



CITY OF
PORTLAND, OREGON

**OFFICIAL
 MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **12TH DAY OF JULY, 2017** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fritz and Saltzman, 4.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Linly Rees, Senior Deputy City Attorney; and Elia Saolele, Mike Cohen, John Paolazzi, Sergeants at Arms.

Item No. 797 was pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

The meeting recessed at 10:15 a.m. and reconvened at 10:24 a.m.

		Disposition:
COMMUNICATIONS		
782	Request of Boo Rigney to address Council regarding issues with transients along Hawthorne Blvd (Communication)	PLACED ON FILE
783	Request of John Light to address Council regarding problem behaviors in SE Hawthorne area (Communication)	PLACED ON FILE
784	Request of Sarah Balzer to address Council regarding transients along Hawthorne Blvd (Communication)	PLACED ON FILE
785	Request of Katherine Smith to address Council regarding have the Portland Police investigate the Tigard Police (Communication)	PLACED ON FILE
786	Request of Sarah Hobbs to address Council regarding suicide issues in the City (Communication)	PLACED ON FILE
TIMES CERTAIN		
787	TIME CERTAIN: 10:00 AM – Create a local improvement district to construct street, sidewalk and stormwater improvements in the N Suttle Road Local Improvement District (Ordinance introduced by Commissioner Saltzman; C-10058) 20 minutes requested	CONTINUED TO AUGUST 23, 2017 AT 10:00 AM TIME CERTAIN

July 12-13, 2017

788	<p>TIME CERTAIN: 10:20 AM – Appeal of John Hollister against the Portland Historic Landmark Commission’s Historic Resource Review decision of approval with conditions in the River District sub district of Central City plan district for construction of a 6-story office building with a penthouse and 3-story underground garage at NW Glisan and NW 13th Ave (Previous Agenda 693 introduced by Commissioner Eudaly; Findings; LU 16-153002 HRM AD) 5 minutes requested</p> <p>Motion to deny the appeal and uphold Portland Historic Landmark Commission decision of approval with conditions and adopt findings: Moved by Wheeler and seconded by Saltzman. (Y-4)</p>	FINDINGS ADOPTED
CONSENT AGENDA – NO DISCUSSION		
789	<p>Reappoint Victoria Haynes to the Plumbing Code Board of Appeal, term to expire July 11, 2020 and reassign Amara Shurte to the Public at Large position (Report introduced by Mayor Wheeler and Commissioner Eudaly) (Y-4)</p>	CONFIRMED
790	<p>Appoint Dan Zalkow, Leslie Hamilton and Michael Gilliland to the Portland Adjustment Committee for four-year terms (Report introduced by Mayor Wheeler and Commissioner Eudaly) (Y-4)</p>	CONFIRMED
791	<p>Appoint Public Involvement Advisory Council members for staggered two and three year terms (Report introduced by Mayor Wheeler and Commissioner Eudaly) (Y-4)</p>	CONFIRMED
Mayor Ted Wheeler		
792	<p>Reappoint Christopher Abbruzzese to the Investment Advisory Committee for a term to expire July 24, 2019 (Report) (Y-4)</p>	CONFIRMED
Office of Management and Finance		
*793	<p>Pay lawsuit of Trevor Irish in the sum of \$46,000 involving the Bureau of Environmental Services (Ordinance) (Y-4)</p>	188507
*794	<p>Authorize a contract with Triad Consulting & System Design Group, LLC for Comprehensive Security Assessment and Improvements for a total not-to-exceed amount of \$242,067 (Ordinance; Contract No. 30005911) (Y-4)</p>	188508
Commissioner Dan Saltzman		
Bureau of Transportation		
*795	<p>Amend price agreement with Amerlux, LLC to provide LED Acorn Luminaire Street Lighting Kits (Ordinance; amend Contract No. 31000725) (Y-4)</p>	188509

July 12-13, 2017

<p>796</p>	<p>Authorize a contract with Nelson Nygaard Consulting Associates, Inc. for the development of a Transportation Demand Management Action Plan in the amount of \$157,381 (Ordinance)</p>	<p>PASSED TO SECOND READING JULY 20, 2017 AT 2:00 PM</p>
<p style="text-align: center;">Commissioner Amanda Fritz</p> <p style="text-align: center;">Portland Parks & Recreation</p> <p>*797 Accept and appropriate a grant in the amount of \$20,000 from Oregon Department of Education for Expansion of the Summer Free for All Lunch Program (Ordinance)</p> <p>Motion to correct fiscal year from 2016-17 to 2017-18: Moved by Fritz and seconded by Eudaly. (Y-4) (Y-4)</p>		<p style="text-align: center;">188510 AS AMENDED</p>
<p style="text-align: center;">REGULAR AGENDA – Wednesday</p> <p style="text-align: center;">Mayor Ted Wheeler</p> <p>798 Adopt the Community Equity and Inclusion Plan for all City of Portland public improvement contracts that utilize alternative contracting methods and have estimated contract values of \$10 million to \$25 million; and require consideration of modified Community Benefits Agreements for public improvement contracts with estimated contract values in excess of \$25 million (Resolution) 2 hours requested for items 798-800</p> <p>Motion to require Community Benefits Agreements for projects over \$25 million: Moved by Saltzman and seconded by Fritz. (No vote taken on July 12. To be considered when this item returns to Council. Date to be announced.)</p>		
<p>799</p>	<p>Direct the Bureau of Revenue and Financial Services Procurement Services Division to develop and implement a contract delivery method selection process for public improvement projects with construction contracts estimated at \$10 million and over (Resolution)</p>	<p style="text-align: center;">CONTINUED DATE TO BE ANNOUNCED</p>
<p>800</p>	<p>Direct the Office of Management and Finance and the Office of Equity and Human Rights to develop a Community Opportunities and Enhancements Program and funding plan (Resolution)</p>	<p style="text-align: center;">CONTINUED DATE TO BE ANNOUNCED</p>
<p style="text-align: center;">Bureau of Police</p> <p>*801 Apply for and accept a grant in the amount of \$445,680 from the Oregon Department of Transportation and appropriate \$225,000 for reimbursement for the 2017-19 Work Zone Enforcement Program grant (Ordinance) 10 minutes requested (Y-4)</p>		
<p style="text-align: center;">Office of Management and Finance</p> <p>*802 Authorize a contract with Motorola Solutions, Inc. in the amount of \$14,000,000 to provide public safety communications equipment and related services (Previous Agenda 772) (Y-4)</p>		

July 12-13, 2017

Commissioner Dan Saltzman		
Bureau of Transportation		
803	Authorize Intergovernmental Agreement with Sound Transit for cooperative procurement of modern streetcars (Second Reading Agenda 764) (Y-4)	188511
804	Amend contract with TriMet related to development and funding of the Portland Streetcar system and shared regional transit goals (Second Reading Agenda 774; amend Contract No. 33000088) (Y-4)	188512
805	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 (Second Reading Agenda 775; C-10053; amend Ordinance No. 187740) (Y-4)	188513
806	Create a local improvement district to construct street, sidewalk and stormwater improvements in the NE 27th Ave and Holland St Local Improvement District (Second Reading Agenda 776; C-10059) (Y-4)	188514
Portland Fire & Rescue		
807	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 (Second Reading Agenda 766) (Y-4)	188515
Commissioner Nick Fish		
Water Bureau		
808	Authorize an Intergovernmental Agreement with Energy Northwest in the amount of \$8,000,000 for the Operations and Maintenance of Portland Hydroelectric Project (Second Reading Agenda 779)	CONTINUED TO JULY 20, 2017 AT 2:00 PM
City Auditor Mary Hull Caballero		
809	Assess property for sidewalk repair for the Portland Bureau of Transportation (Second Reading Agenda 781; Y1092) (Y-4)	188516

At 1:24 p.m., Council recessed.

July 12-13, 2017

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **12TH DAY OF JULY, 2017** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly and Saltzman, 3.

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

		Disposition:
810	TIME CERTAIN: 2:00 PM – Support retaining federal policies protecting Net Neutrality (Resolution introduced by Commissioner Saltzman) 45 minutes requested (Y-3)	37303

At 2:42 p.m., Council recessed.

July 12-13, 2017

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **13TH DAY OF JULY, 2017** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly and Saltzman, 3.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Lory Kraut, Senior Deputy City Attorney; and Jim Wood and Mike Cohen, Sergeants at Arms.

		Disposition:
811	TIME CERTAIN: 2:00 PM – Recommend the Portland Bureau of Transportation develop new and expanded strategies to improve transit service and increase transit ridership throughout the City by developing an Enhanced Transit Program and endorse a list of transit projects for the Regional Transportation Plan 2018 Update Call for Projects (Resolution introduced by Commissioner Saltzman) 90 minutes requested for items 811 and 812 (Y-3)	37304
812	Amend the City Vision Zero Action Plan, Saving Lives with Safe Streets, to incorporate the Vision Zero Project List (Resolution introduced by Commissioner Saltzman) (Y-3)	37305
REGULAR AGENDA – Thursday Mayor Ted Wheeler Bureau of Police		
813	Amend an agreement with San Diego Police Equipment Co. in the amount of \$2,000,000 to provide training ammunition for the Police Bureau (Second Reading Agenda 277; amend Contract No. 31000502) 15 minutes requested	REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION
Office of Management and Finance		
814	Accept the 2017 Risk Management Report (Report) 20 minutes requested Motion to accept report: Moved by Saltzman and seconded by Eudaly. (Y-3)	ACCEPTED
815	Grant a franchise to LCP Oregon Holdings, LLC to construct, operate and maintain pipeline facilities under City streets for a period of 20 years (Ordinance) 15 minutes requested	PASSED TO SECOND READING AUGUST 16, 2017 AT 2:00 PM
Portland Housing Bureau		

July 12-13, 2017

***816**

Amend relocation assistance regulations in Affordable Housing Preservation and Portland Renter Protections (Previous Agenda 692; amend Code Section 30.01.085) 30 minutes requested
Rescheduled to July 12, 2017, 9:30 a.m.

Motion to accept amendments in the 7/10 version proposed amendments handout: Moved by Wheeler and seconded by Fritz. (Y-4)

Motion to add additional language to C “The foregoing terms and conditions regarding the Tenant’s rights and obligations regarding the Relocation Assistance shall be included with the Landlord’s payment of Relocation Assistance to the Tenant”: Moved by Saltzman and seconded by Fritz. (Y-4)

Motion to restore emergency clause to the ordinance: Moved by Wheeler and seconded by Fritz. (Y-4)
(Y-4)

188519
AS AMENDED

At 4:20 p.m., Council adjourned.

MARY HULL CABALLERO
Auditor of the City of Portland



By Karla Moore-Love
Clerk of the Council

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

July 12-13, 2017
Closed Caption File of Portland City Council Meeting

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

Key: *** means unidentified speaker.**

July 12, 2017 9:30 AM

Wheeler: All right, this is the Wednesday, July 12 morning session of the Portland city council. Sue could you please call the roll.

