



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **9TH DAY OF SEPTEMBER, 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; Denis Vannier, Deputy City Attorney; and Jason King, Sergeant at Arms.

Item No. 930 was pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

COMMUNICATIONS		Disposition:
918	Request of Crystal Elinski to address Council regarding government contracts, living wage and rent control (Communication)	PLACED ON FILE
919	Request of Katherine Smith to address Council regarding Portland and Tigard police (Communication)	PLACED ON FILE
920	Request of Hiram Asmuth to address Council regarding revoking a 60-day ban at City Hall (Communication)	PLACED ON FILE
921	Request of Jim Whittenburg to address Council regarding affordable housing and overbuilding in Portland (Communication)	PLACED ON FILE
922	Request of Evelyn Bross to address Council regarding dangerous traffic conditions at the Post Office at Airport Way (Communication)	PLACED ON FILE
TIMES CERTAIN		

September 9, 2015

923	TIME CERTAIN: 9:45 AM – Proclaim September 2015 to be Ovarian Cancer Awareness Month (Proclamation introduced by Mayor Hales) 10 minutes requested	PLACED ON FILE
*924	TIME CERTAIN: 10:15 AM – Approve findings to authorize an exemption to the competitive bidding requirements; authorize the alternative contracting method of Construction Manager/General Contractor; and authorize payment for construction, all in connection with the Pioneer Courthouse Square Renovation Project (Ordinance introduced by Mayor Hales) 15 minutes requested for items 924-927 (Y-5)	187333
*925	Authorize a contract with Shiels, Obletz Johnsen, Inc. to provide owner's representative, construction management and cost estimation services for renovations and improvements to Pioneer Courthouse Square in an amount not to exceed \$577,840 (Ordinance introduced by Commissioner Fritz) (Y-5)	187334
*926	Authorize a contract with SRG Partnership, Inc. to provide planning, design, and construction administration services for renovations and improvements to Pioneer Courthouse Square in an amount not to exceed \$875,150 (Ordinance introduced by Commissioner Fritz) (Y-5)	187335
*927	Amend contract with Pioneer Courthouse Square, Inc. for public involvement services for the duration of the Pioneer Courthouse Square Renovation Project in an amount not to exceed \$63,000 (Ordinance introduced by Commissioner Fritz; amend Contract No. 30000073) (Y-5)	187336
CONSENT AGENDA – NO DISCUSSION		
Mayor Charlie Hales		
928	Reappoint Lavaun Heaster and Suzanne Stahl and appoint Rick Hammond, Terrence Blosser and Kathy Coleman to the Portland Commission on Disability for 3-year terms to expire September 9, 2018 (Report) (Y-5)	CONFIRMED
Bureau of Police		
*929	Pay claim of Pacific Mobile Structures, Inc. in the sum of \$13,400 involving the Police Bureau (Ordinance) (Y-5)	187323

September 9, 2015

<p>*930</p>	<p>Authorize application to the Oregon Department of Justice Crime Victims' Services Division for a grant in the amount of \$96,946 for the Police Bureau Crisis Response Team in order to reimburse the City for 46 percent of the volunteer coordinator personnel expenses over a 24-month period (Ordinance) (Y-5)</p>	<p>187331</p>
<p>Office of Management and Finance</p>		
<p>*931</p>	<p>Pay claim of Norman Bailey in the sum of \$11,000 involving Portland Parks and Recreation (Ordinance) (Y-5)</p>	<p>187324</p>
<p>*932</p>	<p>Authorize acquisition of property at 4747 WI/E. Burnside Street from Katharine Lawrence, Peter Lawrence and Kenneth Moholt-Siebert by the Bureau of Internal Business Services (Ordinance) (Y-5)</p>	<p>187325</p>
<p>*933</p>	<p>Amend contract with Portland Habilitation Center, Inc. to increase contract amount by \$246,271 to provide custodial services for The Portland Building (Ordinance; amend Contract No. 31000239) (Y-5)</p>	<p>187326</p>
<p>*934</p>	<p>Amend contract with Portland Habilitation Center, Inc. to increase contract amount by \$151,288 to provide custodial services for secured facilities (Ordinance; amend Contract No. 31000251) (Y-5)</p>	<p>187327</p>
<p>935</p>	<p>Amend the City Code to reflect the name change of the Revenue Bureau (Ordinance; amend Code Chapters 5.73, 6.04, 6.05, 6.06, 7.02, 7.03 and 7.14)</p>	<p>PASSED TO SECOND READING SEPTEMBER 16, 2015 AT 9:30 AM</p>
<p>936</p>	<p>Amend franchise granted to NewPath Networks, LLC to build and operate telecommunications services within City streets (Second Reading Agenda 911) (Y-5)</p>	<p>187328</p>
<p>Commissioner Dan Saltzman Position No. 3</p>		
<p>*937</p>	<p>Amend a grant agreement with Legal Aid Services of Oregon to provide civil legal assistance at the Gateway Center for Domestic Violence Services for an annual amount of \$120,000 (Ordinance; amend Contract No. 32000404) (Y-5)</p>	<p>187329</p>
<p>*938</p>	<p>Amend grant agreements for navigator services at the Gateway Center for Domestic Violence Services for a combined annual amount of \$248,200 (Ordinance; amend Contract Nos. 32000977, 32000976, 32000979, 32000998, 32000375 and 32000391) (Y-5)</p>	<p>187330</p>

<p style="text-align: center;">Commissioner Amanda Fritz Position No. 1 Portland Parks & Recreation</p> <p>939 Approve the designation of one tree as a City of Portland Heritage Tree (Ordinance)</p>	<p style="text-align: center;">PASSED TO SECOND READING SEPTEMBER 16, 2015 AT 9:30 AM</p>
<p>REGULAR AGENDA</p> <p>Mayor Charlie Hales</p>	
<p>940 Proclaim September 2015 to be Suicide Awareness and Prevention Month (Proclamation introduced by Mayor Hales)</p>	<p style="text-align: center;">PLACED ON FILE</p>
<p>*941 Authorize an Intergovernmental Agreement with Portland Public Schools and TriMet for \$966,666 to continue the Student Transit Pass Project to offer public transportation for high-school students at Portland Public Schools (Ordinance) (Y-5)</p>	<p style="text-align: center;">187332</p>
<p>Commissioner Steve Novick Position No. 4 Bureau of Transportation</p>	
<p>942 Create a local improvement district to construct street, sidewalk, stormwater and sanitary sewer improvements north of NE Prescott Ct in the NE 136th Ave Phase II Local Improvement District (Previous Agenda 795; C-10050) (N-5)</p>	<p style="text-align: center;">FAILED TO PASS</p>
<p>943 Authorize the Bureau of Transportation to acquire certain permanent and temporary rights necessary for construction of the Burgard/Lombard @ North Time Oil Road Intersection project, through the exercise of the City's Eminent Domain Authority (Second Reading Agenda 916) (Y-5)</p>	<p style="text-align: center;">187337</p>
<p>944 Vacate a portion of N Terminal Rd east of N Lombard St subject to certain conditions and reservations (Second Reading Agenda 917; VAC 10096) (Y-5)</p>	<p style="text-align: center;">187338 AS AMENDED</p>
<p>Commissioner Nick Fish Position No. 2 Bureau of Environmental Services</p>	

September 9, 2015

945 Authorize contract with the lowest responsive bidder for the construction of the SE Powell Recon Sewer & Green Streets project E08659 for \$3,730,000 (Ordinance)
10 minutes requested

**PASSED TO
SECOND READING
SEPTEMBER 16, 2015
AT 9:30 AM**

At 11:03 a.m., Council recessed.

September 9, 2015

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **9TH DAY OF SEPTEMBER, 2015** AT 2:00 P.M.

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

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

<p>946 TIME CERTAIN: 2:00 PM – Accept the Americans with Disabilities Act Transition Plan Update: Parks Facilities Supplemental (Report introduced by Mayor Hales) 1 hour requested Motion to accept the report: Moved by Fish and seconded by Novick. (Y-5)</p>	<p>Disposition:</p> <p>ACCEPTED</p>
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At 2:44 p.m., Council recessed.

September 10, 2015

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **10TH DAY OF SEPTEMBER, 2015** AT 2:00 P.M.

THOSE PRESENT WERE: Fritz, Presiding; Commissioners Fish, Novick and Saltzman, 4.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Ian Leitheiser, Deputy City Attorney; and Mike Cohen, Sergeant at Arms.

<p>947 TIME CERTAIN: 2:00 PM – Consider proposal of Sarah Curtiss on behalf of Ryan Buchanan for Demolition Review, and the Bureau of Development Services Staff and Portland Historic Landmarks Commission recommendation of approval, for the demolition of a contributing garage in the Ladd’s Addition Historic District at 1609 SE 16th Ave (Hearing introduced by Commissioner Saltzman; LU 15-167566 DM) 1 hour requested</p> <p>Motion to adopt Staff and Portland Historic Landmarks Commission findings and recommendations of approval: Moved by Fish and seconded by Saltzman.</p> <p>(Y-4)</p>	<p>Disposition:</p> <p>ADOPT STAFF AND PORTLAND HISTORIC LANDMARKS COMMISSION RECOMMENDATION</p>
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At 2:40 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.

September 9, 2015
Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

SEPTEMBER 9, 2015

9:30 AM

Hales: Good morning, everyone. Welcome to the September 9th meeting of the Portland City Council. Would you please call the roll?

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

Hales: Welcome, everyone. We have some time certain items on our calendar as well as citizens who signed up to speak, and then we have our regular Council agenda after that.

If you are here to speak on a calendar item, please make sure you let the Clerk know, and she'll call you up. We typically allow three minutes for testimony individually, and obviously, there's not such a huge crowd this morning that that will be a problem. You need not give your address, only your name if you are here to speak. Of course, we observe the rules of decorum in this room and that is if you agree with someone, feel free to give them a thumbs up and if you disagree, give them a thumb's down but we ask you not make vocal demonstrations in favor or against our fellow citizen's opinions so everybody can be heard.

With that, we're going to move first to the communications items but first, I have to issue an apology to Commissioner Saltzman and the Fire Bureau. I sent out an erroneous email that claimed that the Police Bureau won last year's soccer match between the Police Bureau and the Fire Bureau. I was simply getting ahead of myself because clearly the Police Bureau is going to win this year.

Saltzman: Oh, no --

Hales: I stand corrected, Let the trash talk begin between the Commissioners and their soccer players. Thank you, Dan. [laughs] Let's please move to item 918.

Item 918.

Hales: Ms. Elinski, are you here? OK, then let's move on, please.

Item 919.

Hales: Ms. Smith, come on up.

Katherine Smith: This is going to take three minutes, so if you have any questions, please wait until the end so I can read it all, thank you.

Dear Mayor Hales and Portland City Commissioners, some Tigard cops are still shooting me with those microwave ultrasound weapons, voice-to-skull weapons, sleep deprivation, etc., 20 to 24 hours a day for more than three years remotely. They say they're shooting my son still, too. Because of the number of hours a day and the length of time they shoot us, anyone would perceive that their intent is to murder us.

The suggestions you and your employees gave me about stopping these assaults -- as I've said -- are not the people who can do it. Independent Police Review, Project Respond, Portland Women's Crisis Line, City of Tigard. City of Tigard can't because the crooked Tigard cops -- not all of them are crooked -- the crooked ones dominate the City of Tigard employees. Tigard police department -- the crooked ones -- won't let the other Tigard cops investigate them. Most of these groups have no authority to investigate and charge those Tigard cops you and my ex-Tigard neighbor lady who participates. Because of the assaults happen in Portland, I can legally report it here. Many Portland cops, including Sergeant McCormick, Commander Sara Westbrook are covering up for them and

September 9, 2015

blocking my reports of evidence, facilitating the murders with no legal reason or justification.

You are the Police Commissioner, a higher level than the Police Chief Larry O'Dea. You can make them require them to do their job. But unfortunately, one or more of your City attorneys and or employees has given you the very bad and negligent advice to not make those Portland police do their legal duty to protect us from this harassment, torture, incrimination, mutilation and attempted murder.

A few months ago when I testified about this, I gave the recorder copies of some websites of these weapons so you and the Commissioners could know what they are. A few testimonies ago, a few months ago, I gave a copy of some websites to the recorder about a meeting in 1994 at Johns Hopkins University with Janet Reno, Bill Clinton, Department of Justice, the Pentagon describing that these kinds of weapons were being given from our military as the Department of Defense to local police to use on the people. So, with this information and my testimonies here, you should have reason to know my claims of these assaults are true. I have many burns, scars and deteriorated skin as evidence of these assaults also.

Perhaps we will have to discuss this in another venue since your employees have refused me several times of even having a 20 to 30-minute private meeting with you to give you more information so you'll use your authority to stop some of those Portland police from hindering prosecution, doing false arrests, obstruction of justice, suppression of evidence and facilitation of attempted murder. There are hundreds of other targets in Portland, including kids. When done remotely, these weapons go through the cell phone towers they say, so you cannot move away from it.

My last sentence -- it is outrageous and it shocks the conscience that there are Portland police and other City employees who participate in these crimes. Sincerely, Katherine Smith, katsmith@yahoo.com.

Hales: You take care, thank you.

Smith: And I'll leave a copy of what I just said for each of you to be recorded.

Hales: Thank you.

Item 920.

Hales: Mr. Asmuth? Let's move on then, please.

Item 921.

Hales: Good morning, Jim. Welcome.

Jim Whittenburg: Good morning. You know, my brain is still intact, the rest of my body is a mess, so at 76 I can get away with most things I couldn't say when I was 65 or 66. So, I'll start out with some things that I found when I was going through the papers I had in the boxes and stuff I collected over 50 years. I found this campaign thing, this guy named Charlie Hales. That he was successful and he won the election. I sometimes wonder if you guys love the city as much as you love the people that are in the city. So, just I thought that I had when I saw this -- this has been sitting on my table for three or four weeks.

The second page is some testimony that we helped to give at the Mac G people with the hearings on the Portland PHAC -- it's there, I can't say the title right now, Portland's housing authority. We have been working on this. You will see on the next two pages -- 2003 -- to try and get some of these things put into effect.

We need housing. It's pretty bad in the city. We need it much more than building or streets. People live out on the street because they can't find affordable housing. I went through this myself a few years ago. I talked to Dan Saltzman's office about it. It was hard to find an apartment affordable for a 75-year-old man in the city. It's very, very difficult still. The Northwest Pilot Project helped me out with it.

September 9, 2015

You will see, the Mayor and the Commissioner Sten at that time -- he resigned shortly after that -- promised a blue ribbon committee of community leaders to find new revenues for affordable housing at 50% or below the median income. And guess who promised this? Besides the Mayor and Commissioner Sten, a guy named private developer Homer Williams. Have you ever heard of him? He's still promising, and I saw the leader of Mac G that time, a minister from New York. He still is telling us stories. He still is telling us -- and we're buying them all the time -- what he's going to do for affordable housing. He builds market rate apartments -- he does a good job doing that -- but he doesn't help any of us looking for \$300 to \$600 apartments. There is a project in the Lloyd Center -- the rent for a single person over there is \$1100 over there. And that's the Hassalo project over there. It's just -- it's nice for you guys, you can afford that. All of you can afford it.

