



CITY OF
PORTLAND, OREGON

**OFFICIAL
 MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **5TH DAY OF JULY, 2017** AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Saltzman, Presiding; Commissioners Fish, Fritz, 3.

Motion to elect Commissioner Fritz as President of the Council for July-December 2017: Moved by Fish and seconded by Saltzman. (Y-3)

Following the election: Commissioner Fritz, Presided. Commissioner Eudaly arrived at 9:42 a.m. and members present were 4.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Ben Walters, Chief Deputy City Attorney; and Elia Saolele and Mike Cohen, Sergeants at Arms.

Items 764 and 766 were pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

		Disposition:
COMMUNICATIONS		
752	Request of Dennis Morrow to address Council regarding Village Gardens (Communication)	PLACED ON FILE
753	Request of Kris Soebroto to address Council regarding Village Gardens (Communication)	PLACED ON FILE
754	Request of Robin Ryan to address Council regarding facilitate introductions (Communication)	PLACED ON FILE
755	Request of David Kif Davis to address Council regarding stalking away the First Amendment: targeting of copwatchers, whistleblowers and activists by the City (Communication)	PLACED ON FILE
756	Request of Mary Peveto to address Council regarding state efforts to reduce toxic air pollution (Communication)	PLACED ON FILE
TIMES CERTAIN		
757	TIME CERTAIN: 9:45 AM – Proclaim July 2017 to be Portland PrEP Awareness Month in Portland (Proclamation introduced by Mayor Wheeler and Commissioner Fish) 10 minutes requested	PLACED ON FILE

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CONSENT AGENDA – NO DISCUSSION		
758	Reappoint Linda Barnes, Eugene Lathan, John McCamish and Ed Wallace to the Fire Code Board of Appeals for terms to expire June 30, 2020 (Report introduced by Mayor Wheeler and Commissioner Saltzman) (Y-4)	CONFIRMED
Mayor Ted Wheeler		
759	Appoint Colleen Johnson as co-chair, Hilda Stevens and Dan Peterson as voting members, and Alice Brawley-Chesworth, Ana Brophy, and Van Le as ex-officio members of the Portland Utility Board (Report) (Y-4)	CONFIRMED
*760	Authorize a grant agreement with the Portland Opportunities Industrialization Center, not to exceed amount of \$60,000 for the employ of the Gang Impacted Family Team Coordinator to provide support for program stakeholders serving gang impacted youth and families (Ordinance) (Y-4)	188495
Office of Management and Finance		
*761	Pay claim of Anthony Johnson in the sum of \$8,797 involving the Bureau of Transportation and Procurement Services (Ordinance) (Y-4)	188496
*762	Pay claim of Keene Studio, LLC in the sum of \$8,808 involving the Bureau of Transportation (Ordinance) (Y-4)	188497
Commissioner Dan Saltzman		
Bureau of Transportation		
*763	Authorize contract with Cardno, Inc. for on-call services for environmental review of transportation projects not to exceed \$150,000 (Ordinance) (Y-4)	188498
764	Authorize Intergovernmental Agreement with Sound Transit for cooperative procurement of modern streetcars (Ordinance)	PASSED TO SECOND READING JULY 12, 2017 AT 9:30 AM
Fire & Police Disability & Retirement		
*765	Authorize an Intergovernmental Agreement with the State of Oregon, Office of Administrative Hearings/Employment Department for hearings officer and appellate review services in an amount not to exceed \$400,000 for a four-year period (Ordinance) (Y-4)	188499
Portland Fire & Rescue		
766	Authorize a purchase order with Skeeter Brush Trucks, LLC for the purchase of three wildland brush trucks for a total not-to-exceed amount of \$700,000 (Ordinance)	PASSED TO SECOND READING JULY 12, 2017 AT 9:30 AM

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Commissioner Nick Fish Bureau of Environmental Services		
*767	Authorize an application to Oregon Office of Emergency Management for a Hazard Mitigation Grant Program grant up to \$1,350,000 for Johnson Creek floodplain acquisition (Ordinance) (Y-4)	188500
REGULAR AGENDA		
*768	Revise Transient Lodgings Tax Code to provide Administrative subpoena authority to the Director of the Revenue Division to ensure compliance with short-term rental laws and regulations (Ordinance introduced by Mayor Wheeler and Commissioner Fish; amend Code Sections 6.04.040 and 6.04.130) 15 minutes requested (Y-4)	188501
Mayor Ted Wheeler Bureau of Police		
*769	Authorize application to the U.S. Department of Justice, Office of Community Oriented Policing for a grant in the amount of \$625,000 for the Fiscal Year 2017 COPS Hiring Program grant program to partially fund five Police Officers for 36-months (Ordinance) 20 minutes requested	REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION
Office of Management and Finance		
770	Accept bid of Titan Utilities, LLC for the Middle Hillsdale Rainfall Derived Inflow and Infiltration Pilot Project Laterals for \$3,922,244 (Procurement Report - Bid No. 00000583) 15 minutes requested Motion to accept report: Moved by Saltzman and seconded by Fish. (Y-4)	ACCEPTED PREPARE CONTRACT
*771	Authorize contract with Applied Technical Systems, Inc. to provide telecommunications cabling and related services not to exceed \$2,500,000 (Ordinance) 15 minutes requested (Y-4)	188502
*772	Authorize a contract with Motorola Solutions, Inc. in the amount of \$14,000,000 to provide public safety communications equipment and related services (Ordinance) 15 minutes requested	CONTINUED TO JULY 12, 2017 AT 9:30 AM
Portland Housing Bureau		
773	Direct the Portland Housing Bureau to adopt median income and maximum monthly rent guidelines (Second Reading Agenda 747) (Y-4)	188503
Commissioner Dan Saltzman Bureau of Transportation		

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774	Amend contract with TriMet related to development and funding of the Portland Streetcar system and shared regional transit goals (Ordinance; amend Contract No. 33000088) 10 minutes requested	PASSED TO SECOND READING JULY 12, 2017 AT 9:30 AM
775	Amend the boundary of the SW Dolph Ct – Spring Garden St Local Improvement District to construct additional street, sidewalk and stormwater improvements 111 feet west on SW Spring Garden St and create a new pending lien record for 3352 SW Spring Garden St (Hearing; Ordinance; C-10053; amend Ordinance No. 187740)	PASSED TO SECOND READING JULY 12, 2017 AT 9:30 AM
776	Create a local improvement district to construct street, sidewalk and stormwater improvements in the NE 27th Ave and Holland St Local Improvement District (Hearing; Ordinance; C-10059)	PASSED TO SECOND READING JULY 12, 2017 AT 9:30 AM
<p>Commissioner Amanda Fritz</p> <p>Portland Parks & Recreation</p>		<p>188504</p>
*777	Authorize the acquisition of 2.2 acres of real property at 1610 SW Taylors Ferry Rd for \$525,000 to be used for natural area purposes and increase the capacity of the park system (Ordinance) 15 minutes requested (Y-4)	
<p>Commissioner Nick Fish</p> <p>Bureau of Environmental Services</p>		<p>188505</p>
778	Authorize a competitive solicitation and Price Agreements for Furnishing Sewer Improvements for Nonconforming Sewer Conversions Project No. E08748 for an estimated \$3,000,000 annually (Second Reading Agenda 748) (Y-4)	
<p>Water Bureau</p>		<p>PASSED TO SECOND READING JULY 12, 2017 AT 9:30 AM</p>
779	Authorize an Intergovernmental Agreement with Energy Northwest in the amount of \$8,000,000 for the Operations and Maintenance of Portland Hydroelectric Project (Ordinance) 10 minutes requested	
780	Authorize Intergovernmental Agreement with Oregon State University in the amount of \$10,178 for the Cascadia Subduction Zone at Bull Run Watershed Project (Second Reading Agenda 750) (Y-4)	<p>188506</p>
<p>City Auditor Mary Hull Caballero</p>		<p>PASSED TO SECOND READING JULY 12, 2017 AT 9:30 AM</p>
781	Assess property for sidewalk repair for the Portland Bureau of Transportation (Hearing; Ordinance; Y1092) 15 minutes requested	

At 11:16 a.m., Council adjourned.

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MARY HULL CABALLERO
Auditor of the City of Portland



By Karla Moore-Love
Clerk of the Council

2:00 PM, JULY 5-6, 2017

**DUE TO LACK OF AGENDA
THERE WERE NO AFTERNOON SESSIONS
WEDNESDAY OR THURSDAY**

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

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.**

July 5, 2017 9:30am

Saltzman: Please call the council to order.

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

Saltzman: Our first order of business is to elect a new president of the council.

Fish: Mr. President I nominate commissioner Amanda Fritz.

Saltzman: I will second that. Ok. Any further discussion?

Fish: I disclose I have no conflict of interest. Commissioner Fritz offered me no monetary or non-monetary consideration for my vote.

Saltzman: Great, Karla call the roll.