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

Wheeler: The purpose of council meetings is to do the city's business including hearing from the community on issues of concern, in order for us to hear everyone and give everybody consideration of their matters before the Portland city council we must all endeavor to preserve order and decorum at the meetings. To make sure the process is clear I want to review the basic rules and guidelines which I hope will help everybody feel comfortable, heard and respected and also to maintain decorum in the council chamber. There is two opportunities for public participation if you so choose. First we have an opportunity to people to sign up in advance and speak briefly on any subject for which they would like to do. Second of all, people are allowed to sign up for public testimony on first readings of reports, resolutions and ordinances. If you sign up, just to be clear your testimony has to actually be relevant to the issue being discussed. State your name for the record we don't need your address, if you are a lobbyist we require you disclose that. If you are here representing an organization, it would be helpful to know that, as well. Typically people have up to three minutes to testify. Sometimes we have to change that due to time constraints. When you have 30 seconds left, the yellow light is going to light up on that little box in front of you. When your time is up you are going to hear lots of annoying beeps. You will know when the time is up people who, conduct that disrupts the meeting for example, shouting or interrupting other people's testimony or interrupting council deliberations is not allowed. People who disrupt the meeting face ejection from the meeting. If there is a disruption, I will issue a warning that if any further disruption occurs you could be asked to leave. If you are asked to leave and you choose not to do so, you are subject to arrest for trespassing. If people would like to show their support for what's being said feel free to do a thumbs up or Sarah has it right. What do you call that? Twinkle fingers, jazz hands. That works well. If you want to show your displeasure with me or anybody else, thumb's down is fine. Thank you so with that we will get to the first issue at hand, and that is communications. Susan if you could call the first item up please.

Items 782-784.

Wheeler: Thank you and good morning.

Boo Rigney: Good morning. I'm boo Rigney and I own a business on Hawthorne boulevard. We are here today because we feel that we are under siege due to bad behaviors of individuals hanging out on our private properties and public sidewalks. We need more help from the Portland city government and police I'd like a quick show of hands for those in the audience who are here today from our neighborhood and also the slide show, sue running on the screen thank you. I am going to start with a brief video that will give you a good feel of what we deal with.

[Video Played]

Rigney: I might add this video is being taken by my friend here, Sara balzer, who is pregnant at the time. What we are here to really describe to you, what we're coping with mainly are the bad behaviors, people are openly drinking alcohol, taking drugs, smoking

July 12-13, 2017

marijuana, blocking sidewalks for pedestrians, lying on the businesses doorways and residents and behaving aggressively when asked to move along. Defecating and leaving trash behind on the properties. We as a group have come together quite a bit already to work together we paid for private security we are spending over 20,000 in 2017. Many individual businesses are also contributing and paying their own cleanup and security, we are constantly trying to get with central precinct and commissioners and the mayor's office, as well, to have smaller meetings. As an example I would like to state I represent ben and jerry's I own it, I could be any business in many neighborhoods across the city. We are down \$32,000 in 2016, over 2015 from this behavior, and this year we expect to be down \$60,000. Now this means that it affects our employees and most of our employees being very young kids, and the residents here, too, believe that they are losing the walkability and the livability of their properties and the values are clearly going down. Our main message is that our community and others around the city are becoming too dangerous and unpredictable to safely live in and run our businesses. We don't feel safe. City leaders and bureaus need to step up the staffing and coordination in order to respond to the increase of bad behaviors of people in these public spaces. We are asking to get back the police walking patrols immediately we're suffering right now this year, tomorrow. We also are looking forward to a bigger plan to fast track recruitment of new police officers and other communities, outreach personnel who can have a daily presence with those folks out there. Thank you.

Wheeler: Thank you. Appreciate it. Good morning.

Sara Balzer” Good morning. Hello city council board members, thank you for letting us be here today, I am Sara balzer. I own a business at 35th and Hawthorne, and I am a board member of the Hawthorne boulevard business association. And a homeowner in the Richmond neighborhood. Imagine walking down Hawthorne and you hear something from behind you. You see what looks like a gang of people ages 16-30 on the side of the street and now you can make out what they are saying. Hey. Yeah you. Give me your money. Hey you, bitch. I know you have money. I take a photo and then they yell, I am going to follow you home and beat you up. Better watch out, bitch. This was just two months ago when I was seven months pregnant. Local businesses and employees have been threatened they are going to be raped by these individuals, witnessed them shooting up in the bushes and getting a knife fights, defecating, yelling at senior citizens and yelling at children. Our safety is at risk and no one seems to be taking it seriously except for us. Back in 2013 a group of home and business owners got together and formed the Hawthorne neighborhood coalition. We brought these exact same issues to the city council, and they answered our plea, they gave us a plea walking patrol that split the days between downtown Portland and Hawthorne in the beginning of 2014 and guess what, it worked and worked really well. You did not find one complaint on the boulevard everybody loved it. The walking police themselves, the business owners, and the homeowners, and the tourists and the individuals behaving badly. Police only wrote 24 citations that year and everyone behaved themselves. It lasted through 2015 with a few cuts, but kept working all the way until the leading officer, the patrol was honored by vice president joe Biden at the white house then four months after he was honored the program was cut. 2016 came and saw the bad behavior starting to trickle back in, 2017 hit and we have break-in after break-in up and down Hawthorne. Windows smashing, and sure enough the bad behavior was back. Hawthorne businesses banded together, took money out of their pockets and hired a security patrol but here's the thing they are not police they cannot write tickets. So although they may make a dent they are nowhere near as effective as an actual police officer, and until the police actually start writing tickets for these crimes, because as of right now they are not, the individuals breaking the law will have complete reign over

July 12-13, 2017

Hawthorne, and we're out of options. We removed the bike overhangs or removed the bushes, watered down sidewalks, and hired day and night security, met with local police and organizers and yet still the individuals take advantage of our neighborhood. We are here to beg you to do something at save Hawthorne, save your small businesses that support the Portland community, save the neighborhoods that support your local schools because it's only going to get worse as we have seen in the past. Here's a folder I believe that they have passed them out to you. This is letters written by residents and businesses and employees describing how they have witnessed the threats. You need to read all of these they are extremely more shocking than what I just read to you. Also a letter of support from the Hawthorne business bureau association for a police walking patrol. They came here asking for help and are providing real solutions that history has proven recently have worked. Please don't pass that -- this is an opportunity to help our community. Good morning sir.

John Light: Hello. I am John Light, and I live in the Hawthorne neighborhood near southeast Hawthorne and 36th street. This vibrant commercial and residential area has both recent and longer history of public health and safety issues as I think that my neighbors here have demonstrated. From an resident's perspective, our neighborhood like others around the city is becoming too dangerous and unpredictable to live or run a business. People dread coming to work residents don't feel safe and their children are at risk. Businesses are losing money and property values are being affected. Hawthorne residents and business people have come here today to say it's time for a new approach to address these problems realistically and resolutely. For starters this approach would not blame the victims. We've been tutored on using 9-1-1 and police non-emergency and there is now a website for reporting anti-neighborhood activity yet our experiences, we're usually on our own. calls to non-emergency go unanswered and 9-1-1 calls draw inconsistent response and seldom lead to effective action, in other methods, other methods are widely understood to be useless. Further we are advised not to intervene ourselves for fear of reprisal. We cannot blame our police, either there is too few of them to do the job properly. This new approach that we imagined might instead accept that our problems are both difficult and real. Requiring systemic, concerted, planned effort Portland prides itself as a city that can do what other cities cannot, and we have the transportation system, bike friendliness and so much more to prove it. We can do this. While we are not going to propose a full plan in a three-minute talk, this plan will have several obvious features. One, it's going to cost money, but think of it as an investment in our city's future one can generate a model for other cities to follow. Two, fast track recruitment of new officers and other outreach personnel who can have an impact in our neighborhood and others. Three move quickly to create at least temporary shelter and facilities available to anyone and make clear that they are to be used in the camping and city neighborhoods and parks is not acceptable. Four improve city contact methods once we have an adequate number of responders in place. Finally establish a committee to coordinate the neighborhood problems and their solutions across the city departments. In conclusion there is no more fundamental goal of the city government than supporting its communities and neighborhoods. Thank you.

Wheeler: Thank you. And you have all three come to speak on this subject. You brought a lot of people, and I will take the liberty of making a couple of comments. I don't typically do that because this is your time, but out of respect for your questions, number one I understand that you are meeting with my staff. So I will look forward to your full set of proposals and I appreciate not just complaining about the issue but also coming forth with some concrete suggestions in terms of how we can address it. Number two I completely understand and empathize with the concerns that you have raised and the budget that we

July 12-13, 2017

just passed reflects that concern. We are being compassionate with regard to our response to homelessness. We significantly increased resources for intervention, for housing support, for mental health and drug and alcohol addiction issues, but we also significantly increased the resources going towards what I would describe as livability issues, trash, litter, needle collection, as mayor and police commissioner I directed that we enforce local codes with regard to the sidewalks and with regard to the parks. We increased the number of park rangers available in the parks, and the way that I see it is a balancing act. On one hand we should be compassionate towards those who truly do need our help on the mental health side, on the addiction side employment, rent support. Whatever it takes to help get people off the street and keep them off the street. On the other hand we have to enforce community expectations, standards, and the law and I have made it very clear as a police commissioner that we will do that under my watch. Now that being said --

Light: May I say that we agree with everything that you said. In all our discussions you are rephrasing.

Wheeler: So here's what I am asking for. Number one we will work with you but please understand as you said sir it is a very complex issue. It is a multi-faceted issue and there is no easy solution. These are very serious societal problems, and you know, I own and we collectively own the issues in our own community but understand that there are broader forces at work here, economic, addiction, mental health services.

****: A walking patrol would be an immediate one.

Wheeler: I support that. To be clear not only does this budget that we just passed support that. I have made it very, very clear that we will return to a full community policing model in this community both to reduce the crime and to rebuild and repair that trust between our police bureau and the community that we serve. So I thank you for being here. I thank you for your forbearance and understanding as we work together to address this issue.

Light: Thank you, sir.

Wheeler: Next item, please.

Item 785.

Parsons: Katherine are you here?

Wheeler: I don't think I saw her this morning. Next item please.

Item 786.

Sarah Hobbs: Could I have an extra minute or two if I need it? Between coming from home to here, my notebook was stolen, which means that all of the information that I have planned on giving you all is now gone. I will bring that to your offices, and through tomorrow or Friday.

Wheeler: Sorry to hear that thank you.