So Mr. Kimbrough and Mr. Williams didn't tell us the truth back then. Commissioner Sten wrote me a letter saying eventually we'll get affordable housing. Eventually. What the hell does that mean? Two more pages, we'll be done here. Three minutes is not very long.

There's some priorities in this city that you should look at. I don't think that fixing the Coliseum and buying the post office are big priorities when this building next to us over here is probably going to come down in an earthquake and kill most of the employees residing there. I think you ought to move them out and put them in the housing around -- offices around the city. When you get the money and some of the other things taken care of, build a building or a modest building -- not 192 million, that's just crazy.

Just one more thing here -- the last page here -- there is an article about -- next to last page, I have the one here -- report on housing. It's better in San Francisco and Seattle. The last two pages are about -- I was getting very beaten down and giving up about the people and about the new generations coming in, so I read about Darby Swanson, who was picked as the number one baseball project pick up in the nation. Because I like baseball better than soccer by a long shot. And this guy has words in here, that I looked at. I said, I'm not worthy of guys like this coming up in our society. Darby Swanson will take care of these problems that we have. He will love you. He will love you every day of his life. And I'm confident in that. So, please read that article -- if you don't read anything else, read this about Darby. Authority doesn't give you the power.

Hales: Thank you very much. I will read it and appreciate you. Thank you very much, I appreciate your activism. Let's move onto 922.

Item 922.

Hales: Ms. Bross, are you here? Come on up, please. Good morning.

Evelyn Bross: Good morning, Mayor and City Council members. Good morning to the crew back there. [laughs] My name is Evelyn Bross and I'm here to talk to you about the United States post office at the airport.

I don't know if you knew they are open seven days a week, they're open until 9:00 at night on the weekends, they're open until 10:00 at night during the week. The problem is, if you look in the back of this paper here right where the picture is, how you get to the post office is you have to go enter into the airport where you drop off people to go to the airport, and you have to go through the airport and come back out leaving the airport and stay to your right where you see that road. You stay to your right and you follow that road, and then there is a little -- like used a farm road, a house road. There's like a train track there. And it's just enough for one car you -- not much -- and it goes over that track. And then you go into the post office. But you can't leave that way, you have to leave a different way. You end up on 82nd Avenue.

The post office people told me that people are parking on the freeway, crossing over the freeway to get to the post office because they can't find the place. They don't

September 9, 2015

know how to get there. Then they have people at the airport calling, saying, you're at the airport. We can't find you, where are you? The post office says, the airport won't allow them to have a new address. They said the airport owns the property, so your address has to be on the Airport Way, but there is no way that you can enter on the Airport Way without endangering people's lives going to the airport.

So, it's out of the post office's hands of changing the address because the airport owns the property and they are demanding that they stay at that address. And the holidays -- it is really busy there. It is really busy there because they are open until really late at night. You stand in line for two or three hours. In line, waiting to get to the counter. So, I mean, that is busy traffic and it's a dangerous situation. It's sad that you have to enter to the airport to exit the airport, then take a small right and cross over the railroad tracks with no railroad track signs and no signals. And how can you -- that's another danger right there. So, you're endangering people at the airport. You are endangering the track -- might be coming and there's no signals, nothing. And it's only for one way, if you are leaving the airport to enter. I did not know if you knew this.

Hales: I appreciate you bringing there to our attention.

Bross: This is pretty sad because holidays are coming up and this is going to be really bad.

Hales: Thanks very much for letting us know about it. I didn't know about this.

Fish: Have you talked to the Port about this?

Bross: I don't know how to get a hold of who or what so I thought I'd come to you guys.

Hales: I think that we can help there, so thank you.

Fish: I think you raised an interesting issue. It is difficult to make that loop, and it also adds to congestion. Until you testified, I was unaware that people had to get through the airport to get to the post office.

Bross: And the only way that you leave the post office -- you end up on 82nd Avenue. You can't exit that way. So, I was wondering if you could have traffic signals -- make them take that divider out and get traffic signals there. Have those train signals, red lights if there's a train coming so you can go to the post office. But the airport owns the property. Why aren't they caring about the citizens?

Hales: We appreciate you letting us know about it. We work with the Port all the time, Commissioner Novick in particular because it's a transportation issue. We have transportation planners who work with the airport. Thank you for raising the issue. We can certainly look into it. Thank you.

Bross: Thank you.

Novick: If you could drop by my office and talk to my staff and leave your contact information and we can talk to the Port and get back to you.

Bross: Sure. Because when the post office people told me they are crossing the freeway because they have no idea to get to the post office --

Hales: That's not good.

Bross: No.

Hales: Thank you.

Fish: Maybe we can convince them to move to the Ikea spot so that you have light rail and an easier access. Thank you, ma'am.

Hales: Thank you very much.

Bross: Thank you, Mayor. Thank you.

Hales: I see Ms. Elinski has arrived, so can you read 918 again and we'll bring her up?

Item 918.

Hales: Good morning.

Crystal Elinski: Good morning. Is this the City Attorney on --

September 9, 2015

Hales: He's the one on duty today, yes.

Elinski: Where do I find you?

Denis Vannier, Deputy City Attorney: The City Attorney's office is on the fourth floor.

Elinski: I had a problem on Friday reaching you.

Hales: Well, let's go ahead and hear from you.

Elinski: Yes. I'm Crystal Elinski, I represent 10,000. It's good to be able to be here.

This is not a public shaming, it's a wakeup call. What I learned at City Hall. In 2008, I first came here and met three of you. What I came to contribute I thought was my very valuable experience concerning the sorry state of social welfare, community cohesion, and falling living standards -- a situation that we all agree has deteriorated since. Although, after multiple attempts, I saw no tangible results or sincere interest, I decided that the best way -- I should mark that with the exception of Commissioner Fritz -- I decided that -- Fish, as I called you back then -- I decided the best way to understand City Hall wasn't the venue for public input and concerns, but I decided to continue to attend on Wednesdays. I had cleared up my time and I was curious about a few things. I wanted to understand how things operated here and why, in the state of Oregon, the mayor and the governor were so involved in commerce with China. Things that I thought were not the most pressing issues when we couldn't sign agreements to stop the South Korean Jeju island destruction. Chinese organ transplants. It seemed like I didn't understand what was going on at City Hall. I also was curious about the people that attended during the communications. I had seen some disparaging remarks in the media about the few that took up the time, and I see one of them outside today who changed my life drastically. I found after time that I thought some of these people should be the ones running City government. And I continued to attend.

I figured I would understand the ins and outs but in 2015, I can now say, it has not yielded the expected results. I do know that our City Council remains a forum for public accolades and agenda-bound uniform for votes on vaguely-worded authorizations and ordinances that the public is unaware of. The staff seem to concentrate on the pet projects and power points and decisions are made behind closed doors outside of the public eye, with back door glad-handing and the Portland Business Alliance committees. [beeping]

When our Mayor goes to the Vatican and the media are viewing it as something to be proud of, I take that as a wakeup call that we are getting the attention because we are supposed to be an example on the frontlines of climate change and child sex trafficking, as the Pope was concentrating on. And instead of talking about what a great job we're doing, we need to maybe look at this as like, oh, we are continuing to push the green washing of Portland, destroying our historic buildings --

Hales: Crystal, why don't you wrap up? I want to let you know we don't --

Elinski: And contracts for shoddy construction continues to destroy our environments --

Hales: Crystal, thank you. Thank you. Just want to let you know, we don't think we're done with climate or human suffering in our city. We appreciate you being here. Thanks for coming.

Let's move on, please, time certain 923. I'm sorry? I did it again, now that we're putting time certainties on the regular calendar, it has given me a new way to be confused. OK, we have a consent calendar and we've had a request to pull one item, I believe, and that is 930. Are there any other requests from Council or the community to pull items off the consent calendar? Seeing none, let's take a vote please on the balance of the calendar minus 930.

Roll on consent agenda.

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

Item 923.

September 9, 2015

Hales: Let me call up Diane O'Connor and her colleagues and read this proclamation and give them a chance to talk about the progress of the fight that you lead, Diane, and that this community experts your work in.

Whereas, ovarian cancer is the fifth leading cause of cancer deaths among women in the United States; and whereas, when detected early, over 90% of women survive ovarian cancer but many women will be diagnosed in the late stages of the disease due to lack of awareness of the symptoms and the lack of a screening test; and whereas, ovarian cancer has symptoms even in its early stages and women should contact their healthcare professional if their symptoms develop and persist for more than a few weeks -- like pelvic and abdominal pain or bloating or loss of appetite or feeling full quickly, there's symptoms that people can recognize; and whereas, ovarian cancer awareness month helps to increase awareness about the signs and symptoms of ovarian cancer and spotlights the need for continued research to improve prevention, early detection, treatment, and possible cure; now, therefore, I, Charlie Hales, Mayor of the City of Portland, Oregon, the City of Roses, do hereby proclaim September 2014 to be Ovarian Cancer Awareness Month in Portland and encourage all our residents to observe this month. Thank you for your leadership. Welcome.

Diane O'Connor: Wow, I'm impressed. Could you just mention about Nancy's mom?

Hales: Yeah, my wife's mother passed away from ovarian cancer and so this one is personal for me. So many families have been touched by cancer one way or another, so that has made this cause real for us and for her, for Nancy, all her life.

O'Connor: Thank you. So, you will notice there are seven of us dressed in teal today. That's our official color for ovarian cancer. And we're either ovarian cancer survivors like myself, or we're friends and family.

As Mayor Hales mentioned, September has traditionally been Ovarian Cancer Awareness Month. As you probably know. President Obama's mother also passed away from ovarian cancer and so he has always declared that Ovarian Cancer Awareness Month as well.

As Mayor Hales mentioned, we look upon this as a time to educate women -- and men, too -- about the signs and symptoms because we do not have a screening tool. It's of the utmost importance for us that women are aware of these signs and symptoms, because over 90% of women who are diagnosed do have these symptoms previous to their diagnosis.

So, we thank you all. We thank Mayor Hales for your time and attention to this issue, which is a bit different than some of the issues we've been hearing today but of utmost importance to all of us and truly to all women. Thank you.

Hales: Thank you. And we would love to take a photo if we could with you and your team with the Council. Thank you. [photograph taken] Thank you all. We hope that now as OHSU is becoming more of an anti-cancer powerhouse that we'll hope for good news in the future, maybe even a diagnostic tool. Thank you. So, let's do the pulled consent item, which is 930.

Item 930.

Hales: Mr. Scruggs, Ms. Jackson, good morning.

John Scruggs, Portland Police Bureau: Good morning. Mayor, members of the Council, I am here to ask for your authorization to put an application into the State of Oregon for the victims crime services.

One of the things that the City of Portland has done since 1993 is provided call-out response to the victims of violence. Oftentimes, these are traumatic experiences for both the families and the victims. We have Officer Marci Jackson who is available to go out and

September 9, 2015

help them, assist them in this very confusing and very necessary and needed time to have that experience.

One of the things that Marci brings is both the law enforcement experience of being a police officer out to the scenes so she can help to coordinate the victims and let them know what's going on. Further down the line, we have Deborah Monk in our office who can also follow up, set up appointments, and coordinate the further response.

We think it's a necessary grant and we think that it's a great service the Portland Police Bureau provides for the community members, especially in in that many of the community members that we serve are high risk and are in volatile situations where they need a guiding hand to get their appropriate response and victims assistance. And this is outside of what Multnomah County also provides.

Marci Jackson, Portland Police Bureau: I'm Officer Marci Jackson. As the officer, some of the things that the crisis response team does -- I still believe that it is the most visible effort of the community policing that we offer -- and maybe just because I do it. It was started in 1993 by Officer Victoria Burden, and I've been continuing that work.

We respond to the various traumatic incidence, such as April [indistinguishable] going out with one of our responders who navigated a mother who was needing support when one son was murdered and another son critically injured in the same situation. And Pastor Charles Hunter, who responded with the Oregon Youth Authority -- when they transported a youth from detention to the hospital because his mother was on life support.

One of the other things that I go to do is as parts of my position is mentoring African American high school girls. And hearing from a PCC student that she's following in my footsteps into law enforcement because of my involvement with her in the high school -- that has since -- Portland Public School has since made that a full-time position over at Madison High School.

I'm also a board member on Healing Hurt People, which is from Cascadia Mental Health, introduced to Portland by Dr. Alicia Moreland-Capua, responding to Emanuel Hospital, dealing with a trauma of being associated with gun or gang violence or with our youth of color between the ages of 12 and about 28. I have a partnership with Emanuel Hospital and OHSU hospital, with their police department, their social workers so that we ensure a calm, safe, and informative environment when family are responding to these injured loved ones of such incidents.

I also have a partnership with the Office of Youth Violence Prevention, out of the Mayor's Office directed by Antoinette Edwards and Tom Peavey, the policy advisor there, with the number of things. We work with our street level gang outreach workers, so we are on the scene, we're in direct communication with our communications as to locations of incidents and where support is needed in various areas.

We also work with Enough is Enough. I'm excited about that work. That is a community-led campaign that gives voice to families and others impacted by gun or gang violence. They are championing strategies to reduce the violence from the community level, and it is definitely a community-led effort with the mothers, where their sons or daughters have been killed due to gun or gang violence. They've been impacting witness support. They've talked to the District Attorney's Office, they've talked to the homicide detectives, and championing how witnesses are supported from the African American community. We're championing the word, "snitch," "somebody needs information that could help." And so, we know that historically, witnessing in the African American community has been perceived as being a "snitch," but we're turning that definition around. They're using the voices of those impacted families to do those things.

Part of my position also allows me to work with the faith-based community within our community, 1145 being one of those efforts. That has brought officers and the church

September 9, 2015

together actually holding hands, because the church community has actually prayed over those officers, prayed over law enforcement, and has prayed for you in your positions. So, I get to be a part of that. And it has been a bridge forming relationships and those relationships are important.

I also get to work as a part-time recruiter and mentor for some of our new officers of color. So, as part of the crisis response team working for you all, I ask that you support this and put this line item and vote it through, please.

Hales: Thank you very much. Questions for Captain Scruggs or Officer Jackson?

Saltzman: Pretty persuasive pitch.

Hales: She is persuasive. Other questions? Thank you both very much. Is there anyone else that would like to speak? Let's please take a roll call on the ordinance.

Item 930 Roll.

Saltzman: Very pleased to support this and thank you, Officer Jackson and other members of the crisis response team and Captain Scruggs for the great work you're doing. Appreciate it. Aye.

Novick: Thank you very much. Aye.

Fritz: Thank you for pulling this to the regular agenda. I think it's very important that people know more about the great things that our police are doing in supporting people on the worst day of their lives. Aye.

Fish: Aye.

