



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **18TH DAY OF JANUARY, 2017** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fish, Fritz and Saltzman, 5.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Lauren King, Deputy City Attorney; and Elia Saolele and Mike Cohen, Sergeants at Arms.

Item No. 44 was pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

		Disposition:
COMMUNICATIONS		
31	Request of Crystal Elinski to address Council regarding Happy Birthday (Previous Agenda 17; Communication)	PLACED ON FILE
32	Request of Wayne Wignes to address Council regarding illegal blocking of a public right of way under the Burnside Bridge (Previous Agenda 18; Communication)	PLACED ON FILE
33	Request of Sarah Hobbs to address Council regarding quickly fix Vista Bridge suicide prevention barrier (Previous Agenda 19; Communication)	PLACED ON FILE
34	Request of Michael Withey to address Council regarding affordable micro housing and homeless villages (Previous Agenda 20; Communication)	PLACED ON FILE
35	Request of Stan Herman to address Council to review and respond to being in violation of ORS 830.035 (Previous Agenda 21; Communication)	PLACED ON FILE
36	Request of Brainard Brauer to address Council regarding engrained cultural systemic entrenchment (Communication)	PLACED ON FILE
37	Request of Joe Walsh to address Council regarding communication (Communication)	PLACED ON FILE

January 18-19, 2017

38	Request of Steven Entwisle to address Council regarding celebrating the spirit of activism (Communication)	PLACED ON FILE
39	Request of Charles Ormsby to address Council regarding Bureau of Environmental Services Terwilliger Blvd sewer and Tryon Creek treatment plant projects (Communication)	PLACED ON FILE
40	Request of Carl Wikman to address Council regarding celebration of Portland's only covered bridge, Cedar Crossing (Communication)	PLACED ON FILE
TIMES CERTAIN		
41	TIME CERTAIN: 9:45 AM – Accept the Residential Demolition Ordinance Implementation Report from the Bureau of Development Services and Development Review Advisory Committee (Report introduced by Commissioner Eudaly) 30 minutes requested Motion to accept report: Moved by Fish and seconded by Fritz. (Y-5)	ACCEPTED
42	TIME CERTAIN: 10:15 AM – Portland Water Bureau 2016 Customer Survey Results (Report introduced by Commissioner Fish) 30 minutes requested Motion to accept report: Moved by Fish and seconded by Fritz. (Y-5)	ACCEPTED
CONSENT AGENDA – NO DISCUSSION		
Mayor Ted Wheeler		
Office of Equity and Human Rights		
43	Reappoint Alisha Zhao to the Human Rights Commission for a term to expire January 24, 2020 (Report) (Y-5)	CONFIRMED
Office of Management and Finance		
*44	Authorize a Special Appropriation grant agreement with Street Roots in an amount not to exceed \$62,887 to expand its sales area on Portland's eastside and increase support and opportunities to its vendors (Ordinance) Motion to accept scrivener correction to exhibit A, article 1 project name: Moved by Saltzman and other Council members in agreement. (Y-5)	188201
*45	Authorize a Special Appropriation grant agreement with Street Roots in an amount not to exceed \$11,850 to expand its vendor zine project (Ordinance) (Y-5)	188192
*46	Authorize a Special Appropriation grant agreement with Oregon Film & Charitable Partnership Fund in an amount not to exceed \$7,500 for its 2016 Oregon Film Shadow Program (Ordinance) (Y-5)	188193

January 18-19, 2017

*47	<p>Authorize a Special Appropriation grant agreement with Oregon Community Warehouse dba Community Warehouse in an amount not to exceed \$61,961 to purchase a truck for delivery of donated household items and furniture to Portland's vulnerable clients (Ordinance) (Y-5)</p>	<p>188194</p>
*48	<p>Authorize an Intergovernmental Agreement with Portland State University for Electric Vehicle Charging Stations at Fourth Avenue Building for a total not-to-exceed amount of \$308,236 (Previous Agenda 22; Contract No. 30005628) (Y-5)</p>	<p>188195</p>
*49	<p>Authorize a Special Appropriation grant agreement with Young Audiences of Oregon & SW Washington in an amount not to exceed \$20,000 to expand their Arts and Equity program at the Portland Public Schools charter school, Kairos (Previous Agenda 23) (Y-5)</p>	<p>188196</p>
*50	<p>Authorize a Special Appropriation grant agreement with Confluence in an amount not to exceed \$25,000 for the interpretive development and tribal relations portion of the redevelopment of Celilo Park (Previous Agenda 24) (Y-5)</p>	<p>188197</p>
*51	<p>Authorize a contract with MAKERS Architecture and Urban Design for master site and implementation planning for the Kerby/Albina Yard/Municipal Service Center for the Bureau of Transportation Maintenance Operations and CityFleet for a total not-to-exceed amount of \$291,088 (Previous Agenda 25; Ordinance) (Y-5)</p>	<p>188198</p>
<p style="text-align: center;">Commissioner Amanda Fritz Portland Parks & Recreation</p>		
52	<p>Authorize a competitive solicitation and contract with the lowest responsive and responsible bidder for construction of Spring Garden Park (Ordinance)</p>	<p style="text-align: center;">PASSED TO SECOND READING JANUARY 25, 2017 AT 9:30 AM</p>
<p style="text-align: center;">Commissioner Nick Fish Bureau of Environmental Services</p>		
*53	<p>Authorize the Bureau of Environmental Services to execute revised easement with Tualatin Hills Park and Recreation District, as part of the FABAs Pressure Line System Upgrade Project No. E10599 (Ordinance; amend Ordinance No. 187699) (Y-5)</p>	<p>188199</p>
<p style="text-align: center;">Commissioner Dan Saltzman Bureau of Transportation</p>		
54	<p>Authorize contracts as required with four firms for Right-of-Way Appraisal services not to exceed \$250,000 each (Ordinance)</p>	<p style="text-align: center;">PASSED TO SECOND READING JANUARY 25, 2017 AT 9:30 AM</p>

January 18-19, 2017

Portland Fire & Rescue

***55**

Accept and appropriate a grant in the amount of \$23,130 from Oregon State Fire Marshal 2016 Hazardous Materials Emergency Preparedness Grant for advanced hazardous materials training for Portland Fire & Rescue (Ordinance)
(Y-5)

188200

REGULAR AGENDA

Mayor Ted Wheeler

Office of Management and Finance

56

Extend term of a franchise granted to Olympic Pipe Line Company to transport petroleum products by pipeline (Ordinance; amend Ordinance No. 162012)

**PASSED TO
SECOND READING
JANUARY 25, 2017
AT 9:30 AM**

Commissioner Nick Fish

Bureau of Environmental Services

57

Authorize a contract with the lowest responsible bidder for construction of Mt Scott-Arleta Sewer Rehabilitation Project No. E10678 for \$1,910,000 (Previous Agenda 26; Ordinance)

**PASSED TO
SECOND READING
JANUARY 25, 2017
AT 9:30 AM**

Water Bureau

58

Authorize Price Agreements with three firms for on-call civil engineering services not to exceed \$500,000 for each Price Agreement (Ordinance)

**PASSED TO
SECOND READING
JANUARY 25, 2017
AT 9:30 AM**

59

Authorize a contract with Pure Technologies U.S. Inc. not to exceed \$3,610,710 for the Bull Run Supply Conduits (Ordinance)
10 minutes requested

**PASSED TO
SECOND READING
JANUARY 25, 2017
AT 9:30 AM**

Commissioner Dan Saltzman

Bureau of Transportation

60

Create a local improvement district to construct street, sidewalk, and stormwater improvements north of SW Luradel St in the SW 47th Ave Phase I Local Improvement District (Previous Agenda 27; Hearing; Ordinance; C-10055) 10 minutes requested

**PASSED TO
SECOND READING
JANUARY 25, 2017
AT 9:30 AM**

Portland Fire & Rescue

***61**

Authorize a contract with Legacy Good Samaritan Medical Center for a Mobile Healthcare Services Pilot Program for post-hospital care services for at-risk patients (Ordinance)
(Y-5)

188202

At 12:50 p.m., Council recessed.

January 18-19, 2017

2:00 PM, JANUARY 18, 2017

**DUE TO LACK OF AGENDA
THERE WAS NO WEDNESDAY AFTERNOON SESSION**

January 18-19, 2017

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **19TH DAY OF JANUARY, 2017** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fish, Fritz and Saltzman, 5.

Commissioner Saltzman arrived at 2:05 p.m.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Jason Loos, Deputy City Attorney; and Elia Saolele and Mike Cohen, Sergeants at Arms.

		Disposition:
THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fish, Fritz, and Saltzman, 5.		
62	TIME CERTAIN: 2:00 PM – Accept the City of Portland 2017 Federal Legislative Agenda (Previous Agenda 28; Report introduced by Mayor Wheeler) 1 hour requested for items 62-63 Motion to amend page 6 to include scrivener changes to paragraph 1: Moved by Fish and seconded by Fritz. (Y-5) Motion to accept substitute exhibit: Moved by Fish and seconded by Fritz. (Y-5) Motion to accept report as amended: Moved by Fish and seconded by Fritz. (Y-5)	ACCEPTED AS AMENDED
63	Accept the City of Portland 2017 State Legislative Agenda (Previous Agenda 29; Report introduced by Mayor Wheeler) Motion to accept amendments discussed in the meeting as a package: Moved by Fish and seconded by Fritz. (Y-5) Motion to accept the report as amended: Moved by Fritz and seconded by Fish. (Y-5)	ACCEPTED AS AMENDED

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

MARY HULL CABALLERO
Auditor of the City of Portland



By Susan Parsons
Acting Clerk of the Council

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

January 18-19, 2017

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.

JANUARY 18, 2017 9:30AM

Wheeler: Before we gavel this meeting into session there's a couple of acknowledgements that we would like to make, commissioner fish would like to make some acknowledgments about our outstanding legal team. So I'd like to start by turning our microphone over to commissioner Fish.

Fish: Thank you mayor, today we're going to thank city employees for going above and beyond and I want to begin by inviting our city attorney to come forward Tracy would you please come forward, and we have some lawyers, paralegals and support staff to thank. Here's the context, for the last five years the city has been a defendant in a case called Anderson versus city of Portland. And at the heart of that case was a question of whether under the charter we could spend rate payer dollars towards our portion of the superfund expenditures. It was an important issue, and it's a case that has taken a long time to get to trial. The case was tried over the holiday season, which meant a lot of our dedicated employees had to make alternative arrangements in order to represent us, the case was tried to a judge who then recently issued a ruling, which was highly favorable to the city and validated what we have known for a long time, which is the city has been scrupulous in allocating general fund and rate payer dollars towards our share of superfund. We don't get enough opportunities to thank the folks in the legal department and today we want to do that. So Tracy if you could introduce us to the team, and we know one person couldn't be here, and then we'll have a chance to make some additional comments.

Tracy Reeve, City Attorney: Absolutely and thank you very much. With me today is David Landrum, one of the two trial attorneys in this case. And then Michelle, tammy, and pam, who are the paralegals and the legal assistant who did so much work on this case, which as commissioner Fish mentioned went on in excess of five years and frankly is still going on, there is additional remedy phases to address. I also want to mention terry thatcher who prior to his retirement did a ton of work. And most importantly Karen Moynihan, the lead trial attorney on this case and was not able to be here today and lastly Lois Warshaw and Eileen Kelly were two other legal assistants who worked on this case a lot and were not able to be here today.

Fish: One other comment, the judge issued his decision the day before the epa issued its record of decisions. So this is two weeks ago, and that was a big week. We had waited 16 years for the record of decision which in plain English is the road map forward for the cleanup, but the Anderson case had been in the pipeline for a long time. It was extremely important to get a definitive court ruling on our right to continue to use rate payer dollars towards our rate payer share of superfund, just as it was critically important that the environmental protection agency put down its plan. I know how disruptive this has been to the team over the holiday season. I am pleased that we have a chance to say thank you for a job well done.

Fritz: Mayor may I make a comment, we won a big one here. Commissioner Fish thank you very much for your work over the past five years, I am glad there is an attorney on the council, this one is the one that I am most glad about that you were very careful every step

January 18-19, 2017

of the way and worked with our amazing team so thank you to everybody. I really appreciate it.

Wheeler: I have to echo what joe said. If you are going to win -- I have to echo what joe just said, if you are going to win one, it's good to win the big ones so congratulations on that. And congratulations to you commissioner Fish.

Fish: Thanks to our crack team.

Wheeler: At this time, I would like to make some acknowledgments for Portland city employees and others who really went beyond the call of duty over the course of the last two weeks, even the weather channel is starting to feel sorry for Portland, Oregon, we really did get hammered by this weather. I want to thank my fellow commissioners, in particular for being very responsive in opening up the Portland building to people who lived on the streets and needed a warm, dry, and safe place to be. I want to thank the fire bureau and the Portland bureau of transportation, the transportation crews, commissioner Saltzman. I know you worked tirelessly on this. Chief mike Myers, and Leah Treat from the bureau of transportation, the crews were out there 24-7 day after day after day, and I believe all of us owe you and them a debt of gratitude. The Portland police bureau and chief mike marshman obviously the police and the fire worked overtime, they actually put extra capacity in place to go out and to bring people who looked like they were in distress to the shelters, the fire bureau, secured two vans that did nothing 24-7 except driving around picking people up and moving supplies and shelter workers around. I want to thank the first responders to the outstanding work that they did. The facilities' department doesn't often get the credit that they deserve. Where omf, most people don't know what that is. Their efforts were critical in keeping the Portland building operational. The bureau of emergency communications, direct Lisa Turley, commissioner Fritz, thank you. That's a bureau that they have a lot on their plate, on a typical day over the last several weeks, they have had anything but typical days. They have risen to the occasion. The bureau of emergency management under the directorship of carmen merlo has done a great job. Commissioner Fish, bes, bureau of environmental services, water bureau and director mike Jordan, director mike stuhr, all rose to the occasion, worked hard, they are still out there cleaning storm drains and making sure the city stays dry, the parks director, Fritz, director Abbate in opening up mt. Scott, the Charles Jordan community centers. That was extremely helpful, obviously. I want to acknowledge our colleagues on the other side of the river. Chair Deborah kafoury, the board of county commissioners and the joint office for homeless services have just done a fantastic job. All the volunteers who took shifts at the Portland building, the east county building, or other shelters across the city, and all Portlanders, and this is probably the most important, ordinary Portlanders who took the time to check on their neighbors and to ask the people, found on the streets, if they were doing all right and making sure that they got the help that they needed. All the people who brought supplies to the shelters, tpi and George devendorf, they stepped up and, of course, we know a lot of people spent a lot of time shoveling this week and we're probably not done. It's still mid-January. I want to acknowledge the hard work of the people who have done those things. So thank you to this community. I think you demonstrated that we are a resilient community and we are a resilient government and willing to work super hard to make sure, in particular, that the most vulnerable amongst us are not forgotten. Thank you.

Fritz: May I add, I think that we are very grateful for everything that the folks were doing, I had a volunteer put together an app which is now on the front page of my website to tell people in the community where you can take stuff and where you can volunteer. I do want to recognize the urban forestry staff in parks. They have -- with all the trees that came down, amazing work that they have been putting in for the last two weeks, and one of the

January 18-19, 2017

most heartwarming ones, the first one, the days of the storm, we were trying to have a parks budget meeting, and scotty Fairchild one of our maintenance staff, came up and said I am sorry that I can't go to the budget meeting, I will go out to the parks because we know where people have been hiding and we need to tell them how to get to the shelter. And it was just a miserable night. That's the kind of extra effort that you just talk about mayor, and we very much appreciate it.

Fish: Can I make a comment? A public service announcement with respect to storm drains. The three biggest problems we have in a big storm at the bureau of environmental services is clogged storm drains which lead to flooding. The electrical shortages, which prevent pumps from working. Then the flow increase which overwhelms our Columbia wastewater facility, and the one place that we ask our fellow citizens to help us is to keep storm drains clear. So if you have a storm drain in your neighborhood blocked by debris or ice help us to keep it clear because that's how we avoid the flooding, and also mayor the only person that you left out on the list is you. And as someone that was home-bound for a couple days with school aged child, it was not lost on me that you were a very public face of the city during this crisis, so thank you for the leadership that you brought during the management of this emergency.

Eudaly: I would like it add a couple with an apology to commissioner Fish. I think we forgot a couple people, and I would like to especially thank mark jolin, the director at home for everyone who actually has been working shifts in the middle of the night, at our shelters, and working through an illness himself, and I would also like to acknowledge kip Silverman, my senior technology advisor for developing and rolling out an emergency shelter app in one day in conjunction with the emergency services and technology services on 2-1-1. Our office saw a problem with advocates and the public having access to timely information about shelters around the city. So thank you kip and everyone that worked on that.

Wheeler: Great. We are now in session; this is the regular meeting of the Portland city council. Communications are up first, sue?

Parsons: I will call the roll.

Wheeler: I always forget that.

Fritz: Here **Fish:** Here. **Saltzman:** Here. **Eudaly:** Here. **Wheeler:** Here.

Item 31.

Item 32.

Wheeler: If you could state your name. You have three minutes, sir.

Wayne Wignes: I am wayne wignes. A couple months ago the sidewalk needs the Burnside bridge was blocked off for the use of caution tape. Since the summer of 2013. This was a time when mayor hales took it upon himself to tell people that they cannot sleep in the local doorways. I was sleeping under the bridge and I watched this cause an influx of people, more than could fix, and this caused the violence, not just allowing people to sleep there. A few years ago a breakthrough in the international study was published on violence between chimpanzees. The reason it was a big deal is that the parallel to human nature is clear. Chimpanzees are the only other ones that can commit homicides besides us, and in homeless crowds this proves true. Fundamentally there is -- I am sorry, what the study showed was that the violence increase not just with numbers but more specifically with a decrease in the availability of resources. And homeless crowds this proves true, fundamentally there is nothing wrong with allowing a large body of people to congregate, just that if you take away their freedom and you make them fight for a place to sleep, they just might do so. That sidewalk, the center sidewalk, used to be a place of refuge for strangers. We had a system in place. And we are out at the pedestrian's way central city would clean up in the morning and there is less trash. Today is basically the opposite. You

January 18-19, 2017

have a lot of small pockets of degenerate and territorial groups who are obstructing a public max stop, it's trashy and I don't even feel like going down there. Recently I obtained a copy of the lease agreement for that parking lot and it showed the center sidewalk is not included in the lease, and pbob administers the public right-of-way but pbob did not have a permit on file and neither is the use of caution tape permissible to them. And in response the u of o did take the tape down but the cops are still applying the law in this fashion on behalf of the u of o foundation. The lease stipulates that the city need only vote to take the parking lot away from them. We don't need to spend so much on shuffling this around when a diamond in the rough is underneath our noses. The Burnside bridge offers overhead protection from the rain, centralized next to resources, and if that parking lot released a sidewalk adjacent to it, were to again be utilized, it could accommodate a lot of people, in a way that is unobtrusive, and when you have this, you have an environment where the two can interact and when you have that, understanding the resentment grows and without that your job as the mayor will be impossible. This is the same company who tried to change the omf sign in 2008. I am sorry, the made in Oregon sign in 2008 and it seems they will do whatever they can to get away with, so thank you.