Hobbs: And I am pretty upset. For the record I am Sarah Hobbs, and I am here today officially as an advocate for the Oregon state chapter of the American foundation for suicide prevention. As we look at the issues of suicide, both in the state of Oregon and the city of Portland, the statistics are very sobering. Statewide suicide is a second leading cause of death ages 15-34 ages. Third leading cause 10-14, 35-44. 5th leading cause of death ages 45-54. Seventh leading cause of death ages 55-64. 14th leading cause of death 65 and older. By the time as many people died due to suicide statewide, homicide, the state is 13 out of all 50 states in the nation for such an extreme rate of suicide. Portland as a city of all of the cities in the nation has historically been within the top 20 contrary to popular belief it is not due to our weather. Suicide goes up with the city for an early summer with the biggest spike in the month of June. In 2015 the Portland police bureau's enhanced crisis intervention team responded to 1,200 suicide crisis calls, just in 2015 alone. Six of those calls came at such extreme risks that they deferred them to the

July 12-13, 2017

crisis negotiation team. One of those involved a suicidal man with a firearm, and it was called at the good Samaritan hospital, and I am very painfully aware of this call because it happened directly across the street from where it live. It passed 30 years the American foundation for suicide prevention has been the leading non-governmental organization addressing the issue of suicide, suicide prevention, suicide research. Our big fundraising event is out of the darkness walk which is this year, October 7, I know that you all said that you needed a formal invitation, well, unfortunately, those invitations are missing when my note book got stolen, but I can bring them to you. In 2016 the foundation awarded \$1.4 million for the suicide prevention research. We were very excited that there was 17 funded grants, one of those went to ohsu to fund the research study prevention with the va to better identify Iraq and Afghanistan combat veterans who are at risk for suicide so some of those funds are even coming local. I will bring the invitations and the information I left the one little basic information card that I still had on me. I will bring those to your office I look forward to having you join us on our walk October 7th which will be from 10:00 to noon, and starting and finishing at the veteran's memorial. I am just stressed. I am not happy. I really was hoping to have that information.

Wheeler: No worries, we'll look forward to getting that at a later time. Thank you very much. Appreciate it. So we're not yet at 10:00. Do we have any items pulled from the consent agenda other than 797?

Parsons: No other items.

Wheeler: Please call the roll on the consent agenda. Sorry, hang on. One sec. That's a time certain. Please call the roll.

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

Wheeler: Aye. Consent agenda is adopted. Commissioner Fritz had requested pulling 797. Could you please read that?

Item 797.

Wheeler: Commissioner Fritz.

Fritz: Thank you, colleagues this is just a simple transcription error that represents the financial 2016-2017 and should reference the 2017-2018 budget so I move that amendment.

Eudaly: Second.

Wheeler: We have a motion and a second any further discussion? Please call the roll.

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

Wheeler: Aye. The ordinance is adopted.

Eudaly: That's an amendment.

Wheeler: I apologize. Any further discussion on the main motion? Call the roll.

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

Fritz: Thank you colleagues, aye.

Wheeler: Aye. The ordinance is adopted as amended. We have about five minutes so why don't we go to the second readings please and get done with those. 803.

Item 803.

Wheeler: Any further discussion on 803? Please call the roll.

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

Wheeler: Aye. Please call 804.

Item 804.

Wheeler: Any further discussion on this item? Please call the roll.

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

Wheeler: Aye. That's amended. Please call 805.

Item 805.

Wheeler: Any further discussion on this item? Call the roll.

July 12-13, 2017

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

Wheeler: Aye. The ordinance is adopted. Please call 806.

Item 806.

Wheeler: Colleagues any further discussion on this issue. Please call the roll.

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

Wheeler: Aye. The lid is adopted. Please call 807.

Item 807.

Wheeler: Colleagues any further discussions? Seeing none call the roll.

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

Wheeler: Aye. The purchase order is accepted. Please call 808.

Parsons: And 808 we have a request to continue that to July 20. I will read it, though.

Item 808.

Wheeler: We have had a request to continue this to July 8 on a morning session?

Parsons: It will be July 20. Next week because of our -- we need four members present.

Wheeler: Very good so this will be moved to July 20, and the time will be posted in the appropriate order.

Parsons: It will be 2:00.

Wheeler: At 2:00 p.m. Very good. Please call 809 and we will go back to the agenda.

Item 809.

Wheeler: Any further discussion on this? Seeing none, please call the roll.

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

Wheeler: Aye. The ordinance is adopted. We will now go, it looks like we're at 10:00 on the button so we'll go back to the first time certain item please, which is 787.

Item 787.

Wheeler: Commissioner Saltzman.

Saltzman: Thank you. If council will recall we began this process a couple of months ago and had a lively hearing on the idea of creating a local improvement district around the industrial area and heavily used unimproved road, north suttle road. In the intervening time the lid administrator Andrew Aebi has been in close contact with many property owners and continued to do what he does which is bring the private property owners and public agencies together to solve the challenging transportation infrastructure issues. In that work Andrew has learned quite a bit and he's here to first of all we are going to ask that this be set over to august 25 but we thought that we would have Andrew, and we have bill Ryan and Steve Townsend to give us an update on where we stand right now on that.

Andrew Aebi, Portland Bureau of Transportation: Thank you commissioner Saltzman. Andrew Aebi local improvement victor administrator joining me today to my left is Steve Townsend the city engineer and the chief engineer of pbot and Bill Ryan the chief engineer of the bureau of environmental services. Just -- we do not have a presentation today as commissioner Saltzman mentioned. We wanted to continue this item just a slight date correction august 23 instead of august 25. So we wanted to go ahead and do that. I just wanted to give you an update we do have a remonstrance level for 45.5% is reflected in exhibit g of the ordinances. We have some additional written testimony, also in exhibit g, and on June 30, I had a very good conversation with Jim brown who represents several of the property ownerships and we had a good discussion, and we felt that a good next step would be to, for me to attend a property owner meeting with the property owners on august 7 and then for us to come back on august 23, and then report out to council what the options are for proceeding from here. Again we're very productive discussions one of the things we'll be discussing on august 7 is the pavement study that's been privately commissioned by the property owners and also the possibility of local infiltration for storm water, so I just wanted to give Steve and Bill a minute or so to just talk about what a

July 12-13, 2017

pavement study is and the possibilities for infiltration just on a conceptual level so that you know what's coming back in august.

Steve Townsend, Portland Bureau of Transportation: I am Steve Townsend, the chief engineer for transportation. I will be joining Andrew at that meeting on august 7 with the property owners. To give you a quick idea what the pavement design is, we would be doing is one of the things that they proposed was the asphalt out there. One of the things, if you think about it I will use this paper clip, and I am going high-tech today. When the buses or heavy load drives across the road the bottom of the pavement wants to flex just a little bit if it's not thick enough. If it is thick enough you could have your hand at the bottom of the asphalt or the concrete the bus or truck could go over it your hand wouldn't feel anything. If it's too thin, when the bus or truck goes over it, that asphalt wants to flex at the bottom, and if it flexes at the bottom it starts to crack, and that crack if it goes from the bottom up means the pavement wasn't thick enough and it's a rebuild. There is nothing that we can do. So we do our pavement studies is to make sure which we do it, it is thick enough so any stresses it feels are on the surface so that any repairs we have to do are on the surface and it keeps the short-term and long-term maintenance costs to a minimum so that's part of what would be going on is to make sure that there would be a pavement study and a pavement design to make sure what is built out there will last but it's also, they wanted folks to take a peek to see if anything could be reused.

Bill Ryan, Bureau of Environmental Services: I am bill Ryan the chief engineer for the bureau of environmental services. Andrew has included in the estimate for the lid what we looked at as being the most probable, most expensive approach to handling the storm water within the area. And that's appropriate until we get out there and we have the opportunity to review the test results and to look at the presence of contamination in the soil and groundwater, to look at the maybe do additional testing and do some preliminary design work. We won't know whether an infiltration system is affordable or doable. So we will do the work and the necessary work to find the most cost effective means of managing the storm water within the lid.

Townsend: The same thing goes for the pavement. We have made the same thing conservative assumption that based upon what we have for information in the area but we do site specific testing and that would improve our estimate so we feel comfortable going forward.

Saltzman: Ok.

Aebi: I think that's all that we wanted to share with you today. We look forward to coming back on august 23 at the 10:00 a.m. time certain. Happy to answer any additional questions that council might have.

Wheeler: Thank you all. Very good. Any further questions? Colleagues any public testimony on this item?

Parsons: That will be taken on August 23rd.

Wheeler: On the 23rd thank you. Very good and without further adieu this is a non-emergency first reading moves to second reading. It's a continuation actually, isn't it?

Saltzman: Yeah.

Wheeler: This is a continuation. Thank you. Sorry for that. We cannot quite yet move to 788 let's move to 801 please. Do we have somebody here to talk on 801? Yes, good. Please read 801.

Item 801.

Aaron Smith, Portland Police Bureau: Good morning mayor, I am Aaron smith with the traffic division, good morning city Council. So basically this grant is going to allow the Portland police bureau to put out extra enforcement in the area of the odot work zones to

July 12-13, 2017

try and basically keep the workers safe and increase the awareness of the work zones, get people to slow down, and make everybody more safe.

Wheeler: Very good. Any questions, colleagues? Comments? Is there any public testimony on item 801?

Parsons: One moment please.

Saltzman: Sergeant haven't we had several serious injuries?

Smith: Unfortunately yes. There's been some fatalities not within the city but just a couple of weeks ago. The construction down on McLoughlin, there was a drunk driver that ran into a large piece of equipment, and it's just a miracle that there was not a fatality out of that.

Wheeler: Ok.

Parsons: We do not have anybody signed up.

Wheeler: Very good. Please call the roll.

Saltzman: Well this added enforcement can't come soon enough it is the construction season. We are thankful that the legislature just passed a \$5 billion plus transportation improvement package. It will have more work going on, on the roads and the streets and the sidewalks and we need to make sure that our workers are safe, and having our police there to help them enforce the laws is very important to all of us. Aye.

Eudaly: Aye.

Fritz: Thank you for your work, aye.

Wheeler: Aye, the ordinance is adopted. Thank you very much. Please call 802.

Item 802.

Wheeler: Colleagues as you will recall there was some counsel discussion about this. There was a writeup that has been done, staff has gone around to council offices but I wanted to give you the opportunity to make a presentation.

Beth Fox, Bureau of Technology Services: Do you have any other further comments or questions based on the information we provided since last week?

Fritz: Put your name in the record please.

Wheeler: Name for the record.

Fox: Beth Fox the communication division manager for bts.

Fritz: The only question that I have is obviously there was a major renovation several years ago and when you just invested in a whole new system you don't want to change the providers. How do we know the cost per unit is competitive?

Fox: We get these -- I brought one for show and tell today and this is a fire apparatus. We get these from the pricing from Motorola direct. Although there are other resellers that sell this, they cannot sell it to us at the same pricing that we can get it from Motorola on the current contract.

Fritz: So if they are selling it to the general public it would cost more?

Larry Pelatt, Procurement Manager: Built into this, to clarify That piece, it is what is called a most favored nation status basically. We get the best price from everybody, and the best pricing for the national co-op. So it's a standardized best price. So no it cannot be bought cheaper from anybody else in the marketplace.

Fritz: Thank you very much.

Wheeler: Further comments or questions? Is there any public testimony on this item?

Parsons: We had two individuals signed up.

Wheeler: Very good. Do you want to take a seat? Thank you.