Hales: You know, one of the pleasures of being the Police Commissioner is you get to know these people and you go to see the heart that they put into their work. I know that about John Scruggs and I know that about Marci Jackson, and I am getting to know that about more members of the bureau, and I think that you can hear that in this presentation - - that this is a job for these folks, but it's also a calling. And Antoinette -- similarly, with her, as we all know.

I get to talk to other mayors, all over the country. Cities are dealing now with a tidal wave of heroin and a plague of trafficking, and we are too. And gang violence is on the rise in cities all over the country and here, too. We have a dubious record now of having passed the number of gang violence incidence in our worst year already this year. Fortunately, not as many people have been killed or wounded in those incidents as one might expect when you count the number of shots fired, but that's just luck. That's not anything but luck. But the number of guns recovered and the number of incidents headed off and the number of families contacted by the Police Bureau is going to make a difference, so I believe that our bureau and all of our partners are doing the right things in how we're approaching these issues.

It is about trauma, and it is about relationships with the community. What we heard from these two folks I think is a great example of how to do it right. We just have to do more of it with more partners and try to turn the corner on these very pernicious trends that are now afflicting city. I want to appreciate you and thank you for the work. Aye.

Hales: Thanks very much. OK, it is time to move on into the regular calendar, I believe.

The first of which is -- well, that's 10:15, though isn't it? Sorry. Let's move onto 940. That is the proclamation.

Item 940.

Hales: Commissioner Fritz.

Fritz: Thank you, Mayor Hales. Is anyone here to speak to this? Great. Chris Bouneff from the National Alliance on Mental Illness is also joining us. So, I'll read the proclamation.

Whereas, in the United States, one person dies by suicide every 13 minutes; and whereas, suicide is the second-leading cause of death amongst Oregonians age 15 to 34 years and the eighth leading cause of death in Oregon; and whereas, over 700

September 9, 2015

Oregonians tragically lose their life to suicide each year; and whereas, Portland lose says an average of two citizens a week to suicide. In fact, we had a death just a month ago very close to City Hall. Whereas, agencies and individuals across Oregon, as well as Portland, are working to prevent suicide; and whereas, Portlanders are encouraged to learn about the warning signs of suicide and get appropriate help for themselves, their families, and friends who are at risk; therefore, now, Charlie Hales, the Mayor of the City of Portland, Oregon, the City of Roses does hereby proclaim September 2015 to be Suicide Awareness and Prevention Month in Portland and encourages all residents to observe this month. Welcome. If you could add some more comments.

Chris Bouneff: Thank you. Mayor, members of City Council, I'm Chris Bouneff, I'm the Executive Director of the Oregon state chapter of the National Alliance on Mental Illness. We are a grassroots organization with 1500 members, 14 chapters across the state, including a very large chapter here in Multnomah County that serves the city of Portland. Our membership is composed basically entirely of people directly affected by mental illness. This issue of suicide, suicide prevention and mitigation is very important to us. It's an important contributor in that it's the tenth-leading cause of death in our country. It's a little higher in the state of Oregon. It's one of the major health conditions that over the decades we have not made a dent in cutting down the mortality rate -- in fact, it's increased, and it's a leading contributor as to why those of us who live with mental illness on average die 25 years earlier than our peers. It is an issue that more and more is combined with organizations like mine like NAMI because it's not an issue that happens in isolation. Suicide and the risk of suicide is usually co-mingling with many other factors, including mental illness.

NAMI is an organization that tries to work directly with people affected by mental illness through free education, support, and advocacy so that we have a more robust treatment system that addresses the issues such as mental illness and other mental health disorders that contribute to a higher risk of suicide. I'm pleased that the City is recognizing this and proclaiming this as an awareness month. I see it as an accumulation of the City's interest in mental health in general. It's not the only month that we recognize for factors that related to mental health, so I'm pleased that we have an accumulation of awareness in this.

I tend to think of this in anecdotes. Just real quickly --later, in early October we hold an event with Gordon and Sharon Smith, the former senator, as you may be aware of their son's story with the long history of battling mental illness that ended, unfortunately, in suicide. This year, we're pleased to honor Commissioner Fritz for her contributions and leadership, not only in conjunction with her leadership in the City, but prior to her service on the Council. It exemplifies what many families struggle with, which is usually a long trajectory that leads to a catastrophic outcome, and so our awareness needs to happen not so much -- or more than just risk of suicide, but also all these other attendant factors that contribute to that trajectory.

Lastly, again, our gratitude. We are fortunate in this state that we have a wonderful organization, Lines for Life, that is one of the leading organizations in suicide prevention through their hotline. I would be remiss if I did not provide that 800 number for those who are at risk who need to reach out to a confidential source. Lines for Life can be reached at 800-273-8255. Thank you.

Hales: Thanks very much.

Fritz: Thank you, Chris. That's also 800-273-TALK. One of the things I like about Lines for Life is that they also have a teen texting program, so that teenagers who are feeling -- or anybody who prefers to communicate by texting, rather than talking on the phone can be -- can get live assistance any time of the day or night. They also have a veteran's hotline, so

September 9, 2015

you can call that number and there's specialty folks who can help. It's done by a lot of volunteers supervised by professionals, and that's the same with the National Alliance on Mental Illness, it's a lot of volunteer and peer involvement. And that's so that the people can know that there is somebody who has some experience in things that they might be going to that they don't have to suffer alone.

Hales: Thank you very much.

Fritz: Thank you, Chris, for being here.

Hales: Thanks, Chris. OK, let's move on to item 941.

Item 941.

Hales: Thank you very much. I don't know if we have a presentation on this ordinance, but I'll speak few words about it.

This is pursuant to our budget as approved. It is a good temporary solution and I'm happy that we are implementing this temporary solution. We're also going to try to move forward towards a different funding formula for this, but one way or another, we've got to make sure that we have our kids getting to school without additional vehicles on the street. And actually, I think one way or another, we need to make sure that we have access for our kids to lots of other things like jobs and recreation.

One of the other things the Council did in the budget this year was approve a program of more free and available access to our community centers for teenagers. Commissioner Fritz's staff has been a little wide-eyed at the amount of teenage activity in the centers. For example, 2500 kids signed up for the free recreation available at Matt Dishman Community Center. We heard stories about families that saved all July so they could buy bus passes for the kids to get to Dishman from elsewhere in the city in August. I think it indicates the need one way or another for the community to make sure that our young people have access to transit in a transit-friendly city. So, I am happy that we're doing this. It is not necessarily the permanent solution, but a good one for now. Unless there is any other presentation -- which I don't think that we have this morning -- anyone else would like to speak on this item?

Moore-Love: Mr. Lightning would like to speak.

Hales: Come on up, Lightning. Good morning.

Lightning: Good morning. My name is Lightning. I represent Lightning Watchdog X. I do approve having the students being awarded the 966,000.

One of the only other issues that I have within the city of Portland is that we shouldn't deny the most vulnerable people to also have access to the transportation. I'm not seeing enough passes being given to a lot of the homeless out through the city and that kind of disturbs me, because of all the people that really need access to medical, to jobs, to going different locations, that would be the homeless. And yet, we give money to certain nonprofits, that say to you, "you need to tell us who you're going to see and we'll call them to verify that." But in my mind, having the people through the city that are the most vulnerable have access to go to different locations is really important to the city from a beneficial of people getting more jobs, people having access to doctors, people being able to go to see their friends and their relatives. Because they are homeless, they are being denied that access because the City leaders are not looking at that and saying, "we think that the students deserve have these passes but the most vulnerable people in the city, you do not." So I question your decision on denying the homeless access to free passes on the transportation to improve their lives, possibly get a job, possibly get housing, possibly improve their health. So again, I just question your thinking on this.

I hope that you'll look at this a little bit closer and maybe decide to offer that to at least the 2000 -- we keep throwing that number out -- that are chronically homeless throughout this city. And again, even if you offer transportation every Monday of every

September 9, 2015

month to this group, the benefits to then to be able to improve their lives would be enormous. And as the public taxpayers I think would agree, having access to this vulnerable group out there is very beneficial throughout the city to everybody. Thank you.

Hales: Thank you.

Fritz: Lightning, do you ever testified in front of the TriMet board? I would suggest that that would be very helpful. I read in the Oregonian yesterday that they are considering increasing the payroll tax, maybe -- I agree with your comments in asking them to be partnering in this. I mean, this is the City's taxpayer money going to TriMet to provide this service. I think that the issue you raised is one that would be well-raised with the TriMet board as well.

Lightning: If I may respond real fast. Somebody has the authority to get the students their passes. And to have that authority to request 966,000 are the same people I'd like to have talking to TriMet on behalf of the most vulnerable people in the City. I do not have the authority to get that amount of money, I did not have the authority to do that. You know who does. You know who has that ability. In the improvements to the City would be tremendous to people to be able to have that type of access, even if it's for one Monday a week every month -- that's only four days out of the month -- would give a tremendous amount of people the opportunity to improve their lives tremendously. So, again, I hope that we can have the proper people have discussions with TriMet, who had the ability to get this passed through for the students. Thank you.

Hales: Thank you. OK. Anyone else? Let's take a roll call, please.

Item 941 Roll.

Saltzman: Aye.

Novick: Aye.

Fritz: I'm glad that we're continuing to provide this transportation. It's also one of I now the Mayor's priorities as well as mine to get it for the students throughout the city of Portland, not just in the Portland Public Schools. Aye.

Fish: Aye.

Hales: Aye. Thank you very much. We are at 10:15, so let's go back to the time certain.

Fish: Mayor, we also have staff here ready to do the other stuff. Just a question that I want to -- just in terms of the scheduling, can we move through the other three items and then come to the time certain so we have the time? We have two sets of staff.

Hales: Staff and volunteers queued up on both. So --

Fish: I'm just raising it.

Hales: I think it sounds like it's only a 15-minute item, right?

Fritz: Right.

Hales: So let's go ahead and take the time certain now, and then those others, please.

Moore-Love: Did you want all four read?

Hales: Yes, 924 and its successors, 925 through 927.

Item 924.

Item 925.

Item 926.

Item 927.

Hales: Commissioner Fritz.

Fritz: Thank you, Mayor Hales. This series of four ordinances is a major step towards restoring Pioneer Courthouse Square to the condition we would expect for Portland's living room. The park's bond passed by voters in November of 2014 included 10 million for the renovation of the square, and thank you to the voters of Portland.

The funds will be used to replace the failing waterproof membrane and HVAC system, repair the deteriorating brick plaza and columns, and upgrade the restrooms for

September 9, 2015

safety and accessibility. These ordinances include an exemption to competitive bidding requirement contracts for both an owner's representative and a construction manager/general contractor, as well as a contract with Pioneer Courthouse Square, Inc. for public involvement services. I invite Christine Moody and Lauren McGuire to provide more details on the ordinances.

Lauren McGuire, Portland Parks and Recreation: Good morning, Mayor Hales and members of the Council. My name is Lauren McGuire. I'm the capital project's team manager for Portland Parks and Recreation. With me is Christine Moody, who you know is the Chief Procurement Officer for the City of Portland.

We're here today to request the Council authorization of those four ordinances pertaining to the renovation of Pioneer Courthouse Square. The ordinances are requested as emergencies in order to maintain the project schedule, which is tailored to accommodate the community programs and events. Renovation of the Pioneer Courthouse Square is funded by the 2014 Parks bond.

The renovation and reconstruction of the Pioneer Courthouse Square at 701 SW 6th in downtown Portland is a very important step in the delivery of the bond projects to the Portland community. This project represents the largest of the 2014 bond projections to be initiated. The projects will renovate the Square by making critical repairs to the infrastructure, by replacing its waterproofing membrane, by replacing the heating, ventilation and air-conditioning system, by repairing its unique stoa columns, replacing damaged brick, and renovating the restrooms for safety and accessibility, as well as making other necessary ADA adjustments as funding permits.

The current low-confidence estimate for construction cost is approximately \$7 million. The overall project budget, including project construction, design services, insurance bonding, project management, and staff costs contingency in escalation is 10 million. The Parks replacement bond funding is approved and in place for fiscal year 2015-2016.

The four ordinances for the Pioneer Courthouse Square renovation project that we'll be discussing today include the exemption finding ordinance, which is an ordinance to approve the findings to authorize an exemption for the competitive bidding requirements and authorize the alternative contracting method of construction manager/general contractor and authorize the payment for the project; the owner's representative contract, which is an ordinance to authorize the professional technical and expert services contract with Shields Obletz Johnsen to provide owner's representatives services; the design team contract, which is an ordinance to authorize the professional technical and expert services contract with SRG Partnership to provide design and planning services; and the Pioneer Courthouse Square Portland Parks management agreement amendment, which is an ordinance to amend the management agreement contract between Pioneer Courthouse Square and Portland Parks in order to provide public involvement services. This is the second amendment to the existing management agreement.

Christine Moody, Chief Procurement Officer, Office of Management and Finance: The first ordinance you have before you is the exemption that's required by state law. The exemption to the low bid process needs to be done and needs to be approved in order to authorize the alternative contracting method, such as the construction manager/general contractor services.

The findings that are attached to the ordinance, as documented in exhibit A, highlights the technical complexities of the project in which using the CMGC will be most beneficial to the City. As Lauren stated specifically, this project requires building envelope, waterproofing of the existing structure, mechanical engineering renovations, stoa column

September 9, 2015

repair specialists. Additionally, the contractor must have experience working in the complex urban environment.

The findings also show the structuring of the project under a CMGC process facilitates the inclusion of the contractor and the design process to provide input on constructability, phasing, and efficient staging. The effective coordination of value engineering of the project will benefit the project and also is presumed to reduce the cost.

Saltzman: What do you mean by “no favoritism”?

Moody: No favoritism means that just because we’re doing this alternative contracting method, we’re not providing any favoritism -- that it’s an exemption from the competitive low-bidding process, but we’re doing a competitive process. So, that’s what the “no favoritism” finding means.

McGuire: The second ordinance is to authorize a professional technical expert contract with Shiels Oblatz Johnsen to provide owner’s representative, construction management, and cost estimation services for renovations and improvement to the Square in an amount not to exceed 577,840.

The dedicated owner’s representative is necessary to provide increased coordination with and response to the general contractor to Pioneer Courthouse Square, to the surrounding businesses, to visitors to the local community, and to interested parties hosting events.

The site has several significant challenges to the project implementation, such as large downtown profit volumes, multiple modes of adjacent transportation with TriMet on two sides, high visibility of the square, surrounding businesses, offices, and residences, numerous planned public events, with over 300 events a year, 10 million people visiting the Square each year, and expedited schedules configured around those key community events.

The City did follow the competitive qualifications-based solicitation process with postings on the City’s procurement website and in the Daily Journal of Commerce. Five proposals were received and two firms were interviewed in May of this year. Shiels Oblatz Johnsen won, and their utilization for minority, women, and emerging small business was 7.4%.

The third ordinance is to authorize a professional technical and expert contracts with SRG Partnership to provide planning, design, and construction administration services for renovations and improvements, as described previously, in an amount not to exceed 875,150. Again, the City filed the standard qualifications-based solicitation, posting the request for proposal on the City’s procurement website and in the Daily Journal of Commerce. Four proposals were received and three firms interviewed in July of 2015. SRG Partnership, Inc. won, and their utilization was 27.3% for minority, women, and emerging small business firms.

