOT, with the rapid change in the City and how dense we're becoming, many practices they followed for years not really consistently pulling noise variances probably weren't a concern when the City wasn't as dense, but we're hearing a lot more concerns because they are trying to figure out how can we get this work done in a timely fashion, and in some cases -- as you mentioned -- it may be most logical to just work 24 hours a day for an entire weekend, for a week and get it over with --

Fish: Or even if it's not as logical, if that's the overwhelming desire of the community to get it done in a quicker period of time, we'll try to accommodate. But you're saying that -- of course, without referring to my bureaus, you're talking about PBOT not pulling variances. You're saying we're not always consistent in pulling a variance for those evening jobs?

Van Orden: I would respectfully say, unfortunately, we're trying hard right now in the Noise Office to figure out the best way to help our City agencies to get up to speed.

Fritz: So, that's not within the scope of this, but since I've got two of those bureaus and Steve has a third, maybe, Commissioner Novick, the three of us can get a meeting. We're trying to bring as much customer service friendliness to this process, but if we're hearing

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people want to do it in a compressed period of time but that then is generating noise issues, I want to make sure we're getting both sides right.

Van Orden: And interestingly, in the deliberations we had on Cesar Chavez for a project, that was one of the things the board tried to examine very closely -- can we try to knock this work out quicker, and is that a benefit to the community? And we heard a dialogue from the neighbors and came up with a balance that I think incorporated some of that in the dialogue.

Fish: Thank you.

Hales: Can you illuminate just a bit more for my sake or anyone else here -- Ms. Seemel, Mr. Vanadia -- where are we in your process of considering revised code. You've got this hearing tonight on pile driving. What's in the offing in terms of changes and how might people that care about this other than an appeals hearing get involved?

Sweet: Yes, so, tonight's hearing -- we're focused on pile driving as we have been since October when we took up the issue and so we are trying to come up with some appropriate code changes on pile driving. At the same time, there's a couple of other things that we'd like to do.

So, one of those is to acknowledge that the mixed use zones project is going to change all EX zones to mixed use zones and commercial mixed use, and that that in turn will bring about a change in the noise code. In anticipation of that, we thought we'd reclassify the central employment zone EX as a commercial zone at this point, and give some immediate relief to residents in those zones. And it will in fact reduce the permitted sound level as the property line, as you pointed out. So, that's one additional thing that we are trying to do. It won't change the impact of construction noise between 7:00 a.m. and 6:00 p.m. Monday through Saturday. It will change what can happen on a construction site between 6:00 p.m. and 7:00 a.m. the following morning and on Sundays to a lower -- a tighter, more protected standard.

Fritz: I think that's going to cause problems in EX zoned properties in the Central Eastside.

Sweet: The EX zones in Central Eastside are mostly along Martin Luther King Boulevard - - as I see that -- and Grand Avenue. I'm not certain that that's going to cause any problems given the mix of businesses there, I think it's probably appropriate. And what I'm told from the Planning Bureau is that is in fact what's going to happen ultimately through the comprehensive plan process.

Fritz: I think the Council has something to say about that.

Sweet: I think it does as well.

Fritz: We have a public hearing process.

Hales: Separate issue. I think anyone in the Central Eastside has a bigger noise problem than construction.

Sweet: Beyond that, Mr. Mayor, we are proposing to add a procedure to the Noise Review Board policies and procedures which would allow us to designate a noise impact zone and to further consider how variances for construction activity within those construction noise impact zones would be handled.

Hales: Some kind of cumulative impact approach?

Sweet: Yes. And we looked at whether a code change to that effect was really appropriate. The fact is, we're not receiving an overwhelming number of reports of noise problems in South Waterfront, on Williams Avenue, on Division Street, on other places where there's been fairly intense focal construction activity. It seems to be -- I think that doing some kind of blanket code change to say if there are more than x number of construction sites within y distance, that's a construction noise impact zone. I think that may be overkill. I think right now, we're focused on the area where we are hearing that

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there really is a problem, that people do have a large number of concerns. And that's why we are and have been treating construction variances in the Pearl differently.

Fritz: I received a lot of complaints about Division, just so you know. And I actually refer --

Sweet: About the construction noise specifically?

Fritz: Yes.

Sweet: OK, I wasn't aware.

Fritz: I think not everybody is aware of the Noise Board and that's the place to complain, so the natural place is the Council. So I have to tell you, that is a problem. And I would support your exploring the noise impact zone as a more fine-grained way to look at noise impacts rather than changing EX to commercial, which might have impacts -- because you're right, the noise in the eastside is not construction noise but it's noise that is now allowed in the EX zone. Noise is noise according to the noise code, right?

Hales: Yeah.

Fritz: I think something that's a little more specific would probably be a better tool.

Sweet: Thank you, Commissioner.