Wheeler: Thank you, sir.

Item 33.

Sarah Hobbs: Good morning. For the record my name is Sarah Hobbs, and since I signed up for this I have gotten a status report on the status of the repairs, to the west rail suicide means deterrent so I know where it is, and they brought it to my attention, that your office is aware of what has happened there, and I will be very much in contact with your point people on this. The Vista bridge suicide reduction project was very personal to me, and hopefully I can tell you this without getting emotional. In 2005, if it were not for a last minute realization I did not want my children last memory of me being that I had leapt from the bridge and died on Jefferson street, I would not be here today. So when I heard that there was that accident that put a 30-yard hole in that middle of the west way barrier, I was frantic. But it is work in progress. In 2015 the Portland police bureau's enhanced crisis intervention team responded to 1,200 suicide crisis calls. I am still trying to get the breakdown as to how many of those calls were high-risk calls. But I can tell you a high-risk call involving a firearm that had a very tragic ending for everyone involved, happened directly across the street from where I live, in November of 2015. I know the three of you are very aware of this story, mayor and commissioner Eudaly I've had this discussion with you, in conversation, with the people in the know, while the unity center will relieve the burden for long-term follow-ups from the behavioral health unit it will not remove responsibility for suicide for each spot they need to start having these discussions, by pawning it off to the county, and I am running out of time, but I tell you I want to follow up with you on this. I used to volunteer with the Oregon state chapter of the American foundation for suicide prevention, and I am here to help you, but I need to have these conversations with you. You were right commissioner Eudaly when you told me that we do need to start changing the conversations that we are having around suicide, but we need to start having the conversations to be able to do this.

Hobbs: Thank you. I will be back.

Wheeler: Thank you for being here. Next item, please.

Item 34.

Michael Withey: Good morning.

Wheeler: Good morning, sir.

Withey: Michael withey, here representing our micro community concepts, a nonprofit here in Portland, Oregon. We concentrate on the tiny house movements and the facets of that. I would like to explain what that is. The tiny house movement in today's movement is

January 18-19, 2017

a tiny house is a tiny house on a trailer. It's built, stick built strong on a trailer. They are still illegal here in Portland, Oregon, which is amazing because Portland, Oregon is world renowned as a leader of the tiny house movement, and another part of the movement are adus, accessory dwelling units built on the ground and backyards. We also have micro-housing as part of the movement, and we have designed micro-communities that were popular a couple of years ago with the last mayor, especially, but we found a way to go ahead and build them in the private sector, and then sell them to the city, much less at a cost, much less of a cost than it would cost you to build it. Hopefully with this bond, we should be able to build a couple micro communities and supply them for affordable housing, and we have intentional communities. As part of the tiny house movement, most of the intentional communities do have a factor living in them, they could be townhomes. So you could have a community built for seniors, people that are disabled, and we're doing that around the country. We should catch up a bit. And another part of the tiny house movement has to do with the tiny houses for the homeless. That is also catching on big-time not just here in Portland but throughout the country. We go throughout the country and speak on the benefits of all these parts of the tiny house movement, but what's catching on quickly are the tiny houses for the homeless because it's a much less expensive way to get folks in. The Bud Clark commons, even though I love the concept, it was great, if we look at the cost, 2,500 per tiny house is what the last mayor paid to build these, 2,500 as compared to 250,000 for a Studio, that's 100 times the people that we could get off the street. We need to look at the tiny house movement and all of the glory, not just adus or tiny houses on wheels which we should add to this new zoning proposal to make them legal and say we can consider this an adu, if you take it off the wheels and whatever we need to do to make them legal here in Portland. Also finally, I am concerned about the tiny house movement for the homeless because not just have things gone awry but we could do a better job by saying listen you have a certain amount of time to be there. You cannot be there, you need a caseworker and you should be from that section and you have to work with your neighborhood association and policies, so even though the new one is beautiful, we need a city-wide policy so that we have some consistency, and that's about it.

Fish: Can I make one comment? Thank you for your work in flagging innovative ways to bring the cost down of affordable housing. Those are two vitally important things. The one thing that I'm going to gently push back is when we invest in affordable housing with services, we build apartments and meeting spaces and on-site healthcare clinics and other things, so if we divide the units by the cost we have a misleading number.

Fish: And, the media never is, is infallible but the bud Clark commons, as you know, because we spent a lot of time there, has a lot of services. It serves hungry people, has shelter spaces and has showers, and it has places that people get referrals and the like. So to take the units and divide by the cost of the building is a highly misleading number. If we continue down that pads we won't be winning the argument as to why we place services on-site, and in my view, particularly for the people that we lost over the last two weeks, we learned something very powerful. We lost a fellow citizen who died in the shadow of a shelter with capacity. Here's what we learned. That person is not going to go into a shelter for a whole host of reasons. That person would have been alive today if they had a home and we provided services. That's called supportive housing. It tends to be a little more expensive because you have to marry a home and the services to stabilize someone's life. That's where we're going to be making a push through this budget, but again with bud Clark commons, unless we divide the whole building by the units, we're getting a very misleading figure.

January 18-19, 2017

Withey: I understand and thank you for making that point. I will make a counter point which is the Henry building, which is 1,000 a square foot to rehab. We can build brand new apartments for 100 a square foot, why would we spend -- why would we spend 1,000 a square foot to rehab the Henry building which we just did.

Wheeler: I hate to be the heavy here, but this is communications so if we want to have further policy discussions we'll have that opportunity to do so. Clerk, if you could call the next item please.

Item 35.

Wheeler: Ok. Next item, sue.

Item 36.

Wheeler: Good morning.

Brainard Brauer: Good morning. Thank you.

Wheeler: State your name for the record.

Brauer: Brainard Brauer.

Wheeler: Thank you.

Brauer: The words cultural, systemic entrenchment are not my words but those of the city of Portland employees who know the system. As background I believe in building codes, community ordinances and I have every wish to do the right thing. My property is one of the best kept properties in my community and have always taken great pride of ownership. A quick background is my home was reviewed during some permits in 2002 by the city of Portland planning and design. To be in fact, a duplex, about two years ago a tenant used the complaint system after vacating, to a smoke detector violation to get out of paying for damage and back rents. This is a topic of its own but not why I am before you. As a result, Ed Marihart in charge at the time, against the inspector, reversed the determination from 2002, of my home being a duplex and put it into violation status as an illegal duplex. A few months later a landlord, a landlord training course Ed Marihart said and I, "we actually have more power than the police do," end quote. It is systemic that the enforcement branch is more powerful than the planning and design branch, with clear intimidation from one branch to the other. It is fair to say that there is power, that perhaps goes beyond the police. Since my fines are now almost 20,000, risking me losing my home, no due process or available system of constructive solution oriented focus, we are a great city, which I love, the stress and criminal feelings are significant for an individual like myself who does not have a traffic ticket on record. More recently Mike Liefeld has looked into this, looked this over and stated that he's not worried about the fines but that they can only go away after I start over with a permit process resulting in no flexibility for past overcurrent codes. Mike Liefeld has been kind enough to investigate and figure out that in 2002 the city relied on county records for the determination, which is, which it no longer relies on resulting in my situation. This is compounded by missing records on my home, and refusal to admit the obvious. There are so many well intentioned nice people in the city and working for the city who have tried to help but limited by their specialty. I have learned that my situation is not unique, a large reason that I am here and perhaps dealing with my own faith by taking on power. Some people in my situation may have legitimately violated some ordinances and clearly there are needs for enforcement measures, even in these situations the city of Portland needs to put power and perhaps the abuse of power aside and work diligently towards constructive and meaningful solutions.

Wheeler: Wrap it up, please.

Brauer: Please I ask you let's have pride in doing what is fair and right for livable city, especially for a citizen. Please offer a point person to facilitate the solutions. Who is not intimidated by the divide in the engrained cultural systemic entrenchment of power.

Wheeler: Appreciated your testimony.

January 18-19, 2017

Eudaly: Mr. Brauer could I ask you to contact my office since we now have bds in our portfolio? Marshall Runkle is my liaison.

Brauer: Thank you.

Wheeler: Thank you sir.

Item 37.

Wheeler: Good morning sir.

Joe Walsh: For the record, I am Joe Walsh. I represent individuals for justice. First I would like to thank you, Mayor, for having all 10 people in communications, it indicates that you have an interest in hearing from the citizens of Portland, something that we have not solved in a long time. It's not a bad beginning. It is a good way of doing it, and those small things are very important. Today I could use my time trying to convince the majority of this council that we need to do more concerning the question of how things are in the city and county. I could yell and jump up and down about your lack of planning for the winter. But I will not. I could point out that we warned you of this coming disaster. We may have five to seven deaths. So far as we've been told. I could stand up and be called out of order and get thrown out, something that I have done at least one of you find that behavior is something out of one flew over the cuckoo's nest, so we may have a nurse ratchet with us today. What I decided to do in my few minutes is to warn you of the political tsunami called the Trump regime. Two days from now we will swear in one of my heroes, Congressman John Lewis, called an illegitimate president and the dismantling of many of our programs and things we hold dear, will begin. If we do not figure out a way to come together, we will perish. All of us have to lay down our hostilities towards each other, all of us. It will be very hard for me and for you. These are the people that we murder by negligent. Sleep is hard to experience as I spend my nights asking why we don't do better. Frozen on our streets, crying out, and we did not hear them. Marquee Johnson 52, Darren L Bates 50, David, 68, Zachery Young, 29, the infant, who does not have a name. The mother was walking in the streets. Nobody noticed. Nobody noticed. 60,000 people in this city, and nobody noticed. I don't know what to say any more.

Wheeler: I will have to ask you to wrap it up.

Walsh: I don't know what to say to you anymore. I've been arrested and spent time in jail. Not for me but for these people on the street mostly. You were not prepared, not the two new people, the Mayor and Chloe, but you three. We begged you. We asked, we jumped up and down, and we got arrested, and we shut you down. And you did nothing. I know I am disrupting your meeting and people are dying. Which one do you want to talk about: Would you please have special meeting to talk about what you did not do and stop patting yourselves on the back?

Wheeler: I am happy to talk to you after the meeting.

Walsh: We are spending more money on buildings.

Wheeler: The longer we're sitting here talking the less we're doing, could you please call the next item? It's ok. 38.

Item 38.

Wheeler: You dropped something sir.

Item 39.

Item 40.

Wheeler: Sue, if we could go to the consent agenda, item 44, has already been pulled, are there any other items pulled from the consent agenda? Item 44 is pulled; otherwise could we ask you Sue to call the roll?

Fritz: Aye. **Fish:** Aye. **Saltzman:** Aye. **Eudaly:** Aye.

January 18-19, 2017

Wheeler: Aye. And why don't we then -- we have a time certain at 9:40, why don't we take care of 44. Then go into the two time certain items since we have reached the trigger for both those and into the regular agenda.

Item 44.

Wheeler: Is there any testimony on this item? If you could please state your name for the record.

Lightning: I am lightning, I represent super watchdog pdx. One of the reasons I pulled this item is one of the concerns that I have when grants are given from the city to various nonprofits is sometimes in the grant agreements they want good p.r. obviously to the city, and what I want to make it clear is when we are dealing with the press, and we're dealing with the freedom of the press, freedom of speech, when we are doing the public communication, I don't want a grant being given to somebody and having the restriction in the grant that says they really want you to say good things about us. This is the press. I want them to say good and bad. They should have the right to do that, still receive the grant. Not feel as though in the future they won't continue to receive the grant for their good work that they do in the community, which I agree that they do. And also working with the homeless, providing them additional sources of income and work which I think is beneficial, I just wanted to make it clear sometimes when grants are given, there are statements in these grants that want good p.r. to the city, and when we're dealing with the publication here I want that to be removed. I want them to have the right to say, I may not like what this commissioner is doing, and I am going to put it in my publication, I may not like the final decision they made but I will put it in my publication, and I really hope that won't stop you from getting me the grant next year, and they should not have to worry about that because the commissioners need to remain view point neutral, content neutral, allow freedom of press, allow freedom of speech. Another issue that I had on this application, I noticed maybe I read this wrong but on article 1, grantee agrees to implement the development of the James beard public market, described in attachment a. and that is on page 2 of nine. I don't feel that really fits into this. I am just bringing that to your attention that I review all these agreements, go over everything as a watchdog, and I did notice that that's a concern to me being in this grant application. Other than that, I commend you on the street roots and commend you and agree with you being approved for this grant. Without the limitation of you being able to put down the commissioners or the mayor in your publication and feel free to do so. Thank you.

Saltzman: Mr. Lightning where is that limitation?

Lightning: Yes, sir, that would be on the p.r. which would -- let me get to this real fast. It would follow under publicity.

Fritz: Two of nine, article 2.

Lightning: That's correct. And what I want made clear and in some of these grants also is that as a publication they should have a right to freedom of press and state what they want even if it will be negative towards the city and the grant and towards anything, and I don't want that limitation put in due to the fact that they are the press. That's my position. Now if they weren't the press, I might not say that, but I want them to have that independent freedom to say what they want to say. Thank you.

Shedrick Wilkins: Thank you. I am shedrick j. Wilkins, and I have a tendency -- I took economics classes at Portland state university, there is a public sector and private sector. I will compliment Willamette week like lightning is trying to say because it can say whatever it wants, it gets raunchy, and you won't get that out of the Oregonian but I think the street roots should function by itself, there is no need to give it any money or grants for anything. I agree with commissioner Fish if you are homeless you should go to the bud Clark commons or the sisters of the road cafe, and be with other homeless people and figure out

January 18-19, 2017

what to do. My opinion, street roots is more poetry and it does not need any money from the city. I don't like the idea that somehow street roots has some way to get information to the homeless people. That is not a good argument so I don't know why the public sector is involved.

Wheeler: Thank you.

Charles Johnson: Good morning, Charles bridge crane Johnson, and this is a complex issue. It's easy to be of two minds of it. On one hand the street roots is great and the people distributing street roots are extremely marginalized and extremely oppressed people, and I want as little strings as possible on anything that helps those people. On the other hand we know marginalized and oppressed people with low incomes, including people that work with clients and service workers of Albertina Kerr and of good will are often victims of the system that helped them, so while you are planning this investment, I hope that all your commissioners will have whatever conversations you can have and especially with the public, to learn about people who are in such dire situations and unable to get good traction with public service agencies that the only income that they have is not only their ebt cards and when you get ebt snap you have no money to buy clean underwear or hygiene items, and they cannot remain dependent. That's damaging. In addition to approving this, I hope that there will be money as you work with the county on the joint office of homeless services, to track the ability of people want to, connect with vocational rehab, and move into phc and other independent granting work. Not a pressure system for people afraid to affiliate with this because they are going to be drug into a system they don't want to be but the people doing street roots have enhanced connectivity with the state v.r. system, with phc, if they are eligible and comfortable with it or Albertina Kerr, that should be open but there are no one size fits all so when we invest in the street roots we want to invest in great outcomes and maximum independency. A new word. Maximum independence and self-sufficiency for people who are street roots' vendors. Thank you.

Walsh: Good morning, I am joe, I represent individuals for justice. When I saw this I was taken back because I love street roots. I really do. I think that the articles are really good. The vendors on the street, we tried to give them a couple extra dollars. We're aware of the newspaper and we all seem to be in support of it. It took me by surprise, this is a newspaper. We don't take any money in individuals for justice from anybody. We really don't. Not county or state or feds and the reason we don't is we want to tell you to go to hell. We want to be able to say to you is you screwed up. We want to say and sometimes curse at you and get thrown out. How do I do that if you give me a grant? I mean, I do not aggravate my wife patty because she's got the money. I do not aggravate her. It seems to me this is a bad idea on this basis to have a newspaper getting funding from the city that spent a lot of its time criticizing so what happens? Recently there was an article, and at the end of the article the public broadcasting system that did it said the mayor did not want to point fingers and that was the end of the article. What does that say? If they take grants? Have you ever seen me not point fingers? I point straight at you. Because I don't take any money. So our concern is somehow you have to insulate that newspaper and tell them in writing or in action if they get up here and say you are a bunch of bums you are not going to take the grant back or not give it next time around. It's a problem and you don't have the solution, find the solution, thank you.

Wignes: I am wayne wignes. I wanted to make a comment about five companies, national media companies now own what 50 used to own, I believe back in the 1950s. This is a monopoly of the media industry is definitely a problem. Studies have shown that people are surprisingly not swayed by their position, their thinking is not swayed by what the media reports but what they give thought to has been swayed by what the media report so

January 18-19, 2017

when it comes to homelessness you can see how this could be a problem. I have no idea that the harbor of hope project, what progress was still being made until the examiner reported last week, that was going on, and they pointed out the other media industry, paper, they are not -- they are ignoring it. So thank you.

Fish: Thank you, sir.

Wheeler: Is there any further comment? Commissioner Saltzman.

Saltzman: I am struck by the reference to the James beard public market. It seems out of place in this agreement so I would move to strike article one.

Wheeler: We have a motion, there a second?

Fish: Second.

Eudaly: Article 1, page 2.