Fritz: I would note that commissioner Eudaly has done a fabulous job as her president of the council in her rookie six months so I very much appreciate that. So a load that I will be carrying for the next six months, for people at home and those wondering, this is largely a ceremonial position which rotates, it is not any particular significance to it being my turn. And the chief functions are in a disaster the president of the council serves on the disaster policy commission, and also in the mayor's absence runs the city council meetings. Those are the two most major things that we do, so I accept the responsibility for the next six months. Aye.

Fish: Congratulations, Aye.

Saltzman: Congratulations, aye.

Fritz: As usual we are asking for everyone to observe the rules of decorum in the city council chambers. If you like something do twinkle fingers or thumbs up or if you don't then twinkle fingers down or thumb's down, please don't make noises during people's testimony as it tends to disrupt and make the meetings longer, and anybody who doesn't follow the rules of decorum will be asked to leave and if they don't then there will be more serious consequences. Hopefully we are all working together to make city council something that is safe and welcoming for everybody. With that please call communications item 752.

Item 752.

Moore-Love: He called and is not able to make it.

Fritz: Thank you 753.

Item 753.

Fritz: Welcome. All you need to do is state your name. We don't need your address and you have three minutes. After 30 seconds, there will be a beep and at the end it will be a lot of beeps. So please wrap up at that point. Welcome.

Kris Soebroto: Kris soebroto. Good morning. I am the program director at village garden at Janice youth, and as a person who has seen the power of working collaboratively to create change in our communities I am here to thank the city for your support over the years. I want to tell you a quick story about food. Many people talk about food as a problem we don't have enough of it we don't have the right kind we cannot afford it or it's hard to find time to cook it but there is also a different story. There is a story of food as a solution that has created safe neighborhoods, economic independence, and healthy connected communities. So village gardens is based in north Portland, affordable housing neighborhoods. And they are layers and layers to what we do we grow and cook food and

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sell it and share did as a means to build community resilience, and to date the work of village gardens includes free community gardens, community orchards, chicken program, Food works farms which employs 30 youth a year on our -- through our urban art culture, a market gardener program which supports the small business development for refugee and immigrant farmers and a seasonal farmers market that brings fresh produce to a low income neighborhood. And thanks to the ongoing support of the city, village gardens also hosts the village market, the only nonprofit grocery store in the city that authentically puts healthy food on a level playing field, and village market came out of a two-year community process in new Columbia, which is Oregon's largest affordable housing neighborhood, community leaders identified that the neighborhood needed a grocery store easy to get to, and that was affordable. That carried culturally relevant and healthy options that provided a place of employment for neighbors and did not sell alcohol, tobacco and lottery tickets. And it's been around for six years now, and what has been a game changer for the neighborhood is the introduction of the good food program through the support of the Portland children's levy. The good food program gives snap eligible customers a 30% discount on fruits, veggies, bulk, whole grains, dairy, eggs and other pantry items, and so last year we were able to have \$12,000 in good food discounts and we are able to provide 18,000 apples, oranges, and bananas, free for kids on their way for and from school, so, and in the last year the purchase of produce overall has increased by 20%. We currently have 11 neighbors who are hired as staff in the market. We stock cold tilapia, goat meat to flour and seasonally produce is stocked with certified organic vegetables from our youth farm and market gardener families. We serve 400 customers a day, with over 30% of the sales through snap. So we also have a pilot project that over the next year is working with partner organizations across north Portland and st. John's to distribute \$30 in veggie vouchers to 200 participants and we have seen an 80% reduction rate in our first month with over \$1300 in veggie vouchers spent on fresh fruits and vegetables throughout the neighborhood. So we know the food system that exists simply doesn't work for low income communities and communities of color, so it's all about creating models that provide options and autonomy, and the city's ongoing support of village market is a truly integral part of the solution, so I just really want to thank you, thank the city council for making this community vision a possibility.

Fish: Since Dennis isn't here can I ask two questions? The first is tell us about the farmers market. hours of operation, where it's located and how people can get more information.

Soebroto: Our farmers market is every Thursday from 4:00 to 7:00 through August 31st. And what's really exciting about it, all the vendors are from the neighborhoods, so they are first-time folks trying to figure out what it means to start a business and do retail and kind of work around all those barriers that might be in place for folks at bigger, more established markets. So yeah, it's on Trenton and Newman.

Fish: Let me say, you are a fantastic city partner, and we're so proud of this partnership, the county and the city jointly invests in village market along with Home Forward. You said something in your remarks that I think should be called out. You said the village market doesn't sell alcohol, tobacco or lottery tickets. There are some who would say that without those three it's very difficult for a small neighborhood grocery store to be successful. The fact that you have persevered and have bucked that trend and also the fact that you continue to highlight healthy food. Particularly healthy food the closer you get to the register. It goes against the grain of most stores, is to be applauded, so on behalf of the city, just know how proud that we are of this partnership.

Soebroto: Thank you very much.

Fritz: Thank you commissioner Fish for getting us educated on the money to supplement that. That's something that I am proud of supporting with you. Next item, please.

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Item 754.

Moore-Love: He called and is not coming.

Fritz: Thank you. Next one, please.

Item 755.

Fritz: I don't see Mr. Davis so next item, please.

Item 756.

Fritz: I don't see her, either. If she comes later we might be able to see if we can take that up but otherwise, I hope that she will reschedule. I know things are still happening at the legislature so she's packed down there. Thank you that concludes the citizen communications. I have two items pulled from the consent calendar. Number 764 and 766. Does anyone want to pull any other items. Seeing none, please call the roll on the remainder of the consent.

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

Fish: I am pleased to support the consent agenda but I want to call out item 759 and the action we're taking to Appoint new members to the Portland utility board and please, so many quality people have stepped up and offered to serve, particularly pleased that Hilda Stevens is joining the pub. She owns Bazi Bierbrasserie and is president of the Hawthorne business association, and I think is an example of the sort of -- the type of person that we're seeing who is stepping up and volunteering to serve in our utility oversight body. We're very please that these individuals have agreed to serve, and we thank them for their time and energy. Aye.

Fritz: Aye. We are a little ahead of schedule for the time certain at 9:45. I see a firefighter in the back. Are you here for 766? So if you could please read 766, we will take that it was pulled off the consent agenda. If that's ok with you commissioner.

Saltzman: That's fine.

Item 766.

Fritz: I believe Mr. Lightning pulled this, would you like to come and tell us your concerns or have the presentation first? Ok. So come forward and do a presentation. Thank you. I appreciate you being right on hand so we can take care of this now.

Jay Guo, Portland Fire and Rescue: Good morning, commissioners. I am jay Guo senior business operation manager for Portland fire and rescue. So today with me is the fire marshal.

Nate Takara, Portland Fire and Rescue: I am Nate Takara, with Portland Fire and rescue.

Guo: So we are here to request the council's authorization for purchase of three brass units from skeeter brass truck company. This is through, through from Houston calverson area council cooperating purchase agreement that can be used by our government. The purchase amount is \$700,000. That is entirely funded by the 2010 geo bond. That's kind of -- any questions?

Fritz: I am sure what the consent is does anyone have questions? You can take a seat and we'll ask Mr. Lightning to tell us his concerns or questions.

Lightning: I am lightning and I represent lightning super watchdog x. One of the concerns that I had again is just on -- in my opinion when we have items in excess of \$500,000, everything should go on the regular agenda and not on the consent agenda. The public needs to have a better understanding on what we are purchasing, and one of the things that I just want to do, to ask on these wild brush trucks is do we currently have these type of trucks owned by the city, and again what I want to see on the -- if we do, on the current trucks that would probably be taken out of service, I want to make sure that these are not donated to any nonprofits given to any nonprofits, I want to see these put up for auction and the money go back into the fund that the fire department has. I don't like to see

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anything given away, I don't think the city should be giving away any vehicles, and basically I wanted to have a clear understanding on that. By purchasing these vehicles now will we be like I say taking out of commission current vehicles and how many. Thank you.

Fritz: Thank you. If I would like to come and respond to that? I would say the -- in response to the first point you made Mr. Lightning that the mayor has not set a council rule, anything over \$500,000 goes on regular agenda yet, certainly something he ask his staff might consider.

Guo: Ok. So our replacement criteria is for 15 years or 120,000 miles mileage.

Fritz: The question is, so we own some already.

Guo: Yeah. So these are due for replacement over 15 years, and we always are kind of put in reserve for another five years before we either donate more to the fire department that don't have that kind of equipment, so, and it goes on a process for sale. But usually the price is very low so not much money.

Fritz: Do we have any idea where the three are that we are taking out, the services are going to go to at this point?

Guo: Those are in the reserve first.

Fritz: Do they go to is the fire companies in Oregon or elsewhere?

Guo: Mostly in the Oregon state, but we do have other that go to Mexico, like fire engine and trucks for sister city.

Fritz: Thank you. Any other questions? Thanks very much for being here.

Guo: Thank you.