The fourth ordinance is approving a second amendment to the management agreement between Pioneer Courthouse Square, Inc. and Portland Parks and Recreation to authorize payment to Pioneer Courthouse Square, Inc. for public involvement services for the duration of the project in an amount not to exceed 63,000. Pioneer Courthouse Square, Inc. is well acquainted with the community of Square users, local residents, tenants, transit authorities, and surrounding businesses, and has been performing the day-to-day operations of the Square, including public outreach. As such, it’s uniquely qualified to perform additional public involvement services in the project.

With that, we complete our presentation. Thank you. At this time, Harriet Cormack from the Pioneer Courthouse Square board would like to speak about the project. After Harriet speaks, we’d be happy to take any questions the Council may have.

Hales: Good morning, Harriet. Welcome back.

September 9, 2015

Harriet Cormack: Good morning, Mayor and Commissioners. I have been a long-term member of the board of trustees and for a number of years have been chair of the facilities committee at Pioneer Courthouse Square, Inc. Our committee began four years ago to divine the scope of work for repair and renewal of the park, and so I am deeply committed to this work that is before you. I also want to support the approach that Parks has taken in contracting for this complex work.

I have a 40-year career in project management and as a citizen volunteer have been involved with development of the Convention Center in its first phase, and as a commissioner of Home Forward, many construction projects. And we have used this alternative method of contracting for complex projects with great success.

I think that from the beginning when we were thinking about the open-heart surgery that would be involved in repairing the park, we knew that this would be the better way to proceed, where you really have a team of designer, contractor, owner's representative working to get a correct series of construction items, getting things effectively priced, and delivering a completed project on time. So, I just want to lend my experience and support for this alternate method of contracting.

Hales: Thank you. Questions?

Fish: I have just a question that relates to the bricks that we're replacing. Would you remind us -- for the people that a generation ago paid to have a brick to help finance the original park, how are those being replaced? What are the opportunities for people to invest in them going forward?

McGuire: So, the brick replacement will be documented. The bricks are documented now. We will be replacing bricks as we need to and we'll re-document where they are located and that will show people where the brick will be. It's probably likely that they won't go exactly back in the same spot, but we are going to document where they are now.

Hales: Are you reusing them?

Fritz: And also, when you buy a brick, you buy a brick forever. And it's \$100, I believe. And there's an opportunity for others to invest now that we're doing this. So, you can go to the Pioneer Courthouse Square website and buy a brick for eternity.

Fish: Is there a master list of bricks somewhere?

McGuire: Yes, Pioneer Courthouse Square --

Fish: That's very important. I noticed for example at Harper's Playground that with all the use one of the plazas gets, some of the bricks are now getting obscured where people, patrons and investors -- and you know, I think the wonderful thing about a brick is that it seals the personal connection with someone. At Harper's Playground, people put the names of their children in the plaza. So I'm delighted there will be a database where we can actually know who were the first waivers in those bricks. But there are opportunities for people today to invest in new bricks?

McGuire: Absolutely.

Fish: At \$100?

McGuire: I don't know the answer to that -- is that right, Harriet?

Cormack: I believe that's the going rate. Yes.

Hales: Still a heck of a deal.

Fish: That's a bargain.

Cormack: And a lot of people have been buying bricks over the course of time, so there are new ones coming along every day.

Fish: Thank you.

Hales: Any other questions for the panel? Thank you all very much --

Saltzman: Actually, I did have one question. Does the owner's compensation contract and the design contract come out of the \$10 million estimated total cost?

September 9, 2015

McGuire: Yes.

Saltzman: That's included, OK.

Hales: Thank you very much. Anyone else want to speak on this item?

Moore-Love: Mr. Lightning signed up.

Hales: Come on up.

Lightning: My name is Lightning, I represent Lightning Watchdog X. I'm one of the original people that bought a brick and have it located there currently, so obviously I do have a concern on that issue.

One of the things I was wondering is it sounds like you plan on making sure that bricks go back to their original location, the best possible. Now, if these bricks, obviously, if they are removed -- and they obviously can break and we have to bring in a new one -- my question to you is -- and I know a lot of people have had concerns on being able to read the names on the lower level bricks because it's a smaller font. I was wondering if we could enlarge it to the same size that the upper level bricks, so people can easily read the names. That's just a request that I have, so I'm putting that out right now.

Issue number two is that 10 million visitors a year, and one of the issues that I think would be beneficial is that the restrooms that they have where you can go down below aren't open all the time. This whole area was set up to have access to the public around the clock. And what I'd like to propose, maybe, is also adding a Loo somewhere to where - - obviously, when we're having this many visitors, to have something like that accessed around the clock I think would be very beneficial to the visitors of 10 million plus per year.

Issue number three I have again is -- I may speak against this group, the Regional Arts and Culture Council, it's nothing personal -- but I would like to have them maybe brought in on this project as a consultant on the current art that is currently located there on looking there and seeing if we can't add additional and or what do we want to do with the art that we have there. They are the professionals, the experts. I'd like to have their opinion on that and to see if we can't maybe add some additional art throughout the area based upon their recommendations. Thank you very much.

Hales: Thank you.

Fish: You know, that -- Commissioner Fritz, Lightning, as always, raises a provocative question. And I should know the answer, but does a renovation of this size trigger the 2% for the arts?

Fritz: I'd like staff to come and answer that question. Perhaps the answer is that we'll get back to you on that.

Fish: It's in response to Lightning's question. I think that the answer is yes. That's not what's technically before us today, but it is what it is so I was just curious.

McGuire: I believe we're looking at the 2% for art holistically over all the bond projects, not necessarily per project.

Hales: OK, thank you. Anyone else want to speak? Other questions? Let's take a roll call on each of these in turn since they are all emergency items, starting with 924.

Item 924 Roll.

Saltzman: Aye.

Novick: Aye.

Fritz: I'm very proud of working with the Pioneer Courthouse Square board and one of our valued nonprofit partners. People said during the bond measure campaign, why can't we just pay for the renovations through the revenue from the activities that the board and the staff -- the wonderful staff at Pioneer Courthouse Square, Inc. -- do throughout the year? The answer is that we can't. Their prices are already higher than we charge for other Portland Parks and Recreation facilities, and so there is a limit to how much more you can put the prices up. It's also a civic duty to have great things happening in Pioneer

September 9, 2015

Courthouse Square. The staff recently did a matrix showing high profit -- the profit and the community livability aspects and mapping out where all of our different at this times go there. So it is something that we've been mindful of.

When I was assigned the Parks Bureau in 2013, in July, that was one of the first things that was brought to my attention by the Pioneer Courthouse Square board is that the City of Portland, the people of Portland, own Pioneer Courthouse Square. So, it is our responsibility to fix it. And so I was happy that we were able to get the parks bond passed, with 74% of the voters approving it -- the highest ever for a parks bond -- and very specifically included in that was this \$10 million to Pioneer Courthouse Square. So yes, we're going to be fixing some of the accessibility problems at the same time. We're going to be fixing the restrooms also, and I will be coming back to Council shortly with our \$15 an hour resolution for their staff who work in those restrooms because that's one of the contracts that we have not yet upgraded.

So, there's a lot of needs that we have a responsibility to do and I'm very proud of our Parks staff, our bond team, and everybody in my office, as well -- Tim Crail and Patti Howard and Tom Bizeau have all been working really hard on this. So thank you very much for bringing it to Council. Aye.

Fish: Commissioner Fritz will remember that prior to this bond, we used to use -- the technical term was spit and glue -- to fund some of the Parks renovation says. E205 was funded at a general fund. We scraped together money from whatever pot, but we didn't have any bond money to use. So, the bond became essential to do the major improvements that the public expected us to do. And I want to begin by just thanking Commissioner Fritz for leading that bond effort and leading it during a particularly challenging time in her life.

I thought there was a beautiful symmetry on election night. 74% of the public supported her bond measure and 74% of the public turned down the water district. I thought that showed great insight on the power of the voters.

A word about Pioneer Courthouse Square. It has been listed, I believe -- and I was checking with the experts -- as one of the 10 great public squares in the world. And we're very proud of it. We're number three -- OK, one of the top five public squares in the world. And Bruce Forster, who many of us know, who takes those great pictures of Portland from an airplane, once upon a time took a famous series of pictures of what Pioneer Courthouse Square looked like when it was a garage. And a group of intrepid artists came and painted it because they wanted the public to imagine what would happen if we converted it to a park.

And for those of us or you who believe it was a slam dunk at some point in the past, to create this park, I'm reminded that the final vote of Council was three to two. And the decisive vote was cast by Mike Lindberg. And had Mike Lindberg not supported turning a garage into a great square in the great city, we would continue to have a garage there. So, I want to celebrate the role of Mike Lindberg, and I want to acknowledge the role of all the Pioneer Courthouse Square board members, including Pete Mark, who has been there from the beginning and has been a great champion both as an advocate and with his family's philanthropy of that square.

This is a really proud day. Again, I want to especially thank Commissioner Fritz, because without her leadership and advocacy, we wouldn't have the bond proceeds to spend on this long-overdue upgrade of our wonderful central plaza. Aye.

Hales: Well, I want to appreciate Commissioner Fritz for your leadership on the bond and on now getting work done. Because when you pass a bond measure, you also have to deliver, and the Parks Bureau is doing that. In fact, we hope as always over-deliver and

September 9, 2015

produce more value for the voters who stepped up once again and showed good judgment, as Portland voters do, and supported this effort.

The other thing that I think we always have to stop and celebrate -- Commissioner Fish is right about the history. This was not a slam dunk. It was controversial at the time. There were people in the business community that thought it ought to be an enclosed bubble instead of a public square, and I think that most of them would now admit that this was a better idea. But it does have to be carefully managed every day to keep it a safe and welcoming place, and that's why we depend so much on the Pioneer Courthouse Square board and the nonprofit corporation. That's another secret ingredient in Portland's success with parks is that we have these partnerships with nonprofits. Every now and then, the City needs to step up and make a capital investment because it is, after all, a park, just like the pond underneath the Chinese garden that's leaking 10,000 gallons a day -- I think, isn't it -- needs to be replaced, and that's because the capabilities of the nonprofit that adds so much value and dollars to the operation.

So, these partnerships we have, whether it's with the Japanese Garden or the softball leagues that use Delta Park or Pioneer Courthouse Square are really important. So Harriet, to you and the other volunteers who've made this work over the years and who continue to make it work, thank you for being good partners for us. We'll always try to be good partners for you as well, and create this great synergy between volunteerism and community that makes this a great place.

One final editorial point -- which the Council may be getting tired of hearing -- but I think that one of the ways to make sure that we're successful as a city, is, of course, we keep Pioneer Courthouse Square our central public space, but we need more public spaces like this around the city. We're now creating one in Gateway. That's good. But in a city of 600,000 that in many ways is the most European city in America, we're not there yet in terms of the hard space available for farmers markets and the community gatherings around the city. So, I hope that future City Councils have more partnerships like this and more places with more squares. But for now, let's put this into good repair. Thank you. Aye.

Item 925 Roll.

Saltzman: Aye.

Novick: Aye.

Fritz: I really love these ones where we have multiple opportunities to say things that we forgot. I was particularly instructed by Tim Crail to show this book, which Harriet and her crew at the Pioneer Courthouse Square board put together. It's called Bricks on the Brink. And there are no words in it, they're just pictures of really awful infrastructure that needs repairing, and I think that that was the beginning of bringing to the awareness of everybody. So, thank you, Harriet, for doing that.

Also, Reverend Stephen Schneider was the board chair throughout the bond measure campaign and was absolutely amazing, and Amy Ruiz was our fantastic campaign manager, and then we had a whole committee of folks doing fundraising. I didn't make a single fundraising call, I just went out and Commissioner Fish took over at the end of the campaign, and we did hundreds of events. So, thank you again to the people of Portland. Aye.

Fish: Aye.

Hales: Aye.

Item 926 Roll.

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

Item 927 Roll.

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

September 9, 2015

Hales: Thank you very much. Back to the regular calendar, please.

Item 942.

Hales: Commissioner Novick.

Novick: Mr. Aebi, will you explain where we are?

Andrew Aebi, Portland Bureau of Transportation: Good morning, Commissioner Novick, Council members. Andrew Aebi, local improvement district administrator.

This ordinance came in front of you on July 22nd. We had some testimony in opposition to the LID. We decided to continue this item to today. I held a property owner meeting in the duration, and I've had some good cordial conversations with the property owners. My conclusion from the meetings is that there's more support in the property owners to look at improving the streets through the permit job, more of a phased approach, as opposed to doing it under an LID as a public project.

So, the recommendation in my September 4th memo is that Council not approve the LID today and that we take the time out, and then I schedule a meeting with the property owners in the spring, we look at the possibility of doing in projects under a permit job in lieu of an LID.

Hales: OK.

Saltzman: What does a permit job mean?

Aebi: The differentiation, Commissioner Saltzman, is that with a permit job, the improvements are privately engineered and then the City reviews those plans. The property owners put up a performance bond, and then they construct those improvements privately.

I do know that we have some resourceful property owners in this neighborhood. I think for the vast majority of property owners, they don't have the time, patience, or expertise to do that type of work, but I do know that we have some resourceful property owners in the area. It's kind of like remodeling your own house -- if you're willing to put in the time and the effort, you can in many cases get it done cheaper. I just would like to see the street improved, whether it gets improved under an LID or under a permit job doesn't make too much difference to me.

I do think that [indistinguishable] comment to very seriously looking at getting the rest of the street improved because it is the last unimproved street in Argay, and I think that's reflected in the very low property values on the street.

Fritz: Then my question would be, though, are we doing it because it's the last unimproved street? Is it really -- if we were going to have the City pay for paving a street, is this really the most important one in the city to dedicate the money to?

Aebi: Candidly, Commissioner Fritz, if I had to stack this street up against some of the other streets in the city, I don't know in terms of the condition that it's the worst one in the city. However, it is in the groundwater protection area. We do have some properties in this neighborhood that aren't currently connected to sanitary sewer service again in the groundwater protection area, and I think that some of these properties have significant redevelopment potential down the street from the Costco that is expanding. I don't necessarily think that this is the most important street in the area, but we did hear testimony last year from the property owner that felt that it would be fair and equitable for the rest of the street to be improved because he had to help pay for the north portion of the block.

Fritz: Right. There's a lot of inequities throughout the system and I know you're working to address that. You and COPPEA, the professional union have been raising an issue in some local improvement districts, we get a lot of added property tax benefit stimulated by having a complete street. And so as you look, Commissioner Novick, for which streets to dedicate the out of the mud money that the Mayor put into the project with your partnership

September 9, 2015

and moving forward, in saying no to this LID, I want to be clear that I'm not saying, "yes, go ahead and using City money to improve this street." I trust you do that prior to prioritization and particularly bearing in mind which streets, if improved, would generate far more property taxes compared with others.