Fish: I second it and my guess is that we have adopted the special appropriation list. My guess is that this is a scrivener's error? No? So we're just -- the amendment would be to attach the right scope of work to this. It has the correct scope of work. It would just be to modify the article 1, so it refers to the proper exhibit. And which has nothing to do with the James beard --

Wheeler: Any further discussion? Sue, can you call the roll on the amendment?

Fritz: Aye. **Fish:** Aye. **Saltzman:** Aye. **Eudaly:** Aye.

Wheeler: Aye. To the main motion, can you call the roll?

Fritz: This was one of the special appropriations that you may remember last budget we set aside a million dollars, and invited anybody who wished to do so, to submit a grant application, and then a committee of five that the council staff had made those selections, so this is one of these. I think that this discussion, we have lost the fact that this is to help the street expand to the east side and increase the important opportunities, and we have a proud tradition of funding people and things that disagree with the council, and I think Gretchen Kafoury said that we pay the neighborhood associations, that they are paid to tell us that we're wrong so I know Israel baer would not have applied for that grant if you thought that it would in any way compromise his integrity and I am proud to support the street roots. Aye.

Fish: We have revamped our special appropriation process, and it's hard to respond to an audit that was released, and some concerns that we have with the community. I think it is a better, more democratic process. I enthusiastically support this particular appropriation, and just a couple of pieces of context, we have a proud tradition as commissioner Fritz alluded to of supporting organizations like street roots. In fact, one of the cornerstones of our collective efforts to address homelessness is that we fund the rose city resource guide which is a publication of street roots and something that dates back, and we are very proud of that relationship. Also I think something that's lost in this is if you look at the impact statement, we are reminded street roots is at its core, a nonprofit that helps people experiencing homelessness, many of whom are experiencing poverty, mental and physical disabilities, create opportunity for themselves, which is why all of us buy street roots which is why during this storm a number of us bought more than one copy and sometimes actually paid more than the face value for street roots because we're supporting people in their desire to be self-sufficient. And finally on the question of their editorial independence, I don't think that either Joanne or Israel or any of the award-winning reporters have to worry about editorial independence. They take us to task on a regular basis on homelessness, affordable housing, and superfund equity, and I would hope that proud tradition continues whether we fund them or not. Aye.

Saltzman: Aye.

Eudaly: I would like to add that I heard your concerns. I don't feel that article 3, publicity would in any way hinder the street roots' ability to report freely and criticize us. It's common

January 18-19, 2017

practice for a grant giver to expect some kind of acknowledgment from a grantee. This is certainly not a, an order for them to give us free sparkling publicity. So aye.

Wheeler: I don't think that they can be bought for the price of this grant. Aye. The grant is approved. I understand Mr. Herman has shown up, so sue if you would not mind going back to the communications with the forbearances of my colleagues to allow Mr. Herman three minutes.

Stan Herman: I have a notice that I was not going to be rescheduled until February so I brought the email with me. But I went on the computer and found that, the name on there today so I am really not prepared. If I could come in next week.

Wheeler: I am sure that we could accommodate that.

Wheeler: See you next week, sorry about the confusion, I apologize. Back to the time certain issues on the regular agenda. If you could call item 41.

Item 41.

Eudaly: This is my first item, and it was in the pipeline before I assumed my seat or took on the bureau, and I want to thank you for the assignment, the more I dig into the work of bds the more that I see how vital it is to a lot of my personal areas of concern, so I am going to turn this over to, I believe, Nancy to give the report. Thank you for your hard work.

Nancy Thorington, Bureau of Development Services: Good morning mayor and commissioners it's nice to meet you. I am Nancy Thorington with the bureau of development services and I am the senior code and policy analyst, and I drafted the ordinance with the help of the development review advisory committee and this is Jeff, I will let you introduce.

Jeff Fish: Jeff Fish, Fish construction, and I chaired the demolition ordinance during the period of working with the public on that.

Thorington: So I don't know how much the mayor and the commissioner Eudaly know about the background of this, but basically what happened was we had a previous version of the ordinance that had notice provisions that were, that were not working very well, and then there was an exception there called like the one for one exception, and for the demolition ordinance that allowed somebody who came in for a demolition permit to avoid any notice or demolition delay. If they came in simultaneously with is a permit for a replacement structure. So that -- it caused problems on both sides, so there was a report that was done by the historic review, what do they call it? The landmarks' commission, sorry, and so they -- they asked that those provisions be looked at, so the council gave us that direction, and we met for about a year and a half with the drac subcommittee and came to the council with an ordinance that changed those provisions. As part of that ordinance there was direction from the council to come back in 18 months and report on how it was going. And that's basically what this is. This is that implementation for it. On this first slide here is just a general overview of what the provisions were. Basically it did two things it changed the residential demolition delay requirements and then it added a new category of permit for major alterations and addition, referred to in a lot of the materials as mraas. And the reason why we added this category was there was some concern with some of the demolitions being, what they call, or work being done was essentially virtual demolitions, where the only thing left was one wall. So there was no notice to the neighbors that something like that was happening so we added that category. For the demolition delay requirements, we made some big changes in the notifications, so the previous notice only required one of those big, you know, notice of intents to demolish forms being posted on the property itself, and notice to the neighborhood organizations in that area. The notice changes, provisions change so that now all properties within 150 feet get mail notice, and there is also mail notice in addition to those recognized organizations also to the architectural heritage center and the restore Oregon. Thank you commissioner

January 18-19, 2017

Fritz, for that addition. And we also added door hangers to the surrounding properties. No less than five days before the demolition because one of the big concerns with the demolitions was the hazardous materials that could potentially get you know, put off during the demolition. So now all residential structures in areas that are within the residential comp plan map designation as residences are subject to a 35-day delay, and then there is also a possibility for a 60-day extension if an appeal is filed. And I will go through the appeal things in a minute. We also added a definition of demolition to the code, that seems really simple but there is no definition anywhere. There was not in the state building codes or in our codes, nowhere, so it made it a lot easier so we were all talking about the same thing. And then this last piece, there is -- we added a certification regarding asbestos and lead-based paint. That's not in the ordinance. But bds added that. We met with the agencies, the state agencies that regulate those bds has absolutely no control over that. That's not part of what we do. We're not hazardous materials, experts, and it's not -- we have no jurisdiction over it, but we met with deq and Oregon health authority, the contractor's board and other stakeholders to come up with this document, basically anybody who is doing a residential demolition or a major alteration has to sign this document that says you know I am aware that there are regulations. They may apply. I have complied with anything that does apply. It does not give them any -- it does not give any authority or right to sue or any of those kinds of things. What it does do is if one of the regulatory agencies does want to, you know, to start an action, they have some evidence that the person knew about the regulations so that's, that's the function and the best that we could do given the fact that we don't actually have any jurisdiction.

Fish: Can I ask you a follow-up question? I am delighted that you have added that and I hope that at some point council discusses a broader question of whether those are disclosures that should be made at the time the house is sold, as well. My question to you is while we can't mandate compliance with another set of regulations, is the statement that we going to ask people to certify subject to some penalty if someone makes a false statement to us?

Thorington: Not enforcement by us, it's only subjected to enforcement by the agency that regulates it, and the way it works --

Fish: I understand. I want to preserve your time here, since this is a report and the commissioner in charge is not coming back with code for a few months, what I would just ask you to just look at, consider, and maybe get the legal opinion, again, since we're bootstrapping here and requiring that someone say that they are aware of an obligation, and that they are going to comply with whatever the legal obligations are. I would love to know whether we have the right to hold them to some legal standards in terms of a false statement to a government. And whether that gives us a hook independent of actually enforcing the state or federal environmental regulation.

Fritz: Let me ask in the 18 months, since we put that rule in place, have we had any complaints from the community members that there's been a problem even though the developer has signed the agreement?

Thorington: Yeah, we have had a couple of complaints, and still the issue is very frustrating for the community right now because we don't have the authority but we're the ones that issue the demolition permits so they look to us, but we cannot -- we cannot do anything, you know, other than, you know, provide the information and, you know, and say here's who you can contact, but it is, it is very frustrating, just as a point of information. Deq handles asbestos but actually with demolitions, residential demolitions, there are no regulations for lead-based paint, it only applies to the renovations. It's crazy. The legislature is considering taking that up, in this current legislative session. I have worked with senator dembrow and a few others. It's crazy, but it is nuts, but there is nothing there,

January 18-19, 2017

so we can't -- no agency has the ability to enforce anything at the moment on a residential demolition.

Wheeler: Could somebody remind me is that on the legislative --

Fritz: It isn't yet. It's unfortunate that we have to delay the adoption of that.

Fritz: With asbestos, that does, the state does have authority, do we know if any demolition have had a complaint about the asbestos to the deq or oha?

Thorington: Yes. You know, I have heard complaints, basically, what happened, and I will -- this will be in one of the other slides, but I will address it at this point. With the asbestos, I think it was in 2015 legislative cycle, they adopted sb705, which now requires that anybody doing a residential demolition has to have an asbestos survey done. And that's currently, all that's required, we, actually, asked deq in the implementing regs to include a requirement that report be produced to the local jurisdiction, and they did not want to do that because they were concerned about some of the smaller jurisdictions, so hopefully if the -- and the current legislative session they do introduce something they are considering allowing local jurisdictions to adopt local regulations to require that, we're in kind of a, a touchy situation because we are one of the few agencies that's regulated by another agency, so we're regulated by the building codes' division and so we can't, we can't do certain things, that's why our hands are so tied.

Fish: Let me come back to that point. This has been enormously eye opening for me. Because we don't know what we don't know, and because we know that both deq and oha are overwhelmed in terms of doing their oversight, that's why I would like to see some consequence to a disclosure that we later find was not honored. So saying you know that you have a legal obligation, later skipping, let's say an asbestos survey, or knowingly using one of the firms, substandard or what have you gives us an independent hook because they made a representation to us as local government. The other thing that I want to highlight for my colleagues, and I am sure that commissioner Fritz will put the lead-based paint issue on the agenda for tomorrow, in all of the tests that have been done by the Multnomah county health officer, at the request of some family that wanted their child tested for the potential for lead poisoning, in all of them, the investigations have gone back and found in the cases where the child had an elevated level, that it was either some kind of fixture in the home, lead in a water -- in a teapot, lead in something that the child was using, or lead paint overwhelmingly lead paint, and none of the instances where the investigations done is it traced back to lead in the water, so we know that lead paint is the principal source of lead riffs in the home. We're going to have to update our laws in terms of regulating lead paint particularly in homes in substandard buildings, but this is again a critical issue where I would be reluctant to defer to the other regulators because they are swamped and had don't have the capacity right now to do that. I would want to come up with something where there is a disclosure and some teeth if that proves to be misleading or false.

Thorington: Thank you. And one of the, again, going back to the constraints, that bds has, we, you know, our inspectors basically look at you know, the building, the structure as it is being built not as it is being torn down, we don't have expertise in hazardous materials, you know, typically a jurisdiction that would regulate that would have, you know, an air quality board, water quality board and those would be the agencies that would look at these issues and you know, we have the staff and expertise to do that. And that's a key component missing. If that's the, you know, the direction that the council decides to go. These are some of the points with the demolition delay, the extension that can go for 35 days, and an extra 60-day extension with the submittals of an appeal. That would go, that goes to the code hearings officer, with an appeal fee or a fee waiver, and they have to show, produce documentation showing that they are actively pursuing an alternative to

January 18-19, 2017

demolition. The appeals process was one of the big additions to this ordinance because it allowed, now it allows anybody, not just -- it used to be the -- the recognize organizations that could request an appeal now, anyone can do it, and it goes to the code hearings officer, and there is some other additions and puts the burden on the appealing party, under the old ordinance it was on the property owner to show that the appellant wasn't pursuing an alternative. And they have to show a plan that has here's the budget, here's what we are planning to do to purchase this site or save it and move it, and they have to contact the property owner and show what significance it has to the neighborhood. These are the numbers, so from April 20 of 2015, which is when the ordinance took effect, until the the end of happened of October of 2016, there were 562 demolition permits that were subject to the ordinance, and 65 that were not. The 65, most of those were -- they were not within a residential comprehensive plan map area or they were subject to the title 33, 120-day delay because they are historic. These are the rough costs of this. The staff, this is only -- this only captures the permitting services tech time that specifically dedicated to the demolition ordinance. It does not capture my time or inspectors or plan reviewer's time so that's 194,000 for one Fte and takes 45 minutes per application for a tech two, and the printing costs of \$15,000, and then the appeal fees. The way the appeal fees' works is the code hearings office charges 1300 per appeal, and there can be a waiver if filed by the recognizable organization. There were 12 appeals since it took effect and of those ten took advantage so the city pays that cost.

Wheeler: Under what circumstances would the city not waive the fee?

Thorington: If the appeal is brought by an individual and not by a recognized organization.

Wheeler: So effectively is there any fee for a recognized organization or effectively is there none?

Thorington: It has to be the organizations whose boundaries include the site so if you are a recognized organization in one area you cannot file an appeal in another.

Wheeler: So a geographical record?

Thorington: Correct.

Wheeler: Thank you.

Thorington: This is a snap shot of what worked. Now all of the demolitions are subject to the notice and delay except for the properties or anything that's subject to the zoning code delay. We added the major alteration and addition provision. We did a lot of outreach. A couple other neighbors went to neighborhood association meetings, and we held a lunch and learn. We did a lot of things to get the information out to the community about the appeal process. We worked on getting forms and other outreach materials. The notice provisions have really proved to be effective. Neighbors now know because what was happening was somebody would go off to work and come home and the house next door was gone by the time they came home. They did not have time to not only emotionally prepare for the fact the house would be gone but cover the car or make sure the windows were closed if it was a hot day. That's helped a lot. And then the appeal process has really worked smoothly. I will go into the things that we do want to tweak. Bds staff created these implementation guides that were effective in terms of flushing out the ordinance itself because we were not trying to anticipate every scenario, and so these guides have really done that. We want to use those as building blocks to creating some admin rules. In the appeals' process, whoever appeals they are getting an extension of 60 days for 95 days to try and save the structure. There is no incentive, one of the biggest complaints not only by the appellants but by the code hearing officer was that they did not have any incentive for the property owner to negotiate so we want to look at if there is some way to make that happen. There is a term in the ordinance that calls for having a pro-forma budget. We put that in there based on the united neighbors for reform and they asked us to put in that in

January 18-19, 2017

there. But everybody says what's that, so we will probably recommend changing that. And then who has the authority to negotiate any kind of purchase? That's been kind of difficult because sometimes you get these properties that are in escrow, so its owned by the current owner but you have the future owner who's the one doing the demolition, and there is a bit of confusion about how do you handle the situations like that. So we want to look at that, one of the issues that the code hearings officer mentioned, he was struggling with how people demonstrate significance to the neighborhood. He applied that loosely. My grandmother, made cookies there, you know, and was almost as broad as it could be so he asked us to look at those criteria, make them easier for them to apply. We'll talk to the drac subcommittee about that, we were trying to keep some of those balances happening.

Fritz: How many appeals were there?

Thorington: There were 12, and one of the other difficult issue was when the plan to save the structure had to be consummated. That's the word that's in the ordinance. It says it has to be able to be consummated within the 95 days, so the question came about, does that mean that escrow has to close or the house has to be moved or that the -- escrow has to be complete or an agreement signed, so we want to see if we can find a way to make that clear or what that means so that everybody is a little -- can apply it better, one of the issue was when you go to move a structure it cannot be done. The permits can't be obtained in that 95-day period so that was a problem.

Fritz: Did any of the 12 result in saving the house?

Thorington: I think one did, that we know of, and part of the problem is, once the appeal is done, we are out of it so if they negotiated something we would not necessarily know that, and, you know, in some of the cases they went in and they looked at it and they said no, this really is going to take too much to bring it up. So they let it go. One of the other issues is whether evidence could be submitted at the hearing. A full packet has to have, you know, the budget and the plan and all of those things. That has to be done within the first 35 days and sometimes you don't have the information so they might want to supplement that with more information on how they are planning to, you know, to raise the funds or something like that.

Wheeler: Is bds working to resolve these issues?

Thorington: Yes, so this is a report, the demolition subcommittee will meet again after this, and we wanted to get a bit of feedback from you on a couple of issues so that we can come back with code language proposals.

Wheeler: So you expect to come back with these issues resolved?

Thorington: Exactly.

Wheeler: Good, thank you.

Thorington: What didn't work again, those are always there but it really highlighted the problem. The ones where the appeals were granted, they were all in wealthier neighborhoods where people could afford to buy the house outright and the ones denied except for appealed late were all in more modest neighborhoods where they couldn't come up with a plan with enough money and the issues with the scope of the demolition noticed that we want to address whether it needs to be expanded, and the -- this one, the application of the ordinance to all residential structures, I am going to go to the next slide, bds is subject to regulation by the building codes' division. We cannot enact anything in the building code covered by that, so for years and years since this ordinance has been in place since the 1990s and before, there were no -- there is nothing in the code for a residential demolition but there was for commercial, which means anything over three units.

Wheeler: Could I get a time check? 30 minutes is requested and I want to see where we are.

January 18-19, 2017

Thorington: Let me just -- this is one of the slides important to getting your feedback, and I will go to the other one so this is an issue. We always assumed that it applied to one and two family. Now the building code does, essentially, allow us to regulate commercial demolitions and we have our definition of residential structure in our code, includes multi-family so we want to narrow it back down to the one and two family. We already did the hazardous materials.

Eudaly: The one item that stood out to me the most, the original intent was to protect housing and why draw the distinction between single family and multi-family?

Thorington: Only in this ordinance. If the council wants to look at multi-family we would recommend a different, a different group to look at it because basically we had people like Jeff here who they do single family, and homebuilder's association and that sort of thing. And if you look at the notice provisions how do you put a door hanger on a high-rise? They were not crafted with the commercial zones in mind. The other issue, it is in the residential zones, you know, there's been talk about whether we should expand that and again we don't recommend doing that unless there is a different group that's convened and we look at how that would work. It was written with one and two family in mind. We plan to create administrative rules, so the next steps, at this point, is to get your feedback, if you are ok with us going back and amending it to limit it to one and two family for now, if you want us to come back, certainly, you know, we would be glad to do that with the right people in the room. And then retain the current language that limits it to the residential comprehensive plan map areas and then reconvene the subcommittees and come back with the code changes. Any questions?