Fritz: Council discussion? Please call the roll. It's a non emergency it moves to second reading next week, thank you. Now it's 9:45 so we can do 757.

Item 757.

Fish: So madam president I will welcome our guest, come forward, ask you if you would do the honor of reading the proclamation, and then we'll turn it over to peter. This morning we welcome peter parisot pinch-hitting for Tyler TerMeer, and he's joined by Carlos Negrete and Morgan jade. The city of Portland is deeply and proudly committed to the public health. And our commitment is more important now than ever because of the repeated efforts in Washington d.c. to cut funding for important health services and to eliminate the healthcare for tens of thousands of Oregonians. That's why we're proud to be leading on a local level and thankful for partners like cascade aids project. In April, cap opened the prism health clinic a new resource for specialized healthcare for the lgbtq community, and I think that peter will tell us that it's the first such specialized care facility in the state of Oregon, which is a very proud day for our community. It represents another great partnership between the city and the cascade aids. By the way, the city was very proud to support prism with a \$100,000 grant from our special appropriations fund. Now I will turn -- now I will turn it over to the president of the council to read the Proclamation.

Fritz: Thank you commissioner Fish and thank you for your work on this important item.

Whereas anyone, everyone in our community deserves access to comprehensive information and medical options for preventing hiv. And whereas without public health interventions one in every 214 Oregonians will contract hiv in their lifetimes. And whereas in July 2012 the united states food and drug administration approved the first medication for use as hiv pre-exposure prophylaxes or prep, signaling a new era in hiv prevention. And whereas prep is highly effective providing up to 99% protection against hiv infection. And whereas the states of Oregon is the national leader in hiv prevention, covering the full cost of prep for most Oregon health plan recipients. And whereas the city of Portland has supported local nonprofit cascade aids projects, prism health center, a primary care facility specializing in healthcare for lgbtq plus people. And whereas current efforts in congress to

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appeal the affordable care act and undermine public health presents a significant risk to the fight against hiv infection. And whereas the city of Portland is deeply committed to public health supporting access to healthcare from all members of our community and working with partners like cascade aids in the fight to prevent hiv. Now therefore ted wheeler, the mayor of the city of Portland, Oregon, the city of roses does hereby proclaim July 2017 to be Portland prep awareness month in Portland and encourages all residents to observe this month.

Fish: Peter, welcome.

Fritz: From that I'm gathering it's like a vaccination?

Peter Parisot: It is -- I should let Carlos talk more specifically about it. But it is a prevent active measure you take once a day.

Fish: Why don't you start by introducing yourself.

Parisot: Good morning, I am peter Parisot the director of strategic development for the cascade aids project and with me today we have Carlos Negrete and Morgan Jade two of our fantastic prep navigators who will give you more information about what prep is and how it is, how it is an important strategy for us to engage in. We can answer some questions.

Carlos Negrete: First, I would like to thank -- sorry, I am Carlos Negrete and I would like to thank the city for joining us for the fight against hiv it is a privilege to be here today representing the cascade aids project and the prep program. As mentioned early, July 2012, the fda approved the first medication of prep, which stands for pre-exposure prophylaxis and can protect hiv up to 99% if taken as prescribed.

Morgan Jade: I am Morgan jade thanks for having us today. So with this new tool we were able to start a new conference about hiv prevention in the 21st century and open the door to see what other prevention tools are out there and what new tools can be available in the future. We know that prep works, but when it comes to the hiv fight we cannot move forward without addressing the disparities and lack of access faced by our communities, especially queer people of color. We need to focus on encouraging our communities to talk about influence prevention tools and let them lead the conversation when it comes to hiv prevention.

Negrete: We thank you for being here and encourage you to start the conversation to break the stigma of hiv and prep and we welcome you to think of how you can bring prep awareness month to our community and loved ones, and the first step is to start a conversation.

Parisot: In answer to your question it is a once a day pill, so it's an hiv medication that you take as a prevent active measure and prevents you from contracting the infection if exposed to it so it has a 99% effective rate, and is pretty much has been adopted by most metropolitan areas, san Francisco and New York and I.a. and Seattle as their primary tool in the -- to stop the spread of hiv.

Fritz: It's entirely covered under the Oregon health plan?

Parisot: It is covered by the Oregon health plan. We are fortunate in Oregon to have a really robust insurance program for prep and for hiv care. For private insurance it can be more complicated the co-pay is an expensive drug so a month of prep, although it has recently been deemed to be a generic sometime probably the end of the year, but a month of prep cost \$1500. So private insurance, oftentimes has some significant co-insurance requirements for drugs of this type, so we work with our prep navigators to make sure that people have access to co-pay assistance from either from the drug manufacturer or from the Oregon health plan to help offset the costs so our goal is to make sure that everybody has access to prep regardless of their ability to pay.

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Fish: I have a question. The first, first a comment for people new to the council. Peter is a veteran of the building and worked for former mayor Sam Adams, so welcome back. And Tyler was in d.c. recently as part of a large demonstration in support of protecting the affordable care act. And I saw some of the press coverage, and I was alarmed at some of the consequences of repealing the affordable care act on the lgbtq community, and I wonder if you would take a moment to give us a very high level of sense of what's at risk if we repeal the aca?

Parisot: Yeah. I think that we have read about the stories with the aca. If repeal it will have a significant effect on Oregon's ability to provide coverage for hiv positive individuals and health insurance for lgbtq plus individuals so we'll see -- there are -- the disparities faced by the lgbtq community with regards to accessing good primary care healthcare are significant and well documented and so we're creating another barrier to allowing people to access the health insurance. I don't have the numbers at my fingertips but we'll see a significant reduction of the number of people covered and there may be some risk of, depending on how medicaid, how they want to restructure the medicaid and how well the Oregon health plan can cover the things that we are covering now.

Fish: Another example of where this debate is really a question of life and death for people in our community.

Parisot: It is. Taking away health insurance from millions of Americans is tantamount to a death sentence for a minority.

Saltzman: Prep sounds like an amazing drug. Who discovered it?

Parisot: It's manufactured by giliad. It is trevata, a drug taken as an hiv medication. I forgot the technical term but one of the other uses for the drugs, it was approved by the fda, was as a preventative measure, so basically it prevents the virus from being able to be taken in your immune system.

Jade: Basically it builds the shield around your immune system cells, and so if someone is to get hiv in their body you know, they have this barrier around their cells so the virus can't get in and start replicating.

Negrete: In order for it to start working you have to be on, for example, for seven days and depending on the risk or the exposure that you have, there is a time period that you have to be on that in order for it to work.

Parisot: And we currently, we're offering a prep clinic out of prism health which is the lgbtq plus specific care facility that you helped to fund so thank you for that. And our goal is to have one day, basically one-day turnaround time to get people prep so you come in, if you are at high risk, you fall into the risk categories and you are a candidate for prep. We will hopefully be able to do the blood work, all in one day and send you on your way with the prescription for prep. You can fill through mail order or at your regular pharmacy in the same day. And typically that has taken somewhere between a month or a couple months to do, with you going through like Kaiser or another larger health system because they will run the lab and it will take several weeks for the lab to come back and you need to retest it before you can actually get the prescription, so what we're hoping to do with prism is to come press that time line down to one day to make sure that everybody has access to prep when they need it and how they need it.

Fish: Peter before we close out this item you have got a couple of events coming up including two big events this fall. Tell us about them.

Parisot: Sure. The thank you for the opportunity. September 9 is Portland aids walk. I hope you will all consider joining us. It is happening at the neighborhood fields park. One of my favorite parks in the city. Thank you for that, as well. And that is, I believe starts at 11:00 a.m. on September 9. And the next event that we're having is our world aids day celebration, and lunch and that is going to be not actually on world aids day because the

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way that the date fell but on December 4, and that will be happening at the Nines hotel so we would love for the city council to join us with that.

Fritz: Thank you very much. Questions? Did you want to take a picture commissioner?

Fish: Sure. Let's do that.

Fritz: Commissioner Saltzman do you have anybody here to do your other item pulled off the consent?

Saltzman: Which item was that?

Fritz: 764 for streetcars.

Saltzman: Yeah, we do have people here.

Fritz: Let's do that one next and then to the regular agenda. Please read 764.

Item 764.

Fritz: Good morning.

Kathryn Levine, Portland bureau of Transportation: I believe this was on the consent and was pulled.

Fritz: Yes.

Levine: So I will speak briefly, and then wait for questions and comments. This ordinance authorizes a cooperative procurement agreement with Sound Transit. As you may know Tacoma is one of the few cities that operates the streetcar the same size and type as we do. They are working towards the procurement of new vehicles, and they have included in their request for proposal the option for the city of Portland to purchase cars through them should we wish to do so in the future. This agreement puts the procurement agreement in place. It is not authorization to purchase vehicles. It is not assurance that we would ever even use this contract, but under Washington procurement rules, apparently there needs to be an agreement between the two government entities.