Novick: Thank you, Commissioner. And I'm glad you referred to the COPPEA proposal, because I think that is a very interesting idea that we'll continue to look at.

Hales: So what you'd recommend is that this be returned to Commissioner Novick's office?

Aebi: Well, I'm recommending that Council actually not approve the LID because we have pending lien records on the properties and it creates a little bit of havoc for title companies.

Hales: So we'll have to schedule it for second reading and then take action?

Aebi: Yes, so the recommendation is to call this a second reading and vote against the ordinance. And just to answer one thing on the COPPEA proposal, if there's some interest in bringing this back as an LID, there's nothing that precludes Council from taking --

Fish: Andrew, I don't want your almost-perfect record blemished, so I will put an asterisk next to this and when we vote it down, I want to note that we voted it down at your request.

Aebi: That would be very fine, Commissioner Fish. Thank you very much.

Hales: I think it may be a first but there's always a first time. So, if there's no objection, this will be scheduled for second reading next week.

Aebi: If it's next week, that's fine, or I think that we can actually just vote on it today.

Hales: Can we vote on it today because it's previous agenda? Oh, I'm sorry, we can. Alright. Then let's take a roll call vote with Mr. Aebi's recommendation in mind.

Fish: The matter before us is to create, so the vote would be -- we vote it down.

Aebi: I am recommending you vote today against the ordinance.

Hales: It's an ordinance so we don't need a motion, we just need to vote.

Item 942 Roll.

Saltzman: I appreciate your hard work on in project and I appreciate some of the property owners sharing their strong views about this. No.

Novick: Andrew, thank you very much. I hope your discussions with property owners -- [inaudible]. No,

Fritz: There really are new things under the sun. No.

Fish: No.

Hales: As you can tell, with you sitting in front of us, Andrew, we're all having difficulty forming the word. [laughter] I'll make sure I'll do it write. No. Thank you.

Aebi: Thank you.

Hales: OK. Let's move onto 943.

Item 943.

Hales: Roll call please.

Item 943 Roll.

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

Item 944.

Hales: Roll call.

Item 944 Roll.

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

Item 945.

Hales: Commissioner Fish.

Fish: Mayor, we had originally scheduled this for 1- minutes thinking that we were going to be -- have a tight schedule this morning. Given that we're an hour ahead of schedule, I've asked Scott to expand this to the full hour -- [laughter] -- because I know how interested the Council is in these updates and our infrastructure.

September 9, 2015

More than one-third of Portland's 2500 miles of sewer pipes are over 80 years old. This ordinance would authorize the contract to replace about 4500 feet of sewer pipe that is failing due to age. This project includes constructing green street planters and planting trees to manage run-off keep stormwater out of the sewer system. As we know, combining green infrastructure with traditional pipe repairs makes sewers operate more efficiently and saves the money for our ratepayers. With that, I will turn it over to Scott.

Scott Gibson, Bureau of Environmental Services: Thank you, Commissioner Fish.

Good morning. My name is Scott Gibson, I'm a principal engineer with the Bureau of Environmental Services. With me today is Brandon Wilson, our project manager for this effort. Let me get my glasses on here.

As the Commissioner said, this project is a part of the Tabor to the River program, which is planting 3500 trees, adding 500 green streets, and building 100 privately-owned stormwater projects. We're also repairing and replacing up to 81,000 feet of sewer pipe, removing invasive plants from parks and natural areas, improving wildfire habitat to clean the air and maybe neighborhoods more healthy.

Revolving the sewer system problems in the Tabor to the River program area with a pipe-only solution would have cost an estimated \$144 million. Adding these green infrastructure projects reduced the estimated cost to around \$81 million and also provided multiple benefits to the Community.

As far as our progress on our Tabor to the River program, we have completed six construction projects to date. We have three more in progress. And this represents roughly half of the total planned improvements. With that, I will turn it over to Brandon, and he'll give you more of the project details.

Brandon Wilson, Bureau of Environmental Services: Good morning. So, we'll start with the project location. Location is -- basically, much of the work is happening in and around the Brooklyn neighborhood, as we can see from the map. We do have some pieces, some pipe segments on Milwaukie and Powell.

The project goals and objectives. As Scott mentioned, this is part of the [indistinguishable] predesign, also called the Tabor to the River. We have 4500 mainline feet of pipe. The sizes are there -- eight to 30-inch in diameter. This is a capacity-driven project. There's also poor condition pipe that we'll be addressing as well as two new sewer extension mains. And the last bullet is 22 more typical stormwater infiltration facilities vegetated.

The public involvement for this project has been extensive and there's been a lot of input and outreach done. Essentially, we were able to change the financial design based on this input from the property owners and businesses. The outreach included several mailings that have been sent throughout the project area, as well as several neighborhood public meetings attended by staff and the residents. There continues to be ongoing close coordination with the residents regarding specific concerns.

An example of this outreach were a couple of the businesses in the nearby area, such as the Aladdin Theater, Classic Pianos -- they both requested and were accommodated a window of time that would best suit their interest. We were able to reschedule a portion of that specific work for July and August, which are their lowest times of the year -- their lowest volumes.

There's also a few segments -- like I mentioned, Powell and Milwaukee -- that will be done at night due to the traffic volumes. And I also would like to say that the project has secured a noise variance for that work after various meetings and outreach with the public and businesses.

Northbound SE 17th Avenue ramp closure. It's a small portion, it's -- I don't know about small, but it's a portion of the project. And as the bullet says, it's a coordination with

September 9, 2015

PBOT, ODOT, and TriMet. This closure will reduce the time frame of the work that would have normally been done in this project area from eight months to three months. So basically, we're geared at trying to reduce the burden to the public, and this was the alternative selected for this. The closure will not affect the pedestrians and bicycle traffic or southbound traffic. The westbound traffic flows on Powell should not be impacted.

Next steps. We're looking at advertisement this fall. The level of confidence is high.

Fish: Can we stop there for a second?

Wilson: Absolutely.

Fish: Scott, would you just give us a quick primer quickly on what a high level of confidence means?

Gibson: Yes. The ordinance, which was passed, gives a subjective narrative description of what a high level of confidence is. One of the key deciding factors when we selected it is how they described the contingencies. And for a high level of confidence in an estimate, the ordinance document says that that product has a contingency in the range of 20% to 30%. So, it is basically indicating what kind of variation you might see and the cost from the projected costs.

Fish: The next one up the ladder is optimal?

Gibson: Optimal, yes.

Fish: I thought that was interesting, colleagues, because I think it's counterintuitive when you hear a high level of confidence and then read the underlying ordinance that set out the scheme and realized that it could vary between 20% and 30% even at a high level of confidence. I think it's important to remember that because I do think that it's counterintuitive.

Gibson: I agree, I think the language is bad. Yeah. Brandon?

Wilson: Yes. I also would like to mention that because of the high level of confidence, the factors that contributed to that, included contaminated media, included potentially contaminated groundwater, a deeper than normal excavation -- 18 feet in another location on Powell, with potentially contaminated water -- extensive traffic control, and the fact that we have night work. These are some of the factors that contributed to a little less than optimal confidence level.

Back to slide. The next step for this would be purchasing agent to report back to the Council with lowest responsible bid. Construction is scheduled to begin this winter and last approximately 12 months. That concludes the presentation. I'd like to ask if there are any questions.

Hales: I've got a couple of related questions. One is this part of the city is about to undergo significant redevelopment, assuming that we incorporate the Southeast Quadrant Plan into the comp plan when we finish it in a few months. Secondly, the Powell-Division bus rapid transit project is in early predesign in terms of where it will run and what the street architecture needs to be for that to work. So, a lot of complicated stuff happening on the surface, whether on private property or on public. Obviously, the sewers are sort of first --- they go in deepest and everything else is filled after that. But I hope and expect that this project is being designed in a way that preserves all of the flexibility that those folks that are designing either development projects on the redevelopment sites in the area, or public projects -- again, namely that BRT project in particular -- will not have their options walled off by a sunk investment in a major capital improvement in the sewer system. So, reassure me about that.

Gibson: I think you can be reassured that the sewers that we're repairing have been -- actually, I'll defer to Brandon.

Hales: Well, I'm thinking about capacity in particular. You don't know exactly what's going to happen in this area.

September 9, 2015

Wilson: Well, actually the models that we used to determine what capacity is a 25-year -- we're looking out basically to full development.

Hales: Of the proposed zoning?

Wilson: Yes.

Gibson: Of the proposed zoning.

Wilson: Yes. And there's also safety factors included in that. It's very much looking at these types of things. We want to just do a capacity project and not have to worry about it again.

Hales: Yeah, OK.

Hales: Stormwater facilities also help to kind of trim the edge, the peak storm as well, so those tools combined are really what we're using.

Hales: That's good. When you look at sites like that four acre gas company site just sitting there that I assume feeds into this sewer -- what's going to be there 20 years from now? I don't know.

Wilson: And I'll also mention our stormwater management manual has rigorous constraints on development and being able to manage stormwater on site as well. So that - along with what we're proposing -- should be a good fix for that solution.

Hales: OK, good. Thank you. Other questions? Thanks very much. Anyone else want to speak on this item? If not, then it passes to second reading next week and we are recessed until 2:00 p.m.

At 11:03 a.m., Council recessed.

September 9, 2015
Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

SEPTEMBER 9, 2015

2:00 PM

Fritz: The Mayor may or may not be back. Good afternoon, everybody. It's Wednesday, September 9th -- and there is the Mayor -- [laughter]

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

Item 946.

Hales: Thank you very much. Commissioner Fritz, do you have some comments?

Fritz: I do. The purpose is to present the Parks' Americans with Disabilities Act Transition Plan. We surveyed 206 publicly-accessible sites, identified 20,355 areas -- 17,008 of those are scheduled to be removed -- and we greatly appreciate the partnership with the Office of Equity and Human Rights, also the Parks Board, the Parks Accessibility Advisory Committee, the Portland Commission on Disability, and the ADA Transition Plan Stakeholder Review Committee. We've held three public forums and have had lots of online comments.

I will just say it was a great satisfaction to me that I was able to hand over the Bureau of Development Services to Commissioner Saltzman with all of those ADA transition items completed. So, thank you for your work jointly in creating that list and then BDS being able to through it. Obviously, with 20,000 and more in Parks, that's a significant challenge and we're looking forward to hearing the consultants' report.

Hales: Welcome, good afternoon.

Brett Horner, Portland Parks and Recreation: Good afternoon, and thanks for having us. I'm Brett Horner with Portland Parks, and I'm joined by David Galat with the Office of Equity and Human Rights. We have a short presentation, and I'm going to let David lead that off.

David Galat, Office of Equity and Human Rights: As you know, the ADA transition plan was accepted I think November 6th of 2014, and this is kind of the final piece for the facilities transition plan, and Parks was given an extension based on the large amount of barriers that they had and also kind of the unique facilities. It's not just the Portland Building where everything happens at the Portland Building, parks are spread out all over geographically. There's a lot of programs happening. So, they really had to do a thoughtful analysis of the barriers that were identified and come up with a good strategy given this huge number of barriers.

A little bit of context. ADA is a civil rights law. There are three main titles. Title I covers discrimination against people with disabilities in the workplace, Title II is with public and government entities, and Title III is in the private sector. The ADA transition plan is Title II which City of Portland is a part of.

As Brett is going to lead us through their efforts to schedule, categorize, and identify all of the barriers -- and just it kind of really highlights the work that they've done. This Parks staff has done I think a really -- it has been a heavy lift for them more so than any bureau. I'm very proud of them.

I was recently in Atlanta, Georgia at the national ADA symposium and I carried a copy of our transition plan with me. Transition plans were kind of a highlight there -- a lot of breakout sessions, covering transition plans and different aspects of them. I did some

September 9, 2015

networking with people and kind of showcased Portland's transition plan, and I got a lot of very good feedback there at the event.

Since coming back, I've been getting phone calls -- or our office has -- asking for advice and more information on how Portland went through this process to develop such a -- you know, a really comprehensive plan for removing barriers for people with disabilities, and I'm really very proud. Very proud of city government, the bureaus, the stakeholders that have been involved, the voters who passed the bond who are having some money earmarked for removing barriers at parks. So, thank you all very much. I think this is a really great beginning body of work to move forward to make the city very accessible.

Hornor: Great. Thank you, David. During the citywide assessment, there were approximately 25,000 barriers were identified. As you might imagine, the service parks provides is publicly accessible places, so the vast majority -- in fact, over 20,000 of them -- were in Portland Parks and Recreation facilities.

The rest of the citywide transition plan went to City Council in November of 2014, you may recall, and due to the quantity of barriers in the Parks portfolio, we had a modified schedule -- and thank you for allowing us a modified schedule to complete that work.

260 park sites and facilities were surveyed by a consultant team between December of 2012 and April of 2014. 3000 of the 20,000 barriers were either at SUN school sites -- which would be school districts and not Parks' responsibility to fix -- or are not required to be accessible by ADA, like picnic tables. Where we have many picnic tables in the park, for instance, only 20% of them are required to be accessible tables, the rest are not. PP&R has reviewed and set target schedules for all of our identified 17,000 barriers.

Development of the plan was a collaborative effort. Marked very closely, we had a standing agenda item with the Parks Accessibility Advisory Committee, with a group of community members, and City staff who advise Portland Parks on accessibility-related issues. Also briefed were the Portland Commission on Disabilities several times, with more in-depth briefings for the accessibility in the built environment sub-committee of that commission.

Early in the process, we also discussed development of the plan with a stakeholder group convened by the Office of Equity and Human Resources to inform the citywide plan development. We then held most recently three public forums this past July in different areas of town to discuss the plan, and solicited comments online as well. We heard a great deal of support for the plan, a lot of enthusiasm for making the parks accessible, and encouragement to go beyond the ADA minimum requirements.

For those of you who like numbers and detail, this is a quick snapshot of what the report looks like. All of the barriers are identified. They are categorized and numbered, and there's also a map that we used for each site to identify the location of the barriers.

Of the 20,000, we've broken those down into 95 different types of barriers. You can imagine, 95 different types of repairs and fixes to be made is a lot, and it ranged obviously a great deal as well. Everything from the speed with which a door closes -- or how slowly a self-closing door closes, all of the way up to things as big as elevators and other capital-project related things.

We discussed those capital and central services maintenance staff with our staff and made an estimate for which -- like adjusting the mirror height or door pulls -- would likely be candidates to do as our routine maintenance operations. We're hoping to get a lot of these barriers fixed through our normal maintenance routines. About half of the projects, through -- or half of the barriers are really capital-related, the other half are we feel are maintenance related.

September 9, 2015

The good news is we've already removed 32 barriers as part of this process. So, we didn't stop until all of the assessment was done. Once we had the consultant's information, we began knocking off those things that we knew we could do. And here is an example of that. Most recently, we opened Marshall Park in Southwest Portland and as part of that playground replacement, we were able to incorporate a number of ADA repairs and fixes. That included re-grading the pathway down to the facility so that it met the 5% slope, and also repairing and replacing the non-ADA accessible picnic tables with ones that are accessible.