Wheeler: Any further conversations before I call for a motion? Thank you.

Thorington: Thank you.

Wheeler: Is there any public testimony on this issue, sue?

Jeff Fish: Can I make some comments?

Wheeler: Yes, sir.

Jeff Fish: Jeff Fish, Fish construction northwest, I want to answer some things said by the council, in your question about why was single family taken on, when I was the chair at drac, it came that the united neighbors for reform and some others were concerned about single family homes being torn down so that's where the focus came from the public. Back to commissioner Fritz and Fish's discussion on asbestos and lead, that is something that we have a hard time understanding much less regulators. When I demolish a structure I have to do an asbestos check on that. I provide that to my excavator, and they have to have that when he goes and takes the materials to the dump. Wherever he goes, so, and there is teeth in that. I can't remember if the fine is 10,000 or 15,000. And not doing it correctly. So in my opinion that has a lot of teeth in it. When you get to the lead thing as Nancy said, we've been in a couple of meetings where we have had five state agencies in there, and everybody pointing fingers at each other saying that's yours and that's yours. Nobody knows what's going on, and I am also on the deconstruction committee and we had a meeting ten days ago. I tore down a home in which had lead around the windows. I went on to the state people, or excuse me the abatement people. He said you have 5,000 worth of lead that we can abate but why do you want to spend the money, and I said what do you mean? He said you fall inside of what's called a tea clip, an acronym, you can tear the house down because you don't have enough lead in the percentage of the materials there in the house. I made mention of that and got taken to task by Multnomah county because Multnomah county said I should have called them and asked them instead of calling somebody certified, so there is a ton of confusion especially on lead from the industry.

Fish: Can I make a comment? Jeff Fish is no relation to me.

January 18-19, 2017

Jeff Fish: Vice versa.

Fish: But he is a successful builder and responsible builder. And he serves on a lot of committees and he has helped us to get things right, he does not always agree with where the council lands but is a good citizen engaged. We don't investigate regulations because we are worried about Jeff Fish, we do that because we are worried about people that cut corners, and are putting neighbors at risk. We wish that everyone was operate at your standards but that's not the case so we have to regulate. On the question of whose on first, the mayor used to work in Salem so he's familiar with this question. And I think that we have heard this mayor so many times it is time to really resolve this question because the public really doesn't care about our, our challenges and figures out who is on first. They expect that we are looking out for their safety, and this is one that we ought to work with our state and federal partners and get it right, and err on the side of public safety.

Wheeler: As is always the case the brunt of any lack of communication is felt at the local level so we have a higher obligation to create a responsible progress, and I appreciate what the commissioner Fish said, thank you. Anybody signed up for public testimony?

Parsons: We have two requests. Charles bridge crane Johnson and sara long, please come up.

Sara Long: I am Sara long, and is there anything else?

Wheeler: Nope, that's good, thank you.

Long: I don't know why either of the two people who were up here speaking to you were here. Jeff Fish is on a lot of committees yes; he should not be on any. Nancy Thorington should not be an employee of the city of Portland. I have an email here I wrote two years ago to the city. I am going to read it, regarding Nancy Thorington, I and others witnessed Nancy, at the bureau of development code and policy alalyst licensed attorney act in bad faith while performing her duties as an employee of bds. She told falsehoods and spread misinformation --

Wheeler: I am sorry could you keep your testimony pertinent to the ordinance and the report that we're discussing Today. If you want to talk about an h.r. issue I am happy to talk about that separately but we're focused on this ordinance.

Long: Let's do that then because neither Jeff Fish nor Nancy Thorington should be testifying or giving reports to you guys period. That's all that I have to say.

Wheeler: Fair enough, thank you.

Johnson: Charles bridge crane Johnson. Much better than tower cranes. What happens is we're getting to a point that affordable single family homes with or without lead and asbestos get knocked down and sometimes tower cranes show up in residential neighborhoods. Right now a friends of mine, not a tower crane but like a three-story -- no, I think it's up to five. But despite serious concerns about miss thorington raised, you need to listen to one thing, the equity problem. In this report we got the glimmer and the touch on but one thing that we need to do is stop demolishing Portland, especially demolishing it in a way that makes it impossible for us to maintain the number of entry level first time owner average income homes. Now I know that's a little bit beyond the scope of the technical language of this ordinance, but I think that there was some effort and you as elected officials even though sometimes large amounts of money can be involved in your campaigning we have made some great progress on that thanks Amanda. What's great about Portland is the average people and they never get accolades you know Dyke Danes, Homer Williams, the other Mr. Fish they do things with high price tags and occasionally get notoriety. With this ordinance it's important not just to letter the changes you get, but that people know that the commissioners here have a spirit of protecting average Portlanders so that if we do fail to save an average income single family dwelling we know that you've got systems in place that it won't be the only hope that average working people's only

January 18-19, 2017

hope for a house will be habitat for humanity and to that as you mentioned among yourselves you talked about the legislative agenda. In a perfect world we get sold this bill of goods that state preemptions are great floors but it doesn't work out that way for the city of Portland. They always have to be crappy, low ceilings. When you're working tomorrow in the future on the legislative agenda you need to on this issue and others find ways to work with the great ones, dembrow, Frederick, kotek to untie your hands so that here in Portland where we have resources we can manage environmental pollution and also we heard because little towns around the state are scared that they don't have the resources to face some of the pollution issues, they will just let people get poisoned. We have a very challenging budget coming up. You bailed at the right time for the state budget.

Wheeler: Thank you. Sorry I'm going to have to ask you to wrap it up.

Johnson: Let's work strongly with republicans in the state legislatures so that people are protected from pollution that happens when residential structures release their toxins.

Wheeler: Thank you. Yes, sir.

Lightning: Yes, I'm lightning. I represent lightning super watchdog pdx. One of the concerns I have on the demolition is also looking in the area of foreclosures. As you know, a lot of the nuisance liens, we heard a gentleman earlier talk about liens being put on his home but I'm talking about actual vacant homes that have had a tremendous amount of nuisance liens put on the properties. They go to foreclosure, current owners lose all their equity and all these homes are already determined to be demolished right from the get go. What we need to do is we need to put a safeguard into these properties that state that we would like these properties to be purchased by somebody that does want to pretty much rehab the property, not demolish it. One of the reasons these foreclosures take place is we need to have enough people sent information in the community about the sale itself so what we're doing instead of Mr. Fish, the developer here, which I have respect for him doing what he's doing and I think there's a purpose in the community for what he is doing on demolitions and building new homes, but also if we can get more people in the sales pool, that will put the people who want to see these homes rehabbed, restored, and kept in their communities for various reasons because they like the home to be there. They don't want to see it torn down. We get more people stepping up to the table and being able to bid on these homes. Not just the developers but we have the people in the community, the neighborhood associations can join together, they can purchase these homes if they want to. They can purchase these foreclosures and rehab them and keep them the way they currently are and fix them up. The realty is if you don't get enough of those groups together they will outnumber the developers I'm sorry to say to the developers, and they have the ability to come in with more money at the end of the day when there are large groups of people that do not want these homes demolished. If you can negotiate with these groups to have an understanding that it's advantageous to do this in your neighborhood, if you like these homes there you can also create rentals, rehabbed, fixed up. Have good neighborhood in these homes. There's no reason to demolish these homes. Every developer will say this; they have a certain profit they have to build into these properties. Normally groups of people that come in with money will pay higher than these developers will for these properties and they will look elsewhere. There's plenty of places to look too so they won't lose but it has to be more community involvement and more people stepping up to the bidding process to begin with. Thank you.

Wheeler: Thank you, sir. Appreciate your testimony. Is there anyone else signed up?

Walsh: I didn't sign up.

Wheeler: That's fine. Come on up, sir.

Walsh: For the record I'm joe Walsh, I represent individuals for justice. I just have a question. If we could use as a wedge to put all demolitions just stop them, and use that as

January 18-19, 2017

a wedge for something that we wanted, for instance trying to figure out the huge rent increases in the apartments from the developers, those kinds of things, I don't know if it's legal or not but what the heck, you got 40 attorneys. Somebody could figure it out. Just say to the people that are doing demolitions my hunch is they are connected somehow to the developers and say to them, look. We have this huge problem. We say we can't cap the rents because of state laws. You and I disagree with. That you should challenge it. You could use this as a wedge. We're not going to do any more demolitions until you figure out what's going on with these rents. All right? We're going to stop all of them. I think you have the legal right to do that. I'm not suggesting you do it what do you have to lose? We have to figure something out. We're all trying to figure something out about these rents. Everybody kept saying, oh, we can't do that. Let's find out stuff that we can do. I think you can use this as a wedge and say, you want demolition? Okay, guys, tell me about this new project that's going on. How do we do maybe a dozen apartments at low income? How do we do that? Let them do it. If you ask people how to do stuff they usually figure it out. Anyway, it is just a suggestion. I don't have any great objections to you blowing things up or demolishing really nice houses for something that's ugly. However, use it as a wedge if you can. Thank you.

Wheeler: Thank you, sir. Is there anyone else who would like to testify on this matter?

Fish: I move we accept the report.

Fritz: Second.

Wheeler: Motion and second. Please call the roll.

Fritz: Thank you very much Nancy Thorington and your team for coming back with this summary of 18 months. It was one of the things I was most happy to work on when I was in charge of development services in response to community members and the fact that we do not have 20 people showing up here from united neighborhoods and reform tells me we at least part of it right. I do appreciate especially that the notification part is working so people can at the least cover their cars and close their windows. We're not allowed to have a moratorium by state land use law. We know that. I personally am not interested in doing things just to try if we know that they are not allowed I would rather look at what we can do, which is what we did with the deconstruction ordinance. I would like to see how that's going fairly quickly so we could make it not just for 100-year-old houses but a lesser time frame as well. I suspect that we're going to see a diminishment of demolition in this calendar year because the comprehensive plan that we just worked so hard on goes into effect next year and with that and the infill project I believe there will be a lot of incentive for more infill, which would make it less likely that developers would demolish this year when they could get so much more next year. That just gives us time to work with planning bureau and with development services in seeing what else could we do before we give all those giveaways. Thank you for the report. Thank you, commissioner Eudaly for your stewardship at the bureau. Thank you. Aye.

Fish: Thanks for an excellent presentation. Nancy, thanks for your good work. Jeff, thanks for the work that you and your son-in-law do in serving on committees and making sure that we have the benefit of your perspective even when we disagree on policies. To our newest colleague commissioner Eudaly, the Portland water bureau is very interested in this issue of lead paint in terms of abatement but in the context of demolition. We're eager to work with you as you develop code and come back to council. Congratulations on your first item. Aye.

Saltzman: Great report. Appreciate all the hard work and the questions you posed for us. I'm not sure we gave you all the guidance you're looking for today but we do appreciate you digging into the weeds on this. Thank you, commissioner Eudaly, for shepherding this project to us today. Aye.

January 18-19, 2017

Eudaly: I feel like I'm getting a little more credit than I deserve. I think you had more to do with it than I did. Thank you for the report. I do have some remaining questions and I'm sure we'll be having lots of conversations between now and when we finalize this in code. I share commissioner Fritz's hope that we can expand the deconstructions to include more houses. I have supported that ordinance and I just look forward to working with you more in the future. Aye.

Wheeler: I greatly appreciate this report, commissioner Eudaly, take the credit when you can because you'll certainly get the heat some of which you shouldn't be taking the credit for either. I want to thank the three members of the city council who have worked very hard on this. I think this is a great report. I particularly like the way that you highlighted what yet needs to be done. It was worth the price of admission this morning to understand that we have a long way to go when it comes to the lead abatement piece in particular and I share commissioner Fish's belief that we as a city council need to take the leadership role there. I do also assume you'll be walking the floor and talking with us individually, our offices, to get the feedback you need to move forward. So with that aye. The report is accepted. Read item 42, please, clerk.

Item 42.

Fish: The Portland water bureau delivers clean, safe and reliable water to 1 million people in the region every day. I want to do -- while Mike is here I want to do a special shout-out to the teams that worked around the clock to address the challenges during the severe weather emergency. That includes a huge spike in calls for service when homeowners and folks need help with frozen pipes and also with main breaks. Mike, thanks to your team for their public service during this severe weather crisis. The team at the bureau is also dedicated to delivering the highest level of service to our customers. To better understand how we are meeting our standards, last summer the bureau partnered with Portland State University to design and conduct a customer survey. Here to present on the results of the survey are Director Mike Stuhr and Deputy Director Gabriel Solmer. When you hear the data it will not come as a surprise to you, colleagues, that the three most important values identified by our customers are safety, quality and reliability. With that, take it away.

Mike Stuhr, Director Portland Water Bureau: Welcome. With me at the table is Gabe Solmer, deputy director of the water bureau, and Jessica Letteney, senior analyst who worked on this survey. I would also like to thank our PSU partner Dr. Debbie Elliott, director of survey research lab at Portland State. She's a research associate and also works with the regional research institute for human services. Dr. Elliott has been the director of the research lab since September 2002 and among her many other responsibilities she has the job or takes it as her charge to ensure that we do accurate, ethical surveys. We greatly appreciate the help of her and her staff in preparing a proper statistically valid survey. We have not done a customer survey in the water bureau since at least 2004. At this particular point in time we thought it would be very useful to do a broad based customer survey of our customers to try out key service levels of which we have many. That was the purpose of this particular survey. We wanted to get a feel for what our customers thought about us generally and specifically about the key service levels that we use. On that I'll turn the bulk of the presentation over to Gabe and Jessica.

Gabriel Solmer, Portland Water Bureau: Thanks, Mike. I'm Gabe Solmer. Speaking to our customers obviously is a critical part of what we do. In our mission of providing clean, safe, reliable water every day. We communicate with those customers in lots of ways, whether it is our bill inserts which I hope all of you get and read, whether it's the thousands of calls that come into our customer service every day, or our maintenance crews, and I would also echo commissioner Fish's thanks to our crews. We have had about 75 main breaks and counting over the last two weeks and they have been out in all kinds of

January 18-19, 2017

weather. So we talk with our customers on that daily basis. This survey is the scientific component of that conversation so that we can find out what they are thinking and how we can do better. This survey was focused as Mike said on gathering customer attitudes toward key service levels. The idea is to connect what people are thinking, what they want, the investments they are looking for, performance measurements to our strategic planning efforts and our budget. Where the rubber meets the road. I will give you an overview and try to be brief. You have the report if you'd like to go into any depth we can obviously answer any of your questions. But this survey was conducted between May and June of last year. That gives you an idea what might have been happening and has been top of mind for folks. We were hoping to get just about 400 surveys. We actually did a lot of outreach and got a tremendous response rate in 859 surveys. Those were both paper and online and I should mention that we devoted about 25% of the project budget to outreach that was translations, paper surveys, people in apartments, multi-family. We really tried to get as broad a view as we could on the survey. Just brief highlights, first I think it's important to mention there is a tremendous confidence and pride in our water systems which I think that you hear as well. 78.5% satisfied or very satisfied with our services. That's a big percentage of people who think that we're going in the right direction. When we look at customer service which we also called out specifically we saw slightly lower numbers of people who had had interactions with our customer service and called Portland water bureau in the last year. That's very consistent with the auditor's annual community survey result for the bureau at 69%. I think some of the reasons we see that slightly lower number is timing. So this survey came out when we didn't have the use of auto pay. That inconvenience was probably on the minds of customers. We're very happy to have that back. New and improved. I think that future surveys will reflect that. We also asked about communication. I think that was another important piece of the survey. How do people want to be in touch with the water bureau? How can we get this information to them and get feedback from our customers? We saw strong preference for our bill newsletter, for that insert and email and text messaging is fairly low on the list. That baffled us as we were looking at the list. I have my phone with me at all times. I certainly prefer to be contacted by text or by phone, but when we talked with our customer service folks they gave us insight. They said you may want to communicate with your friends, with other folks by text, by phone, but you want your government agencies to have just the information they need to contact you, no more than that. So we are looking at how do we have that transparency, that convenience but also how do we meet people where they are. I think the answer is letting people customize and giving the right methods at the right time for the right information. I'll just touch on investments. In addition to the key service levels we asked two big picture questions. How do customers feel about investments in our water system and I should be clear that this is not a true willingness to pay type question where you say here are the tradeoffs. We were just looking generally to get information about where we should pursue the conversations further. First we asked about automated meters, whether customers want real time information and have a true monthly bill. 67% said that was moderately or very important to them. The other area we wanted to get attitudes about investment was earthquake preparedness. We heard about the big one. We asked customers how important it was to them for the bureau to invest in water system improvements to prepare for a major earthquake. And we got even stronger results here. 88.5 thought that was moderately or very important. And finally we asked about values questions how important quality, safety, affordability, reliability are to customers no real surprise here that these are all scored very highly. We had at the top of the list safety, quality, reliability. Those were all scored over 4.75 on a 5-point scale. Affordability coming in just under that. Then at the end of the survey we asked people to provide any other

January 18-19, 2017

comments they had. We made it a free form discussion. About a third of the people responded which I think for our psu partners was high, so people were engaged in the survey. Their comments ran mostly to either cost concerns, whether the rates are too high, or what the money is used for. So that tells us that affordability is on people's minds and that transparency, which is an area we have been improving in of late, those are still key issues. In terms of next steps, we have all this data. How do we use it? First we are sharing that with the individual groups within the water bureau making sure customer service representatives have all that data broken down with engineering, with our water quality group so they can see how customers are viewing their work. We have also conducted -- Jessica has conducted a review of 500 service levels from best practice facilities all over to see how we interface there. Our service levels and our performance reporting. So ultimately this information will be used for our strategic planning process to provide a reality check on costs, on benefits, and then how we continue to deliver the best value to our customers. With that I'll leave it there for any questions that you might have.

Wheeler: Questions?

Saltzman: I'm looking at the survey results and they are very interesting. It says 78% of people never or rarely drink bottled water. But then also it says about 50% never or rarely drink filtered tap water. That's us, right? [speaking simultaneously]

Wheeler: Any further questions from the council? Do we have any public testimony?

Parsons: We have four signed up.