Fritz: Is there only one place that one can buy a streetcar?

Levine: They have done a request for proposals and there are a number of vendors who have responded. I do not know as they work through this selection process which company they are going to contract with.

Fritz: I'm assume that go they have different standards for participation by the minorities and women and other classes that we do, so how can we be sure whoever they choose is going to be the best for Portland?

Levine: We do not have to use this contract, it will be available to us as a means to purchase should we wish to do so, if we don't find the contract acceptable, we are under no obligation to use it.

Fritz: Thank you that's helpful. Anybody else have questions?

Eudaly: I am assuming that there may be some cost benefit for ordering together so that --

Levine: Because we have similar vehicles, yes, they would basically have the specifications prepared for the vendor at the time that they did the rfp, so it would potentially save time and money.

Fritz: Thank you. I believe Mr. Lightning pulled this one. If you don't mind hanging around. The questions have been answered thank you very much. This is a non-emergency ordinance and passes to second reading. All right. Thanks very much everybody. Let's go to the first item on the regular agenda.

Item 768.

Fritz: Commissioner Fish.

Fish: Thank you madam president and we welcome Thomas Lannom to explain this matter. The city of Portland regulates the short-term rentals like Airbnb and HomeAway. We have a duty to ensure that the guests are safe, for example, that every short-term rental unit has basic safety features like a working smoke detector. Unfortunately many of the short-term rental companies have done everything that they can to thwart regulators. In

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doing so, are putting consumers at risk. Despite the repeated promises from some of these companies, over 70% of all short-term rental units in this city continue to operate illegally. Today we are seeking council approval of a new tool to help ensure public safety and compliance with our rules. With us this morning is revenue bureau director Thomas Lannom to walk us through this.

Thomas Lannom, Director, Revenue Division: I am Thomas Lannom I'm the revenue division director and joining me is Scott Moede from the attorney's office, should you have any questions for him. I think commissioner Fish covered the background pretty well so I will be brief. The ordinance before you this morning arises from prior city council direction and resolution 37287 passed on May 24, 2017. The ordinance grants administrative subpoena authority to the revenue division to enforce provisions of the transient lodging tax code. Enforcement of the city's fire life, safety, and tax code provisions is extremely difficult in the short-term rental market because the websites such as Airbnb, home away and others obscure the actual listing address and contact information until a location is actually booked and paid for. On some of the websites, posts can actually drag and drop a pin anywhere that they choose on a map representing their listing location. This is what is displayed to guests and the city enforcement officers, which obviously complicates the enforcement environment. The revenue division has one staff person assigned to investigate thousands of potentially non-compliant listings and locations, and this person must currently attempt to correctly identify actual rental locations using multiple data bases and tools before determining their code compliance. This is a time consuming and frequently problematic approach to enforcement. In some instances, our enforcement officer is ultimately unable to determine the actual location information from the sparse information available and must move onto the next listing. The city code grants the revenue division authority to require short-term rental websites to provide host information. The division has attempted to exercise this authority on multiple occasions including assessments of thousands of dollars in civil penalties but the short-term rental websites have refused to comply, citing federal preemption. Many of the websites have taken the position that absent the subpoena authority the revenue division cannot require them to provide the host data. The subpoena authority is necessary to quickly and accurately identify the short-term rental listings and locations. If this ordinance is adopted by council it is our intent to request only that information which is necessary to enforce the city code, and no more. Such information will at a minimum include the listing address, host, manager, or agent name and contact information and any other records necessary to validate the listing of the legality or the location, and I am happy to answer any questions you may have.

Saltzman: We have a letter from Airbnb that states the city council should reject the ordinance because it conflicts and is preempted by the federal stored communication act or sca. That was passed to protect the due process and privacy rights. Is that true?

Lannom: Well --

Saltzman: Are we preempted?

Scott Moede, Sr. Deputy City Attorney: Scott Moede from the city Attorney's office, and I believe that we are not. The city charter specifically section 2-105a1, which is the police power, the provision of the charter, and we believe allows council and by delegation under 2104 to give us, that is the city authority to I know the subpoenas. 2105a was enacted by the legislature as part of the city's legislative charter back in 1903, and therefore, our position is that the sca does not preempt the city from issuing the subpoenas. That, you know, I could cite additional cases to you, but that's the gist of our opinion.

Saltzman: So that section of our charter goes back to 1903?

Moede: Yes. Yes, it does.

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Saltzman: I assume that we would argue that it's not preempted because of its long time.

Moede: Yeah.

Saltzman: Antiquity almost.

Moede: And there is provisions that specifically state that if there is a state authority, that is a state authority to issue a subpoena, then the sca does not preempt and by the analogy because the city's charter was effectively adopted by the state legislature we get the same authority.

Saltzman: Thank you.

Fish: Let me add my two cents. I have not seen the letter from Airbnb but having reviewed the record in the home-away litigation, which is about a foot or two feet of pleadings that both cannon Scott and the legal department have worked on, we may disagree -- we probably disagree on a lot of things with some of these big internet short-term rental companies, one thing that we can agree on is their creative use of legal arguments to thwart the regulators, and they have every right to claim every single preemption and defense known to man. Having read the pleadings, though, I give them credit for being especially creative in their theories and at the end of the day, and this is my interpretation, what they fear the most is that if we get the information of where the hosts are located, and if we enforce the law, it may be that a lot of those hosts cannot come into compliance with the law. That means that they won't be able to collect a fee from people advertising an illegal unit on their platforms. And since there is a lot of money at stake I am not surprised that they kicked up so much legal dust. I will also say that if someone gets a lawful subpoena from the city, they are free to challenge it in a legal proceeding, so if they believe it's preempted or have any of the defenses, I can assure you that Airbnb and home away did not be shy about going to court to convince a judge.

Moede: I agree with that commissioner. We have certainly had several lawsuits over the course of the last few years.

Fish: I will offer a homey analogy because I think that sometimes the legal stuff gets complicated and we lose track of the human side. In my view the position taken by these big internet out of state companies that are match-makers, that match, you know, guests with hosts, is not dissimilar from the Hilton company announcing that in it's new policy they are not going to publish the address of the hotels. You would say that that's absurd if the Howard Johnson and motel 6 and the Hilton said that it's a matter of privacy, we're not going to disclose where the hotels are, and that is a, that is sort of the equivalent of what these internet companies are doing and as a result they are putting guest in harm's way, and that's the part where the city has a concern.

Fritz: To add onto that commission we're not asking for the purchasers information, is that correct? People who rent.

Fish: Correct. Our concern is there is a host and a guest. When guests rent we want to make sure that they are safe and we are talking about things like a working smoke detector, and I want to make sure that the guests are safe and the only way that we can do that is to ensure that the law is enforced as against the host. Currently a lot of these companies refuse to disclose the address and the names of the hosts making it difficult for Thomas to do his job.

Fritz: Other questions? Thank you very much. Hang around to see if there's public testimony I want you to respond to, thank you. Yes.

Moore-Love: No one else signed up.

Fritz: If anybody would like to come and testify on this item in addition to Mr. Lightening please come forward. Good morning.

Lightning: Yes. I am lightning, and I am represent lightning super watchdog x. One of the things that Airbnb and home away, and I suggested when some of the representatives

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were here, is a course on the smoke detectors, and I wanted to take it one step farther to also have a fire extinguisher in every room. And I think that they were open to those ideas, and it's my understanding that Airbnb and home-away are also beginning to have units that are inspected for a certain plan that they offered to certain guests that state that these units have been inspected for safety purposes to make sure that the units are safe. It's, in my opinion, the main objective on these type of units. Again it's my understanding that they are moving forward in a positive manner in that direction now, and on the sca act in the privacy issues, I am in total agreement with Airbnb and home away from their position. I feel that they will challenge you and possibly, when we're talking on the charter itself in effect in 1903, I think that we would all agree that a lot of these things are outdated and not up with the times, and we have to really look at this again to understand the direction that these high-tech companies are going. When we are talking about something put in place in 1903, I really don't think that they were thinking in the Portland location of Airbnb and home away. And the amount of dollars that they are bringing in to this city, basically, through the world as far as on how they are operating their businesses. I think in the long run we'll see the benefits to the city. Again safety is my number one priority, too, in -- on any type of unit, whether it's just apartment buildings, hotels, or again Airbnb and home-away so I think that they are moving forward and making progress. Thank you.

Mary Sipe: Good morning Mary sipe. There is another safety issue that I think should be brought forward that a lot of people are not aware of, and that's the safety of neighbors where these units are being occupied. In the building that I live in there was a problem for about a year with the people subleasing their units through Airbnb. What this meant to people like me residing in a building in a downtown core area was that people that we did not know were having free access to come and go in our buildings. The unfortunate thing was that the management had no way of identifying what units except by what the neighbors were telling them, so this proposal that you have, this ordinance will also help the management companies in buildings where people are illegally subleasing through These venues to protect the people living in those buildings from who knows might be renting these spaces just to get into that building. So that's just another safety feature, and so I support this I appreciate what the city is doing in this arena. Thank you.