Nancy Newell: Good morning as you know I am an advocate for no nuclear operations in our area or near our area and I oversee whatever equipment and municipalities that are required in order to detect unusual radiation levels which we experienced in December. December 13, and it was not reported until April of this year, the amount of radiation that was released from the 44-year-old plant operating at the Hanford reservation, and it was

July 12-13, 2017

discovered and reported by the union of concerned scientists. We have a 44 year old plant that should not be operating I recommend not only to go into an aggressive alternative program to get off that electricity but also to require its immediate closure. This plant was just waiting and it was just luck that it did not melt down according to the union of concerned scientists, Dave Lockbound, who has lectured all over the northwest this plant has got to be shut down, it is designed like Fukushima with all the failures in the equipment, it -- there is no place to put the waste. We are experiencing radiation levels in this area. The prices went way up and we figured out why. I ask you put in a resolution not only for moving rapidly but the money that we would save closing that plant is in the millions. That's what I recommend.

Wheeler: Very good, thank you.

JoAnn Hardesty: Good morning mayor and city commissioner, I am JoAnn Hardesty, and that's really close. I wanted to comment on this purchase of emergency equipment, and I wanted to make sure that if we purchased any equipment, especially if we are spending \$14 million that we can communicate through all of our emergency systems. I've been around long enough to know that police systems don't always connect with other emergency systems and we have data systems that don't talk to each other. Here's an opportunity to really make sure what we purchase, we purchase equipment that will communicate through our needs. I just don't want to be back there again and find out that we have equipment that only handles one segment of the emergencies and not the other we've been there before and we've spent a lot of money. I hope the details of this will ensure that continuity across all of our emergency systems. Thank you.

Wheeler: I couldn't agree with you more on that JoAnn. Thank you. Very good. Any further questions or comments colleagues? Commissioner Fritz.

Fritz: In regard to that, I believe that this is the system that we switched to. It was a major switchover, it cost \$50 million or something, and so we are satisfied that it is working and communicating with all the other systems it needs to?

Fox: Yes, I am Beth, the communications division manager for bts. We have over 70 agencies with other sub agencies within them over 80 that utilize this radio system. So all of the public safety for Portland, including 9-1-1 dispatchers use this, and it is actually a Multnomah county public safety radio system so we are able to talk to any police department within our group as well as fire and medical and again all 9-1-1 dispatch.

Fritz: Thank you.

Larry Pelatt, Procurement Manager: A small piece, this \$14 million is a maximum piece on this contract. The contract itself is to buy and sell equipment for the system that we have already spent as you indicated \$50 million to replace. This just picks up the small pieces on the edge that add on the pieces and that kind of stuff. This is not saying we're going to go out tomorrow and buy \$14 million worth of radios.

Wheeler: Very good any further testimony, comments? Thank you for your testimony, please call the roll.

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

Fritz: Mayor and staff I appreciate you giving us more information than last time and answering all of our questions and I appreciate it took a large effort to make sure this works well.

Wheeler: Aye, the contract is authorized. So we used all the filler that we can use and we cannot start the next item legally until 10:20 so we'll take a six-minute recess and reconvene at 10:20.

At 10:15 a.m. council recessed.

At 10:24 a.m. council reconvened.

Wheeler: We are back in session, please call item 788, time certain.

July 12-13, 2017

Item 788.

Wheeler: Very good and for the record this is an item that we have held a hearing and taken testimony. We took a vote and legal counsel if I am correct I can make the motion and take the vote so I move the council deny the appeal upholding the decision of the historic landmarks commission and approve, to approve the application with conditions and adopt the findings.

Saltzman: Second.

Wheeler: So we have a motion and second. Please call the roll.

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

Fritz: Just disclosing that my staff have talked with the appellant as well as the community developer. I didn't learn anything that changed my opinion. Aye.

Wheeler: Aye. The appeal is denied. Next item is 816.

Item 816.

Wheeler: Colleagues first I would like to present an amendment to swap out what was filed in the 7-10 amendments. That as you will recall was a minor fix. It switches a -- that out. Is there any further discussion on that? And can I get a second?

Fritz: A second, absolutely.

Wheeler: So we have a motion and a second. Call the roll on the amendment.

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

Wheeler: Let the record show there is no matter too small for my attention. Aye. The amendment is adopted. Colleagues I am happy to bring forward these technical fixes to you today as I have said times before we're in a housing emergency, and we need to continue to do everything that we can to improve the experience of renters and families who are experiencing housing stability in our community. Despite our stronger, strongest efforts at lobbying and coalition work unfortunately the legislature was not able to provide the city with the state with a just cause eviction standard or rent control tools that we believe would have significantly helped us to address this emergency right now. Therefore it's up to us to continue to take bold action to address this housing crisis using the tools that we currently have at our disposal like mandatory relocation assistance. In February of this year the counsel mandated that landlords in the city of Portland pay relocation assistance to tenants, experiencing rented increases of 10% or more and tenants being evicted for no cause. There was an abundance of public testimony from housing, justice advocates, community groups, and landlords and tenants alike, and it became clear that the community at large had a handful of outstanding questions about the mandatory relocation assistance legislation. So in response we passed mandatory relocation assistance with an amended, an amendment that mandated that the housing bureau assemble an advisory group of landlords, tenants, and other interested parties to identify technical issues within the legislation and to propose solutions to the issues identified. As I am sure you remember the technical advisory committee met several times throughout march and April and compiled their proposed amendments for the bureaus consideration. At the end of May the housing bureau staff presented changes to the mandatory relocation assistance ordinance on behalf of the technical advisory committee. The council did not come to a consensus on the presented changes and asked that the technical advisory committee revisit the recommendations with clarification. The housing bureau staff facilitated additional meetings, the technical advisory committee and they returned with additional recommendations today. I am going to turn it over to the director Creager, he's not here today. Is that correct?

*****: I am not sure.

Wheeler: Ok. He may not be here today. But certainly Matthew Tschabold is here from the housing bureau. So in just a few minutes we're going to go over the details of the

July 12-13, 2017

recommendations, but first I wanted to share a couple more things. First affordable, accessible and quality housing for all Portlanders is one of my top priorities, and I know it is a top priority of this city council. I believe tools like mandatory relocation assistance give us a shot at providing basic needs. That's why I am directing the housing bureau to continue to have the mandatory relocation technical assistance advisory group meet to determine what a potential long-term policy could look like. As you know this current policy is set to expire on October 6. Two, affordable, accessible and quality housing for all Portlanders is not one of, just one of my top priorities of this, or this council's top priorities, we have heard loudly and clearly that it's also a top priority for Portlanders. I take meaningful and equitable community engagement very seriously, and I know that this policy must include the voices of some of those who are the most directly impacted. That's why I am directing the Housing bureau to open two new recruitments. The Portland housing advisory commission, the bureau's community advisory body, and also the renter owner services advisory commission, otherwise known as rosac. I am drafted legislation to get this up and running, and this new advisory commission will advise on issues of rental housing law and regulations, landlord tenant programs and services, and provide a forum for public input on rental housing. So with that I will now turn this over to Matthew from the housing bureau and others on the technical advisory group, for example, Margot black has been involved in this process and she has been asked to testify as well. So with that I will turn this over to you.

Matthew Tschabold, Portland Housing Bureau: Thank you mayor and members of council. So I will quickly walk through the recommendations and we will turn it over to some of our technical group members who wanted to provide some testimony we have three folks here. So as the mayor mentioned I guess first I'll just stop for a moment on this slide because I know some of our discussion today will be about the technical advisor group is reaching a consensus or close to a consensus, close to unanimous consensus, so I just wanted to flag the organizations represented on the technical advisory group. As the mayor had mentioned on the 25th council directed the housing bureau specifically to revisit the subsection c and the Subsection d, and the proposed changes within from the first set of amendments that were brought forward by the housing bureau to council to share the feedback from council with the technical advisory group. Then see if the technical advisory group could come to a set of consensus recommendations to bring back to council based on the city council's feedback. So with that the first clarification was that the request for relocation assistance is not the notice to terminate the rental agreement which did require changes to the code. And there was just -- there was some confusion and differing opinions from different attorneys about whether or not the code as written meant that a request for relocation assistance was in fact, a notice to terminate, and so the request to clarify this on behalf of the technical advisory group was something that was shared by both the rental representatives as well as landlord representatives and actually if I could let me take a quick step back as I am walking through these. I want to emphasize that these are a package of amendments, and that the consensus reached by the group was on the overall package, so any significant changes or removals or additions, I couldn't necessarily say that there would be consensus for that package without going back to the group. So the second item is a change to the time frame. There would be two changes one would be to allow 45 days for the renter to request relocation assistance then 31 days to allow the landlord to pay that assistance. Subsequent to the payment of the relocation assistance the renter would have six months from the effective date of the rent increase so not of the notice but the effective date to do one of two things. One would be for repay the relocation assistance, the second would be to provide the landlord with a notice to terminate the rental agreement. The conversation around this was that generally folks seemed to

July 12-13, 2017

acknowledge that 90 days was a tight time frame for someone to try and assess whether or not they could -- what housing was available to them to move into once they got the relocation assistance. So some of the renter representatives in the discussion wanted to provide more time for renters to try and identify and secure new housing that was affordable to them and the landlord representatives wanted more certainty. What is the end date at which we'll know that either we're getting a relocation assistance back because the renter will be staying or that they are providing us a notice to terminate so they are moving out and we can plan for the next renter to come in so this language was that compromise to reach that point. Given the time frame there was concern from representatives, from the landlord side of the discussion that a renter could experience two qualifying events for relocation assistance because in theory they could be in the rental unit for a year or longer after the initial rent increase. There was clarification to make sure that in code it said that a renter could only receive and retain relocation assistance once per tenancy, and actually the code amendments you swapped out were due to some concerns that commissioner Fritz had brought up on Friday when we checked in with her about language in the code to make sure that it was not just receiving it once but receiving and retaining in the event that perhaps they paid it back and stayed but two years later in the event of a permanent policy there was a subsequent qualifying event. And finally to commissioner Fritz's concern from the last city council hearing on the 25th we worked with the city attorney's office to draft language around the utilization of llc's and should an individual who owns multiple rental units across the city have then each within their own llc and that llc only owns one rental unit, that that does not create an exemption from the relocation assistance, that was a concern that had come up so we incorporated that in with the code changes as well. I would note one thing about the meeting in which we were able to come to that consensus on the deal. Affinity property management was present they participated in the discussion they raised concerns, and they helped to work through some of The trade-offs they chose not to take it. The Portland metropolitan association of realtors was not able to be present and neither was their representatives available on that date but they did express in email exchanges with staff before the meeting that they were not comfortable with the six-month time frame for their members. And my memorial trust representative did not take a position due to their legal and tax exempt status so they participated from a technical expertise standpoint they weren't forwarding any policy recommendations to the legislative body. With that I am happy to take any questions.

Wheeler: Is there any public testimony on this item? We have invited testimony.

Tschabold: So we have Margot and Jessica and Katrina from the technical group.

Wheeler: I apologize.

*****: Sorry I thought I heard my name called.

Wheeler: You are good. Thank you.