A little bit about how we ranked and scored and prioritized things on this slide. We assigned each site to a tier. There were three tiers. Tier one being the most heavily-visited parks, parks where we had known issues with accessibility or requests to fix things for accessibility. We also had multiple briefings with the sub-committee on the built environment from the Commission on Disability, and the citywide ADA transition plan stakeholders.

The tier was assigned as a first step, and then based on the number of visitors, how unique a facility was, the parks themselves were put into three different tiers, with tier one with the highest priority. Each barrier was also assigned a category based on the federal guidance, that's the ADA law, and they are also known as categories with one being the most important -- a path of access to a facility, for instance, a doorway into a facility is a major category one barrier. And then there are five different types of barriers.

Carla Waring -- who is in the audience for us -- we had hired to help us complete the transition plan. She did a great deal of work with the field staff, so just ground trothing things that we saw in the consultants' reports were done with field staff identifying really -- going out and looking at which picnic tables made the most sense to have accessible. She worked with the staff and also worked very closely with our disability advisory committee. And again, what we heard was path of travel, loud and clear, was number one important. Restrooms being accessible were also very highly rated, and then getting into the other program areas once you're in and have access to a facility.

Here again is just a snapshot of the breakdown on the priority scores. Again, a score of three is really the highest priority, which would be like a path of travel, and then a tier one for a park or facility itself.

The transition plan park supplement is a narrative describing our planning process and includes a summary of each park. This is available online. Members of the public can go in and look at individual sites if they're interested in a particular park and find a description of these barriers. So, that's really a good thing to be sharing with the public.

While the transition plan is really focused on addressing existing barriers in the park system, I also want to highlight a few examples of how parks is thinking ahead as we develop new facilities. As we redevelop existing sites and build new parks, Portland Parks not only ensures that new designs meet ADA minimums but look for opportunities to expand accessibility and inclusiveness and address identified barriers. The one example I had given previously is a good example of that at Marshall Park, and our successful partnerships with Harper's Playground to build the playground and Arbor Lodge Park to make a universally accessible play experience. Another recent example is Dawson Park renovation. When updating the play areas, we also looked for opportunities to enhance accessibility and include adaptive and inclusive features and more accessible surface treatment.

Our next steps will be tracking and reporting all of these barriers so that we can quickly determine which have been completed. That was one of the flaws of previous transition plans -- we had no tracking system -- but we're able to do that now, so we will be identifying that.

September 9, 2015

The transition plan for facilities is part of a larger umbrella of citywide efforts that the Office of Equity and Human Rights will be leading. Next, we are embarking on an evaluation of policies and programs and will assess right-of-way facilities as well -- so, the streets and rights-of-way. The Office will also be compiling annual reports showing our progress of all our bureaus and to address identified barriers.

I want to thank everybody that was involved in the process. We have a member of the Parks Accessibility Advisory Committee with us today, Fern Wilgus, and I'm going to let her say a few words, and then we'll take any questions that you have.

Hales: Thank you. Welcome, Ms. Wilgus.

Fern Wilgus: Thank you. Thank you, gentlemen. I'm one of the more recent joiners of this committee, and let me tell you, I've learned a lot. What I've really appreciated is the City workers that have come in -- and worked with us and that sort of thing -- have been very open to the PAAC recommendations, and I look forward to many, many years of further teamwork, if you will. We accomplished an awful lot in a very short period of time.

Until you walk in my shoes, you really don't understand my life or my needs, and this is why it was so incredibly important to have people who have different abilities, disabilities, be a part of this, because Portland does have some marvelous parks. Right now, unfortunately, they're not accessible for a lot of people. I also look forward to being able to work with the City in the development of the new parks that are on the horizon. Some of us recently worked with the Tualatin Parks in development of one of their new systems out in the Beaverton area. It was so powerful to have them come right at the beginning, and it was -- Georgiana and I worked a little bit with them. It was so powerful for the people in which the parks are intended for to have them there, so I look forward to continuing here.

For people with disabilities, having access and usability for our beautiful parks is not only commendable but so very much needed and mostly so much appreciated. The use of the parks not only from the lanes and the pathways for accessibility, but we are also are looking at railings for whether you are in a wheelchair or having balance problems, and also safety if you're going to be looking into like the Laurelhurst lake. Signage -- that's some of the things that we also are taking a look at -- signage to help people relieve their potential fear of being lost or confused. Bathrooms were already talked about. The table accessibility also was talked about, not just for eating, but some people with disabilities wouldn't able to participate with the parks much other than table games or sitting around being able to talk with one another.

One of the things that the parks does is offer an equal opportunity for people who have lived in an isolated arena for whatever the cases are, and to bring them out into the open, into the public. And it's so important. It's also a part of a rehabilitative perspective, and so if you can think of it in that terms.

The other thing that I want to say is -- oh, by the way, what we've been looking at and thinking about isn't really just relevant for people with disabilities. We have quite a few senior citizens in the Portland area. Some of us -- I for one, who is speaking -- and the balance problems, the cognitive problems. I don't have time to go form a list -- I have a book that I could show you -- but anyhow, thank you, Portland for getting the moneys available. Thank you, City Council, for getting things put in place for good use of those moneys, and thank you, Parks and Recreation for asking us to be a partner.

Hales: Thank you. Questions for this panel?

Fish: Brett, I have a question. First, I just want to say thank you for the report that we were given. It is very clear, and the information is presented in a comprehensible way, so good job to everybody who had a hand in it.

September 9, 2015

I guess there's an area about Title II that I don't fully understand, so I will ask you a couple of basic questions. According to the report, under Title II, we have to prepare a transition plan. So, we have to identify the barriers, rank them, and then we have to have a plan. And what's interesting is that woven throughout the report is a qualification. And the qualification is having the necessary resources to implement the plan. That's interesting, because in other areas of the ADA, if someone brings a private right of action, what we look at in a reasonable accommodation, cost is a factor but only to the extent that it is prohibitive. Reasonable accommodations often have a cost, but we do balance -- does the cost outweigh the benefit, is it prohibitive, does it put someone out of business? That kind of stuff.

Here, we are supposed to have a plan and it's dependent on having the resources, and you make it very clear that your schedule goes out 20 years with the highest priority stuff built in in the early years around the maintenance budget and new capital spending and some of the lower priority stuff backed out at the out years. I guess the basic question I wanted to ask is, under Title II, are we on the clock? And at any time in the 20 years, do we have a defense of not having available resources, or are we out of compliance with the law?

Horner: I would have to defer to the office or even to our legal counsel about that question. We can get back to you on specifics of that. We are looking at various ways to fund everything that needs to get done. We talked a little bit about the parks bond funding, some of the work at Washington Park, which we have a lot of ADA issues at. So, we're looking at different types of funding sources. And then a lot of the repairs are fairly minor, so we think we can take care of those through operations and operating budgets.

But you are correct, there is an unfunded piece to this that we're going to have to be working away at over the next 20 years, and I don't know if there is going to be a citywide approach to that with all of the bureaus, or whether we will -- we'll obviously go about it individually bureau by bureau, but it may make some sense for the City to consider some sort of budget request for all of the repairs.

Fish: I think as to the legal question, it probably makes sense if we could just get a memo from the City Attorney's office. We probably shouldn't be discussing this too publically. [laughs] But I would like a little more information because it is going to apply to a lot of bureaus. And the question is, once you have a transition plan, what is our legal obligation in terms of completing the removal of the barriers, and to what extent does cost or our inability to pay give us additional time? I don't know what the law says about that but I'd be interested because ultimately, Title II plans will be developed with every bureau. And if the law is clear, for example, that we not only have to do a transition plan, but we have to fund it and we have to complete the high priority items in a reasonable period of time, then that goes beyond an aspirational document, that becomes a budget document. And bureau by bureau, we'd have to identify resources. So, that would be a legal memo question --

Fritz: Commissioner, may I comment on that? I appreciate your raising that, and in fact, we did last year we did have an ADA request in the budget which wasn't funded. It was why we put \$5 million in the bond measure to start addressing some of the most urgent problems. As was stated, in each of the projects, we are incorporating more accessibility features than was previously able to do. I don't think we're going to get our City Attorney to say on the record that we're out of compliance with the law. I think --

Fish: I'd settle for a confidential memo on that.

Hales: Not now, not ever. [laughs]

Fritz: Regardless, I think we have a moral obligation. It's been over 20 years since your father got the ADA act signed into law, and it's more than time to correct this deficiency. It was remarkable when we went to the opening of the new park in Cully, K^hunamokwst

September 9, 2015

Park, just the joy on everybody's faces of being able to use all of the play equipment and such. So, there's multiple reasons for doing this. As Ms. Wilgus said, we're an aging population. I'm certainly going to be in the position of needing more handrails and signs and things like she mentioned. So, I appreciate the sense of urgency. We shouldn't put this on the back burner.

Fish: And I guess I was trying to ask the question delicately because we're each going to bring our own view of the sense of urgency, the moral component. I share Commissioner Fritz's applause to the idea that what we're doing is making our facilities accessible for people of all ages and abilities. Beautiful thing about Harper's Playground is you can be three or 80, you can be fully abled or disabled, it's a park that welcomes everybody. And that's the standard, we want no barriers for anybody at any age, any ability.

But anyway, at some point, it would be helpful to me since we're going to have to make some budget decisions and I'm getting the sense that we just can't leave it to each bureau to beg, borrow, and plead for the resources to do this, we need some legal guidance as to what is our legal obligation to do this work and in what reasonable timeframe? And the Council can debate whether we accelerate that or not. But I don't know that the law gives us an out by saying that, you know, "pending available resources" because that's not how Title I works, and I'm not sure you get a path on Title II.

Galat: I'd just like to chime in. You know, the barriers that were identified were out of compliance, so having the transition plan is good faith effort. The ADA is requiring this from us to say we are identifying where we're deficient. Where we need to become compliant, we are going to come up with costs, we're going to categorize or prioritize them and we are going to come up with a schedule. But the schedule doesn't hold us to a time. You know, just because we have this transition plan now in place isn't -- there's no legal binding to it other than we need, you know, we need to be compliant with the law.

Fish: And as we know, the ADA is a remedial statute. It is not like some other civil rights statutes that are designed to wrap you across the knuckles, it's a remedial statute. So, if a claim is brought, you have to in good faith go through a process to figure out how to remove the barrier and achieve a reasonable accommodation. But I mean, just in Title I, we wouldn't say to a motel where the units are not -- I should say Title III claim -- with a motel that has units that are not ADA-accessible, you wouldn't say, "go figure out what you have to do and come back in 20 years." You'd say, you know, "how do you make sure that your business is accessible to people?" In short of shutting you down because it's too expensive, it might mean making the ground floor units accessible first. I think we need more legal guidance because I have a feeling this becomes a citywide budget concern and not just leading each bureau to fend for themselves.

Fritz: Commissioner, what I found with BDS was once we had the list that asking about it on a quarterly basis and having the director assign somebody to kickoffs to each of the tasks -- many of the things in these lists are not huge budget items. They are things that can be done relatively cheaply with an existing budget --

Fish: And I think you've also -- the other thing I learned that is very clear in this report, it's also everything that we do going forward, there's no excuse --

Fritz: Right.

Fish: -- not to incorporate the fire standards.

Fritz: Simply the accountability and the reporting back I found was very effective in making sure that attention was paid to it. And indeed, the equity managers that many bureaus now have -- that's part of their portfolio is to on their list of things to do to check through the transition --

Fish: Well, I appreciate the discussion because we're all learning and this is very helpful.

September 9, 2015

Hales: More questions for the panel? Thank you all very much. We'll see -- anyone else formally to present? We might have others who want to speak on this --

Novick: Actually, Mayor, I do have a question. And this might seem kind of silly but just because I happen to live near two of the facilities with some of the largest numbers of barriers -- the Multnomah Arts Center and Gabriel Park -- I was just curious, what would be some examples of some of the barriers there that you will be addressing?

Rogers: I believe a lot of the doorways are not compliant -- handles on the doorways, for one. I know we had an issue with the very front door being not fully accessible. So, those things are going to be prioritized. Again, those are the type one barriers that we're going to be trying to get to first. But those are the big ones, think, at Multnomah Arts Center. We have an annex area of Multnomah Arts Center that doesn't have accessible ramp to it yet. So, the programming that goes on there -- there isn't a need for accessibility or we don't have any requests to have accessibility there yet, but we are working on that as well.

Novick: Thank you.

Rogers: Those are the big ones.

Hales: Good questions. Thank you all. Thanks very much. Do we have folks signed up to speak?

Moore-Love: No one else signed up.

Hales: Anyone else that is here that would like to speak?

Fish: How can you avoid Cody, for god's sake? You came all of the way here. Get up here. You wanna bless the work, say something about the slide that had something close to your heart in it?

Hales: Alright. Didn't take much to tempt him. Good to have you here.

Cody Goldberg: Is this official, I say my full name? Cody Goldberg, Executive Director of Harper's Playground. Thank you for the invitation to come up. I was not planning to speak, but as prodded to do so, I would be remiss if I didn't stress just how much I think there is an importance to go beyond the minimum law requirements. There was in the report just a bit too much -- in my opinion -- talk of meeting that compliance and not enough about going well beyond. That is our biggest passion at Harper's Playground, and I think after 25 years of not even making compliance that a plan with a more robust movement beyond minimum is just what I would really encourage the team working on this to go towards.

Because some of us -- we have children that aren't able to reach these places. As you know, Harper is my daughter, and we don't have that much time. We visit these parks and we're literally left on the sidelines, and my passion for parks has grown to an immeasurable amount. I believe in the power of parks to create community in a way that almost no place can. And so, these places are paramount for building relationships that can influence the workplace, influence broader society, and so these parks are really, really important. I just would challenge everyone to think beyond minimum.

Fish: Can I offer you an analogy?

Goldberg: Yeah.

Fish: We have a policy that Commissioner Saltzman put forth that requires that we meet thresholds of I think it's the LEED gold standard in the public buildings, but we've been known to invest in LEED platinum. And in fact, now we're a city that has I think enough LEED platinum buildings to achieve a distinction in terms of peer cities that have the highest rating. That requires that you push a little harder and maybe the front-end costs are a little more. The long-term benefits are also clear. I think we always should be challenged to go above the floor.

Goldberg: Yeah. I appreciate that. I thank everyone for their work on that. I know a lot of work goes into putting that data together, so I appreciate that very much. Thanks for the invite.

September 9, 2015

Hales: Thank you.

Galat: I would just say also, like -- I think Westmoreland Park was done last year finished. The playground there is definitely beyond the minimum, and I don't know who was the project manager on that or really put that together, but going there -- I have a child -- and going there and seeing him play there --

Fish: You talking about the nature area?

Galat: Exactly.

Fish: That was a proud partnership of Parks and BES, funding from a lot of partners in addition, and now the salmon are actually spawning. It just keeps getting better.

Galat: I think there's a lot of positive things that have been done and, you know, hopefully through this report and the efforts that have been done to kind of capture these barriers -- at least identify them -- and move forward by removing them and learning -- it's a great step.