Fritz: Council discussion? This is an emergency please call the roll.

Saltzman: Well I appreciate this action here, and I do think that the issues around whether it's constitutional for us to require these records will be no doubt determined by the courts. It's our step to move the ball forward here and act on behalf of our residents and our guests who visit our city to make sure that they are safe, that is the prime imperative. Aye.

Eudaly: I am very pleased to see this ordinance go into effect. Short-term rental hosts are operating businesses out of their homes. We require businesses to have permits, we require businesses to have fire inspections, and working fire extinguishers. I just find it nonsensical that short-term rental hosts would be treated any differently. We have an obligation as a city to enforce our code, especially around safety for the guests in these short-term rentals, and as Mary said there is a problem with safety for neighbors and neighborhoods. I live across the street from two Airbnb's. There is also the issue of the impact on our housing stock and without the addresses and names of these hosts, we have no way of knowing whether hosts are listing illegal, full-time year-round Airbnb, so that is another issue of mine and frankly these companies have created platforms where they aid and abet their hosts in flouting local rules and regulations so I am thrilled to vote aye.

Fish: So I appreciate the eloquent words of my colleagues. Let me just step back for a second and make sure that everyone understands what we're doing today and what we're not doing today and what we're not doing today. What we're not doing today is preventing

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companies like home away and Airbnb from operating illegally in our community. That has already been decided what we are doing is giving the revenue bureau another tool to ensure that people are following the law. To those who would like to frame this as part of government run amok and the regulatory state run amok, let's be clear about what the obligation of the revenue bureau is, it is to ensure that someone has obtained a business license, is paying taxes, and that the units are safe. As commissioner Eudaly noted those are the obligations that we impose on every business in the community. Where we are talking about the safety of a guest, we have, I think, a higher burden of insuring that the unit is safe. We have been fought and resisted at almost every juncture over the last few years in our efforts to enforce basic health and safety laws, and I am very pleased that in the last six months, this council has taken so many affirmative actions to attempt to bring the industry into compliance with the law. I want to thank ken McGair and Scott Moede for their outstanding legal work that they have done a lot of it is unheralded. But these companies litigate every question extensively and appeal every issue. And until they settle, and we're seeing a pattern of obstruction, obstruction, litigation, and settling in some city and establishing the national precedent. It would be a point of pride for our city if we became the standard that other cities then can piggy-back off of in insuring the public health and safety. I want to thank the voters that passed measure 26194, which gave us the authority to update our code to adapt to changes in the technology. I am proud to serve on a council that issued a subpoena, demanding that uber turn over records, and today's action is another in what I consider a sort of a suite of actions that we have taken with the primary purpose of protecting public health and safety. God help us the first time that someone is seriously injured or worse in a unit that is not safe, and we did not do everything in our power to ensure that our basic health and safety laws are enforced. I am very proud to support this today. Aye.

Fritz: Thank you commissioner for your leadership on this. I did learn in correspondence with an Airbnb host that it is possible to put the permit number on the platform, and it's not mandatory, however. There are many things that we could do, and I share my colleagues concerns for the safety and inspection. Every other business has to do that and why should these not be exempt. When it comes to issues of healthcare, with my 27 years as a registered nurse, my colleagues often defer to me, and I always take commissioner Fish's guidance on the legal issues, some of the platforms have raised, and on affordable renting housing obviously commissioner Eudaly is the leader and experience, and I appreciate her thoughts on this one. So it's more complicated than it might seem, I believe it's another step in the right direction. Aye. I believe that 769 has been pulled back to the mayor's office offers so please read the title.

Item 769.

Fritz: Without objection return to the mayor's office. 770, please.

Item 770.

Fritz: Do we have the procurement person here?

Fish: I have some talking points. Should I frame it and see if there are questions and we can set it over? The purpose of this ordinance is to authorize the interim chief procurement officer to execute a construction contract for the middle Hillsdale rd2 pilot project laterals in the amount of \$3,922,244. Ordinance number 188248 was approved by the city council on February 22, 2017, authorizing the chief procurement officer to offer a competitive solicitation for the middle Hillsdale, rd2 pilot project laterals on behalf of bes. The cost based on bids received is \$3,922,244. The engineers' estimate for the project was \$3,400,000 and the confidence level was high. Based on the bids received bes anticipates the construction contract to cost \$3,922,244, which is 15% over the engineer's estimate. The middle Hillsdale, rd2 pilot project, which is a fancy word for rain derived inflow and

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infiltration. The pilot project will rehabilitate the laterals, keep storm water and groundwater out of sanitary sewers in the Burlingame basin of southwest Portland. The city of Portland has found that to achieve needed rd2 reduction and system, rehabilitating the main line sewer system and laterals is necessary. This project rehabilitates both public and private portions of the laterals. There is a total of \$2,400,000 or 62% of the dmwesb participation, which is very high, on this project including the prime contractor at 41.5% and certify contractors at 20%, apportioned as follows. Dbe \$787,000, performing traffic works, saw cutting and trucking and sewer work. Wbe, \$10,000 performing arborist and tree Work. And esb, \$15,000 performing plumbing. Titan utilities llc is located in Beaverton and is a state certified esb contractor. Turn it over to the president.

Fritz: Thank you commissioner. Very interesting and well done. Any questions from council? Anyone want to testify on this?

Moore-Love: No one signed up.

Fritz: Hearing none it's a report. So.

Saltzman: Move the acceptance of the report.

Fish: Second.

Fritz: Please call the roll.

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

Fish: I am particularly pleased with the equity numbers on this project, well done both to procurement and bes. Aye.

Fritz: I agree. It is good to see this. Aye. Next item please.

Item 771.

Beth Fox, Bureau of Technology Services: Good morning commissioners I am Beth Fox, the communication division manager for bts and this is a contract that we're exercising. I am not sure if procurement is here today or not to speak to this if you have questions. I do know it's a cooperative contract.

Larry Pelatt, Procurement Services: It was a mad rush, and I am very sorry.

Fritz: Thank you.

Pelatt: Ok. I am really sorry, it was kind of a long run from over there. It caught me by surprise.

Fritz: It takes everybody by surprise when we are on-time. Right.

Pelatt: Okay the applied technology systems is a cooperative agreement tied to a Multnomah county agreement that we are piggy backing onto, so it's authorized by procurement standards, and if you have specific questions about the ordinance, what we're acquiring with it, Beth is here.

Fritz: No questions? All right. Thank you very much. And anybody want to testify on this?

Moore-Love: No one signed up.

Fritz: This is an emergency ordinance. Please call the roll.

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

Fritz: Aye. Thank you very much. In the nick of time. You have the next one, too?

Pelatt: We do.

Fritz: Next item.

Item 772.

Larry Pelatt, Procurement Services: Ok. Thank you. Motorola solutions, public safety equipment, this is a standard master agreement that has reached the end of its ten-year life cycle. This is a new contract to basically roll it forward and keep the same systems all in place for the next five years.

Fish: A question on something of a contract of this size, what are the factors that you take into consideration whether to extend an existing ten-year contract or to go out and do a new procurement?

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Pelatt: Basically that would be a bureau-based decision but the thought process is with all of the equipment already in place, going out and redoing all of our systems, the costs in that would be huge. You would spend a great deal more than we would trying to simply moving our standard existing systems, which are fully functional and working quite well forward.

Fish: And then the same line of reasoning, without a broader rfp to test the marketplace, how do we ensure that the contract price with Motorola is in line with the market?

Pelatt: The pricing structure in the agreement, which was already determined to have been effective, is rolled forward. All we're taking is inflationary increases, they are not upping the cost of specific items. Not racking them up 50, 50% simply because they have the standard inflationary increases are all that they are taking. So we're rolling forward the base pricing, just as it was.

Fritz: What was the previous contract's number?

Pelatt: The number?

Fritz: Not -- what was the amount in the previous one.

Fox: Over a ten-year period of time I believe it came to about \$38 million. That also included moneys from the recently concluded public safety, the pssrp radio project so costs outside, if you removed all the costs from the radio project we're at about \$24 to \$28 million during that period of time.

Fritz: So this is significantly less?

Fox: It's a five-year contract versus ten-year.

Fritz: Why is that?

Pelatt: City charter requires us to do a five-year contract and then it allows us to do a five-year extension. We are limited at five years by charter.

Fritz: The first one, the charter was ten years, charter said we had to do it every ten years?

Pelatt: We are required to resolicit or to, in any event, write a new contract after ten years. So we can do a five-year contract, and then we can do -- we are allowed to do a five-year extension, which is ten, and then we're done, and we have to have a new contract or a new solicitation. In any event it results in a new contract.

Fritz: I remember the initial purchasing being controversial and I share commissioner Fish's concerns about how do we know. Some technologies have come down in price over the last ten years.