Walsh: For the record I'm Joe Walsh, I represent individuals for justice. When I read this report, I was curious and maybe I missed it, does this include apartment dwellers or just people that use water? I use water however I don't pay for the bill because I live in an apartment complex so the owner of building pays for the bill. How do you get me involved in the survey? The percentage of people living in apartments is large so their interest is kind of important because the owners will jack up the rents if you jack up the rates on the water. That's happened to us twice. We can't sustain very much more. So is there a way that in the next survey, I'm not suggesting this one, this is a good survey. I read it and smiled and I give a compliment to the water bureau under commissioner Fish. Actually when you do a good job you should be recognized. I just get annoyed when you recognize people for doing mediocre nothing. That's my big question. Nobody seemed to have an answer that I knew. Then I thought maybe somebody here would have an answer to that. If you're not including the apartments how do we do that and when? Thank you.

Wheeler: Thank you, sir.

Wilkins: I'm Shedrick J. Wilkins. I may change my name to Jay because it's more friendly. I got everything printed out. Jay says, I feel about the water report is the water in Portland is very inexpensive but not filtered. And --

*******:** Say that again.

Wilkins: People seem to like cheap water. They want it to be inexpensive. [speaking simultaneously] it's not filtered. One of the things if there are things in the water that will make you sick I wish to compliment the mayor on Sunday I met him at a forum for health care in which I thought there would be a hundred people there were 10,000 people. They had two senators and two congressmen, but it was something. But anyway, one thing about lead in the water, in the last three years I have been getting, I told city council, stomach flus. I think they come from the airliners. I fly around certain months. I'm taking not when I get it I'm taking an immune boosting medicine that costs \$80. Zinc is actually a metal and so is lead but there are metals that are good for you so you have to look at it that way. I'm going to take it every day. I take dizzy pills. I'm like a canary in a coal mine. I'm 60. When I get stomach flus I get dizzy, I fall down. They are basically seasick pills. What I'm saying about water is quality water depends what you do with it. If it's cheap be

January 18-19, 2017

careful you may drink it and think it's not harming you and water is also a great diffuser of vitamins if you get vitamins, powdered, you have to stir it up in water. That's how it gets into your body. Viruses like stomach viruses that make you throw up and get dizzy go into other people and 70% of your body is water. So everybody is cooking these things up and I'm getting them. I'll talk to city hall and see if this immune pill works. Sometimes I get dizzy going into a movie theater. Later on that night I'm getting sick. It's that bad.

Johnson: Charles bridge over troubled waters crane Johnson and while the gentleman is away from his microphone, very inexpensive unfiltered cost effective water. But the best thing about our water in Portland it's still until control of real democracy. A few years ago voters made it clear how they want water managed and not poisoned. I think that there's still not unanimity with our water commissioner about how much we need to use Columbia water in mixing and exactly thank you Mr. sponberg I hope that when we look at the situation that people in cascade locks are facing with water I hope that people in Portland will own our government, own our elections and our water so that we get the best healthy, well maintained water. People should take a look -- a teeny part of our water bill bought a nice report. If you look at the city agenda you can see that I hope that the future, especially commissioner Fish's page maybe also link to what the auditor's research was so we get two perspectives about the quality of our water bureau. Unfortunately, one thing the water bureau will be talking about is a different kind of mess around Washington park. Eventually the reservoirs will be replaced with scenic caps and there's a lot of dissent among whether that's the best practice or not, but the way to get best practices is for people to know what's happening with their water and engage and fight for it. Thanks very much.

Wheeler: Thank you. Is there additional testimony?

Jessie Sponberg: Hey. I'm Jessie sponberg. It won't be fair for me to bridge crane you guys on your first day. You already said everything I had to say about that otherwise. Coincidentally we're talking about the water bureau and we have a new council member and a new mayor. The problem with the water bureau is that there's a lot of entrenched corruption in the water bureau. While commissioner Fish has done a really good job of improving the water bureau, the problem is that so many of these positions and these long term positions go back to the previous commissioner that ran the water bureau. So I know a lot of times by 11:30 or whatever time it is now, it's easy just for this to turn into blah blah blah I want to encourage you when you hear these water things, please pay close attention. A water bill is equal factor in displacement. It's as hard to come by as rent. Right now our rates just continue to go up. It seems like every year commissioner Fish throws another rate increase but that's apparently the way it works. But then we have these projects like the reservoirs. You know, we don't need that stupid reservoir and we can argue until we're blue in the face who is to blame but now we finally, finally made it through Charlie haes and we finally made it through Steve novick and we have people that actually give a crap up here and the energy is so much more beautiful now. You guys look so handsome today. [laughter] I never tell a woman she's pretty, but you have nice hair. My point is please, please I just encourage you to pay really close attention to when people are talking about our water because pretty soon we're going to be flint, Michigan.

Wheeler: Thank you, sir

Fish: Mayor quick question before we take a vote, thanks, Jessie, I think there were three questions posed. I'll give succinct answers. First Mr. Walsh asked whether we polled renters in addition to homeowners. The answer is yes the way it was done is we sample renters and homeowners. We'll get you the split so you have those numbers. Your admonition that we make sure that we listen carefully to renters since they are a big piece of our customer base is well taken and we'll make sure we expand the number of renters we talk to in the future. To Mr. Johnson, who raised the question of the auditor's survey

January 18-19, 2017

and comparing this survey, yes, we have put that up. We'll make sure it's easy to find. To your point, Mr. Johnson, it's interesting that two different surveys, two different methodologies, auditor came up with about 80% satisfaction with water quality among the people she surveyed. We had 79%. So that tells us that we're in the right ballpark. Then to the question that Mr. Sponberg just raised about rates and costs, number one we take very seriously collectively our commitment to try to bring the increases annually closer to the rate of inflation because obviously people's wages are not going up to meet the cost of basic services. It's hard to do when you're also having to invest in infrastructure and prevent bad things from happening but we take that seriously. Number two -- infrastructure like bearing pipes, making sure we serve the west side if there's an earthquake. Number two, the bill that we send out, mayor, you know this but it often gets lost in discussion, the bill we send to customers, one-third is water, the rest is water, sewer, storm water if you live in several suburban communities you pay more for water. Our water is actually a bargain. You pay more here for water, sewer, storm water because we have had to self-fund all the federal mandates. We have had to pay for the big pipe and other things. Let me finish.

Sponberg: Hold on, we haven't self-funded, we take terrible bonds that's why our bill is so high

Fish: let me finish. Let me finish, please. As to the question of lowering the burden on vulnerable renters and homeowners, I appreciate that was salted throughout a number of comments. We're working currently with the pub and the cub, our two oversight bodies, to figure out how to get more discounts particularly to older adults that are renting or owning their homes where we want to keep them in their homes. We don't want them to be displaced because they can't afford utilities and we have programs but we're going to find better ways of making sure people know how to access them and we're figuring out better ways to streamline it so the bureaucracy does not create an obstacle. I appreciate the comments.

Wheeler: Do you have a motion?

Fish: Motion to approve the report.

Fritz: Second.

Wheeler: Any further discussion?

Fritz: Thank you commissioner fish, Mike Stuhr and the entire team. Good work. Aye.

Fish: Thank you, director Stuhr, deputy director Solmer, professor Elliott and the whole team that's worked on this. Do a shout out to Kathy cook who runs our customer service. Mayor, I appreciate that you have assigned me the water bureau, which was an assignment I had under your predecessor, an assignment that I asked for under your administration, an assignment that I'm very proud to continue to play a leadership role in. I just want to provide context for this report. In the last four years, the water bureau has dealt with a lot of controversy. I don't have to -- it's obvious. I don't have to belabor it. Whether it was the water district fight, an effort to seize control of the utilities away from the city and create an independent entity, whether it was the Anderson lawsuit and the long-standing fight about who should pay for what, whether it was the fallout from what we learned in flint, Michigan in a place where they weren't doing the kinds of things we have done for a generation, removing lead from source water and the distribution system. With rising rates and then last year with an inconvenience to our customers where in order to safeguard confidential information we had to discontinue auto pay for a period of time. That inconvenienced 30,000 people. 30,000 people who expected it to work and were inconvenienced. We deeply regret that here's the good news. We have come out from this four-year period of controversy a stronger organization with better public approval ratings and with a culture of commitment to doing better in all that we do. This survey was

January 18-19, 2017

designed to ask very specific questions about how we can serve our customers better and how we communicate better. We will take this data and we will improve. The road ahead is going to be challenging. This mayor has said that resilience something that he's going to use to look at all the budget requests. We do the mother of all resilience investments. Currently it's Washington park and the Willamette river crossing, two projects which will cost money but ensure that we have safe and reliable water in the event of the big one. We're also making other changes to adapt to our customers. The one plug I want to put in is that over 20,000 people have now chosen the convenience of getting e-bills. We love e-bills. One, it saves paper. Two, it allows us to send you the bill directly to whatever platform you want. And here's the third advantage to e-bills. Under the new suite of tools that we're unfolding, you will be able to designate a third party to also get the bill. Each of us knows someone who is an older adult that needs to have someone keep an eye on what they are doing just because sometimes older adults are forgetful. Under this new system you will be able to sign up to get the bill of a family member or loved one so that you can make sure that bill is being paid and monitor and help that older adult. That's one of the systems improvements we have done in response to feedback and will continue to do more. The last four years have been challenging not because the bureau did anything wrong but because this council made decisions which made their job harder. Today I want to thank mike and his team for their superb service and I'm proud to be your commissioner charge. Aye.

Saltzman: Very informative survey. Thank you. Aye.

Eudaly: Thank you, commissioner Fish. I would like to add that as a formerly cost burdened renter I would support any efforts interested in making and providing discounts for low income residents. I would also like to mention that in the years that I have had to juggle my rent and my utilities that the water bureau has in fact been the nicest utility to deal with. So thank you to the water bureau as well. Aye.

Wheeler: Thank you, commissioner Fish. I appreciated the testimony and the questions raised and I appreciated your quick response to those questions. That was illustrative for me as well. I want to thank you, commissioner, and the bureau for their hard work. I thought it was a great survey. Information gleaned was informative. Aye. The report is accepted. We're now at the regular agenda if you could read the next item.

Item 56.

Wheeler: This is a legacy ordinance, an existing pipeline to the city. This ordinance and extension complies with the new fossil fuels policy. This is not a pipeline expansion. The reason the office of community technology wants this extension is to negotiate some basic safety measures into the franchise agreement which are similar to what exists in other existing pipeline franchises. Once the franchise agreement is renegotiated, this is going to come back to the city council for a vote on the new franchise agreement. I have asked Jennifer Li from the office of community technology and ben Walters from the city attorney's office to come and give us a quick briefing on this. Thank you both for being here.

Jennifer Li, Bureau of Revenue and Financial Services: Good morning, mayor, commissioners. I'm Jennifer Li from the office for community technology, bureau of revenue and financial services. You're already covered a lot of what I was going to say. Briefly, our office has the responsibility for negotiating and managing franchise agreements on behalf of the city. This agenda item would extend the term for the current franchise agreement for Olympic pipeline. City council granted the original franchise in 1989. The current franchise is set to expire this month. City staff has been in discussions with the company for a new renewal franchise agreement however we need additional time to negotiate a modern franchise as you put it to replace a franchise from 1989. The extension would give us what I hope to be ample time to not only negotiate a new agreement but also to complete the

January 18-19, 2017

formal franchising process required by the city charter. I'm happy to answer any questions you might have. Thank you.

Ben Walters, Deputy City Attorney: Ben Walters with the city attorney's office just here in case there's any questions. You had a busy agenda this morning and still have a lot of work to do. So in case there are not any questions I'll just wait.

Wheeler: Any questions? That was easy. Are there -- is there any public testimony? Is there anyone who would like to testify? Come on up, please. If you could introduce yourself.

Shedrick Wilkins: I'm Jay Wilkins. I'm going to get boos and hisses again. I have problems with people that protest pipelines, oil, gas, whatever. If they use the gas or cars or whatever, I'm just saying that anyone who really protests pipelines they should be safe is basically making an anarchistic statement like this is causing global warming yet they use these things. I wish the city council would ignore those. Maybe 100 years from now we'll look back and say we shouldn't have had natural gas. Solar panels, whatever. Electric blankets. I find it hypocritical. That's the way I look at it. Just this is a present day. People drive around in cars. They shouldn't complain if some oil pipeline is on somebody's land as long as it's safe.

Wheeler: Thank you, sir.

Charles Johnson: Charles bridge crane Johnson. Hurray for the office of community technology but one thing first I am a big fan of unity. I hope we'll see a lot of united people on Saturday in response to the trump inauguration the day after, but in other places we have unified city-county government and not only do we not have that here we don't have unified department of public safety so the fire bureau and police bureau have their individual heads and I think that this opportunity for a pipeline franchise poses some public safety risks that are different than a cable or telephone franchise. I hope that Olympic as they pursue this will find a maximum amount of time and resources for their employees so the director of fire bureau and chief marshmans designee can have a robust discussion about safety and pipelines we should get our money's worth. This is an existing infrastructure pipeline. I'm not going to freak out Shedrick with worries about shutting it down but the water bureau wants to be resilient for the big one, and when the Olympic company says they want to continue to do business in the city of Portland within their budget and resources I think they can have time to have specialists of theirs talk with the fire and police bureau about other bad pipeline experiences where there have been mistakes and how Portland can be on the cutting edge so it can continue to operate safely in Portland.

Wheeler: Thank you.

Nancy Newell: I'm Nancy Newell. I have lived in Portland probably 24 years now. I have had the experience of defending our water in many situations, our drinking water. Today is a critical day because this is a corporation that on the surface you're talking about a mechanical contract, you're talking about a lot more than that. This is the beginning of the west coast infrastructure exchange which you as treasurer promoted and have made our water privatized because the banks own the debt on the water because of your program.

Wheeler: Not true.

Newell: Well, the Wynona food and water watch has done 60 cases across the united states because in the year 2000 a friend of mine was water commissioner in Tualatin and attended all the corporations that were lining up to privatize water across the u.s. and that has happened. They have at least 60 cases throughout the united states already to try to prevent this. I have warned people on Enron. I have had an effect on Enron and other companies but this is very troubling. This is the commons. Not only that it's the essence of life. When people pay prices on it they don't just pay at their home. They pay with

January 18-19, 2017

everything they purchase that relates to water. You're talking about expenses that will accelerate for the individuals in this city and will be deprived of water. When you're deprived of water there are major health issues involved so government has to make more money in order to cover those costs. Some of those are long term illnesses with mental illness and if you don't look at the qualities and the value of water, you've really missed the point. You're looking at it with a corporation that is a known control corporation. We won't even know what's in our water because they have already started doing that across the united states. I don't think this decision is valid. Number one. It can be challenged in court. Number two. It will be challenged. And I think it wastes a lot of your time and money to promote this and especially to work with this corporation. So I hope today that you will listen to reasoning, give more time for the public to give consideration because I didn't even hear the water issues brought up in the campaign, the mayoral campaign. That is really a community tragedy. I was also not treated properly as your wife indicated when I brought up the issue to you at a coffee shop. So I think it's time to pause and really seriously consider what this means. It's not just about structure and mechanical. It's about our water and life access to it.

Wheeler: Thank you. Any further public testimony on this matter?

Fritz: If I might make a comment I just wanted to thank Jennifer and the office of community technology in all of the hiring's I've been involved with in over my eight years yours is one of the most satisfying. Thank you very much for all your good work of the.

Wheeler: Anything else before we pass this? This is not an emergency. It moves to second reading. Sue call the next item.

Item 57.

Wheeler: Commissioner Fish.

Fish: I want to welcome Margaret Russell and Scott Gibson who are here to walk us through a contract. This matter would authorize a contract with the lowest responsible bidder for construction of the mount Scott Arleta sewer rehabilitation project. As my colleagues know, the average age of pipes in this area is about 90 years old. This ordinance would authorize repair and rehabilitation of 5500 lineal feet the public sewer pipe. Construction would begin in April and last about one year and Scott is here to fill us in on the details. Welcome.

Scott Gibson, Bureau of Environmental Services: Thank you. Good morning. I'm Scott Gibson, principal engineer at the bureau of environmental services. My team provides project management, engineering and design services in support of the bureaus construction projects. With me is Margaret Russell, senior engineering associate and our project manager. As commissioner Fish mentioned we're asking to approve an ordinance authorizing execution of a contract for construction of the Mt. Scott Arleta sewer rehabilitation project. The current estimate for this project is \$1.9 million. If approved the chief procurement officer will return to council on her report on procurement results. This project is a part of bes large scale rehabilitation program. Specifically mount Scott Arleta is the 28th project in a plan 39. To date we have rehabilitated 41 miles of failing or failed sewers over three phases Margaret has a very short presentation for you.

Margaret Russell, Bureau of Environmental Services: Hello. As mentioned, mt. Scott Arleta is part of the large scale sewer rehabilitation program. The slide you see shows other large scale projects in yellow, mt. Scott Arleta project is in green. It's bound on southeast 46th and southeast 82nd, northern boundary is Holgate and southern boundary is duke. This slide shows some of the typical defects that you would see on main line pipe. At the top are cracks and deteriorated pipe. The lower two slides show lateral connections to the main line pipe. The one is a dropped connection, the other a hole at the main line. This project will rehabilitate mains, sewer service and manholes and will protect public

January 18-19, 2017

health, property and the environment, increase sewer system capacity and reliability and reduce risk of sewer releases to homes, businesses and streets. It will rehabilitate 22 segments of pipe approximately one-mile diameter of pipe are eight to 30 inches. The average age of the pipe is 90 years old. 92% of construction is going to be on residential streets and 8% on major streets. The construction methods will be about 50% open cut trench construction, the other half will be cipp, cure in place lining, which is a trenchless lining of pipe. Bes public involvement has done extensive outreach. This is a picture of a map sent out to the community members. We have contacted residents, neighborhood and business associations. Schools, trimet and odot as well as the apostolic faith church. There will be work near two schools, Arleta and Woodstock elementary. Also there will be construction in a small section of apostolic faith church parking lot. We have limited construction in these areas as to not impact the schools and the church. Also concerning night work and noise variance there are two locations at southeast 50th we are lining a 30-inch diameter pipe that will take 12 hours to cure. So we need a night work and there will be night work at southeast 82nd, which is a major highway where we will do open cut construction at night. As mentioned, the engineer's estimate is \$1.9 million. We have a high level of confidence in this project. We have done similar projects and we have taken care of our knowledgeable of any possible issues. As mentioned we hope to start advertising in late January, start construction in April, and it will be a one-year construction contract. That's all. Do you have any questions?

