

Portland Planning and Sustainability Commission Retreat

February 29, 2016

1 p.m.

Commissioners Present: Jeff Bachrach, Andre' Baugh, Mike Houck, Katie Larsell, Gary Oxman, Michelle Rudd, Katherine Schultz, Chris Smith, Eli Spevak, Teresa St Martin, Maggie Tallmadge

City Staff: Susan Anderson, Michael Armstrong, Joe Zehnder, Deborah Stein, Eric Engstrom, Tom Armstrong, Derek Miller, Nick Kobel, Julie Ocken; Lauren King (City Attorney)

[Documents and presentations from today's meeting](#)

Welcome

Susan welcomed the group to the PSC's first retreat in over 2 years. She gave an overview of the agenda for the day.

Julie introduced the ice breaker question: tell us a bit about your name... first, last or middle. Were you named after someone? Does your name have special meaning?

- PSC members and staff shared their introductions.

Susan asked about PSC members' perspectives and talents they each bring to the group. The PSC makes recommendations that help shape our city, so she provided the BPS Strategic Plan as an examples of values. PSC members were asked about their values as well, and why they think is important about how the PSC works together. All PSC members have respect for one another and value the difference of different opinions.

- PSC members shared what they "bring to the table"... a huge array of talents.
- Ideas about values and how to work best together as a commission included:
 - thinking about the future and not go just with "it's always been that way" mentality
 - question conventional wisdom
 - equity
 - range of perspectives
 - mutual respect
 - learning from others
 - allowed to share opinions
 - push the envelop
 - conscientious
 - be vocal
 - clarity, rules, language are important
 - presume good intent
 - collaboration
 - advocacy
 - set long-term goals with step-by-step action
 - be a voice for the public
 - power in communication
 - don't minimize impacts of decisions/recommendations
 - open decision-making
 - no bullying or coalition-building
 - don't make assumptions about what people are going to say based on what we think we know about them

You can go to the center of a decision, which isn't always the characteristic of a group of 11 people. We appreciate the open decision-making concept, which is a good tension between pushing the limits and staying within the rules of, for example, the Zoning Code.

Susan noted another value is that this group is technically sound; decisions are based on excellent background, staff input the public and Commissioners' depth of knowledge. Council values this, particularly those who make decisions based on facts.

The PSC is not a political body per se, but sometimes the best, most credible answer is not the answer that's going to happen. This is a value PSC members will wrestle with.

Celebrations and Reflections of PSC Work

Tom and Nick walked through a [preview of the Portland Plan Progress report](#). This is a 3.5 year progress report on Portland Plan actions, similar to what we've done with the Climate Action Plan.

We are making quite a bit of progress on the 142 individual actions. It's really tough to complete an action based on the Plan's wording since it's mostly about aspiration and intent.

We are doing updates on the 12 Measures of Success, and the handout highlights some of the key objectives from the 4 overarching strategies. The Budget Office used some of the key indicators for bureaus' budgets to show how their budget would move the needle on those items.

Commissioner Houck is serving on the Off-road Cycling Advisory Committee. In the last meeting we had presentations from various City bureaus about their work. The PSC might benefit from a meeting where we hear from the infrastructure bureaus so we all have a better understanding about all the projects that each bureau work on, their missions, etc.

Commissioner St Martin asked about the numbers and what's considered "good" or not. *Commissioner Tallmadge* commented it would be helpful to have some more background about the numbers as well.

The "so what" message will be at the beginning of the full report, which will be going to Council in a month or so.

Commissioner Oxman asked about messages from the mayoral candidates about what they think about the Portland Plan.

- Susan: The candidates are definitely buying in. Part of my job is to get bureau directors talking about the Portland Plan to the candidates as well.
- *Commissioner Baugh*: Getting buy-in from bureaus and the mayor as well as candidates was a lot of the PSC's advocating for the Portland Plan. PSC members should continue to discuss the importance of the Portland Plan; if staff believes it's important, the investments will come.

Administration

Email and Public Records

Lauren King acknowledged the Commissioners' training about public records and topics and provided a [reminder handout](#). Also, if you have questions about campaigns and elections, we can follow up on that. Public records cover all emails, texts and notes; it doesn't matter what device you're using. Anything having to do with City business must be tracked and confirmed. Using your City email address is a fail-safe way to follow this.

In terms of exemptions, the information officer and City Attorney will determine what constitutes an exemption, which can be disputed regardless. If you are using your personal email at this point, you don't get to determine which messages get turned over; the courts can literally take a personal device to review the messages. This happened with texts during the Pembina process. Texts are hard to retain, and even the phone companies don't produce them easily.

Commissioner Smith asked why using his personal email account is less protective than a City email account.