*****: I will wait for them to come up if that's ok.

Margot Black: Good morning commissioners. I am Margot black, as required by city code I will disclose that I am speaking on behalf of the lobby entity, Portland tenants united, and I am also a member of the relocation technical advisory committee, and I want to give testimony today regarding my concerns for a couple of proposed technical amendments to the relocation ordinance, as mentioned the committees met several times for a period of three hours and through that process we arrived at consensus on most of the amendments you'll consider today particularly the important package of amendments that Matthew just described, however there is one technical clarification in today's proposed amendments not discussed by the committee. This regards the exemption for landlords with a single rental unit. As defined by statute chapter 90, 193, landlords includes landlord representatives so property managers, practically speaking this means a landlord with one

July 12-13, 2017

unit who employs a property management would not be exempt under the ordinance. Today's amendment seeks to clarify that such landlords should in fact, be exempt whether or not they use property managers or not. There is also proposed language that seeks to clarify that landlords who have say five properties under five llcs should not be exempt so if they determine the landlord had a financial interest in one unit they would be exempt. If this sounds complicated it is because it is. Commissioners ultimately I would like you to consider limiting the exemption to only humans, not llc's, and only those humans who personally manage their properties rather than those who use a property manage company and I ask you to consider this in light of my belief that this was the original intent. Absent of the limitation to humans only and only those who personally manage their properties, these types of tenants, these tenants would be denied relocation assistance from the following owners. The owners who bought their single family rental property online from a company like roof stock by putting their single family rental property in their online shopping cart from the comfort of their out of state living room and these are not obviously the small financially constrained landlords considering that roof stock, owning rental property doesn't mean that you have to be a hands-on landlord for buyers who want to be less involved while earning passive income choosing the best rental management company makes it more easy to focus on the investing aspect and less an operational tasks so these will be the single unit owning landlords in the city of Portland who will be exempt from paying relocation assistance when that property management company no causes that tenant or increases the rented by 10%. That's the crux of this if this amendment is intended to exempt single tenant owners because of the financial burden on small landlords the property management companies are literally incentivized to increase rent and to a certain extent no cause evict because of the finders fees for replacing tenants and they are responsible for making those decisions, so I don't believe that it was the intention of council to exempt the landlords who can afford to use such property management companies and whose decisions then cause the exact circumstances that we want to protect the tenants from. It also denies tenants relocation when their landlord is an llc and the burden of the -- is on the tenant to research who has a financial interest in that llc. I very much appreciate the direction from the council to do as much as we can to limit that llc loophole but it requires the tenant to go to the secretary of state website and trace who has what financial interest, and it's really not easy. I consider myself highly, technically literate, and I have run into dead ends trying to figure out who has an interest in what llc so this is an equity issue when tenants don't get this protection without having the knowledge, time, literacy and resources to track down who owns the property. This is fixed by requiring that the only landlords exempt are those who personally own and manage their properties. Council you know that as an advocate for tenants I do not love that any tenants are exempt from relocation assistance when displaced through no fault of their own but for the sake of diplomacy I can accept it for the time being. However I ask you to consider what your intentions were when you did exempt the single unit owning landlords and whether they can employ property managers, managers responsible for the decision-making process that leads to rent evictions increases and no cause evictions or have the business accrument to funnel their ownership issues or interests through an llc. I provided council with proposed language to limit this to humans only and only those who personally manage their properties. As I believe this alliance with the original intent of the exemption and does not make the loophole already being abused bigger. I am grateful for your support of this policy and feel the relocation technical committee has been effective and professional. I am in support of all the amendments discussed by the committee by want to say this issue was not discussed. That is because it was assumed that council's intent was to exempt certain landlords regardless of who manages their property. If that was your

July 12-13, 2017

intent I will concede this point, but I would ask for your clarity on this. If it was not I would like you to consider the revised amendment I submitted to council by email this morning and I have in front of me if you have questions.

Fritz: Yes, that was my intent in proposing that amendment which did pass by the council. I appreciate your testimony, you sending your testimony in early and you said by in large we would prefer property managers that are more professional then out of state owners who just leave things alone I would submit to you that if I was an out of state owner what I would do is on 90 days plus one fire the property manager and then I would give the notice and the tenants really stuck with trying to deal with the out of state owner rather than -- I don't think that really solves the problem. So perhaps it could be something that the ongoing committee could discuss when you come back with an ongoing package.

Eudaly: As a lone person who voted against that amendment, I voted against it because no one could tell us how many units that would exempt, and therefore how many tenants would be left without this vital protection. It's not -- that's not because I don't think that there should never be any exemptions. I do think an exemption, for instance landlords who live on the same property as their tenants like in a duplex or an adu could be a reasonable exemption and those were the people we were mostly hearing super in an that built it an adu their backyard anticipating in an elderly parent moving in, someone who lives side-by-side with a tenant and a duplex, that's, that's almost like having a roommate.

Black: Personally owned and managed.

Eudaly: Yeah. So I am very open to this amendment. My concern was that it was not discussed in the group and that these amendments today are -- have all been agreed upon by this body, and that we did not have time to kind of talk about it between the offices so I am open, and certainly it is something that I think that we should be discussing in October.

Wheeler: I will chime in on this I appreciated you bringing this to our attention. I think that it is an important issue that does deserve further discussion. I think that I am of a mind of commissioner Fritz. I would like to see this discussed in the committee that's obviously going to be looking at a longer term solution now and this should be in the mix as part of those conversations. So I do appreciate you bringing it to our attention. Very good.

Katrina Holland: Good morning. Thanks for having us here, I am Katrina Holland for the record the executive director of community alliance of tenants, and I just had a few comments to highlight about the specifically the requirement for the tenants to return the relocation assistance if they decide to swallow the rent increase and having to give it back if they have not been able to find a place, I am sure it is no secret that this ordinance is one of the only tools that we have available for us to address this crisis in Portland. And as an organization that's been representing most impacted renters for 21 years we are ecstatic to know that this is a long-term policy and consideration by the council. We look forward to shepherding policies like this and other jurisdictions around the state and look forward to participating in conversations about what a long-term strategy would look like. A couple of items to highlight, we still believe that families need more than six months in order to find and secure a place. Ideally we would love to see a year but we agreed to support the six months in the vein of being reasonable. However we do feel like it puts most impacted renters on the chopping block when it comes to being able to find a place to live and then potentially the added burden of having to give the money back. I also want to highlight that we also have a significant issue concerning notification from landlords and tenants this was something brought up in the committee in the last meeting I can't remember what day, early July, but in a nutshell many tenants would be required to hand over this money if they, if they have not found a place in six months. According to the ordinance there is no mandate for the landlord to let the tenant know that that is the case. So for people who have heard about the relocation ordinance from their friends or family or

July 12-13, 2017

maybe have not had an opportunity to be educated through an institution like city council or like community lands of tenants they would be obligated to pay this back if they have not found a place and don't know that's the case suggesting them to significant harm, so we would love to see some action taken by the council to make sure that there is a notification, even if it's not at the time of the notice being given perhaps just included with the check as a separate notice so tenants will have an idea that is happening. As an organization dedicated to providing support and empowering most impacted renters specifically seniors people with disabilities and black and brown families and immigrants and refugees and single parent households, these two issues could pose challenges for them. It's no secret that the socioeconomic status of many of those families are lesser than their white counterparts and middle class counterparts so I would strongly encourage the council to consider these amendments and pass them today. And we want to make sure that this policy minimizes the harm and this would create more harm for these families.

Saltzman: So you are interested in having a landlord notify the tenant at the time, the notice of the increase or the issuing of the check that there is a six month duration. Ok.

Holland: Right.

Saltzman: I think that's reasonable and move that amendment.

Fritz: It seems like that could be an administrative rule or a standard practice that they are given in frequently asked questions.

Saltzman: I don't know the wording in front of me but I think it makes sense that a landlord will provide notice at either the notice of the rent increase or the issuance of the relocation check that it has a six-month duration attached to it, so I would move that.

Holland: Many families, it may take them eight months to a year to find a place, and so without knowing they are obligated to pay this back within six months, they will end up swallowing the rent increase. Thus taking their money and having to pay it back it would cause harm.

Eudaly: I share the concerns about notice and clarity. I was surprised at this solution that the committee came back with, and I think that it's great to have this extended period to move out, and it serves the interest of the tenants and landlord, which is ideal. I am concerned a lot of our landlords and tenants don't know about our relocation policy and think that needs to be incorporated into the standard notice forms. As far as the time period it is my understanding so a tenant gets 90 days notice of a no cause eviction or rent increase. They have 45 days to say whether or not they are going to accept -- well on the rent increase. If they are going to accept it or move out. Doesn't that six months begin at the end of that 90-day period?

Holland: It would.

Eudaly: And at the very end they can give their notice, so it gets them to ten months, effectively.

Holland: Effectively. Potentially more of the notice longer than that.

Eudaly: I am trying to track it through memory. So yeah. And it's difficult because we don't have an office yet to manage these new rules to make sure that everyone is aware, but yeah, I definitely share those concerns. It seems like the notice coming with the check would make the most sense to me.

Holland: Or both.

Eudaly: Yeah.

Fritz: I am looking over the code here and it says termination notice in quotation marks so presumably staff can have a template which would have the rules and the option as far as paying it back, etc.

Eudaly: And the date that they have to give notice or they have to return the funds.

July 12-13, 2017

Holland: It would encourage families to be more prudent with the money instead of looking -- as they are looking for places to live, whether to give the deposit to hold or application fees and etc.

Fritz: Perhaps when staff comes back up we can find whether that needs to be done or whether we need to amend the code again.

Wheeler: Let me do this to keep this tidy. If it's administrative I would prefer to keep that option open but commissioner Saltzman has made a motion, can we get a second?

Saltzman: I prefer it to be in the ordinance as a new subsection f.

Fritz: Do you know where.

Saltzman: I would put it at the end. The additional protections add a subsection F that says the landlords will provide notice at the time of the 10% rented increase and at the time of the issuance of the relocation check that the duration of that is for six months.

Fritz: I will second that for discussion commissioner. I think that actually it would go better as a new d and move everything else further down.

Wheeler: Why don't we have a motion and second and keep that open. I would welcome public testimony on this item, and further staff input. Thanks.

Holland: Thank you.