Hales: Thank you. Thanks very much. Anyone else? Then do we have a motion?

Fish: I move to adopt the report.

Novick: Second.

Hales: Further discussion? Roll call.

Item 946 Roll.

Saltzman: Thank you very much for this good work. It certainly is a lot of work, so appreciate all of the work, the detailing of the effort that lay before us. I think we're up for the challenge. Aye.

Novick: I am really impressed by the extraordinary amount of work that you managed to do in a pretty limited period of time. I mean, identifying these thousands of barriers in a 15-month period and then coming up with a plan to address them is extraordinary. Thank you all very, very much. Aye.

Fritz: Thank you to all of the team and community volunteers who've put this together -- also the consultants did a great job -- especially to our staff in Parks. As Brett mentioned, we now have a resource data base to track ADA needs when planning and designing projects and scheduling things, and we also -- thanks to Kia Selley, our wonderful assets manager -- we have the micro main work order system so we know exactly when the barriers have been taken down and we won't have to do this kind of extensive re-surveying, we'll be able to document our compliance over the years. And we are intending to make a lot of improvements and progress over the years, hopefully sooner rather than later.

As I said, I will be bringing forward a budget request in the main budget process 16-17, including prioritization from this report and especially looking at things that can't be done through the bond measure projects. Five million sounds like a lot, but when you are looking at this -- we didn't even put a guess in the presentation as to how many millions of dollars all of these improvements will take to fix. It's certainly not zero. So, there will be something -- of course, it would be eligible for the 50% set-aside for parks maintenance projects. The policy that the Council has of setting aside some of the ending fund balance and one-time money -- some of these projects might be eligible for that, so we'll be looking at all available resources, including partnerships with the community. If outside funders would be able to partner with us -- as indeed Harper's Playground has so spectacularly -- that we will be open to having community partners help us get this done.

We're all in this together. And that's to me what this transition plan and the entire Americans with Disabilities Act work is all about. We really are all in this together. And whether you are experiencing a disability today, you may be in a position where you or a loved one may be experiencing one tomorrow, so let's fix the system for all of us. Aye.

September 9, 2015

Fish: This is really good work. Brett, thank you, and to the whole team for the presentation. I think this discussion has been helpful. You opened my eyes to some things that I have a hunch we will be discussing during budget time.

Before I got elected to office, my law practice was largely focused on removing barriers that people experienced. The civil rights laws were the tool we used. And now that I'm in government, I've learned that, you know, we have a lot of work to do to make sure that our services are barrier-free. I'll just offer you one example that isn't directly related but is in the same family. As I've gotten older, my eyesight has gotten worse and to the point where I have like a thousand dollars' worth of corrections in my glasses. And without them, I'm legally blind. And as I have difficulty seeing things or reading things, there's a point -- my staff can blow things up to like a point 20 or whatever for my comments, but it gets to the point where you can only put a few words on a piece of paper. That doesn't work. So, I'm working now on just memorizing points I want to make because it's very hard for me to read the paper.

But I remember when the Water Bureau did an exercise. We were looking at some brochures, and we cleaned it up and thought we hit a home run and we gave it to Elders in Action. We got two or three pages of single-spaced comments back. And I would say that they were some of the most alarming and insulting comments I've ever read on a project where I thought we were giving them a finished product. Among other things, they said, who can read this? The fonts are all wrong. The way the information is laid out is not legible. There is 12 phone numbers, not one. You're going to confuse someone -- and older person reading this will be confused about where to call. And on and on and on. Why are there scary pictures? Why the disclaimers and scary stuff up front? Are you trying to scare someone from not exercising a right? And on and on and on. And frankly, it was very sobering, because what they were saying was walk in someone else's shoes and understand how this is received, don't assume because you receive the information a certain way that that is accessible. So, what we used to have as little brochures like this, now they're like this. And you know, the first push-back in one of my bureaus was, "well, that will cost a little extra." We said that's OK, spend a little extra money -- someone can actually use the information now. This stuff we're putting in senior centers ought to be accessible to the people we're trying to serve. So, I think we're all learning about this as we hold these jobs and frankly as we age, the things we learn.

This is very important work. I look forward to hearing from the legal department a little more about our obligations. And I think Commissioner Fritz is right, I think this is a citywide concern. There may be a minimum we're required to meet, but we may want to go beyond that and we may actually have to put additional resources to funding these plans. I think that's something that we should take up during the budget time. Thank you for your outstanding work. Thank you, Commissioner Fritz and Office of Equity. I'm pleased to vote aye.

Hales: Good work. Good collaboration among the bureaus and with community leaders who are going to keep pushing us to do more.

A couple of reflections. One, when you listen to this presentation and look at this report, you get a sense of the scope of the park system, not just the scope of the problem, which you obviously specifically enumerated here. But I think sometimes Portlanders don't realize the scope of this system. We do because we deal with it and we know it's not complete even yet, even with more than 200 parks and many, many buildings and facilities within those parks to address. But again, from my experience of working with a lot of other cities, that's such a distinction to Portland. Not just that we have a few great parks -- most cities have a handful of great parks -- but we've got dozens and dozens of great parks. And so, the scope of the enterprise gets clear when you look at the list of capital needs, as

September 9, 2015

I know Commissioner Fritz does probably in the middle of the night, and when we get these kinds of reports.

The other thing that shines through is just the sense -- and whenever you deal with the Parks Bureau, this shines through -- the sense of serving the parks customer, namely all of us. And you know, that's such a great, strong current in the culture of the bureau. We see this all of the time in everything that you do, just that sense of, "boy, we want to serve more people. We want to break down those barriers. We want to get kids, adults, people of all abilities and all languages and all cultures involved." And there's just that relentless energy for inclusion that's really so much part of the bureau's culture, and that's really important and something that we value and I think deserves to be called out and praised because it deserves praise. Well done, thank you very much. Aye. We are recessed until tomorrow at 2:00 p.m.

At 2:44 p.m., Council recessed.

September 10, 2015
Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

SEPTEMBER 10, 2015

2:00 PM

Fritz: Good afternoon. It is Tuesday, the 10th of September. Please call the roll.

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

Fritz: I just heard that the Mayor is not able to attend today, so we will proceed -- and I am the presiding officer. The purpose of the hearing is to consider the proposal for demolition. Commissioner Saltzman, did you have anything that you wanted to say before I outline it? So, first the City Attorney will --

Moore-Love: I should probably read the title first.

Fritz: Oh, I'm sorry. If you could.

Item 947.

Fritz: Since this is a land use review, there are state regulations on how we conduct it, and we're going to go to the City Attorney for those preliminary remarks.

Ian Leitheiser, Deputy City Attorney: Thank you, Commissioner Fritz. This is a Type IV procedure. So, we're going to cobble together a procedure that I think does the job, because this is a little bit unusual.

Preliminarily, though, this is an evidentiary hearing. This means interested parties may submit new evidence to the Council in support of their arguments. We have a format that we're going to follow. We'll begin with a staff report by the Bureau of Development Services staff that will be approximately 10 minutes. Following staff report, the Council will hear from interested persons. I don't know if we really have an appellant here, so that may not be who we hear from, but I'll call that the applicant -- they'll go first. Then we'll have supporters of the applicant, any opponents of the application. Following that, there will be an opportunity for rebuttal by the applicant, then Council discussion, and then any future scheduling if that is necessary.

For evidentiary hearings, there are several guidelines for those who will be addressing Council today. Any letters or documents you wish to become part of the record should be given to the Council Clerk after you testify. Similarly, the original or a copy of any slides, photographs, drawings, maps, videos, or other items you showed at the Council during your testimony, including any presentations, should be given to the Council Clerk to make sure they become part of the record.

Any testimony, arguments, or evidence you present should be directed to the applicable approval criteria to this review -- staff will identify what those are -- or other criteria in the City's Comprehensive Plan or zoning code that you believe may apply to the decision. Staff will identify the applicable criteria as part of their staff report. I mentioned it twice -- they don't have to do it twice.

Any issues you raise must be raised clearly and with enough specificity to give the Council and the parties an opportunity to respond to the issue. If you do not raise the issues with sufficient specificity, you will be precluded from appealing to the Land Use Board of Appeals on that issue. If there are any constitutional issues in this matter, the applicant who fails to raise them with enough specificity to allow the Council to respond will be precluded from bringing cases for damages in circuit court. At this time, it's probably

September 10, 2015

appropriate to talk about any potential conflicts of interest or ex parte contacts that the Council wishes to identify or declare.

Fritz: Does anybody have any conflicts of interest? And ex parte contacts? Thank you.

Leitheiser: And I'll ask if there have been any site visits?

Fritz: Any site visits? No.

Leitheiser: I think we're ready to proceed with the staff report, then.

Fritz: Thank you very much. So, we'll have the staff report for 10 minutes followed by the applicant for 10 minutes. Supporters of the applicant will have three minutes. If there is a principal opponent, they'll have 15 minutes, and supporters of the opposition will have three minutes each, and then rebuttal for five minutes by the applicant followed by Council discussion. Hillary Adam.

Hillary Adam, Bureau of Development Services: Hello. This is a Type IV demolition review. I'm going to go a little bit through the procedure leading up to this point.

We had a pre-application conference in March 2015. There is a requirement for the Type IV. We also issued public notice of the Historic Landmarks Commission advisory meeting and the City Council hearing, posted the property for both those dates, held the Historic Landmarks Commission meeting in July, I issued a staff report to all of you, and now we are here.

A little bit background on the demolition review. It was instituted in 2004 through historic resource code improvements. That was a comprehensive overhaul of the historic resources code, making improvements to zoning code and building code incentives and strengthening this sort of review.

We have had three prior Type IV demolition review hearings, and I'll just go through those a little bit. In 2010, there was the Kiernan Building, also known as the Dirty Duck. The City Council approved demolition of that building, which is shown in the lower left. The proposed replacement was then a three-story Blanchet House of Hospitality. It later became a four-story Blanchet House. City Council noted that the proposed facility encompassing low-income housing, a soup kitchen, and other related services was the highest and best use of the site and found that on the balance, the approval criteria was met.

Last December in 2014, we heard the Buck Prager building proposed demolition. City Council denied that application. They were proposing to demolish a three-story historic resource on an eighth block in the Alphabetic Historic District and proposed a four to six-story market-rate apartment building in its place. City Council noted that a new market-rate apartment building did not provide a significant public benefit to compensate for the loss of the historic resource and on the balance, the approval criteria was not met.

Earlier this year, we discussed demolition of the Washington Park Reservoirs, specifically Reservoir 3, 4, and the Weir Building to be replaced with the new underground reservoir, surface reflecting pools, and restoration of the remaining contributing resources. City Council approved that request recognizing the impact of geological forces on the historic resources and the City's responsibility to provide the basic service of clean drinking water and that the mitigation proposed was comparable to the magnitude of the loss. On the balance, the approval criteria was met.

The purpose of demolition review is that it recognizes that historic resources are irreplaceable assets that preserve our heritage, beautify the city, enhance civic identity, and promote economic vitality. The approval criteria for demolition review are to establish that either denial of the demolition permit would effectively deprive the owner of all reasonable economic use of the site, or that demolition of the resource has been evaluated against and on balance has been found supportive of the goals and policies of the Comprehensive Plan and any relevant area plans considering the merits of the demolition,

September 10, 2015

the merits of the proposed replacement development, the effect demolition would have on the area's desired character, the effect that the proposed replacement character would have on the area's desired character and the merits of preserving the resource, as well as any mitigation.

The zoning for the subject property is R5, residential 5000. The site itself is about 10,000 square feet. It's in the Ladd's Addition Historic District. Here is an aerial view of the site. It's just about a block south of Hawthorne. This is a figure ground of that northern portion of Ladd's Addition. You can see there's a pattern of alleys with rear garages. The garage in question is shown on this property sort of in the center of the block and it was accessed from SE 16th Avenue through the front yard.

Here are some site photos. The two on the right and the one on the bottom are from about the time that the property owners purchased the property. In 2012, on the lower left there, you can see the red line that is the sort of parapet on the garage.

April 2014, I went to the site and discovered that the garage had been removed, so this is an ex post facto demolition review, the garage has already been demolished.

Here are some site photos from this year. You can see that the property owners have done extensive renovation work on the house itself.

A little bit about Ladd's Addition Historic District. It was nominated to the National Register for the following criteria. Its association with events that made a significant contribution to the broad patterns of our history, association with significant persons of our past, and embodiment of the distinctive characteristics of a time period or method of construction or works by a master.

Ladd's Addition is pretty well known for its layout, its planning, with diagonal streets and alleys that feature those rear garages.

Here are some additional photos of the garage. The two on the left I pulled from Google street view. You can see in April 2019 and July 2011, it was still standing. 2012 -- I believe the lower pictures from the time of purchase of the property in about February -- and then above that is May 2012 when the garage was collapsed.

There was a review that BDS did for renovation of the house that included relocation of the garage, including incorporating that collapsed roof into a new garage that would be relocated to the alley side, basically showing in the approximate area where this blue square is. This is the site plan for the proposed replacement garage, which includes an ADU above it at about 400 square feet.

These are some images of options for the potential garage and ADU that were shown to the Historic Landmarks Commission on July 27th. And this is the most recent design that is expected to be issued for the follow-up review.

The Landmarks Commission suggested that they reduce the scale a little bit and add some windows to the east facade, which is the street-facing façade. Those are the three windows shown at the garage level.

The applicant responds to the approval criteria -- I'll just read these. The proposed demolition of the detached garage is part of the rehabilitation of the property, which was in disrepair prior to the current owner's purchase. The new garage with the ADU above will respect the character of the neighborhood by relating in materials, scale, and architectural detailing to both the main residence and the surrounding neighborhood. The location of the proposed garage and ADU is consistent with the pattern of garages in Ladd's Addition, and the new ADU will provide a relatively affordable rental unit in a desirable close-in neighborhood. And the new ADU will be energy efficient.

Staff findings are that the new ADU will provide a relatively affordable housing option in a desirable, close-in neighborhood with few such options. We agree with the applicant there. The new ADU also provides the opportunity for the potential use of short-

September 10, 2015

term rental within the historic district, both serving as an economic development tool for promotion of the district. That's not part of their intent, but I acknowledge that was a possibility. The garage when purchased was in poor condition, described by the inspector as "leaning over." A later letter from the inspector indicated the garage would not survive relocation to the alley as requested by the City.

When considering the merits of the structure to be preserved, staff considered the following. The poor condition. The garage was built 14 years after the house. It was a utilitarian structure with modest design and its relatively improper location on the side which compared to the rest of the district, which requires access across the front yard, is generally inconsistent with Ladd's Addition.

The proposed garage and ADU respects the historic character of the site and reinforces the district's alley garage character, and construction of a new garage and ADU may have been possible without demolition.

The Landmarks Commission's recommendation. On balance, the merits of the replacement with a new compatible ADU and garage better meets the goals of the Comprehensive Plan. The large lot size of the subject property allows for a new structure to contain an ADU, provided it is appropriately scaled without compromising the historic residence or the district but noted this would not necessarily be the case throughout their other districts. [beeping] Can I have one more minute, please?