- It makes it easier to search if you're solely using City email, and it avoids the need to search your private email. If it's on your private email, it takes much more effort for City staff to review and collect.

Commissioner Oxman noted the trainings with Jenifer. There were some proposals about capturing the existing archives of personal emails.

- Lauren will check in with Jenifer and will get back to the Commissioners about this.

Commissioner Houck commented that 1D is quite broad.

- You don't need to keep track of conversation. Messages or audio or voice mail are the key things in this retention.
- Generally the PSC retention is indefinite, but voice mail retention is much shorter.

The big flag about public meetings is recent case law about what constitutes a public meeting, which does tie in with emails. Serial emails should be avoided, even there are no definitive lines about these rules just yet.

Chair Schultz asked about when the PSC is voting and conflicts of interest.

- Commissioners should disclose any potential conflict of interest. You can still participate. If you have an actual project, then you can't participate at all.
- Every time the Commission takes a vote, we should have a quick discussion about conflict of interest.

Staff will work to come up with some parameters about what and when the PSC should be disclosing potential conflicts of interest.

PSC representation on other committees

Many PSC members are sitting on [other committees](#) and groups in the City. There are openings on the PDX Community Advisory Committee and the Development Review Advisory Committee (DRAC) for a PSC member.

The PDX CAC meets quarterly. *Commissioner Larsell* volunteered for this role. Deborah can provide input about this group.

Commissioner Bachrach could be the PSC rep to DRAC. Staff will provide information to him.

Commissioner Smith noted his role on the Portland Streetcar, Inc Board is not based on his service on the PSC.

It is important for Commissioners to note, when they are on other boards or commissions as individuals not representing the PSC, that they are not representing the PSC.

Dissenting opinions

Chair Schultz commented on the [handout](#). I value everyone's opinions and want to hear them. I do think it's a stronger message to Council if we have it presented "here's how and what the Commission decided". The Chair would share the voices of both the full Commission and the dissenting opinions at Council.

Individuals should be welcome to voice their opinions as well.

Commissioner Smith clarified that sometimes we have sent multiple representatives to have a stronger voice. In the "conscientious descent" votes, like when we have a range of perspectives that are useful to the issue, and someone at one end votes no but their contribution to the discussion informed the

PSC's recommendation (even if different), I think there is value for the dissenter to go with the Chair to explain the nuance. I have advocated for holding this open based on the project/topic.

- *Chair Schultz* noted that Commissioners should discuss with her about presenting their opinion.
- *Commissioner Houck* noted that 98 percent of the time the Chair presenting makes sense. On the off-percent, it might be really important for another Commission member to be able to present as well.

Commissioner St Martin: What is the expectation from Council?

- It's presenting what we deliberated, why we came to the decision and what the discussion was that may not have been reflected in the consensus. There is often discussion about the concerns to help inform Council's decisions.

Susan noted that if the item is raised separately, it becomes important, even if it is not something the PSC fully discussed. So sometimes that is a cause for concern, which is why I like the idea of the Chair presenting both/all perspectives. The PSC needs to decide if the Chair is not doing that part enough or appropriately, at which time we could bring this question back to the PSC for discussion.

Commissioner Baugh noted it was a learning process about having the conversation about the dissenting opinions when he was Chair. The letter should express the full discussion and views in summary form. I agree that it should be the Chair's discretion to have another PSC member presenting with him/her. PSC members can share opinions as an individual, but as a Commission, we have a more powerful voice with one presenter who explains the full Commission's decision.

Commissioner Oxman: The power of oral communication is very subtle. I think we need to ask ourselves as individuals, and the Chair needs to ask "can I present this with enthusiasm and with a clear heart." If the Chair has a strong position on one end of the issue, s/he should ask if s/he can do this naturally; if not s/he should ask another Commissioner to join him/her to present.

Commissioner Bachrach: If Council wants to invite a pro and con, they can ask for that. We need to trust the bureau Director and PSC Chair to be the right spokespeople. This may change with the new Mayor of course. I would advocate for the Chair to be the presenter.

Commissioner Houck: At one point we were talking about the letter, but that is not enough; we can't assume Council will read this. We need to articulate strong opinions in person. Do we feel, and is it appropriate for, individuals to talk with individual Council members? Also, in our private roles, there are issues that will come up before Council. Does our individual role allow us to go in to share my opinion, even though they know I'm a PSC members?

- Everyone has a right to represent him/herself individually.
- If you're speaking to Council members individually, PSC members should share this information with the rest of the PSC.

Commissioner Tallmadge noted when there is a close vote, I see the benefit of presenting both sides. And the caveats about our recommendation should be shared.