Jessica Greenlee: Good morning. I am Jessica Greenlee with affinity property management I'm the operation manager and part of the technical advisory committee. In listening to the discussion I just am wondering if we can more thoroughly vet that language that you would want to add for notification language just because it is important that it is accurate especially if we have to incorporate that into the paperwork and disseminate that out to staff that does take time and so if that is -- that is the requirement that we are going to put in there if there is an opportunity to allow that not to happen during an emergency status that would be beneficial to roll that out and it is just a thought to consider. I would also like to bring to the councils attention another item not discussed in the committee. That is causing some just legal challenges, and it has to do with the language in section b at the end of the paragraph. It says for the purposes of the subsection, a landlord that declines to renew or replace an expiring rental agreement on substantially the same terms except for the amount of the rent or associated housing costs, terminates the rental agreement and, and is subject to the provisions of the subsection and that is included in the no cause section. And what we are experiencing is the situations where a tenant will obtain legal counsel, if we change a smoking policy on a property or employment has ended and they have lost their employee discount are two examples that we're working through now. However because it is part of the no cause section we automatically incur damages in this situation because there is no obligation for the tenant to notify us of the substantially same terms so not only are we paying the relocation assistance payment but we are also subject to section d where we are also paying the damages on top of the relo without knowing that we violated it because substantially the same terms is not defined so we would like for the council to consider moving that to section c where there is a notification requirement in place so if a violation does occur or their attorney brings that to our attention that is -- they consider that to be substantially the same terms and we have the opportunity to work through it before we incur damages. I really thought this is on an item, better addressed in the long-term policy than the short-term policy, and it is certainly something that we're starting to encounter more frequently.

Wheeler: And I appreciate that, and again I want to thank all three of you for your service on this committee it was very helpful to get all these perspectives. I will state my preference my preference is that we not make technical amendments on the fly today. That's my preference. My preference would be that we -- it is already mid July, and we know that this ordinance expires on October 6, and so I would prefer that we have these

July 12-13, 2017

discussions at the committee level and continue to weigh them and vet them in the consequences of making technical changes and then bring that back as part of the longer term package. I do appreciate you bringing it forward.

Eudaly: Jessica would it make sense to iterate what would constitute a substantial change? The change in the smoking policy --

Greenlee: It would be very beneficial. I think that there is a couple ways to address this. Whether it be defining what the same terms are or moving that into the subsection where it does require some kind of notification. That would be beneficial.

Wheeler: Thank you. Any further questions for this panel? Very good. Thank you for your testimony. We appreciate it. Is there any public testimony on this item?

Parsons: We have had three people sign up.

Wheeler: Is there anyone here who like to testify on this issue? We will close the list.

Shedrick Wilkins: I am shedrick Wilkins and I was about landlords, I was a tenant at dignity village, in which the rent there was \$20 a month, and it was a very communal, I didn't last there, and then I am a veteran and now I am under hud and on the food stamps, but I think that, I think the economy of the future will get worse, and we will have more homeless people, and I do believe in kind of a, what is called a shack house existence that they are building. Some of these little shacks have solar panels on them, and in the last five years I could have spent \$5,000 on solar panels, on my dignity village shack instead of paying the 100, I do a month to the hud. I would have liked it there. I liked it out there. It was nice and the village has one bus so I can commute to my -- to a job. And I want to go back out to dignity village because I think that people are going to wander out into the corridors again unless, of course, they stay in these shack leased things in somebody's backyard kind of. And I know for a fact, too, that a lot of people on the east coast when winter comes they call up the relatives they sell their blood, take a bus out here, spend six months during the winter time then go back to their relatives in New York someplace. Portland has moderate climate low populations and a lot of churches that will give some canned food, but I am going to do one experiment. Every year I have to solicit for food stamps and I have to call a state office so what I've done is I'm going to take some little solar panels and pop them in my window and power up my cell phone and you cannot email anybody for food stamps you have to give verbal testimony in February that I stayed here and call somebody. I usually do it from the Hollywood I will get a phone and see if I can conduct and get a lot of information from solar panels propped in the window. If I went back to dignity village I could use those and my son says I can put a keyboard in my phone to get a low cost isp and get on the internet so I am going to do some of these experiments. And it's one advantage in the 1920's we do have a lot of this what I call crystal magic the ability to get electricity from the sun, telecommute, I know people actually write programs that have made \$50,000 on an apple phone its amazing how you can do that. You know there's zukaburgers like that you don't have to have an office. You can just do it with a phone.

Wheeler: Thank you.

Alan Kessler: Commissioners, mayor, Alan Kessler I'm an attorney. I don't practice landlord/tenant work normally, but since this relocation ordinance I have been excepting clients mainly tenants who are facing a no-cause eviction, I have had several clients who are sort of trying to deal with the nuances of this law and it's a challenge. I would submit to you that I believe it should be the policy of the council that no-cause evictions should be rare, should not be a normal tool that should be an unusual circumstance. To the extent that somebody is in the business of managing property, they can predict about the rate at which they are going to have to no-cause evict people and build that into their fees and their rent. They can advertise it over the whole population of tenants so they can ensure

July 12-13, 2017

rare instances where a no-cause eviction is necessary. I understand with mom and pop landlords where perhaps you're not as sophisticated, perhaps they have one rental it's perhaps the exemption is appropriately applied to them but I think Margot is right. Where a property manager's making money on managing properties then they shouldn't be using this tool and we need to punish them if they use this tool. Commissioner Fritz had a comment that if we were to adopt Ms. Blacks language that an owner would work with the property management company and then sell at the last minute. I know the language actually includes a phrase landlord who at all times during the term of the rental equipment is a human being, blah blah blah and I think that's a good option. I think if we limit the cases to where there's a human being that manages the property that person throughout the tenancy and doesn't involve a property manager then they should be exempt but as soon as you start to involve shell companies and more sophisticated arrangements then the person is more sophisticated and they should understand in the rare an stance they need to no cause they have to pay the fee as part of the cost of doing business. It seems much more fair to put that on the side of the people for whom this is passive income than for people whom this is their home. I've said differently it seems that city council is taking the position of people who own two houses and weighing that above positions of people with no houses. From the point of view of a tenant it's impossible to know what the various ownerships interest are. I'm an attorney I can't claim to figure it out. I have had clients come to me and I had to turn them away because -- I'm sorry because an owner claims an lsc owner claims that's their only home in the city. I can't afford -- may I have 30 more seconds? I don't know whether that's true but I can't afford to sue and find out later. Those cases just won't be prosecuted. One tenant in particular I wanted to tell you about was somebody on a lease with the property management company in a home for quite some time. Then January I believe of this year the property management company sold to a local developer. The developer about a month later issued a no-cause eviction. That llc as far as I can tell has only one property that is a rental, but it has other properties where there are building permits on those so I don't think those are rentals. I can't take that case, that's a person who did everything right, but was a victim of development a victim is exactly what we're trying to protect and that's a human being that I cant help that cant have relocation and I don't think that's a great policy.

Wheeler: Thank you. Good morning.

Anthony Bencivengo: Hi I'm Anthony Bencivengo and I'm an organizer with Portland tenants united and I do direct work with tenants on doorsteps when the contact ptu via facebook messages, emails, phone and I really want to second a lot of the comments that Alan Kessler just said and that's for a lot of the tenants to navigate the complex requirements around this law and whether or not their eligible for relo. Especially in cases where large landlords are trying to use this loophole where they can establish a bunch of different llc's which only own one building, but would be under the same property manager or would be under potentially different name, but would be all related to them or just under different names off llc's even though there all tied in various ways to the same person. The thing about relo is that it's working extremely well overall I have talked to tenants who its helped, but I've also talked to tenants who are not aware of the details of this law and are not aware if their landlord doesn't tell them that they are going to be eligible for it even if they are. In the past two weeks I have had two tenants contact me and say they have landlords who they believe own multiple properties but they are not sure and are not sure whether they are eligible for relo and there property management company has been nonresponsive or when they asked has my landlord owned multiple properties refused to tell them which they are perfectly in their rights to refuse to do. And generally for these tenants to do to look their landlords up on Portland maps but usually they can't find their

July 12-13, 2017

landlords name it's difficult to navigate that and difficult to navigate the secretary of state's website. One very recent tenant I talked to yesterday actually who wanted to be here today but I don't think was able to make it is under -- in a building owned by mccauley enterprises, which is an 11c which owns 11 buildings across Portland and all of them are under the same name mccauley enterprises, but under different numbers. When he contacted me not realizing he was eligible for relo because they didn't tell him I was able to with the help of another ptu organizer look this up and figure it out and help him find out that he was eligible, but this took a solid hour with the help of another organizer and that is because this is something I have been doing for a while and I like to know the tricks. Most tenants especially those with no experience who don't have college educations, who English is a second language, who are working people, this is extremely difficult. This is a loophole which a lot of less than lords who should be paying relo and are able to are using to get out of it. I want to support amendments that would make it so we limit small landlords' exemptions to those who's personal names are in Portland maps and manage their single unit rentals personally and not through a property management company.

Fritz: Sorry I'd just like to comment on that our office is a thing that the ongoing committee will discuss more. You had me until the last piece, which was I agree that it should not count for llcs. This is what the attorneys here came up with to exclude that so I think you would agree that's a positive exception I mean clarification. Probably there's another way to say it but I don't think if an elderly couple for example is using the rental property for their retirement income and they are physically not capable of managing it themselves presumably if you engage a property manager you're paying part of the rent, you're not charging more rent because you have a property manager because the person who is wanting to buy the unit just wants to know what is the rent so I think the market forces would get there. So that's something to think about as you continue on these discussions.

Wheeler: Thank you for your testimony; colleagues, we have one amendment on the table from commissioner Saltzman and I view it more of a clarification amendment as opposed to a tremendously substantive or technical amendment. I would like to therefore ask if there is interest on the part of the council of changing this back to an emergency ordinance. I would like to make that motion.

Fritz: Second.

Wheeler: We have a second for discussion.

Linly Rees, Chief Deputy City Attorney: If I may interrupt, the change that was discussed is a change to proposed code language. That's not the type of amendment we can do on the fly. Luckily in the example of the city that works very quickly there's a city attorney right now printing out copies of proposed text for that amendment, so for your consideration we'll be looking for that door to open shortly.

Wheeler: Let me potentially amend the amendment that commissioner Saltzman has put on the table. It's my understanding based on some quick and dirty research I did during testimony that you in fact do not have the rule-making authority for this particular portion of the code.

Rees: Correct.

Wheeler: Commissioner Saltzman is correct that in order for it to be enacted it has to be a formal amendment. Rather than doing the amendment on the fly could we give them the authority to carefully draft the language that supports the intention of your amendment?

Saltzman: I thought I understood from our attorney they are drafting that as we speak.

Rees: They are. It's at council's option how you would prefer to handle it. If we have language that works to affect it that's one option. The other would be to give the bureau the authority.

Wheeler: Here's my question we have 100 people in the room some of who are waiting for

July 12-13, 2017

the next item and this is the only thing left on the table. Unless that is available right now my preference would be to give you the authority to continue to work on that language and we move on otherwise if it's ready I'm certainly interested in hearing it.

Rees: Last email is that it's being printed and brought into chambers.

Saltzman: It's on its way.

Fritz: This is a city that works.

Eudaly: Do you want to respond to any of the testimony that was given in the meantime?