Fish: A related question, what is the shelf life of this technology? So one of the things that you said was well, we have made a huge investment in the technology, I understand that but technology every year it seems like my iPhone becomes obsolete so when do we have to consider a complete overhaul of the system because technology has made the big leap forward?

Fox: I think that most technology needs to be updated within three to five years. Barring cell phones, which is, which tends to be almost a yearly occurrence. And the brand new equipment that's just been put in by the pssrp project meant much of that equipment can be in place and maintained for up to ten years. The equipment that we're going to be purchasing or would be purchased on this master agreement would be the radios and the accessories for those radios and with the new digital upgrade to the system, the radios themselves are twice as expensive as the radio's were.

Fish: So if we approve this ordinance, which essentially is a five year extension of your existing contract, is it liking that in five years when you come back to council that that's when we'll be discussing whether to put it out for bid again for purposes of seeing whether there are competitors who want to come in and offer better packages?

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Fox: I don't know if that's what we're going to do but I believe that at the end of five years we have the ability to assess whether or not that's what we want to do.

Pelatt: I think the thought process is to be at four years roughly. Give or take and begin the evaluation process in the marketplace and see what kind of looks out, what is, what else is out there. So we start to look at that and then at the five-year point when we would need to extend, we should have the information in hand to say do we extend or do we go for a brand new look?

Fish: Do you need an amendment to confirm that will be the protocol, that you will do that assessment and that this does not just become a, an automatic renewal in five years?

Pelatt: Certainly commissioner it's your guy's prerogative to do that if you would like but the thought, that's our standard process. That's what we would do anyway. So it's up to you.

Fritz: Before you do that amendment, commissioner Eudaly do you have any?

Fish: If that's the standard process I am content with building a record on that question, but I think that when you -- if this is approved, I think that when you come back in four to five years, council should have a more comprehensive discussion about whether the entire system needs to be put out to bid. I think you have made an argument that this five-year extension is in the public interest. I think that beyond that it starts -- there are questions that we need the council to grapple with.

Pelatt: Certainly. Thank you.

Fritz: Commissioner Saltzman?

Saltzman: So our current radios equipped with digital?

Fox: Yes, we included the project it ended at the end of the fiscal year and we are completely on digital and so are the majority of the stakeholders.

Saltzman: So all the hand-held radios used right now are digital?

Fox: Yes.

Saltzman: But the replacements, this authorizes the payment for the replacements as the equipment wears out?

Fox: Sure. We have a lot of radios that are in the apparatus and many times the vehicle, the radios need to be repaired. But this allows us to purchase the replacements.

Saltzman: Thanks.

Fritz: Is there an active contract? I noticed this one, previous one expired in May, has there been a carryover that has, has, the city or any of our partners been prevented from or allowed to continue buying since this contract expired?

Fox: No one has been prevented. The contracts for the end of the year allowed us to purchase if there was anything that came in on that. I have spoken to stores, and we do have a state contract in place that allows us to make smaller purchases. If anybody had a large purchase I would say over \$10,000 we may not be able to leverage the state contract but we can today.

Fritz: This is an emergency ordinance, the contract has expired in May. Colleagues I am feeling I don't have enough information to vote on this today, and particularly in the absence of the merits of \$14 million contract. So I would like actually more of a breakdown of the specific things that this \$14 million would pay for, compared with what were the costs of those things in the previous project. Obviously twice, \$14 million is \$28 million which is part of what you said in your answer, but I can't really tell from the Information that I have as to how it is done.

Fish: I won't be here next week. Karla do we have four people next week?

Moore-Love: Yes.

Fish: You are going to set this over with the emergency clause?

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Fritz: We will take public comments but I would like for that to happen and set it over for a week with the emergency clause so that the mayor can come back and answer any -- and in the meantime I can get information that I would like. Anybody like to testify on this?

Moore-Love: One person signed up, shedrick j. Wilkins.

Fritz: If you could take a seat. We'll call you back if needed.

Shedrick Wilkins: I am shedrick j. Wilkins and I think the Motorola company is probably the greatest telecommunication company in the world. I think that the first thing that they did was took the starter battery for a car and used it for radios in the police car. And I think that, too, that people talking can convey a lot more information than a bunch of digital bits going into a computer. People can say a building is a city hall, south of city hall something is happening, and they don't have to go into the address and drag everything down. So I learned this when I was a scout, people talking to convey information faster and respond faster, assess the situations, you can say that everything Looks ok. And there is no need to send bits over the phone. And another thing, too, is we do have hard drives with a lot of information like city locations. It's not -- there is no need to send a lot of high-speed information over the air. There really isn't. It's also, Motorola is a robust company. They made the walkie-talkies for the army and you can bang them and do anything that you want, so they work in different kinds of weather. The military insists on that. That's why things cost a lot of money in the military, they just don't assume it works. You start getting are another company that has cheaper or something you may risk that under certain conditions it won't work. That's all I am going to say, Motorola is, in fact, Motorola almost beat intel to the 32-bit processor in 1986 for voice communication company, came this close to entering into the 32-bit processor, and intel, they died up and intel got better lawyers or whatever, it is a true story. The voice communication almost got into the digital age of the computer. It's in Chicago, Illinois which is pretty much the center of the united states. I could only dream about working for such a company. That's it.

Fish: Thank you, commissioner Fish you won't be here next week, would you like to make your friendly amendment?

Fish: No, I was persuaded from the testimony that that is part of the practice.

Fritz: Thank you. Any or comment from this one? So we'll at the set it over until next week. Please read the next item.

Item 773.

Fritz: Second reading. Roll.

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

Fritz: Aye sorry.

Fish: Reclaiming my time, the, one of the challenges we have in government is we use a lot of jargon and acronyms that obscure things. In the housing world we are as guilty as any other area. When we had a presentation on this, the director of the bureau said that we are moving away from using mfi and instead using ami. Well I don't find mfi or ami very helpful so to underscore this, but what we're doing today is we are updating the guidelines. But to put the human face on it, when we talk about the very poor people that cannot access affordable housing in our community, we are talking about people who make 30% or less of the area median income and for a single person, that's \$15,000 a year and for is a family of three, that's \$20,000. I just think that we ought to take a moment to reflect on a family of three earning \$1600 a month pretax. From those resources covering rent, food, clothing, medical expenses, incidentals, emergency, and all the other costs of living. The answer is, it's impossible and that's why we have programs which subsidize the housing for people who are at 30% of the area median income or less. It is also why we're seeing an increasingly people on the streets who have no resources and are battling addiction and mental illness because frankly we don't have the kind of housing that they need to turn

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their lives around and that is something that I hope that the council takes up in earnest in the next budget. Aye.

Fritz: Aye. Next item.

Item 774.

Fritz: Commissioner Saltzman.

Saltzman: Thank you madam president. This ordinance authorizes an agreement or an amendment to the existing 2012 master agreement between tri-met and the city for operations of Portland streetcar. The master agreement identifies each party's cost sharing responsibilities for streetcar operations, and this amendment links the calculation of annual operations funding from tri-met to streetcars, cost per revenue vehicle hour. This allows the parties to develop and review budgets, based on total vehicle operating hours, which is a good thing. Katherine Levine is here again from pbot to explain or answer any more questions council has.

Kathryn Levine, Portland Bureau of Transportation: Thank you. As commissioner Saltzman indicated this ordinance would authorize an amendment it would be the first amendment to the 2012 agreement between tri-met and the city of Portland, and this is sometimes referred to as the master agreement and in which they acknowledge their mutual goals of supporting the regional land use and the transportation outcomes for the city of Portland. Those are dependent somewhat upon public transit, both bus and streetcar available to provide frequent service. This amendment specifically ties our budgeting to a performance metric, which is the number of revenue operating hours provided. The amount of service provided. Questions?

Fritz: Did anybody sign up?

Moore-Love: No one signed up.

Fritz: Would anybody like to speak on this? Thank you very much it moves to second reading. Next item please.

Item 775.

Fritz: Commissioner Saltzman.

Saltzman: Thank you madam president. This existing lid, which is going to construction this summer, is another case study in which the bureau of transportation and the parks bureau are pooling their resources to achieve better results. We now have is a developer who will fund an extension of the sidewalks, and thus we are mending the boundary of this lid and there will also be significant storm water improvements along Stevens creek. So I will turn it over to Andrew Aebi to show us the amendment boundary and answer any questions.

Andrew Aebi, Portland Bureau of Transportation: Thank you commissioner Saltzman, Andrew Aebi, local improvement district administrator, this will be a short presentation. It is only one slide and Karla is passing out the hard copy, so I put a pink circle around the property that is opted into the lid, and we notified all of the existing property owners in the lid of the proposed change. We received no remonstrances against this scope change, and so the request is for council to pass this a second reading and approve this next week. I am happy to answer any questions that you might have.

Fritz: Questions council?

Fish: This is a leading contender for the economical power point. The coveted award one page, so well done.

Aebi: Thank you.