Commissioner Rudd: We go by majority rules in our recommendation, and we need to present that. Based on the specific issue, we can decide how much more goes into it. If as a commissioner someone is going to lobby against the PSC majority decision, I would like to know so I can decide if I want to lobby for the PSC decision.

You can go as individuals, even on all different aspects of one vote, but that can make the PSC less credible and disjointed. Make sure there aren't a majoring of other PSC members going to disagree with various parts of the overall PSC vote because this can be very confusing. There should be a courtesy to tell this to the PSC Chair.

Commissioner Baugh noted that when he was Chair, Council members would ask about other views they have heard from other PSC members, even if s/he isn't representing the PSC when sharing views with individual Council members. This is just something to keep in mind, not to deter attending and sharing your opinion.

The general guidance/consensus is don't surprise your colleagues on the Commission.

Commissioner Spevak: I get lots of requests from the press, and it's my voice (personal). I like the guidelines that we shouldn't speak on behalf of the PSC, but I'd like to be able to direct inquiries I get to an appropriate person.

- The Chair is the voice of the PSC, so inquiries should be sent to *Chair Schultz* at this point.

Commissioner Houck: If we're totally in synch with the Council, is there a role for the PSC to go to Salem? For example, the inclusionary zoning bill. I know we'd coordinate this with Council and the City Governmental Relations bureau. Is this appropriate in our advocacy role?

- *Joe*: When we first started the PSC, there was a desire for the PSC members to be advocates. But we need a collective discussion and decision from the PSC before say, advocating in Salem.
- Yes, it certainly would have to be something the full Commission has deliberated on.

Commissioner Bachrach: Broader advocacy is something we need to discuss with the Chair and Director before stepping into the larger role.

We likely haven't done a great job in bringing all the "non-planning-related" projects or ideas to the PSC. If another bureau comes up with ideas, we could help advocate on a few specific topics each year; this could be meaningful since you have a broader role than the traditional planning commission.

- *Commissioner Houck*: Sometimes the audience is us, the PSC members. E.g. missing middle and other infrastructure bureaus presenting to us. We as a Commission could put on a symposium to talk about specific projects. We need to be more expansive in our work and views.

Commissioner Oxman noted we need to recognize we have a role in advocacy, and we need to figure out when we're the appropriate voice and the right forum. We need to be collaborative, not independent partners, in our Commission role.

Commissioner St Martin: We are the in-between of the public and City Council.

Commissioner Smith: More about politics on the way to Council highways to open data as a Comp Plan issue, for example. City Attorney is still taking exception to this. Mostly as an individual, but in alignment with the PSC direction, I have been advocating for the policy. It likely will show up on the amendment list, and I'm prepared to organize advocates in the community. This supports the PSC's recommendation, and I've talked to the Chair about it.

Upcoming Workplan and Shepherding the Comp Plan through City Council

Joe, Eric and Michael gave a high-level roadmap of projects coming through the PSC in the upcoming year. There is overlap with the Council meetings about the Comp Plan as well.

Commissioner Smith noted he asked PBOT staff to put street classifications into the Map App. they are there expect for within the Central City. Now we have these for the Central City, but it's not all in one place, which feels like a disservice to citizens.

- We agree with the ideal, but there is a lag time right now.

Some zoning work in Task 5 is truing up with the Comp Plan. The purpose is to deal with issues in the Zoning Code that might be in conflict with the new Comp Plan. Some issues are included for political purposes. Some are fundamental to the growth we're expecting.

Within the next two weeks, we'll be publishing a report that includes all Council amendments to the Comp Plan.

April 14 and 20 are Council hearings about the amendments. April 28 they will have a session to vote on the amendments. Then on May 25 we adopt findings, and June 18 is the final vote. This assumes everything stays on track and they don't get hung up too much on the amendments. This plays into the timing of when we're getting the Task 5 projects through the PSC.

Commissioner Houck: It's helpful to get the dates out and on our calendars. I'm a little confused about when the final Council vote on the Comp Plan is.

- Eric: this goes back to the 5 tasks included in the Comp Plan. Council has adopted 1 and 2. 3 and 4 are what's currently at Council. Task 5

Does the PSC want to present anything about the amendments on April 14? This is testimony specific about the Council amendments, so if there are areas you want to emphasize, this could be a PSC representation or individuals. There are two kinds of amendments: most are single properties that we might have missed in the original report; there are a few that want to go in another direction from the zoning we've suggested, for example.

Commissioner Spevak: Can we have time on a PSC agenda to discuss the amendments to help us decide when to and if we weigh in on?

- Yes, this could be part of the director's report with some discussion.

The Comp Plan has to be acknowledged by the state before it goes into effect. This takes 9-12 months to do.