Wheeler: Questions? Is there any public testimony on this item? Is there anyone who would like to testify? Come on up.

Shedrick Wilkins: On the issues of sewers, jay Wilkins, 20 years ago we started a sewer-water project. I think as energy costs go up --

Fish: Can we bring back the screen? Thank you very much.

Wilkins: In 2005 the price of oil went up; it will probably continue to grow. It's important to do these things now. Building a house doesn't really -- there's a lot of concrete involved with pipes, energy is cheap. Do it now. These pipes are 90 years old. Do these things now because later on it will cost more money. Really making a house it's hard to say what a house is. Houses are made out of wood. That's lighter and do these things now and in the post-cold war situation Portland is very wise to do the billion-dollar sewer plan. In the future you just simply it will cost too much to do these things and housing is mostly made out of nice wood we have in Oregon.

Wheeler: This moves to second reading. I'll ask the clerk to read the next item, please.

Item 58.

Fish: Thank you, mayor. We're joined by Dave peters, principal engineer. This item would authorize price agreements with three firms for on call civil engineering services for three years. Take it away, Dave.

Dave Peters, Portland Water Bureau: Thank you, Mr. Mayor. Commissioners. Appreciate the opportunity to be here today to talk about these price agreements. The water bureau I'm David peters with the water bureau, principal engineer in planning. The water bureau often needs specialty and support engineering services to aid in delivery of planning, design and construction of their capital improvement program. These contracts help us by providing technical support for expertise we may not have internally. Some examples would be electrical engineers or structural engineers. These contracts also help us level out service that we provide. We schedule our workload based on the number of people that we have. As we have projects that come in throughout the year that may need to get addressed quickly this allows us an outlet to complete those projects. This legislation will authorize three on-call professional technical and expert service contracts with three different civil engineering firms. Again, they will support us in the development of

January 18-19, 2017

our capital plan. Each contract will be \$500,000 with a maximum term of three years on those contracts. The combined total of the three contracts will not exceed \$1.5 million. To utilize these services, we'll have an effort called the task order where we negotiate the services needed and provide the consultant a request under task order. Those task orders cannot exceed \$250,000. That's in the individual task order and typically are much smaller. We rotate through each of the three firms, so one firm doesn't -- isn't used all the time. We rotate through with each task order that comes up. We went through a standard rfp proposal process. Ten firms proposed and we selected three of them for these contracts. They were deemed the three that best met the requirements of this proposal. All three firms had really good response to the disadvantaged minority women emerging small business criteria. The average of the three firms is about 36%. We had a low of 30%, a high of 45% with these three firms. The budget, the \$1.5 million is about 10% of our professional technical and expert services for three years.

Wheeler: I'm sorry to interrupt. I want to make sure what I understand. Percentage of what?

Peters: The percentage of our professional, technical and expert services budget.

Wheeler: Thank you. 10% of that budget. About \$5 million a year spent for professional services so 90% of the work that we do for professional services is handled with an rfp on a project specific basis.

Wheeler: With regard to women and minority participation, those statistics are percentage of budget?

Peters: In this particular case, yes.

Wheeler: Thank you. I appreciate that.

Fish: Good presentation.

Wheeler: Are there any questions on the part of the council? Is there any public testimony? Thanks, Dave. Appreciate it. Good afternoon.

Charles Johnson: Good afternoon. Charles bridge crane Johnson. I just want to thank the mayor for going over both those percentage issues. It doesn't need to be explicitly in here but one thing that would have made this proposal even better if it was a little clause talking about steam, science, technology, arts and math as it relates to -- it's a little tacky that to get workplace diversity we actually have to mandate bring your daughter to workday type stuff but these are quality professional engineering firms so that type of thing is already happening, but when we talk about the social cost of doing business in Portland we mean we want not only these firms to do excellent professional work but they are getting public dollars so for example when we do the mt. Scott Arleta neighborhood thing that girls especially who are sometimes face particular challenges getting into certain professional careers have the opportunity to interact with women who are working in those professions. Hopefully in a situation where women can be extremely candid about their experiences in those professions. When we rotate this half million dollars through three professional engineering firms the types of questions you asked, Mr. Mayor, lead me to belief that everyone on this council will we see an increased situation where everybody in Portland knows every type of work is open to them regardless of their background some of the somebody's daughter won't just see a bunch of dudes working on a sewer project. She will see a diverse work force and engineering firms doing that type of work will invite students to visit their offices. Thank you.

Wheeler: Thank you. Any further council discussion? This moves to second reading. Clerk, if you could call the next item.

Item 59.

Wheeler: Commissioner Fish.

January 18-19, 2017

Fish: Welcome back our friend Dave Peters from the water bureau. Colleagues, there are three large conduits that transport our pristine Bull Run water to Portland. Installed in 1911 and 1925, conduits two and three are reaching the end of their useful service lives. To understand the rehabilitation and replacement options before us at the bureau is seeking your permission and approval to contract with Pure Technology. This work is highly technical with little or no possibility of subcontracting. The contract term is approximately four years and our confidence level in the overall cost is medium. With that I'll ask Dave if I missed anything.

David Peters, Walter Bureau: That covered a majority of it. I can give a little more of an overview. I'm David Peters, principal engineer with the water bureau. This procurement action will authorize professional expert technical services contract with Pure Technologies to evaluate the existing conditions of the Portland water bureau's three large diameter steel water mains. These mains transport water 25 miles from the Bull Run watershed into the city of Portland and are large in town reservoirs. Pure provides nondestructive examination technologies which will inspect and assess the conditions of our conduits and then they will be able to take that information, provide estimates of the remaining useful life, and also provide options on corrective actions we can take to extend the life of those conduits. The final negotiated amount for this contract is just over \$3.6 million. It's been over 25 years since we have been inside the pipes to assess the conditions. At that time, it was just assessing them visually. We have not done a comprehensive evaluation in the way that we're proposing to do with this contract. As Commissioner Fish pointed out conduits 2 and 3 are fairly old, 1911, 1925, and are nearing the ends of their useful life. So in anticipation of this we require this assessment. The assessment came about in 2015 as we did a conduit rehabilitation plan that outlined a series of steps that we'll take to ensure the viability of these conduits into the future. This is the first step in evaluating the conduit so we can begin to put together the strategies for next steps to ensure their continued use. The work performed by Pure Technologies will involve a series of condition surveys on approximately six miles of each conduit. Then that will be followed by the data analysis and reporting of the findings. They will be using some high-tech tools that they will be pulling through the pipe or floating through the pipe depending on the individual sections that will tell us a lot about the pipe more than we can see than just by going in and visualizing it with the naked eye. They do this without damaging the lining of the pipe and we also don't have to dig up major portions of the pipe to get this type of information. We have used these tools on smaller pipes throughout our system so we have some experience with information that we'll get and how we can use this to make decisions about improving our pipes. As mentioned already, a majority of that work will be self-performed by Pure Technologies and their subcontractors. The subcontracted element on this project is 11% of the total available to be subcontracted. There are nine firms that are subcontractors on this. Five are certified as MWFB. I'll ask if there are any questions.

Wheeler: Any questions? Is there anyone public testimony on this matter?

Parsons: I did not have a sign-up sheet.

Wheeler: There's two people who'd like to come on up.

Joe Walsh: My name is Joe Walsh. I represent individuals for justice. One of the advantages of sitting here in person and we have argued this is that something comes up that stimulates a question. You can't do that from home. You can't do that from someplace else. It's very difficult to do that. So just sitting here in person and someone comes up with something that bothers you, you can come up and ask the question and sometimes you get an answer. If you're going to spend millions of dollars on the evaluation of the pipe was there any study done just to redo it? Take it out. Fix it. How much would that cost? Would it cost \$10 million? Wouldn't make sense. Study it first. If it costs \$2 million, why don't you

January 18-19, 2017

just take it out and fix it? If you have a date on it, I heard a date of about 100 years, why don't we just replace it then? That's a long time. That's my question. Was anybody considering fixing it, replacing it? You're going to do multimillion-dollar study to find out what the damages are. Wear and tear on it. Where we're going on this. It's, what, six miles I think I heard. Why not just take it out and redo it? You have a brand new section of pipe at least. It may be cheaper in the long run. I don't know. Don't seem to be anybody studying that part of it. Thank you.

Wheeler: Thank you, sir.

Nancy Newell: I'm Nancy Newell. I just made a little bit of a mistake coming in on the wrong number contract. But even so it relates and to answer joe's question, what's the purpose of finding things wrong with this pipe? Is there a different standard for the conduit so that seeing whether or not the volume of water coming through it that may end up in Mexico doesn't satisfy the west coast infrastructure exchange, which is reality? For Mr. Wheeler to say that what I said in my earlier testimony is not true, I would love to have a public debate because there's never been anyone from the food and water watch that we can invite in to debate the issue because the debate was not allowed during the campaign. People are not aware of this. Not aware of the ramifications of this. I think it's only fair to the publics because it's the essence of life once again and I don't like when officials shut out the public. You shut me out at the state treasurer's office when I started raising questions, you shut me out at a cafe that was part of your campaign. I'm not sure that that accomplishes public trust in what you're deciding here. You should reinforce it. We have had enough of the warren buffets, Enron running rampant and you know this. I don't know how you're encouraging pipeline company like this. I don't know that if you studied it closely enough their ethics, their true operations, how good they are. Do you listen to food and water watch? Do you watch the safeguard of the people that have succeeded in their cases throughout the united states? I don't hear that in this council. I didn't hear it about Enron through the whole state. I was the only one who brought it to the public utility commission and exactly what I said happened. They overtook the electric grid and shut it down in California when they wanted to raise their prices. Water. Why are you playing with something so essential to people that it's being shut off right now and all you're doing is trickling it in. When it freezes they don't get any water. That's a violation of u.n. human rights. I could call soldiers in here to say this city is violating human rights internationally. So I am making these points that are completely valid, realistic. I don't play games. I don't want to waste your time. I want results. I want some discussion. I want some time. This is something very big to be considered. I think this is a ruse to get information for expansion. I truly believe that. So let's be real here and get something done.

Wheeler: Thank you.

Shedrick Wilkins: Water its important and the bull run reservoir to me gives the image that city of Portland itself is powered by mount hood. I worked at mount hood. The water is elevated. That way it doesn't have to be pumped with electricity. Force it under pressure goes like this. Water runs downhill, goes uphill. As long as it's lower than the other point. Six small scale hydroelectric dams that make as much electricity as the Bonneville dam that crosses the Columbia. To me when people talk about tapping into Columbia water or radon or electricity the real truth is mount hood is awesome, a beautiful mountain where you get your electricity from or at least a base part of electricity. It's also where you get this water from the rain. It rains a lot here. Rains in Seattle. Go through New Mexico somewhere where they have these big giant water tanks like at St. John's, they pump ground water out of the ground and you drink it.

Wheeler: Thank you. I'm sorry, I apologize.

January 18-19, 2017

Charles Johnson: That's okay. Charles Johnson, Charles bridge crane Johnson. Talking about the conduits that bring as commissioner Fish I can't exactly quote him, the great bull run conduit brings the water towards a sad, sad fate of mingling with Columbia well field water. Ms. Newell has talked to you about regional infrastructure and the fate of water. We know there's a real polarized issue in Cascade Locks and nestle taking water. I think that our previous mayor used to be really excited about some west coast mayoral things he did. I think the way people in Portland have engaged about water it's an excellent opportunity for the water bureau, the mayor, the new faces on the city council to be more engaged and even though we have great numbers from the reports now that we're talking about these 100-year-old conduits and reliance on bull run water to have public forums where people are engaged around water. This council just three, four months ago did something that was hopefully not just a symbolic token gesture. Council passed a resolution in solidarity with the standing rock Sioux tribe who are battling under the slogan in their language -- the water is life. That's one of the reasons this area is economically vibrant and flourishing is the resiliency of the water system that we're for the going to let get privatized. When people come up and say hard, challenging things about the economic pressures to do this or that with the water it's an excellent opportunity for you to engage. It's not always beautiful. Some people think there needs to be a very strong head-butting assertion against governor brown's failure to be more supportive of the people of Cascade locks and their desire not to have their water done in a deal with nestle. Unfortunately, you're not state treasurer any more so you can't get creative about ways to stimulate the economy in Cascade locks and have people living near clean public water and still have good paying jobs, but that's one of the things that Portland constituents look for is for public leaders to engage around the most important issues and water is right up there with keeping our homeless people from dying when they can't get the mental health services or basic shelter they need.

Fish: I'm going to have Dave peters have him answer three questions. Dave, welcome. The first question is, we had some testimony about why not just replace the 12 miles of conduit? Why go through this exercise of assessing the condition? What's your answer?

Peters: What we believe is the conduits are in pretty -- major portions are in good shape. There are 75 miles of conduit. We're only reviewing 18 miles. Six miles on each of the three pipes. It's about a million dollars a mile to go in and just install new pipes so each conduit individually would be a very big effort to replace. So what we know is that there will be sections that will be in really good shape. We're just trying to find the sections that need either to be replaced or repaired. We're looking for more cost effective ways to improve the condition of our conduits.

Fish: Actually that answered all three of my questions. The comment I would also make is that to those who are concerned in the community about privatization of our water supply, let me just reassure them this council fought a water district proposal which many of us viewed as a Trojan horse for eventually takeover of our supply by private forces. We have no intention of privatizing our water supply. To those who are also concerned about expansion, let me be very direct, I wish we could sell more water. We are losing suburban customers. By losing suburban customers we have to share the cost of maintaining the system on a smaller customer base. If I could be king for a day we would not be having suburban customers opt out. We have would as many customers in the region as possible because that way we could share the cost but there are no plans to privatize our system and that would be fought tooth and nail by this council. Thank you.

Wheeler: Thank you. Any further council comments or questions? This moves to second reading. Sue, please read the next item.

Item 60.

January 18-19, 2017

Wheeler: Commissioner Saltzman.

Saltzman: I'll turn it over to Andrew Aebi.

Andrew Aebi, Portland Bureau of Transportation: Thank you, commissioner. It's a pleasure to be here today. So all of our local improvement districts that come to council for formation come to council twice, once at the resolution phase then again at the ordinance phase. For the previous council approved a resolution to initiate lid formation proceedings on November 30 now the new council will consider actual formation of the lid. I especially want to extend a warm welcome to mayor wheeler and commissioner Eudaly. It's a privilege to have you consider this item. This presentation will look familiar to the previous council but I just wanted to walk through it for the new council. Before I start I just say we did not receive any objections to -- any remonstrance's from any of the property owners who are proposed for inclusion in the lid. This is a map the project, southwest 47th avenue. Short unpaved street and west Portland park north of southwest -- luadel street south of southwest barbur boulevard. When the previous council approved a letter of intent -- one of our stronger levels of support. We have had a few hundred percent support over the years. This was very close. Not quite a fixture of the north end of the street. You can see this is a dead end street. There are multi-family apartments complexes on each side of the street, a little unusual to have unpaved streets next to multi-family apartments. This is another view of the north end of the street. You can see this is where the eventually street improvements will terminate. This is the north portion of the right of way looking down at southwest barbur boulevard. For obvious reasons we're not looking to connect the street. The steep drop-off is why we're proposing a dead end street. To wrap up this presentation I showed the previous council west Portland park appeared southwest neighborhoods have a disproportionately higher proportion of unpaved streets than the city as a whole. You can see from this slide about 2.8% of the streets in the city of Portland are unpaved city-wide as opposed to 10.4% in west Portland park. So block by block we try to make incremental progress in releasing our backlog of unpaved streets. I might add we also have 61% sidewalk coverage city-wide and we'll be building sidewalks as part of this lid, so another objective of the program is to increase our sidewalk coverage city-wide. This project is very close to barbur boulevard with future high capacity transit to Tigard. We're pleased to build the infrastructure in advance of the light-rail line. I'm happy to answer any questions you might have.

Wheeler: Any questions? Good presentation. Any public testimony on this item?

Parsons: Charles Johnson signed up.

Charles Johnson: Good afternoon, Charles Johnson. I frequently talk about lids. I used to say wonderful things about them. But no more. We need to stop with the lids and call them micro socialisms. You know, as the new regime takes force in Washington d.c., we're already getting some communism scare tactics and in part of fighting fear the real reasons for government, just democratic socialism. People in neighborhoods banding together to do what needs done. Bravo to this neighborhood for their over 90% participation but we need to fix the city code so we don't call them local improvement districts. We call them micro socialisms. It will be great for Portland's reputation on the left too. Thank you.

Wheeler: This is a nonemergency item it moves to second reading. Sue, if you could call what I believe is the last item. Hallelujah.

Item 61.

Saltzman: This is really an exciting pilot agreement. I'm sorry it had to be the last item. Chief burns had to patiently wait. But this is very exciting because it is a collaboration between legacy good Samaritan hospital and Portland fire and rescue to reduce readmissions to the hospital system. It will provide and involve our people, firefighters, providing evaluation and for people once they have been discharged from the hospital and

January 18-19, 2017

the goal is to avoid readmissions to the hospital, which all of us don't want to see the individuals don't want to see and it's a cost to all of us. Without further ado I'll turn it over to chief ken burns who has worked hard on this agreement to maybe provide a little more detail.

Ken Burns, Portland Fire and Rescue: Thank you, commissioner, mayor, other commissioners. I'll try to be brief. We Portland fire and rescue is working on being important in all aspects, not just responding to 911. We feel we have a critical role in low acute alternative destinations, really work on the total health of our community. The pilot program that we're asking you to consider & adopt today is a pilot program with legacy Sam good health their hospital plan is a partnership with us that will have a single person coming out of our ems office go to pre-designated patients' homes and with the attempt to make sure that they are okay once they are discharged from the hospital. We'll be focusing on diabetes, congestive heart failure and copd so a single focus. A person from our office, six months' trial. There's a revenue reimbursement that could be up to \$50,000 over that six-month period. Of course those are based on home visits. Home visits are targeted to be four per patient.