Fritz: And very nice that the additional property owner completes the lid I know that took some work on your part thank you.

Aebi: Thank you.

Fritz: Anybody wish to testify on this?

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Moore-Love: No one signed up.

Fritz: Seeing none it moves to second reading and next item please?

Item 776.

Fritz: Commissioner Saltzman.

Saltzman: Thank you madam president. The bureau of transportation is pleased to form this lid with 100% petition support for its creation. This project will support efforts by the Oregon department of environmental quality to build a transfer station to handle the debris collected by river city environmental in a responsible manner also good for the environment. This project also is good for Portland's economy, as it will help to facilitate the continued expansion of river city environmental, a rapidly growing small business in Portland. Andrew is here to answer any questions that council may have.

Andrew Aebi, Portland Bureau of Transportation: Thank you commissioner Saltzman. Andrew Aebi local improvement district administrator as you pointed out we had 100% support for the lid as amended. And we did not receive any remonstrances against the lid formation. I gave a council presentation in May, and I was not rerunning that today but happy to answer any questions that you might have.

Fritz: Questions? Thank you. Does anyone want to testify on this?

Moore-Love: No one signed up.

Fritz: Another non-emergency, second reading. Next one please.

Item 777.

Fritz: This is in the Portland parks and recreation, an exciting property that we have determined that the seller only wanted to sell it as a whole property, but still, there is a house on it which may be inhabitable and is not needed for environmental protection so I think we're getting the best of both worlds. Emily Roth from parks and recreation will explain more.

Emily Roth, Portland Parks and Recreation: Thank you and good morning commissioners. Emily Roth, parks and rec, senior planner. This is -- the property is presently owned by Eric fry. It is off of Taylor's ferry road. It will be a piece adjacent to marshal park and it will allow us safe access from Taylor's ferry to marshal park. It also allows us to buy proper that will increase the protection of the owl creek and the riparian area. We don't often get this opportunity. It is a purchase, a joint purchase once again between the bureau of environmental services and parks using parks sdc funds and the green money from the bureau of environmental services. We intend to protect a lot of the properties in the environmental zone, and it is our intent is to restore the environmental zone and do a property line adjustment and sell off the house on the front for property that would still be usable within the city of Portland. There is a outbuilding on the back that is at the edge of the conservation zone that we intend to remove along with a lot of the invasive species.

Fritz: Thank you very much, and that presentation was more efficient, zero power point slide. If I can hold this up so people can see it, that's the property will be petitioned off of the top to keep the house next to the road and the rest of it as Emily said will go to extend and access the marshal park so particularly a prime property, and I appreciate the commissioner Fish and the bureau of environmental services for partnering on this. It has multiple benefits.

Fish: If I could clarify the bureau of environmental services is covering 10% of the acquisition costs with the green funds, but as you pointed out once the sale of the lot is affected, then all or a portion of that will be reimbursed from the sale proceeds.

Roth: That's correct.

Fish: Thank you.

Fritz: Any other questions? Thank you. Is there any public testimony on this one?

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Moore-Love: No one signed up.

Fritz: Mr. Lightning?

Lightning: I am lightning and I represent lightning super watchdog x. I do like the fact that you did a, an appraisal on the property to determine your value. Again I always ask the city of Portland when you are selling the city of Portland's properties, have an updated appraisal done. It's very important for the taxpayers of this city to have an understanding that you are getting fair market values for these properties. Now issue number two, I do notice on the cottage you are looking at demolition on this. My understanding, I guess, the term might be reconstruction, are you planning on using the materials again because we have heard time and time again that you are against demolition I want to know what practice you are going to use on this cottage. Issue number two I understand that you will be selling the house also. Was there any estimated value on how much you will get just for the house being sold on the current market because you have stated that you will also take those funds and apply that back to the cost at this point. And I guess that just from my position some of these outlining properties of the parks, is it really necessary at the end of the day to purchase these properties? We have, in the parks division, you control close to 8,780 acres. You currently have tax laws close to 1800. As you know the city of Portland is the largest landowner in the city. Again I have stated my position is that I want more private investors having access to that property, and the reason why I say that is so that I don't want to lose that tax revenue that goes back into the general fund. A lot of people may hear, not understand my position is that we want to make sure that there is that balance created to where we're not jeopardizing our property tax revenue to pay reasonable salaries to pay pensions, and that is my position, just to make sure that we are not acquiring too much real estate and other than that I don't have a problem with this overall purchase due to the fact that you will be selling the house and going in that direction. Thank you.

Fritz: Thank you. I would like to go over this, some of those questions. There is a question on the cottage as to whether it's a shed or habitable dwelling. We'll be looking into that more the whereas the clauses don't direct some of things, the direction does not reflect some of the clauses so we'll be able to do that as time moves forward and the value of the house is something that we'll find out, my guess is that it might be more valuable on a lot of a reasonable size because property owners are responsible for maintenance of environmental zones and that's a lot of land that the city will be owning and maintaining. It is a crucial piece in between the other properties, that's if fully developed, with significant environmental resources in Tryon creek. So we're just going into it with the certainty that we are going to partition off, which is not an easy task so that will take some time. We will be keeping it in private partnership and we'll go through the usual property surplus property, and the procedure that commissioner Fish pioneered. And I suspect that there won't be any city bureaus or others that will be wanting to use it in a low density area with poor transit service so in terms of affordable housing it does not have that much capacity so your point about keeping it on the tax rolls is a good one, and that is possible. We did need to purchase it. Did you have anything else it add?

Roth: I just wanted to say that the out building in the back is in very, very poor shape it is collapsing. It's a hazard at the site, and we'll following our demolition policy that anything that can possibly be recycled and everything else we will do our due diligence.

Fritz: Thank you very much. No further discussion, it's an emergency ordinance. Please call the roll.

Saltzman: Well, it's always great to add to our park system. Aye.

Eudaly: Aye.

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Fish: This is a good day. Just want to highlight a few things. First is the tremendous partnership between the parks bureau and the bureau of environmental services, and this is yet another example. Two as commissioner Saltzman said here we are adding to our inventory of natural area protecting the natural area while also protecting the riparian habitat, and three the financing system for this is a good deal for taxpayers and rate payers. 90% of the costs will be borne out of system development charges of the fees the developers pay so they are helping to acquire this and 10% will be paid for from the greater green fund, which is specifically targeting these kinds of acquisitions but even that investment will be reimbursed once the proceeds of the sale, so I think that this is a good deal for the community, for rate payers and taxpayers and well structured. Aye.

Fritz: Thank you colleagues, I will be putting this document into my physical record and we will email you the pdf to add to the council records. I am pleased for this to be coming through. It has been challenging. Emily Roth has done great work and I really appreciate it and am excited to be adding this other piece to the Tryon creek linkages as we call it with the headwater sites on one of the last remaining free-flowing streams in the city of Portland. Aye. Motion passes next item, please.

Item 778.

Fritz: This is second reading. Any further discussion, colleagues? Please call the roll.

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

Fritz: Aye. Next item, please.

Item 779.

Fritz: Commissioner Fish.

Fish: Madame president and colleagues we're joined today by Gabe Solmer and Dave Peters to walk us through this and here's a brief over view. In 1982 the city of Portland began the operation of the Portland hydroelectric project at bull run. Since the beginning the city has sold the power to Portland general electric who operates, maintains and repairs the facility for the city. Since 1989 the bureau of hydroelectric power has reported directly to the Portland water bureau and the city's budget and finances are kept separate from the rest of the water bureau. Proceeds from the sale of the power generation paid for debt service and project administration cost all of the excess profits go the city's general fund. The power sales agreement with Portland general electric expires on August 31, 2017, Dave Peters and Gabe Solmer from Portland water bureau are here today to update us on a new operations and maintenance agreement and a summary of the next steps to ensure successful operation of the hydroelectric project of bull run Gabe welcome.

Gabe Solmer, Portland Water Bureau: Thank you so much, commissioner that was a very nice overview. I will let Dave Peters our principal engineer go through more on this particular contract.

David Peters, Portland Water Bureau: Thank you. I'm David Peters, principal engineer with the water bureau. Thank you, commissioner Fish, for the introduction. Madam president, commissioners. Commissioner Fish provided a nice overview of this contract, and so I won't go back over those details, but as you mentioned, the direct power sale is coming to an end and because of that we need to develop four agreements that will replace the agreement that we had with Portland general electric. Those agreements will be coming to you at several different times. Our next plan would be to come to you at the end of July with the power purchase agreement and the transmission maintenance agreement. This agreement is coming ahead of those because energy northwest will be doing maintenance and operations of our facilities and they will need to hire or relocate employees to Portland to start that operation on September 1 and so we moved this one up to allow them time to get people hired and trained through that process to come out to our facility. For this agreement we selected energy northwest because of their extensive

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experience in hydroelectric work. They run facilities up and down the west coast that was important to us because of their interaction as a public agency and with hydroelectric facilities they bring a special knowledge to our facilities to provide the support for us. As a public agency they are a nonprofit organization, so we were able to enter this intergovernmental agreement with them. One of the key things, though, that they bring is that it's not just employees that will be on site doing the operations and maintenance but they have a strong bench in their organization that provides technical support to those employees that will be here, so the engineering, the management of that operations and maintenance will be provided by this organization. So we worked with closely with the procurement office and city attorney's office of in developing these agreements. We have support from both offices if there's questions that I can't answer, and at this point I would be happy to answer any questions.