There are a number of items that aren't yet on our workplan that we'll have to go with as they come up (potential dates):

- Middle housing
- Inclusionary zoning (2016-17)
- Design review / DOZA guidelines (2016-17)
- Multi-family
- SW Corridor
- SE 82nd Corridor

Commissioner Bachrach asked about Central City.

- It goes to Council in the fall, and we'll be done with the Comp Plan policies by then.

Michael noted the items from the sustainability programs:

- Solid waste rates will now be coming to the PSC (April-May 2016)
- Home energy and seismic score
- Deconstruction code

Mayor Charlie Hales

Susan welcomed the Mayor.

They Mayor offered thanks for the biggest volunteer job in the City. The PSC is a big commitment. I'm excited for the many big decisions we'll be making this year. The Comp Plan process is something we've been spending a lot of time on, as has the PSC.

We now have a bunch of amendments. Please feel free individually or otherwise to continue the dialogue with my office and with me. My philosophy is that the PSC provides Council with an 85+ percent draft, then we welcome public and further testimony to get to the final Plan.

In general, things we're looking at in terms of amendments:

- I don't think we're doing enough for historic preservation and protecting single-family districts and neighborhoods. I'm prepared to have some areas that are less dense than what you forwarded to preserve.
- I have slightly higher intensity of mixed-use designations in some areas, for example in Hayden Island / Janzen Beach.
- Thorough coordination with the Plan in terms of future street planning; I've been pushing PBOT on this.

Susan commented that there is a question about the role of the PSC around advocacy. Does the PSC with its broad perspective have a role in non-land use projects? Does it hurt the credibility of the commission or other bureaus' work?

- Mayor: The PSC played a broad role in the development of the Portland Plan. It's more a question of bandwidth for the Commission. We hear occasionally from advisory bodies, but not as much as before.
- *Commissioner Houck* noted the value of bringing outside experts to advise us. Another potential item is to coordinate with the Council for advocating for items in Salem for example.
 - Mayor: I welcome that. My limitation is to ask how much time you have. I think other Council members would agree and they would welcome the PSC's input.
- *Chair Schultz*: If there are things the PSC could be helpful in supporting, what else can we do to help further projects along?
 - A piece of this is your participation in work sessions and formal City Council sessions. There is a tutorial role because of how many new people we have in Portland. They don't understand the role of the PSC or the power structure in the City. It's useful for the community to see citizen leaders being influential with the ultimate decisions makers on Council.
 - Housing and Transportation would be easier; Water and BES would be more difficult since they are utilities.

One of my Comp Plan amendments is to do joint planning for future schools that includes Parks property. This is all public land, so I'd love to have your assistance if you think this is a good idea.

Commission St Martin asked about items in the CAP that the Mayor may want to push forward.

- Benchmarking is a big piece. The opportunity to expand what we're doing with solar. We have amazing things happening in the private sector, and our next potential project is the roof of the SW Community Center. EVs as well to make them more ubiquitous in the city.

Commissioner Houck noted a concern about the notion that it's either solar or green roofs. There has been research showing you can do both.

- We certainly have opportunity to do a lot more of both. They are not necessarily at odds with one another on one roof.

Are there items in the upcoming budget that the PSC could help with?

- We are having meetings with bureaus right now looking at individual budgets. The five percent cuts we've requested to help with the housing and homeless issues. Most will come from an improved budget, but we don't know how much this is for at least another month. I don't see making major cuts in the general fund budgets. We'll be looking at targeted new revenue as well.

Commissioner Spevak commented on a potential package about zoning response to the housing crisis. I think budget is one of the challenges with that, so I'm curious if there has been further thinking about this.

- Joe: A number of these things made it into the RICAP 8 workplan.

Commissioner Bachrach: In terms of the affordable housing, what about the spending of the dollars? Is there a role for the PSC to be part of the discussion in terms of ideas for spending these funds?

- That will be through the Housing Bureau (TIF funding).
- We'll be moving all the services aspects to Multnomah County as part of A Home for Everyone.
- The Housing Advisory Committee has done some great work. That would be a joint commission meeting we might suggest.
- Tom noted that of the \$60M available through PHB, there were over \$200M in projects apply for those funds.
- Coordination with PHB would be helpful.

Speaking of condition, we know the transit project analysis and flow. Most of the times it works, but sometimes it doesn't. I'm fearful the Barbur Blvd project hasn't been solved yet without being excruciatingly expensive. P-D is another corridor I'm seeing an issue with meeting travel times requirements that FTA requires. So we may have two projects that may not happen.

We have been looking at including affordable housing with the transit project, which is something the PSC is definitely interested in.

- The Obama administration has had the livable communities initiative be fairly successful. We should get credit for our housing work on the transit corridors, but I'm guessing the FTA will still require the transit component to better pencil-out.

Thanks again for all the PSC's work and continued collaboration.