Wheeler: Is that a cap up to 50,000? Is that the maximum we could be reimbursed?

Burns: There's a fee per visit and the idea is to fill in the gap. There's some home health care nurses, other avenues for these individuals two to three weeks out. We're going to be the immediate gap, get to their homes within 24 to 48 hours of being discharged. We're going to meet with the patient before they are discharged with the discharge nurse to make sure what the plan is. We have potential increased revenue. It will depend on the capacity of our person that's assigned to this position and again, we have great potential to even reach out to other hospitals to gather more partnerships.

Fish: I have a question. The goal seems to be to go upstream and get intervention. I think people would be interested in knowing of the folks that you're going to target for these follow-up visits, what's the likelihood in the first couple weeks of their discharge that they would be calling 911 and then get a visit by a fire fight other and an ambulance service so that we can compare what we may be preventing?

Burns: These -- anywhere from 10 to 15% of those discharged are going back into the hospital. So us going to their homes will have a reduction of 911 calls. The same individual who is readmitted could be calling 911 at 2:00 a.m. We can head that off at 2:00 p.m. In the afternoon with a scheduled visit.

Fish: Let's be clear because you used highfalutin language around low acute and alternative destinations. To bring it to the human scale, once upon a time I had the honor of being in Dan's shoes, on some of those visits what firefighters are learning is that people don't have their meds. Or haven't taken their meds or have some other barrier which a firefighter and a team can help address. Could you give us the human scale on that?

Burns: If you picture going into someone's home -- I have already met the person at the hospital so I understand the plan. When someone is discharged it can be confusing. When our member gets to their home they are going to check for their meds but also do home fire safety inspection. Do they have a smoke detector? What's their living conditions? Do they have food? Do they need other services that maybe haven't yet been brought into the system? So it really is a global approach not only for getting the person the right care at the right time but making sure that other partnerships are broad in to the situation.

Fritz: I have several questions. You just said 50,000, but exhibit b says 24,000 I was wondering if that was a typo.

Burns: This is about a two-year project. We started with a three-month pilot. That's been the conversation. What we hope to do now is make it a six-month pilot. It's \$24,000 over a

January 18-19, 2017

three-month period. To get all of the contracts and your approval and get everybody on to actually start the pilot, the pilot itself would be six months. Essentially two years ago it was 24,000 for three months' worth of work. Then we decided quite frankly that three months and this type of pilot may not be enough to gather the data that you all would be looking for.

Fritz: Do we need to amend exhibit b, then?

Burns: Yeah, I mean if you feel like you need to. I want to get this pilot going. So I can go back to good Sam and say let's go with our original three months but in my recommendation it's a six-month pilot.

Fritz: Well it's pretty easy to just amend it for six months and change the number to 50. So with your permission commissioner Saltzman should we do that.

Saltzman: Sure.

Fritz: I move that amendment.

Saltzman: Ill second it.

Fritz: The amendment is to change the number in exhibit b to 50,000.

Saltzman: Does this jeopardize the emergency.

Fritz: Yes, but we can still do it with a roll unanimous on all the votes.

Wheeler: So we have a motion and a second.

Fritz: The other way to do this is come back in three months and put something on consent to have it keep going cause I certainly agree that three month is probably not enough.

Saltzman: We want to get this program up and running today with a vote so.

Fritz: So I'll just withdraw my motion and come back in three months. So you just said that this one provider within Portland fire and rescue, so why does it refer to paramedics and nurses both in the plural?

Burns: Because the individual, our neighboring agencies have paramedics doing the home visits while others have a nurse doing the home visits. So in the contract we left it open so that we could find the right person, it could be a paramedic or a nurse that's assigned to this partnership.

Fritz: How many nurses do we have in Portland fire and rescue.

Burns: We currently have three, one of them is in our office right now. Our health and wellness is a nurse and we have another one who's inactive status in Washington so we have three right now.

Fritz: And who's the physician that would oversee this.

Burns: Dr. John Jew is already signed a few months ago, a letter acknowledging we work under his medical support.

Fritz: And what about the issue of patient privacy and hippa it seems that the contract says the records are going to stay at Portland fire and rescue. Do you already have protocols for making sure that medical issues are for instance not public record?

Burns: We act under hippa compliance at this time and in the medical records parse will be responsible by good Sam, but our interactions would still be confidential also.

Fritz: And is it your expectation that the union will ask for this to be another premium pay assignment or is it what their supposed to be doing anyways.

Burns: I believe the unions position is they want us to be involved in all aspects of community health. I think that they will want this to be a represented position There is some -- there is both sides of why it would be good. When I talk about home fire safety and getting acceptance and up and running programs, having a sworn member does have some benefits.

Fritz: Are the nurse's members of the union?

Burns: Two of the three that we have today are.

January 18-19, 2017

Fritz: I would ask you to take that to the union, if you are an emergency medical provider, or a nurse that is your job and you should have, not have to have the premium pay for taking on this kind of approach because I think it's like the wave of the future so we should not be setting that precedent because it's a new way of giving service, really not a new service, I would like you to take that back. Does this duplicate or replace the county health visiting services?

Burns: The county has some services that are contracted out to other hospitals. Right now legacy Emanuel has signed a similar one with metro S ambulance to have Paramedics come in and Tualatin valley has a contract with providence st. V. So they are looking for more nimble responses so the county would come in later but not in this first two-week period that we are talking about. We can go in at 8:00 at night and we can go in on Sunday or in on these types of conditions.

Fritz: Is there any, anything with that with the county represented employees that we might be poaching some of their work?

Burns: No, there is the similar programs for similar agencies and hospitals have had conversations with the nursing association. And realizing certain cases, we will be referring some of our patients to more of a long-term nurse home follow-up. So we're really filling the gap not taking their roles.

Fritz: My final question, supposing that one of the patients in this program does get into an emergency situation, calls 9-1-1, or feels that they need a 9-1-1 whether they are or not, is there going to be a mechanism to make sure the nurse or ems person who's been providing the care is looped in on that visit?

Burns: Yes. There is -- well, if they get readmitted in between those visits they will be part of that follow-up, but if you are asking if during the home visit there is a critical need, calling 9-1-1 and getting them transported will be critical so we won't -- we will provide life saving measures during the home visit but the intent is to recognize the declining health of someone who is going to relapse.

Fritz: Right, and I would like to work with you and the 9-1-1 center because I think that the person may feel like they have an emergency and maybe it is one but it would be helpful to then loop in the provider who has been checking on this person once a week.

Burns: Oh, yes.

Fritz: To make sure that the right background information is given to the hospital.

Burns: Absolutely. The protocol that -- we have that written, and it is to contact the primary care physician or the emergency room physician of that hospital to give them a recap of what the individual is going through and take the recommendation but at the end of the day the overall condition of do I transport or not or do I call 9-1-1, we will retain that responsibility, take the advice of the doctor but we will, you know, still take the -- make sure that they get the right care.

Fritz: If the person does, the one provider does happen to be on the shift at the time and a 9-1-1 calls comes in, it would be good if we can set up a protocol to make sure that that would be a familiar person to the patient. I am just struck this is a fabulous program, and I am glad you are doing it, for 24,000 for 20 patients that's 4,000. Or no, \$2,000 --

Burns: Yes.

Fritz: For three months, and that's evidence of how expensive it is when patients continue to cycle through the emergency room and elsewhere That the hospital is reaching out to us and wanting to fund it at a significant level and what will happen to this money received? Is it budgetary or part of the budget proposal?

Burns: You will see a budget item for this position to be long-term. The person, when we decide who's going to take on this project would say going to take on this project, they will

January 18-19, 2017

come out of normal responses so they will have to be replaced. Some of this revenue, especially initially will offset their costs.

Fritz: I hadn't understood that, you are not going to do this with the current staffing but hire someone especially for it?

Burns: It would be someone who is riding the fire engine today and respond 24-7. They would come into the offers and they would be doing this project, that person needs to be replaced by a traveler so these funds will offset that cost of that traveler replacing the person on the engine.

Fritz: I am concerned about that, maybe not now is not the time because we are all tired but as fire calls continue to go down, you and the rest of the council have been exploring how could we use this personnel to give other services so I am concerned this is not an existing staff, that it would be an extra person.

Burns: I think that there is room for that to grow, I think that we are looking to prove the concept. We could have one person connect, build relationships, prove the concept works, and work up a communication protocol to have the individuals on fire engines, then have to report back to certain physicians. Right now our, frankly our communication systems, our data systems, our I-pads, linking back to patient history and connected with a physician, is still yet to be developed. I believe that, I love where your thoughts are going but I think this is the first step to get there. And yeah.

Fish: I have one question. So one of the things that I like about this program is you are getting a firefighter who is a trusted person, in uniform, into someone's home and we have, for a long time been thinking about how to leverage the fact that particularly for older adults they will be resistant to people coming into their home but a firefighter is someone trusted and can get in. I am delighted to hear that in addition to providing the care, there is going to be a, a survey to make sure that other safety devices are functioning, so if there is a smoke detector, batteries up to date and things like that. That's been a long standing desire of commissioner Saltzman to bundle these services. So the question that I have for you is assuming you are doing follow-up care for an older adult, and in the course of providing services there is a concern about potential abuse and negligent. What will the training and protocol be in terms of the referral at that point?

Burns: The training is in place, so we have actual names and faces of adult protective services at the county level and that's where we loop in with you are not an email but a phone call, to an individual, at Multnomah county that says here's what I am seeing and here's what I have experienced. What do you have to help us in that arena? So that will be very much part of the portfolio. Of that safety net.

Eudaly: I have two quick questions what is the qualifying criteria other than at risk for this program? Is it an age, an income, other?

Burns: It's a multiple of factors. We are letting the hospital determine the candidate for the program. It's voluntary of course but it will focus on those three diseases that are most likely to have a relapse. That's congestive heart failure, and asthma, and someone who has diabetes and those chronic illnesses if you will. It won't be insurance related. It will be - - some of these folks have already relapsed three or four times and this would be a different approach to take care to their homes.

Eudaly: My other question is will patients who are homeless and being not released to a home where you can visit them be served through this program somehow?

Burns: I look to build on that in the future. Having a destination, having a home that says that I will be at your location, our home, could mean many things, it could actually be a shelter, I just need you to meet me somewhere tomorrow at 3:00. We are looking at a broader spectrum and more mobile homeless might pose challenges, and we have another program that we're kind of connecting how utilizes it that way and those individuals

January 18-19, 2017

are sought out regardless. We will frankly look in a raid yourself to try to find them but this particular program we need to set up scheduled appointments so that will be a challenge.

Eudaly: Understood. Thank you. It's a wonderful program.

Burns: Thank you.

Wheeler: Any further questions, any public testimony on this matter? Thanks.

*****: Thanks.

Shedrick Wilkins: Good afternoon. I am jay Wilkins and I support these kind of things for the reason if you have a fire and rescue basically has equipment they don't use unless there is a fire it sits there and they don't use it. This summer 2016 I had an experience where some guy was looking for money outside of a Dollar Tree on 82nd. The fire department arrived about the same time the police or the county sheriff did and without that, the emts, especially a woman came out and said are you hungry. And one of the women gave the guy some crackers. I was just waiting for the police to throw the guy on the grounds and that was it. So it softened up the situation, it was less confrontational, and you don't use nurses and you don't use fire department people at all unless there is a big fire, so why are they just sitting there doing nothing. Fires have more priority. And actually the person was -- the county sheriffs did handcuff the guy but it would have been a lot worse if the emt, the woman had to sit there and was more maternal asking why are they there, and in doing that it advertises to the people why he was there in the first place.

Charles Johnson: Good afternoon, Charles Johnson, it snuck in there the last few words of the chief's testimony that before commissioner Eudaly and mayor wheeler came to this council, we initiated a pilot program because we know that some people are so distressed that they are highly reliant upon 9-1-1. And although it just got mentioned we have not heard any feedback but I have not seen anything come back to the council in the way of a report on an effectiveness of that, and I hope that we can see that in the best context, not just how much money does it save legacy Emanuel but how do we grow that program so that there won't be another funeral like miss batt's funeral, and it was important that miss Eudaly raised the issue of who is being served, in reality we don't know because it's reliant upon how the patient at the hospital describes their discharge situation, and if you are clear thinking when you go to the hospital we just try and say whatever you think will get you the best care and the best outcome, so I hope that you will be able to fund this program and That the chief will, and the unionized staff will find a way to grow it so that we're getting the wisest expenditures of public dollars, whether they are healthcare or emergency service dollars, so that we can get the, so we can have another vision zero, you know, occasionally there are irrecoverable situations where people's heart surgeries just don't work. But if we can grow this program so that we have another kind of vision zero where a year from now we're talking about in Portland, we have the lowest death rate for people discharged from the hospital, anywhere in the united states, that is the goal of a program like this. So it's an audacious goal but the thing that you want to take on and remember that we don't know what the housing stability of these people are. We don't want anybody to be excluded and put at a high risk of death because they failed to say I have a house, instead of I don't, while they were doing their discharge planning so that's going to be is a tricky issue with the number of houseless people that we have here and something that I am going to have to tell them well, you might reduce your risk of death if you lie to your discharge person at the hospital and say that you live somewhere. So let's see if we can address that, thanks.

Wheeler: Thank you, is there any other public testimony or comment from the council? Hearing none I would ask the clerk to call the roll.

Fritz: Congratulations chief and commissioner Saltzman. This is another step forward. I will be looking for how do we do it efficiently with the current staff rather than starting a

January 18-19, 2017

whole new service that we may or may not be the best at but it's great to have this pilot. Thank you, aye.

Fish: Dan congratulations on this. Chief burns thank you for your presentation. I will generally support any proposal that goes upstream and provides cost effective and compassionate care, and it saves us money. And it's one of the reasons why in this budget cycle I think that we need to take a sharper look at funding permanent, supportive housing units, the reality is the highest cost delivery system in the world is the current system which is broken providing healthcare services to people that don't have homes. When we marry homes and services we not only give people a better quality of life but save money in high cost unnecessary services. Again any program which goes upstream and provides compassionate care at a good value is something that we should support, and I applaud you Dan for leveraging the fact that once they, a firefighter, trusted firefighter in uniform is invited into someone's home they can also do a survey to make sure that other safety things are working in someone's home which I think is a real benefit. Thanks for your leadership, aye.

Saltzman: I want to thank My colleagues. I think you asked really good questions so I think that they are questions that we need to ponder. This is a pilot program. We're going to learn things as we do it. I want to thank chief burns for his commitment to this program and also legacy good Samaritan hospital, and both organizations, commitments to improving the wellbeing of the residents and this is a good start, and I also want to thank the firefighting union for their willingness to go along with this as well. Aye.

Eudaly: Aye.

Wheeler: My turn? Very good. Thank you commissioner Saltzman for bringing this forward. Chief burns thank you very much. I want to echo my colleague's gratitude and I am very hopeful that this program actually works out, and anything that we can do to get the people to the care that they need without remittance to the e.r. is a great thing, so I look forward to seeing how this contract unfolds and as I say I hope that there is a lot of success in the months ahead. So aye. With that the contract is approved. Thank you commissioner Saltzman. We are actually adjourned now until Thursday at 2:00 p.m. Thank you everybody. [gavel pounded]

At 12:50 p.m. council recessed.

January 18-19, 2017

Closed Caption File of Portland City Council Meeting

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Key: *** means unidentified speaker.**

JANUARY 19, 2017 2:00 PM

Wheeler: Good afternoon. This is the Thursday, January 19 afternoon session. Clerk please call the roll.

[roll call taken]

Wheeler: Could you please read the first item.

Item 62.

Wheeler: Why don't we do these concurrently. Could you please read item 63 also?

Item 63.

Wheeler: All right, Elizabeth, do you want to come up and take it from here?

Elizabeth Edwards, Director, Government Relations: Thank you Mr. Mayor, also I'm bringing up Dan Eisenbeis, our government relations manager. Mayor wheeler, commissioners, I'm Elizabeth Edwards, interim director of the office of public relations. We are so pleased to be before you today to look at the 2017 federal and state legislative agendas for your consideration and acceptance. I'll go through the process we used to develop both agenda's very briefly then walk through some of the changes since council met in work session on December 6th and we'll start first with the federal agenda when it comes to going through those changes. So as I referenced with me to help answer questions is Dan Eisenbeis with our state government relations team, nils Tillstrom our federal relations manager wishes he could be here but he's in d.c. At the u.s. Conference of mayors. He sends his regrets. The process began in June for the state agenda and in September for the federal when we solicited potential legislative concepts from the bureaus and offices and worked closely with legislative liaisons to vet these into the draft agendas. As part of the vetting we did outreach to our federal and state delegations, community groups and business groups, nonprofits and other local governments to look for potential alignment. The state legislature has met for three sets of legislative days in May, September and December as well as convening last week for organizational days. These meetings and outreach gave us a sense of the universe of bills and concepts that might be coming this upcoming long session. In fact, the first run of bills for the 2017 state legislative session came out last week. Over 1500 measures were pre-session filed. That is an incredible volume even for a long session to be pre-session filed. We're currently in the process of distributing those to bureaus and offices for review on impacts to the city. That all said, turning to the federal agenda, the report you have before you is substantially similar to the one you saw at the December 6th work session. It includes feedback that you provided at that work session as well as input from subsequent discussions. The draft is available on our website, state and federal, since December 6th. There are five priorities on the federal agenda leading with affordable housing, homeless assistance and support services. Other top priorities are sanctuary cities, investment in urban infrastructure and urban area initiatives and municipal bonds. A quick reminder on our federal agenda we break it up to priorities and policy positions. Priorities are top line items where we anticipate the most time and resources. Quickly walking through the changes since the work session, on page 1, the affordable housing homeless assistance and support

January 18-19, 2017

services priority we specifically call out now homeless veterans as well as emphasizing support for mental health. Also per commissioner Fish's comments we added language protections under the fair housing act. On page 2 under urban infrastructure, we added this priority to emphasize the federal role in investing in cities. This will help position us for conversations coming up on infrastructure packages at the federal level. Moving to policy positions, a few changes there. On page 3 ensuring access to health care was added it's a new item. And this includes support for reproductive health care and mental health services. We actually cut a position that was on page 3, the alternative compliance to long term to enhanced service water treatment role because in the past we have had it due to the epa's rule revision process however they indicated they don't intend to take this up in 2017 so we felt it prudent to remove it from the federal agenda this year. Moving ahead to page 4.