Approving the demolition solely on the condition of the building rather than on the merits of the whole condones demolition by neglect. However, its deteriorated condition and the impracticality of moving the garage were considered within the context of the entire proposal, including the accessory nature of the building and its relative impact on the district compared to that of a primary residence or a commercial building.

They noted again that the proposed design as presented on July 27th was too large in scale and recommended changes to the scale and adding the windows.

So in summary, I believe that the goals and policies noted on the top half of the slide are met. Goal three, neighborhoods policy 3.4 under goal three, was found to not be met. However, when considered against the language of the actual goal, it found on the balance that this goal was met. And then the goals and policies at the bottom of the slide were found not to be applicable. Therefore, on balance, I believe the approval criteria are met. And that's it.

Fish: I have two questions. And thank you for an outstanding -- as always -- staff presentation. The first is, what was the miscommunication between the applicant and the City that led to the demolition prior to this issue being resolved?

Adam: That is hard to pinpoint. In 2012, there was a BDS administrative decision that included approval of renovation of the house. It also suggested moving the garage to the alley and incorporating the roof as part of that. I believe that that was the applicant's intent, but perhaps the contractor misunderstood and the garage was removed.

Fish: And just generally, since your opening presentation highlighted how rare these demolition reviews are, and now this is the first one we've had that know an ex post facto component -- so, I am likely to be persuaded by the staff recommendation here -- but what remedy would we have in a case like this where the demolition has already occurred if we were otherwise unpersuaded that it was consistent with the law?

Adam: Well, we could require them to reconstruct the garage and perhaps assess liens if they did not.

Fish: We don't have any precedent for that?

Adam: Right.

Fish: OK. I'm just curious because it's odd that -- the ex post facto nature of this is odd and therefore -- I guess at some point, and not today, I'd like to get the BDS' view about

September 10, 2015

whether this particular component of demolition review should be subject to a Type IV or Type III. I have my own concerns about whether this fits within Type IV, and I think either through RICAP or whatever process, I would welcome your counsel on that question at some point.

Adam: It's definitely been under discussion among BDS staff and a little bit with BPS staff, but there's no formal directive to look at that yet.

Fish: Do we need a formal directive, or could we just have the Commissioner-in-Charge say it's an official concern of the Council?

Saltzman: Sounds good to me. [laughter] Duly noted!

Fish: I think we just got a formal directive! So, it's on the record.

Adam: BDS can only do so much. I mean, we implement the code. So that's what we're doing here is implementing the code.

Fish: All I would say is let's put it in the queue, and then -- speaking for myself -- I would be interested in knowing if there's a different procedure you would recommend. It doesn't seem to fit within Type IV. Thank you.

Fritz: Other questions for staff? Thank you. Now, we'll hear from the applicant for 10 minutes, please.

Sarah Stauffer Curtiss: Thank you. For the record, my name is Sarah Stauffer Curtiss with Stoel Rives law firm. I would like first of all to introduce the property owners who are with me today, Ryan and Shannon Buchanan. And I will be brief. I think there's just a few messages that I would like to bring to you after Hillary did such a good job outlining I think the major contours of this issue and why we're here before you today.

First, I think that this is really a story of a transformation of a property that had become an eyesore in the Ladd's Addition neighborhood. If you take a look at exhibit A that we provided in the applicant's packet, you can see a number of "before" pictures of the property. This is a property that had fallen into disrepair, it was the subject of multiple nuisance complaints from neighbors for debris, and there was an abandoned swimming pool in the large lot that was next to the house that was falling apart. And the Buchanans over the last several years have come in and done what I believe to be a magnificent job of rehabbing this property.

As the inspection report noted, when they bought this property, the garage that's the subject of this application was in extremely poor condition. It was leaning over, it was essentially in need of replacement. Just to put a point on that point, I think, the "after" pictures -- if you look at exhibit C of our packet -- you can see really what's been done with this property, and I think not only has there been a lot of investment there, but it's investment that was really in keeping with the historic character of the neighborhood. The restoration of the home was fully permitted and the City found it all to be consistent with Ladd's Addition.

The second point is that this is a situation where there were some mistakes made in the process of this rehabilitation. There was a May 2012 letter from the City to the applicant's contractor noting that demolishing the garage would require demolition review. However, there was confusion about what exactly demolition meant, and when the garage collapsed and was sitting on the property and the contractor hauled it off, you know, it was demolished and there wasn't an understanding by the property owners or the contractors at that time that any review was required for something that had collapsed.

Now, I can tell you that if we could wind back the clock and relocate that roof to another location and not go through a Type IV process that involved appearing before the City Council in order to rebuild this garage, that would be something that the property owners would have loved to do. Unfortunately, by the time that this error was discovered,

September 10, 2015

the roof and the other components of the garage were no longer available to be relocated to another part of the property.

Fish: Counsel, can I raise a question on that point? One of the examples that was in the earlier presentation around the so-called Dirty Duck building -- since we have so few of these, I actually remember them. And one of the concerns that was raised in connection with that demolition was what we called "demolition by neglect." The idea was you should not reward a property owner for allowing a property to reach a point and a condition that demolition is the only option as a way of getting around historic review. What assurances can you give us in this proceeding that there was no demolition by neglect?

Stauffer Curtiss: Well, I can tell you that as someone who practices in the land use arena regularly, Type IV is not a way around anything. And demolition by neglect -- given just the fees alone to proceed with an application process of this nature -- I don't think there's any incentive for that type of action. In this circumstance, there were some mistakes that were made but demolition by neglect was not the case.

*****: [inaudible]

Fritz: You'll get to testify in a minute, thank you.

Stauffer Curtiss: My final point -- and I'd be happy to take other questions -- I think the proposal, the replacement garage proposal is a good one, and it's one that has -- not only have the property owners taken recommendations from staff and the Landmarks Commission and gone through multiple redesigns in order to try to develop a design that everyone agrees is compatible with the neighborhood and fits in with the site and the house but is something that folks can feel good about and really is consistent with what the Comprehensive Plan's policies would support in this circumstance. So with that, I would simply request that you approve the application consistent with the recommendations of staff and the Landmarks Commission and, unless there are questions, I'll reserve my remaining time for rebuttal.

Fritz: If you want to bring your clients up to use some of their -- you'll have another five minutes at the end anyways, so if you wanted to give them some time to testify now or else they can have three minutes each.

Stauffer Curtiss: Just to underscore the point that it was in very bad shape when they bought it.

Fritz: Thank you. Further questions? Thank you. So now, we have supporters of the application. Do we have anybody signed up?

Moore-Love: We have one name on the list.

Fritz: And anybody else who wants to testify in support of the application, including if you wanted to get on the record the reasons for the state it was in.

Kirk Ranzetta: Hello Council, my name is Kirk Ranzetta and I'm on the Portland Historic Landmarks Commission, located at 111 SW Columbia in Portland. I'm here to provide some testimony just to confirm a lot of the things that staff said in their staff report in terms of what the overall feeling was of the Landmarks Commission in this particular case. Granted, I think there were just some very awkward occurrences that kind of put us in this position to begin with, and I think after the review and applying the criteria, Landmarks found that on the balance there were several things about the application that warranted its approval.

We did have some caveats in terms of the replacement building we would like to see in that new construction in terms of the overall scale of the redesign. Those revised drawings that you saw were not presented to the Landmarks Commission, so we didn't have an opportunity to provide additional comment on that.

The only other thing I would like to add in terms of what the Landmarks Commission would like to see is just to make sure that the applicant continue to work with BDS as well

September 10, 2015

as HAND's land use committee, the historic resources subcommittee more specifically, on the redesign to ensure that the new ADU is appropriately scaled for Ladd's Addition not only from being visible from the street but also from the neighboring properties as well. Ancillary structures within Ladd's Addition are typically smaller, and that's just kind of the relationship you see throughout the neighborhood -- you see the main house and a garage or outbuilding. So, those are my only comments really to share. I'm open to taking questions as well, Council.

Fish: The condition that you've just mentioned is not part of the tentative staff recommendations. So, you're suggesting that we add a condition about continued consultation on the design for the ADU?

Ranzetta: Yeah, that is one of our recommendations. I wanted to make sure, too, that you had received our letter dated August 26th, 2015.

Fritz: Isn't the historic design review required?

Ranzetta: It is from the lower level of staff review. I think it's a Type II -- is that correct? It's a Type I review.

Fritz: So you would like to see the ADU come back to the Historic Landmarks Commission?

Ranzetta: I'm not sure if we made that recommendation necessarily, just that we would encourage the applicant to continue to work with the neighborhood historic resources subcommittee on the design.

Fritz: With the neighborhood rather than the --

Ranzetta: And obviously, with staff, with BDS staff.

Fish: I'm seeing a lot of nodding back there, so this might be a friendly condition.

Fritz: And has the commission taken up the issue of should there be a lesser level of review for accessory structures?

Ranzetta: There has been some discussion of it and there's been some discussion of the pros and cons. I was kind of on the minority. I think some of the pros are certainly that, you know, should the City Council be reviewing a Type IV application for a garage, for instance? Or should we develop some kind of process so that the Landmarks Commission can kind of take a little bit more responsibility for those types of reviews with appeals obviously being taken to City Council. Perhaps the con would be just that it is a bit of an onerous process to go through the Type IV review, therefore, that's a discouragement from demolishing an ancillary structure within an historic district or a landmark. So, there's a bit of a balance. And I think given the fact this is the first one in 13 years, that's something that also fits into that consideration.

Fritz: So the commission doesn't have a specific recommendation one way or the other at this time?

Ranzetta: Um, I mean -- I think we would appreciate having the opportunity to talk as a commission and to kind of give the Council a more solid recommendation in terms of, you know, if we do go forward with some kind of code change or process that the feedback we provide to you is straightforward and it comes from a majority if not the consensus of the commission.

Fritz: Perhaps you could have more discussion and in your next annual report make a more formal recommendation on that. We certainly don't need an answer today.

Ranzetta: Absolutely, yeah. That is something -- yeah.

Fritz: Thank you. Does anybody else want to speak in support of the application? Seeing none. Opponents of the application? Does anybody want to speak in opposition? Did anybody sign up, Karla?

Moore-Love: No one else signed up for that.

September 10, 2015

Fritz: Anybody signing up in opposition? So then we move to rebuttal. If there isn't anything to rebut --

Fish: Madam President, since there's nothing to rebut, would you entertain a motion?

Fritz: I just need to ask the applicant, is there anything else you want to say?

Stauffer Curtiss: In response to the comment about redoing the design in response to the Landmarks Commission's recommendations -- over the last month, we have been working with staff to refine the designs of the ADU in response to the Landmarks Commission's and staff's recommendations. And as of yesterday, we have submitted final designs in response to that, so I think that those at least have been responded to already.

Fritz: And the question of going to the Hosford-Abernethy Neighborhood Association subcommittee?

Stauffer Curtiss: So, early on in the process, we did reach out to the HAND land use subcommittee asking for recommendations on the proposal generally, which we received - - corresponded with folks, representatives in the neighborhood association. But we were not directed by the Landmarks Commission to coordinate with that subcommittee over the last month. However, I don't think there's any objection to providing information. I just will note that we have already done redesigns two or three times in response to feedback, and it is very expensive for the applicant to continue to go back to the architect every time to respond to yet one more change to the design.

Fritz: The Council doesn't generally designate our authority to neighborhood volunteer groups.

Stauffer Curtiss: Right.

Fritz: I think -- knowing the reasonableness of the HAND neighbors, I think they would appreciate you going back with the final design, if you're willing to do that.

Stauffer Curtiss: Yep. Thank you.

Fish: And the way I would describe my interest in this is that you just make a good faith effort. As President Fritz announced, we're not delegating authority to someone, but just a good faith effort. And it doesn't seem like that's a problem. I don't even actually -- I intend to make a motion but I don't intend to have that as a condition, unless the Madam President thinks it's necessary. With that, Madam President, would you entertain a motion?

Fritz: Unless there's anything further from staff?

Fish: I move to --

Fritz: Wait, she's -- I appreciate your willingness to move this along, Commissioner.

Adam: I just wanted to clarify that after this hearing, there will be a Type I notice of proposal going out for the replacement project, and HAND as well as any neighbors would have the opportunity to comment on that.

Fritz: And that could only get appealed to the Land Use Board of Appeals, right?

Adam: Mm-hmm.

Fritz: Thank you. Now, Commissioner, I think your motion is in order.

Leitheiser: I'm sorry to interrupt -- [laughter] -- I'm going to be out of order. Before we hear any motions and before the record is formally closed, one thing I did not indicate at the outset -- and that was my error -- is that any party does have the opportunity to request that the record be held open. I don't think that's going to be an issue, but it does need to be said. So, before we go forward, that's been said.

Fritz: Thank you. Does anybody else have anything else to say before we move to a motion? Thank you.

Fish: I certainly don't want to move this forward in any way to deprive anyone of a basic right, but with my colleagues' approval, dispensation, I move that we adopt the staff recommendations and findings.

September 10, 2015

Fritz: Is there a second?

Saltzman: Second.

Fritz: And questions? City Attorney, do you need any time to do findings?

Leitheiser: If we're going to call this a final vote, which is a wholesale adoption of the staff recommendation with no changes, we can consider it a final vote. It doesn't have to come back.

Fritz: Is that acceptable to staff? OK, very good. Please call the roll.

Roll.

Saltzman: Well, thanks to everybody. This does seem a little Kafkaesque, I guess, but glad to approve this and let the ADU and new garage get built. Aye.

Novick: I appreciate the fact that the applicant is going to continue to talk to the HAND. Aye.

Fish: This is a unique circumstance and the reason we've had this hearing and asked some questions is to make the exception that we're carving out as narrow as possible, because I think you've persuaded me that this is a unique circumstance based on some miscommunication unforeseen, and therefore I'm convinced that we can proceed without setting a precedent that someone who is less attentive than the applicant here to the historic district and the code might be in the future.

I will add that while it's not germane to our decision, I have to say, I think you've done a marvelous job renovating this building. This is one of the few proceedings we have at Council where we're supposed to announce at the beginning and celebrate the fact that we haven't done our homework in advance of these proceedings. In other words, we're not allowed to go to the site, we're not allowed to talk to anyone about it because of the rules of land use. But since we have the exhibits, it is a very attractive -- in my opinion -- renovation. Thank you for your investment. Aye.

Fritz: Congratulations in moving into one of the city's premier historic neighborhoods and indeed for doing the renovations. And thanks to the applicant and the attorney for a good presentation.

I very much appreciate land use reviews. There's a set way of doing things and although it may seem slow and archaic, it means that everybody has an opportunity to be heard and that if anybody in the future is dismayed by said garage, they will have known they had their opportunity to come here and object. So, thank you very much and thanks also to Hillary Adam and Tim Heron for your staff work and City Attorney for pitching in at short notice here when we discovered that the Mayor was not able to be here. I'm very pleased to vote aye. With that, we are adjourned.

At 2:40 p.m., Council adjourned.