Hales: OK. Other questions? Instructions? Thank you, both. Do we have a motion on this appeal -- on this second appeal?

Fritz: I move to deny the appeal mostly because the variance is moot -- it's done.

Hales: Yep.

Fish: Second.

Hales: Second. Any other discussion? Roll call on that vote.

Roll on motion to deny appeal.

Fish: I really appreciate, Mayor, the conversation we just had. We've had a number of these hearings. We had no hearings like this for a period of time, and now we've had a bunch and I think it's helped raise our awareness of the issues and deepened our understanding of where there might be some code changes to both add additional protections for citizens that frankly make your job easier in administering this code. So, thank you all. Aye.

Saltzman: Well, I think as these two appeals point out, we have an issue in the Pearl District that it looks like the Noise Control Board and the Noise Control Officer are connecting a process. It's not going to lead to something perhaps -- well, certainly not going to deal with the appeal right in front of us now, but I am optimistic that your understanding of the problems are there and we need to deal with them. Actually, as Commissioner Fritz just said, it may be beyond the Pearl District, but that certainly is the one that captured the most attention now. Aye.

Novick: I think that the Noise Control Board and Office is a very tough job because I think that people's solutions would vary considerably depending on their personal predilections. Like, I personally wouldn't mind having noise constantly from 10:00 a.m. to midnight on the weekends and from 7:30 a.m. to 11:00 on the weekdays, because I mostly care about sleeping and early in the weekends, late mornings. But my views aren't to the other people's views. And also, as Commissioner Fish pointed out, some people would rather get it all done in a month and do whatever it takes and others are going say, well, stretch it out to avoid annoying me at certain times. So, I think you have a very difficult job and I appreciate the hard work you do to try to balance those concerns and the concerns of -- as people have said -- progress versus annoyance. Thank you very much for your continued service. I wish you well. Aye.

Fritz: Often or usually in quasi-judicial procedures, we don't focus very much on notice. In this particular case, you brought some very good issues to our attention about the mechanisms of notification both before and after the notice is given. So, I appreciate that very much. And now that we are aware of it, the proper way to fix it is through the Noise

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Board and bringing a package of legislative changes to us which you, of course, are welcome to come back and tell us about.

These two appeals and the previous ones also highlight that probably the Council is not the best appeal body for noise variances simply because of the timeframe. It takes probably six weeks to get on the Council agenda even if you're lucky. And here it is, we're April 1st and this particular variance was January 21st and February 7th. So, it's frustrating for citizens to get to Council and find, well, it's moot because it's gone past and, you know, thank you for the information.

We want to make sure that appeals are heard by the board in a timely manner, and I don't want to lose the option or the opportunity for citizens to come to Council to bring issues to our attention outside of particular appeals. So, I'm hoping that the package that the Noise Board will forward to us will have an annual report to Council at which citizens can come forward and say how things are going, what needs to be done in further legislative changes. Because it's just not appropriate to make legislative changes as part of a quasi-judicial hearing. We need to have everybody involved and frankly, you having a certain amount of time to speak here, us having the last word up here -- that's not the best way to come together to find a package that has board consensus. The process that I hope will be happening at the Noise Board is the way to do that and then we are the final adjudicators and tweak it at the end. So, thank you for your attention to this. I really appreciate it and thanks to the Noise Board and the Noise Officer. Aye.

Hales: I want to second all of Commissioner Fritz's comments. Not only is it appropriate for us to make legislative changes in a quasi-judicial appeal hearing, it's not legal. We can't do it. But I appreciate the fact you have raised these issues and it is true that people can come to this Council regardless of what door they come through, whether it's an appeal hearing or speaking on the Council communications items or showing up for something else and raise an issue and eventually get it addressed. Maybe not as quickly as some people would like, particularly an issue like noise in your neighborhood. So, I have to plea for patience just for a little bit because it's government, it takes a little while.

But my plea would be to talk to us and particularly these citizen volunteers, Mr. Sweet and others. We actually by happenstance reappointed two more citizens to this board this morning, people that volunteer their time to spend a lot of time trying to figure this out. But I have high expectations for that discussion because it usually -- between neighborhoods and business, often between neighborhoods and development, we figure out a solution, and I think we have the ability to do that. So, we need to continue to try to look at the code, look at the process. I agree with the point you made about timely hearings. We're not providing them.

So, there's improvements to be made here and both what the code and he is how we administer it. I hope you'll continue to talk with Paul and with David and members of the board, and let's continue to work on these issues. But again, the appeal on an additional -- an individual, sorry, I'll speak correctly -- an individual case particularly now that it's moot is an awkward forum to try to fix the problem, but thank you for raising the problem that needs to be fixed. Aye. And we are adjourned until tomorrow when we become a budget committee in the afternoon at 2:00 p.m.

At 3:40 p.m., Council adjourned.