Fritz: Could you make sure that community knows about that? It would be good to put out a summary. Perhaps you could send it to me and I'll get it out. That's good news to me. I didn't know.

Edwards: I would be happy to send something along. On page 4, per commissioner Fritz's comments we added a section on travel sovereignty which helps express the city's commitment to travel partners regionally and nationally. On page 5, we have made a revision to the capital investment grants program and specifically looking at existing discretionary grant programs from the u.s. Department of transportation, so support for fast lane programs, tiger grants, new starts, small starts and we anticipate that we'll be seeking funding from these programs in fiscal year 2018 through the appropriations process. On page 6 we're getting toward the end here, the Portland harbor superfund cleanup was revised to reflect the epa's record of decision that came out since the work session and also to support the reinstatement of the superfund tax which supports value of polluter pays. Willamette river restoration projects is a new item also on page 6, congress and president Obama approved the water resources development act and that included a package of five projects along the Willamette river. This position allows the city to work with its partners on projects.

Fish: Elizabeth are you open to friendly amendments or do you want us to come back?

Edwards: Commissioner I have one more. Actually two more additions then I will open the floor. High quality liquid assets is a new item on page 6 this came from the debt management office at omf, adding municipal bonds under the definition of high quality liquid assets will help increase their demand in the market and have a beneficial impact on the city's borrowing cost. Then finally on page 7 we have the addition of domestic violence prevention and at the very bottom revising references to marijuana with the term cannabis. Those are the changes that have occurred since the December 6 work session. I'm happy to open it up for comments, suggestions.

Fish: I have a couple friendly amendments on page 6, first I have a question then a friendly amendment. On the Portland harbor superfund cleanup because it's the largest environmental regulatory and jobs issue facing our community now and into the future, are we in any way minimizing it by not putting it up front with our priorities? Does it matter?

Edwards: Commissioner Fish, as far as whether it's a policy position or priority that is ultimately a decision for council, but by memorializing it in our agenda we commit to working on it aggressively.

Fish: I don't have a strong feeling either way. I know this has been a priority of your office in the past and will continue to be. I flag it as a concern and I am agnostic about where it is on the agenda. I want to make a couple friendly amendments on the language. Third line, the city will lead with other public agencies insert and private parties, because we're going to actually convene both. And then the city's interests include environment protection,

January 18-19, 2017

economic development insert job training? Which I know is sometimes considered a subset of economic development but job training is something the mayor and I have called out specifically as a big piece. The epa does have a program. It's not a very robust program so we'll be looking to beef that up. Then the next sentence, this is just grammatical. The city supports the record of decision, not a timely. The city supports the record of decision issued by the environmental protection agency since they have already issued it.

Fritz: All those are friendly amendments.

Wheeler: I'll take that as a motion is there a second? Sorry, I heard the motion, I heard a second. Are we needing to take any testimony on the amendment?

Parsons: I believe it's fine to vote now. We usually do and then open it for testimony.

Wheeler: Let's do it that way. Please call the roll.

Fritz: We might consider having a refresher on some of the procedures as part of the in your year so we're all on the same page as far as things have to be voted on such that I very much appreciate these friendly amendments aye.

Wheeler: I'm keeping a running list here.

Fish: Aye. **Saltzman:** Aye. **Eudaly:** Aye. **Wheeler:** Aye.

Wheeler: The amendment is approved.

Edwards: Any other comments?

Fish: I have one comment. Elizabeth, in light of the president-elect's announcement today that he intends to move to defund the national -- both federal arts entities and to privatize public tv and radio, do you think it would be prudent for us to have an additional statement of policy on that or how would you like us to proceed?

Edwards: Commissioner, I think that that's prudent to include something and I believe we discussed with your office some potential language to support the national endowment for the arts and humanities.

Fish: It would be colleagues that we would oppose elimination of the two federal arts agencies and continue to support robust public funding for the arts. It would be somewhere in here I guess as a -- it could either be a policy position or could be something less formal.

Edwards: We could fold it into a policy position most likely under the first section since it's not specifically infrastructure or public safety.

Fish: I think given the announcement today the community would be surprised if we didn't make some comment in our agenda about defending our values around that. Colleagues?

Edwards: I'm happy to proceed with the state agenda changes --

Wheeler: Why don't we take care of this one and commissioner I hear a second amendment. I assume there's a second.

Fritz: Second.

Wheeler: Why don't we go to the main motion on the federal. You're right. We need testimony. Is there any public testimony? You want to hear them both together? Okay, never mind. Go for it.

Fish: Can I just make a standing objection. Jessica has joined us today so there needs to be some controversy that we can drive this. Can we have some disagreement over some aspect to make her --

Wheeler: This is my fault. Here's what I want to do just on the order of things, I'm keeping a running list and what I will do is I will provide you all with what I think and I will talk to the clerk to confirm this what I think the rules are and let's see if we get that -- I'm sorry, Mr. City attorney's office, we'll work with you then get it out to my colleagues and reach a consensus on this. Is that good? First conflict resolved.

Edwards: Then turning to the state agenda the report before you on the state side is also substantially similar to what you saw at the work session on December 6th and again

January 18-19, 2017

incorporates your feedback you provided at that work session in subsequent conversations. There are also five priorities on the state legislative agenda and also starts with affordable and stable housing. The other priorities are sustainable transportation funding, improving air quality, protecting and enhancing local funding and authority and supporting our rural communities. On the state side of the quick reminder the agenda is broken into priorities, initiatives and policy positions. So similar to the federal but you have the addition of initiatives which are specific bills that city runs. So walking through changes, the first one is on page 2 under the sustainable transportation funding. Unfortunately, we had to update the statistic on the number of fatalities we've had on our roads. In 2016 we had 44 people die on our roads we came before you on December 6th I believe it was 41. Turning to page 3, improving air quality we added clarifying language about the city's efforts to retrofit our fleet. On page 5 under support for rural communities when we came before you on December 6th it was initially a placeholder for that priority. We have since come back and there are now two components to this priority. One is access to health care. Specifically supporting renewal of the rural practitioner tax credit. That helps both improve the quality and accessibility of health care for rural Oregonians. The other aspect is recapitalizing special public works fund. This helps fund publicly owned facilities that support economic and community development and statutorily at least 60% must go to rural or distressed areas in practice actually a much higher percentage ends up going there. There have been no changes to the initiatives so we'll fast forward to policy positions. I would note similar to the federal agenda; references to marijuana has been changed to cannabis. We have a few new items under policy positions, the first on page 10 under film production incentives. This is helping to support the reauthorization of green light Oregon and the film production labor rebate there. We have traditionally supported different aspects of the film industry in past agendas. On page 13 we a new section for health and families. This includes two components, one is cover all kids, which is extending health care coverage to all children in Oregon under the Oregon health plan, and also paid family leave. Supporting expanding paid family leave and medical leave across the state. Page 16, in addition from commissioner Fish, supporting the statewide ask for 211 info, the provider that helps connect and navigate people with services has been very useful during the most recent storm. On page 17 we have the addition of transit access for youth in supporting state investment in increased youth access to transit. Those are the changes to the state agenda from the work session on December 6th. At this point I'll open for questions.

Fritz: We had a discussion yesterday about adding something on lead. We learned through demolition hearing we had yesterday that the state doesn't have -- they don't have any authority or it was, what did we hear yesterday?

Fish: Commissioner, I believe it was clarifying jurisdictional roles around lead paint and beefing up enforcement of the law.

Fritz: Other than enhancing or beefing up --

Fish: Whatever your language is.

Fritz: Thank you.

Fish: I'm not sure we're all clear on who is on first then a question of more vigorous enforcement.

Fritz: I thought it was the one we had yesterday that we would like to add.

Fish: We would support that 110% since we know is the principal source of lead poisoning in our community is paint. Perhaps we could align ourselves. On the same subject I want to follow up with my friend and ask, it will be a push in this legislative session to kick the age for smoking from 18 to 21. That is going to be maybe one of the public health pushes.

January 18-19, 2017

Is that an issue the city should consider weighing in on as part of our agenda or what do my colleagues think on that?

Fritz: Absolutely I think the county would be doing it, but I certainly expect council would be doing that as well but yes, promoting health in any way we can is very helpful.

Fish: A sponsor told me the overwhelming evidence is the younger you are exposed and addicted the longer term health consequences so they view this as a big deal to push the age of consent to 21.

Fritz: It also takes away the question are you smoking tobacco or cannabis. We know from health studies the older you are before you start using cannabis there are less likely to cause health damages. That was one of the reasons we banned smoking in parks in Portland because we didn't want enforcement folks to see what people were smoking.

Fish: What if we put in something that says we'll partner with the county to support legislation to increase the age of consent to 21 for smoking?

Edwards: Commissioner, we can add that under the health and families section of the agenda.

Fritz: I know Mary Ann Schwab and others have asked us to support representative Rob Nose in his bill for better labeling on medication. What happens to the ones that you are aware that that's generally sounds like it's coming from a Portland legislature? Do you automatically work on those? How does that work?

Edwards: Commissioner, we look at what's on our agenda and prioritize our time based on those efforts. We have already seen over 1500 bills introduced. There will be many, many more, well in excess of 3,000 for this long session. There will be items or topics that come up that we will flag for bureaus that we know are of particular interest or flag for your office what we know might be of particular interest, but the vetting process has not been done the way it has on items that are within our agenda which is one of the reasons why we start in June go through the very lengthy process constructing this robust legislative agenda. It's not a given I would say.

Fritz: Presumably it's helpful if we stay in our lane and the county stays in theirs as far as taking the lead and then community can support these kinds of bills if the county is taking the lead, correct.

Edwards: That's correct.

Fish: We could add it to the flag list.

Edwards: Yes.

Fish: Monitor and add to your report?

Edwards: Sure.

Fish: Can I flag an issue for my colleagues on page 10? I want to point out a seeming contradiction here. We have added policy position about film production incentives. It was an excellent story in the business journal this week on the imminent departure of grim, which has had a good run here. Grim was the single largest recipient of the tax credit and its economic impact been extraordinary particularly at the local level where they contracted with technical services, catering businesses and so we a couple years ago talked to some folks in Los Angeles and asked what was Portland's unique contribution to this success story about film and tv and video in our state and we were told by far our biggest value-add was concierge services, that in working with other cities including their own, Los Angeles, it was such a hassle to get permits and to get through the gauntlet that in Portland since we have dedicated people that work to get permits for parks and special permissions to take parking spots that it actually is a huge asset. We have asked everybody to identify general fund cuts in this budget cycle. Mayor, the Portland development commission has identified the concierge service our contribution to film as a cut. Not because they don't think it's a valuable investment because they are not sure how it fits into the new strategic plan. I just

January 18-19, 2017

want to put a marker down, we have been told consistently that that contribution by the city, which is about \$150,000, has a huge impact in getting the kinds of tv and film that we want here, which in turn is an economic driver. I would hope that in our debate over the budget the question is not whether we should have concierge service but where it should be located and how funded because I'm particularly concerned that with the state office of film going out and trying to recruit a replacement for grim we don't want to send a signal this is a lower priority for the city. This again is the thing that we provide that we get the best raves about, which is concierge service.

Wheeler: Is there an addition then to the state legislative agenda?

Fish: No, I'm just highlighting we're going green light on this and red light on our piece.

Wheeler: That makes sense and I appreciate you raising that issue. I'm keeping a list. We have what I will describe as for the purposes of today's conversations Scribner's enhancements to existing agenda around lead, smoking, labeling and noting commissioner Fish's I think very accurate comment with regard to production in the city.

Edwards: Mayor, same list, one quick comment when it comes to lead and demolitions I would like to have a little bit of clarity about where and how we incorporate it into the agenda at this point and one suggestion that I might make is it can be -- we can augment the improving air quality priority and we could have a policy position but it could fit in nicely under the improving air quality priority.

Fritz: I think environmental quality including air quality in homes and such.

Wheeler: I might suggest one minor refinement since lead paint is obviously an issue, it's not just air quality. We're also talking about poisoning, direct contact poisoning.

Edwards: We can make those adjustments. Thank you.

Wheeler: Anything else? Public testimony.

Parsons: We do not have anyone signed up.

Wheeler: Is there anyone who would like to testify? Very good. Come on up. State your name for the record. Three minutes, please.

Lightning: Yes, my name is lightning. I represent lightning super watchdog pdx. On all the amendments that commissioner Fish suggested I do agree on those amendments. My main focus will be on the levy on the Columbia. Again, my focus on the accreditation and having that recertified, I believe that the two travel lanes marine drive is considered a breach on the levee. Knowing that up front it will not meet New Orleans standards. What we need to look at is protecting the airport at any and all cost. I have asked the port to do eminent domain on all properties from 33rd all the way up to the salty's restaurant. I want all the properties on the water side of the levee to not be located there any more as a quick fix on the levee, which I think is substandard and not appropriate for the value of our current airport, our business, our people located around that airport. I would like to see when I say eminent domain takes place on the water side to have rip rap brought through and build the height of that levee until we can get the federal funding to rebuild along again my focus is along the airport where we cannot afford to ever have that airport closed. We have had floods in the past that have gone up to the crown on the levee. We know we're just gambling at this time with the climate change issues. Do not wait any longer. Make some quick moves on that. Now, issue number 2 on the superfund, my position is we need to create a bureau. We need to have a national search on bes and have a director brought in that specializes in dredging. We need to create a dredge that will work for what we need to do on the Portland harbor superfund cleanup. We need to look at this as a transportation issue also, and we need to focus on infrastructure dollars on the cleanup because we need to deepen the channel at the same time and understand that this is a maintenance issue over time. We're just removing contaminated sediment. They are projecting right now epa is talking anywhere from possibly 300,000 cubic yards a year. It's

January 18-19, 2017

what they are tackling in over ten years. I think the numbers are on the low side but it's a maintenance issue that has to be maintained over time. Tested over time. Even with the current flood situation we could have right now, that can remove sediment in different locations down the river so this is an ongoing maintenance issue that I think the city needs to step in and really take leadership and create igas so the other bureaus into focus on this.

Wheeler: Thank you for your time. Any other public testimony? Anyone want to testify?

Lightning: Do we get three minutes or are we state and federal? See what I'm sayin'?

Wheeler: We're combined. Three minutes.

Lightning: Combined? You had to sign up sheets out there which would have been three minutes each. If I could have one more minute, I would appreciate that.

Wheeler: Was there anyone else signed up? Go for it.

Lightning: Thank you. Just pertaining to autonomous vehicles real fast, I think what we need to focus on is the central city aspect of it on not having any type of fossil futures within a certain location. I think we need to be in discussions with google, Uber, some of the larger companies to come in right now and lay their plans out on the table to the city on what they can do to keep our air clean within a certain parameter. Negotiate some type of a franchise fee contract with them and see if we can't implement their plan within the central city and get a price from them on what they are willing to pay to have that right to come in and do that and be first in line on one of the cities. There's no reason why they will not step up to the table and have discussions with you on this at this time. This is what they are investing millions into the billions of dollars right now currently and they want to see this happen. So now is the time to bring them up to the table and have discussions with them on autonomous vehicles on what they can do for this city and how it will benefit the city and what they are willing to pay up front to have that right to step into a certain location and do that. Thank you for your time.

Wheeler: Appreciate t. Any other public testimony? So ill will entertain a motion?

Fish: I move to accept both reports, mayor.

Fritz: I think we moved a seconded your art amendments specifically so I think we have to vote on that first and then the rest.

Fish: We have those amendments on the table.

Fritz: We haven't voted on your art.

Wheeler: We have to vote on the amendments first.

Parsons: If we can vote on each separately then in addition the office submitted a substitute replacement exhibit to what was originally given you some of the we need a motion to accept that.

Wheeler: Let's start with the amendment. We have a motion.

Fish: So moved.

Fritz: Second.

Fritz: For the arts, isn't it?

Fsih: Substitute for arts.

Wheeler: We have a motion and second on the substitute.

Parsons: That was Fish/fritz.

Wheeler: Could you please call the roll.

Fritz: Aye. **Fish:** Aye. **Saltzman:** Aye. **Eudaly:** Aye. **Wheeler:** Aye.

Fish: I move all the amendments to the state legislative agenda as a package.

Fritz: Second. But just to clarify we have the discussion that probably the Robe Nose one we would leave to the general interest rather than specific agenda. The others that were listed by acting director Edwards we are going to put in.

Wheeler: That's correct. Could you please call the roll?

January 18-19, 2017

Fritz: Aye. **Fish:** Aye. **Saltzman:** Aye. **Eudaly:** Aye.

Wheeler: Aye. Now we need a months and second on the main motion.

Fish: So moved.

Fritz: Second.

Wheeler: Any further discussion? Please call the roll.

Parsons: And this is for federal.

Fritz: This is for federal right. Number 62.

Fritz: Thank you very much as usual to our government relations staff. Thank you in particular for putting on their legislative training for the state's agenda and for being open to including more people in the process. I wish all of us the best of luck with the next week never mind four years. It's good to know we have good people in Washington advocating for the cities' business. Aye.

Fish: Thank you, Elizabeth, and your team for your great work in shepherding this process. We got a preview today of the proposed budget at the state. It's a cut budget that's going to inflict pain everywhere. So we'll be playing defense across the board. And every day we're getting more alarming signals from Washington about core Portland values under assault so this is going to be a very challenging year. I feel good about the team guiding this process. Aye.

Saltzman: Aye. **Eudaly:** Aye.

Wheeler: Great work. Thank you. Aye. The report is accepted.

Fritz: Theni move the state agenda report.

Wheeler: Second?

Fish: Second

Wheeler: Motion and second. Any further discussion? Seeing none please call the roll.

Fritz: Thanks everybody I think it's a testimony to good work done that people felt there were other things more important for them to be here today but I do appreciate Mr. Lightning and others who have been here consistently. We'll have to work together at the state level much more aligned on the principles there's going to be a lot of work to do to find those common values. Aye.

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

Wheeler: Aye. The report is accepted. Anything else for the good of the order? We're adjourned. Thank you.

At 2:40 p.m. Council adjourned.