Fritz: Questions?

Saltzman: Do they just operate hydroelectric facilities?

Peters: No, they actually operate a variety of energy facilities, so they also do wind and solar and nuclear.

Saltzman: What did they used to be named? Energy Northwest sounds like one of those catchy name when agencies rebrand themselves.

Peters: I don't have their full history.

Saltzman: They do operate the one nuclear power plant in Washington state.

Peters: They do currently. Yes, sir.

Saltzman: That give us any pause for concern?

Peters: No.

Fritz: So there was a comments by the city budget office on the fiscal impact analysis it says obviously it's \$8 million for a five-year term and the first year costs are expected to be \$2 million. Given that negotiations for the new power purchase agreement power transition agreement and scheduler agreement are still in progress it's uncertain whether the hydroelectric operating fund will have sufficient revenue from power sales to cover the estimated total cost. City budget office notes if revenue is not sufficient to cover unmet hydropower liabilities the general fund may be liable under the new agreement. Could you comment on that, please?

Peters: Sure. We have done -- the negotiations have been gone positively with Portland general electric for the power purchase agreement. We had a negotiating agreement Friday where we have agreed to all the commercial terms and we're now we're working through the details of the financials but all of our previous work on the financials of that contract indicate that we'll have a positive outcome through the life of those contracts, which means revenues will exceed the expenses so that's what we plan to bring back to you at the end of July is that agreement and we can talk some more about how we have done those evaluations and what that balance is. In terms of this agreement, this first year we believe we do have enough funding to get through this first year and regardless we will have operation and maintenance costs during that first year that we'll have to take care of and we believe there's enough in our funds to be able to cover that. So at this point we're feeling pretty good about the transition to these new agreements coming into place all at the same time.

Fritz: I speak for the whole council that that should be in line in your negotiations that the general fund should not be a risk to bail out this.

Fish: Technically the general fund has been at risk all along and as you know, this fund returns money to the general fund every year. I have had my eyes on this money for some other purposes. We are required to make a switch here Portland general electric no longer wishes to operate the facility so we're making this change. We're keenly aware of we have

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a -- we share your desire to make sure that we operate within the fixed system here.

There's traditionally always been some risk to the general fund even in the years when we were turning profits to the general fund. But we're required to make these changes and we're using conservative assumptions, commissioner Fritz, and will be very mindful of the council's concern that this not become a burden to the general fund.

Fritz: Exactly what I was hoping to hear. Thank you, commissioner Fish. Further comments or questions? Would anyone like to comment on this item?

Moore-Love: Mr. Shedrick Wilkins signed up.

Shedrick Wilkins: I'm intrigued by this group about commissioner Saltzman's concern about nuclear energy. I think Hanford

Fish: Shedrick they actually have no plans to operate a nuclear power plant in the bull run watershed, but we'd be happy to take a friendly amendment if there's a concern of the council.

Wilkins: I make a comment about taming a conversation about mentioning this group.

Moore-Love: Your mike is off. Could you press that button? It got turned off.

Wilkins: Okay. Yeah, actually I think there are like six major nuclear weapons facilities around the world and we need nuclear power to clean it up centuries from now we won't have any oil really and the worst you can do is take a fence and padlock the thing. If I wanted to I could move to Richland I used to like nuclear power and just live there and deal with that although if there any waste floating around I'm probably shorting my life. It also has a 50 foot cooling tower it's a turbo fan cooling system not the big huge hour glass concrete thingys, but anyways I'm interested in hydroelectric power system because it makes pure aluminum for planes, which you can't do with natural gas. You have to have an electric furnace to make silicon chips and you have to have electric furnace for making uranium if you want to go on that side of it, but basically everything is made out of metal now a days planes, computer chips are running the modern world they can do fairly intelligent activities so drive cars. The thing about it is I am going to be very critical of the future about although I like solar energy, solar cells, these things are basically off the grid technology that can run your phone, your computer or lights. It's not a path to renewable energy actually hydroelectric power is renewable. Okay? The sun makes the water come out of the ocean it falls on the mountains and runs down the generators it's renewable energy. Okay? Like I say you can make certain things, certain metals that you can't do with a fossil fuel furnace. They learned this in the second world war, but I really would say that there's nothing wrong with people like our homeless living off the grid in a sleeping bag having a small solar panel power up their phone, their computer, lithium batteries are great now for laptops. Flip off the grid but I'm totally against any concept about this renewable 2050, you're not going to put solar panels on all the roofs, your not going to have wind generators all over the place it's not going to work. I side with the dam people, with the natural gas people somewhat restricted with the nuclear people. Get it right that solar cells are only good for solar panels for small off the grid kind of existence.

Fritz: Thank you. This is a nonemergency ordinance. It moves to second reading.

Item 780.

Fritz: A second reading. Any further discussion? Seeing none please call the roll.

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

Fritz: And the final item, please.

Item 781.

Fritz: Do we have someone from the auditor's office? Yes, we do. Thank you.

Sherree Mathias, Auditors Office: Good morning. I'm sherree Mathias from the Auditors office.

Mike Zeller, Portland Bureau of Transportation: I'm mike Zeller, inspector with

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sidewalks department at maintenance operations.

Mathias: This ordinance is for sidewalk repair on property that is required by the city, any remonstrances have been pulled and are not in this ordinance.

Fritz: That was remarkably concise. [laughter]

Fish: Since we're well ahead of schedule, there's obviously a new sheriff in town, a new president and we're out of here at 11:00, in my prior life when I was a homeowner I paid for some improvements on my sidewalk and as did all my neighbors and we had a conversation about how to make the notices be more friendly and also provide additional information about whether you could finance the improvements and things of that nature. Could I ask at some point when it's convenient to get a copy of what we currently use as the template for notice?

Mathias: Sure.

Fish: I'm curious how it's been restructured.

Mathias: Yes.

Fish: Thank you.

Eudaly: I have a couple of questions. This is an extraordinary amount of money I'm wondering how much of it is actual cost of repairs and how much are fines and fees.

Mathias: The auditor's office charged 10% fee and everything else is from the sidewalk maintenance.

Zeller: Some of that includes permittees. A minimum \$60 up to a maximum of \$500.

Eudaly: So does this person own multiple lots?

Zeller: Some people own multiple lots. It's based on tax lots each one of the items are what's repaired.

Eudaly: Okay, these are -- I get it. Okay.

Saltzman: A street in my neighborhood I walk by every day I suddenly notice a lot of sidewalk repairs going on. Does that mean the city has been to that street recently?

Zeller: It could be there's a sidewalk inspector go by on a complaint that's driven by complaints. So when a sidewalk inspector gets a complaint he will inspect the block face, not just the one individual property. He will do the block face.

Fish: I use my old neighborhood in grant park as an example. There was a complaint about a sidewalk in the vicinity of my house, and the inspector then inspected a two or three block radius or whatever the guidelines are and discovered lots of sidewalks needed repaired. We actually tried something new and different. We came together as a collective, pooled our resources we had a particular neighbor that took the lead on this. We then because we got all these solicitations from companies that once they found out we had to do this offered to provide the services so we went through a process of selecting someone, got the best price, in fact a discount because of the volume, the we coordinated the work so it was all done roughly the same time. That's why as I learned the hard way a complaint about one person's sidewalk often leads to lots of citations because the inspector is already there and they are going to the tour the immediate area and cite everybody that has a problem.

Zeller: Correct.

Fish: In my old neighborhood the problem was typically caused by the roots of trees in the right of way.

Zeller: Right.

Eudaly: So these become liens against someone's property. Do we have any assistance to offer very low income homeowners like seniors or --

Mathias: Not at this time. We used to have senior citizen deferrals and that was phased out about nine years ago. There's no assistance for senior citizens or low income at this time, but we do offer financing.

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Eudaly: Do you have any idea why that was phased out?

Mathias: It was a state program.

Eudaly: Oh. Okay.

Fish: The question about financing was the issue we raised about a year ago, making sure in the faq, and in the notice, the homeowner is apprised of the fact that there's a program through which they can get financing at attractive rates which was not as clear I think on the documents that I got. That's what I'll be looking for.

Fritz: Would anybody like to testify on this?

Moore-Love: No one signed up.

Fritz: It's nonemergency. Moved to second reading. Anything else for the good of the order, colleagues? Seeing none we have no meeting this afternoon or Thursday so we are adjourned thank you.

At 11:16 a.m. council adjourned.