Kurt Creager, Director, Portland Housing Bureau: Kurt Creager, housing bureau director. This is a very delicate balance I would say it's not proportional. That owners of property have ceded in recognition that this is a life decision for a tenant, not just an economic decision, so they did so after lots of gut wrenching debate and deliberation. As you can see, once you start pulling at side issues the whole agreement runs the risk of falling apart. I think it's to be commended that this group work through some really tough issues during a legislative session when the legislature wasn't able to balance similar kinds of concerns hopefully it's a model for moving forward. Indeed all of the policy issues were put into a parking lot. We are only dealing with technical corrections because both sides have things they want to bring to the table and Matthew needed to be a very tough enforcer about that traffic and narrowing construct the technical amendments. I think that struck the right and correct balance. I don't disagree with Ms. Black's contention that when an individual property owner pierces the corporate veil by contracting with a property management company they have made a decision to put their business in the hands of another party and they are willing to pay for that. That changes the business relationship, but that said it wasn't really discussed.

Wheeler: It's my understanding, director Creager, with the amendments currently on the table that is not under discussion we were putting in the parking lot for the committee to discuss as part of the long term solution.

Creager: That's correct.

Saltzman: So we now have language from the city attorney. I guess to be precise I'll move that language as a substitute to my verbally worded amendment so the new language would read under subsection d, c, excuse me, the foregoing terms and conditions regarding the tenants' rights and obligations regarding the relocation assistance shall be included with the landlord's payment of relocation assistance to the tenant.

Fritz: I continue to second that.

Wheeler: We have a substitute amendment on the table. Any further discussion on this substitute? Please call the roll.

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

Fritz: Continuing kudos to Lisa Gramp in the city attorney's office for getting this done so quickly aye.

Wheeler: Aye the amendment is adopted. To the amendment of reestablishing the emergency clause please call the roll.

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

Wheeler: Aye. The amendment is adopted. Colleagues, any further questions or clarifications before we get to the main motion? Staff, anything else you would like to add?

Creager: Thank you, no.

Wheeler: Very good. Please call the roll.

Saltzman: Well, I want to thank the committee, want to thank the judge who upheld the constitutionality of this ordinance recently. Thank him for his wise decision. I want to thank Matthew Tschabold for carefully orchestrating the work of the committee to produce the products in front of us today. So I'm pleased to support this and I realize that we are really going to have to revisit this later. The changes we're making now I feel the amendment we

July 12-13, 2017

just passed is something that's a real here and now issue that people as commissioner Eudaly said not a lot of people know about this relocation assistance ordinance, so it's important more than ever at this point to make sure landlords notify tenants of this program. So pleased to support this package. Aye.

Eudaly: Well, I also want to thank the technical advisory committee for hanging in there with what I know were some really tough conversations for considering the issues that we raised during the last hearing on this item in coming back with solutions that weren't what I had in mind but I think are actually better. This is absolutely how this process should work. I want to thank the mayor and commissioner Fritz for her clarifying amendments as well as phb staff, of course. Commissioner Saltzman beat me to the punch. I hope that we would have a moment to revel in the ruling on our ordinance. We now won the last legal challenge, we believe, and our relocation ordinance will stay in place, which is especially comforting considering we didn't get any tenant protections out of Salem this session. I'm looking forward to the conversation moving forward. Aye.

Wheeler: I would like to add my --

Parsons: I'm sorry.

Fritz: Thank you. We adopted the initial ordinance in February as was right because we are having a housing emergency and I commend commissioner Eudaly for her leadership in bringing it forward then and doing it as quickly as possible. Since then there's been this wonderful committee which mayor wheeler and commissioner Fish directed to have happen and there's been much more conversation about the pros and cons and what I'm hearing from all sides is more of an understanding that there are pros and cons and sometimes you need to compromise. That's what the art of politics and on the city council that's what we try to do so everyone gets most of what they want hopefully most of the time few people get exactly what they want on every detail. Thank you to commissioner Eudaly and mayor wheeler for partnering on this great effort and thank you to the city attorney's office for arguing that case before the judge. Thank you Goldann Salazar in my office and Jamie Duhamel in commissioner eudaly's this is really great staff work and a good collaboration from everybody on the council. Aye.

Wheeler: I would like to thank director Creager and your team, matt, in particular. Thank you. I definitely want to add my name to the list of people thanking the technical advisory committee for their incredibly hard work on this. I know that there is much that the committee members do not agree on and I appreciate the tone and the tenor of the conversations that have taken place in those committee meetings. I think we did a good job of putting the right people on that committee who could have some fairly direct conversations and everybody still stayed around the table. I think that's the best way to make policy I agree with commissioner Eudaly, it's disappointing to be here effectively six months after where we started and realizing that we are going to have to continue to go on our own. We have to continue to lead here from the city council chamber in the absence of further statewide leadership. We're perfectly content to do that. It means we have a lot of work ahead of us and I know we're up to the job. I look forward to continuing to work with everybody on this important issue. I vote aye. The ordinance is adopted as amended. Thank you.

Wheeler: So that brings us to items 798 through 800. I would ask that we please read all three of those items together.

Items 798-800.

Wheeler: I would like to start with a brief introductory remarks. First thank all of you here who have worked on this issue over a period of months if not years to take into account the varying views of different stakeholders. These resolutions that are coming before the city council today I want to be very clear this is a first reading so there will be no vote on this

July 12-13, 2017

item today. This is going to come back to the council in august. We haven't settled on a date yet but we will certainly publicize the date in august when we bring it back for final consideration of amendments, some of which I'm sure will be put on the table today. We wanted to give the stakeholders an opportunity for public testimony so that's our primary objective today. Given the time allotted today and how many people do we have signed up right now?

Parsons: I have 23 people there may be another sheet outside.

Wheeler: Assuming there are 23, let's start with two minutes of public testimony each. That's the same you get at the legislature. It's a little less than we like to do here, but we obviously want to get through this today. So if people could limit their testimony to two minutes. If it turns out we have another sheet we may have to further reduce that, but lets assume we have 23. When I took office I wanted to make sure that the ceip would meet the city's goals for contracting while meeting critical timelines for construction projects. This project both increases capacity in the minority contracting community while also protecting the rights of workers. I and my fellow city councilors want to ensure this project will meet our expectations and balance these needs. The ceip is an inclusive plan that provides equal opportunities for both union and open shop participation. That's something that I believe is very important. The ceip goals related to utilization of women and minority contractors, work force and apprentices are much clearer and more consistent and aligned with our city's stated goals. The ceip plan is going to continue to be an important part of the city's fair contracting forum to ensure collaboration and conversations regarding important contracting issues happen in the same place. The ceip sets clear expectation for contractors and city's engagement with the oversight committee and that's the community equity inclusion committee in particular. It sets forth specific timelines and content to be reported to the ceip for their review and feedback. The ceip will create a 1% set-aside which will apply to all public improvement construction contracts not strictly to alternative contracts to ensure that the city's goals are met. The ceip pulled many components from the modified cba, and the community benefits agreement, and although many provisions are substantially similar the format was changed to provide greater clarity with regard to the obligations of each of the parties. So with that I will turn it over to Dante and to tom. We have some invited testimony as well today, so we'll start with the chief administrative officer, tom Rinehart, and the director of office and human rights, Dante James. I don't know which of you gentlemen would like to go first. Director James?

*****: Thank you.

Dante James, Director, Office of Equity and Human Rights: Thank you. It's my pleasure to be here to offer some opening introductory remarks. You've done a great job of defining and describing why we're here this morning. Essentially to address the issues of the under-utilization of minorities and women in contracting and in the work force. I don't think there's any question about the fact that there is a need for this type of process, these types of plans. I in some sense came late to the game and as the process was begun I was truly lucky to work with an excellent team from omf, and I thank them personally and publicly. Christine moody, who has moved on to the port, has worked extensively in trying to bring this to conclusion so it's a shame that she's not here to witness this. Molly Washington, sitting here, has been instrumental in putting her legal skills to use in crafting and creating the document you see before you. Teresa Elliott her engineering skills and work within bes, her intimate knowledge of how this would play out was beneficial in putting this together. Jamie Walsh's skills as a project manager were unparalleled. Betsy aims, phenomenally engaged in crafting this document. Then tiffany Penson, my road buddy as we drove around the city meeting with lots of different people explaining this process. So many thanks to them and many others who were involved in this process.

July 12-13, 2017

Certainly Tom coming in and shepherding this to get us to where we are. As you said, Ceip the community equity and inclusion plan which also includes the partnership agreement, the exhibit A that you have as well as the creation staffing of a community and equity inclusion committee the Ceic. The 1% proposal resolution is also before you as well as the need to craft a process by which we will determine the best projects to put these plans on. So that's the what. The why is really simple as I said these processes are necessary because of the continued under-utilization of women and minority owned businesses and the minority and women workforces on city funded construction projects. We cannot, however, fail to call out the reason for the under-utilization. That is that I would suggest that racism is still explicit and implicit in the construction industry that impacts contracting and hiring in this city and the outcomes without plans such as these bear this out. As do the narratives by the people who work in this industry, in contracting, and own companies, and are trying to get employed in the work force. These resolutions, this plan, is an effort to try to put the city in the best position to address and not be a participant in the racism and bias that infects the industry currently. I don't want to lose that reasoning, that rationale the purpose for why we're here. I think this plan and these resolutions go a long way to try to address that. We'll hear lots of testimony. I'll be back explaining a little bit more. I think this is a more robust document and if you look at the original documents that had aggregate goals for MW and ESb, theoretically you could have met every goal with all white male owned businesses and that was never the intent. This document changes that because it desegregates the goals and requires specific utilization of MBes and well as WBes 12% and 5%. So for that reason alone the document needed to be changed and adjusted. This document does many other things besides that but it absolutely addresses that with that introduction I will stop and let Tom take us a little farther.

Wheeler: Thank you.

Tom Rinehart, Office of Management and Finance: Thank you, Director James. Tom Rinehart, chief administrative officer. I became more deeply engaged in this process in April at the Mayor's request and I want to provide a couple of what I consider context wall remarks to why this set of companion resolutions is so important. Both staff and leaders in the contracting community have recognized for years that a piecemeal approach to our efforts have provided more opportunities to contractors expanding minority and female opportunities in the work force is problematic on many levels. In my conversations with directors over the past few months I have learned that we have several different efforts going on that all had different approaches to achieve our goals. The Washington Park Reservoir project, Portland Building Reconstruction project, Pioneer Square Reconstruction and 10th and Yamhill project all have different approaches. That means a different set of Molly's team from the City Attorney's office, equity staff, Bureau staff, this is an effort to really give the city one approach to this that can provide certainty both to the contracting community and to Bureaus. In April after Dante and Tiffany finished their excellent outreach work the Mayor directed me to try to figure out how to take all that feedback. I thank my team they went through dozens and accidents of comments, phone calls, meeting with community leaders to put together the product before you. We come to you today with the confidence these resolutions provide the city with the structure required to not only meet our goals but goals in terms of equity and tackling these problems that have persisted for so many years, but also to fulfill what the Council directed your various Bureaus to do in the budget process, which is accomplished ambitious construction goals as the city continues to goals. I want to make sure that point is clear that we tried to meet that delicate balance. I'll turn it back over to Dante to walk through the first resolution.

James: Thank you. As you said, Mr. Mayor, the foundation of this document was CBA, modified CBA, as well as other plans used by other Bureaus on other projects. Specific

July 12-13, 2017

differences from that modified cba the goals are desegregated for mwbe's and esb's. There's no specific union signatory requirement. There's no specific additional requirements for union utilization of apprentice programs and preference in that regard. There are prescriptive requirements for reporting to the oversight committee, ceic. The 1% fund which brought separately was removed from the initial ceip document and was being brought separately so should there be a need to modify or adjust the ceip the 1% will always be able to stand by itself and continue those were formatting changes. Those were probably the most significant changes to the -- from the modified to the current. There are significant similarities. I'm not going to go through all of them but I would suggest the outreach is one of them. How we perform the outreach and who we heard from. I have a document that gives you a little more detail which I'm not going to go into but just to give you a brief oversight, there was an email that went out to 42 organizations or individuals that detailed the new ceip, and offered the opportunity for feedback and review over a period of a couple of months. Of those organizations that received the information, we as in tiffany and I met with 21 organizations or individuals to explain, to answer any questions and to get their feedback in person at those meetings and offer additional time to review the document and give us feedback, us being the working group, in writing after a much more in depth review by them. We received written feedback from 22 of the organizations who we met with out of the 42. Significant organizations that we met with were at least that we offered the opportunity for meeting with was namco, mcip, Oregon trades women, constructing hope, several of the union trades, urban league. We received feedback from as you can see most of those and many folks from within the metropolitan lines work force equity as well. We specifically met with three construction organizations, northwest utility contractors association, oami, and Portland business development group, pdbg, as well as apprentice programs. Associated builders and subcontractor, training trust and northwest college of construction. So as well as others that you can see provided feedback a significant amount of that feedback was incorporated into the ceip. Ms. Washington can give you more details about that specifically but I will submit to you that significant amount of that feedback was incorporated. Some organizations we reached out to didn't give us feedback, some we reached out to do a personal meeting with didn't respond. We followed up I think tiffany's emails were flying back and forth and I can tell you she was very, very intent on getting as much opportunity for feedback as possible. The feedback then came into not to me or an individual although some sent it to me, it went to a city email box that was then utilized to compile all that feedback and then molly did her legal work and put a lot of that into the document after consultation with a lot of the bureaus, with some of council staff and other things, we incorporated as much as I think that we could and from a legal perspective as legally was allowed to be done. If you look at some of the similarities as well on page 7 plus it talks about the ceic-- I'm sorry, page 7 of the actual ceip document, it talks about the ceic, which is similar in some sense to the original labor management community oversight committee. Trying not to throw too many acronyms at you. Here its designed to review performance and advise on means of better achieving the goals. They will receive quarterly reports from the contractors as well as be able to forecast their reports. They should be able to know what's expected, get the reports and review whether those goals were actually met. So those come on a quarterly basis and they can request to meet with the contractor more often if everyone would agree to that. The ceic also can be used to assist the city in enforcing the document the enforcement is simple. If you're not in compliance with the document as a signatory it's considered a material breach. You are then subject to liquidated damages, progress payments can be withheld up to and including termination of the contract. So there is enforcement built into this document. 1% community capacity support is a more focused and has greater depth

July 12-13, 2017

of all across the city bureau involvement as I think you mentioned it's not just alternative but for the entire dollar amount for the expected construction low bid or not will be part of this in hard construction costs so it's not just one project is 1%. It's the totality of the projects being paid and done in the city so there's a consistent and constant amount that will be known and able to be utilized by service providers doing work force provision, et cetera, so we are building capacity in the city ongoing. So it's not just necessarily this project but the expectation looking in the long term to build a pipeline for work force as construction ramps up in this city. Those I think are at least highlights of some of the similarities in this document. As I have said I think it's more robust. The document speaks to making sure it's a harassment free workplace and what that means and training expected by the contractors to the subcontractors. You can see on page 15, section b of the actual ceip, there's requirements for numbers of restrooms for women on the job site as well as lactation facilities should those be necessary. It becomes a much more detailed document of expectation of how you are treating your work force and what you are providing for them to make this truly a harassment free workplace. Is there a way to make that perfect? Absolutely not. We tried to be as detailed as possible without putting every possible reason there would be harassment on the work site. What this document as an example of those kinds of things that are in this document that were not in the previous document. Gives us more teeth and greater depth and breadth when addressing what we need to address for the issue. Thank you.

Wheeler: Very good.

Rinehart: Mr. Mayor, we have two other pieces, two other pieces of the three companion resolutions. Do you want us to walk through those quickly?

Wheeler: We are going to vote individually but we want the presentation and any public testimony to reflect on all three of those resolutions.

Rinehart: Okay. 799, I'll do a brief overview then Ms. Washington will go through the details. It alludes back to my opening comments about developing a contract, delivery method, selection process that's both effective.

Wheeler: I'm sorry to interrupt. We're not taking any votes today but when we do vote we will vote individually on the three resolutions. Today when we take public testimony we'll be taking testimony on all three resolutions. Sorry to interrupt.

Rinehart: Excellent. I'll try to get my rhythm back. [laughter] we want to make sure the contract delivery method selection process in terms of how this goes through procurement is effective, vets the projects correctly and decides how they will be approached in the most effective manner and going back to my opening comments an historically the city has done approximately \$75 million public improvement projects each year around \$75 million. 75 projects at \$75 million strange how those numbers worked out. In the past three or four years we have seen that number significantly creep up so if you smoothed out the previous 20 years we would be at that 75-75 figure but we're seeing that go way up and we anticipate that to continue to climb. This section was worked on extensively to make sure we have a robust process to vet these projects and make sure we're approaching them correctly in terms of the ceip. Molly, take it away.

Molly Washington, Deputy City Attorney: Sure. The second resolution directs the bureau of revenue and financial --

Wheeler: Could you identify yourself for the record?

Washington: Molly Washington, deputy city attorney with the city attorney's office. Directs the bureau of revenue and financial services procurement services division to develop and implement a contract deliberate method selection process for public improvement projects with construction projects contracts estimated at \$10 million or over. What that basically means is that when you have a construction public improvement contract that typically gets

July 12-13, 2017

defaulted to low bid per statute. If you're low bidder you win the project, however, the statute and code provide for an exemption from the low bid process if you need a certain amount of findings. Why this is a companion resolution and important for purposes of ceip, the ceip and the equity plans that tom discussed on the various other projects are things that really only apply when you have an alternative contracting method utilized. So what we have done here is to try to provide what we are requesting is to try to provide the bureaus with a little bit of process in how they are going to determine what type of contract delivery method is really appropriate for the project that they have in front of them. Alternative contract delivery methods can provide substantial benefits, public benefits as well as cost savings, to the city. Are typically used on projects that have a bit of technical complexity to them, operational and scheduling constraints, public safety and risk impact and projects that require specialized expertise but oftentimes this method can really only be utilized if it's considered early in the construction project process. So the benefits again to this type of contract delivery method which we generally call alternative contracting is that it allows the city to consider factors other than cost when selecting the contractor so instead of just awarding the contract to whoever has the lowest bid, the city can consider other things such as qualifications of the contractor, the experience and expertise of the contractor for that specific scope of work, they can also consider the qualifications to perform the work, the project team involved, sub consultants, key trades as well as corporate responsibility, generally also included and their commitment to equity. The city has done several of these types of projects. Not a lot but several, and as we have looked at some of the results from those post project reports as well as what we expect to see in terms of benefits, these projects that are alternative contracting methods have had enhanced partnerships with the contractors, they are able to bring the contractors in early so they realize a lot of benefits in terms of risk mitigation, risks such as material procurement, safety, constructability, access, community relations, also value engineering which can result in substantial cost savings. Again, as I mentioned earlier, these projects also lend themselves to applying an equity plan, whether it's the ceip or some other type of equity plan, those are available tools that can be used when a contractor is involved early in the process. So the purpose of this resolution is just to allow the city and the bureaus to be very intentional in how they decide what type of method they are going to use for their construction projects, whether it be low bid or alternative procurement. And to have a consistent approach for the bureaus to use city-wide so that when they are thinking at the inception stage of what this project has in terms of risk and what it needs they can be thinking along the lines of is an alternative procurement an option here. Hopefully that will enable us to use these types of contracting methods a little more for projects that have some unique factors I mentioned earlier and get better value for the city, but also utilize some of the equity plans we have brought today. Basically the resolution directs the bureau to develop and implement across bureaus a contract delivery method selection process that they will use to determine whether each project will be low bid or alternative. That will be at the \$10 million level where those projects have to go through this process. At the \$1 million level we just like to encourage that bureaus utilize this as they see fit. Do you have any questions?

Wheeler: Excellent work. Thank you.

James: Dante James again. The resolution directing the office of management and finance and the office of equity and human rights to develop a community and opportunities and enhancement program and a funding plan is just that. It will allow us to put the best process together in order to be able to determine where the best use of those funds go. It's separate in a sense from the ceic, equity inclusion committee, different than the cba, which was the Imcoc did a little bit of both. There was concern, question, the

July 12-13, 2017

stress about the possibility of appearance of impropriety or conflict of interest, so this separately done is to address that. There may in fact be people who are working on ceic who are also doing work force service provision so they should be able to avail themselves of this fund should they wish to and apply for the grants that are available. That's why it's done separately in this instance. The process by which that will be determined here is to be fleshed out between the offices but it will be done in the form of grants similar to the cba, modified cba, a significant portion will go for work force and a smaller percentage for contract support and assistance. That's a broad process for this fund.

Rinehart: That concludes what we planned to present. We're available for questions and any assistance we can provide.

Wheeler: Thank you. We have some invited testimony. The first three, I don't know if they are all here. Nate McCoy is here, and Jeff Moreland is here. Is Willie Meyers here? There's Willie. Way in the back. Come on up, gentlemen.

Nate McCoy: Mayor, commissioners, thank you for having me today. For the record I'm Nate McCoy, I'm the executive director of the Oregon chapter of the national association of minority contractors. First, just for the record, I want to put out there that NAMAC stances is we're a body of membership that is not anti-union, that is not pro union, but pro business choice. We think we have to have capacity in our community to have an option and flexibility to make decisions on our own and certainly make relationships with those that are both on the nonunion and union sides. Just wanted to make sure I put that out there. As it relates to our ceip and cba discussions today I want to give you guys a lot of positive credit for the leadership and the road trips that I have seen Tiffany and Dante take. I have had to turn my phone off a couple times because they really are trying to warrant the kind of conversation that gets us to the point of where we are today. I appreciate the leadership that's in front of us for staying steadfast to really try to as Dante alluded to create outcomes we don't see every day. We have been talking about this far longer than I have been alive and we're still having it today. I'm glad we're now taking a proactive choice of really looking at this and taking it head on. Couple things that struck out to me in the documents and I want to err more on the pro side I'm ecstatic about the contracting pathway we're looking at pointing direction toward some of the community benefit plans that Parks is doing. I know Amanda has heard me time and time commend them as I've been on the committee. Both of those two Parks projects have minority GCS operating on them. We had a meeting two weeks ago where both projects are meeting and far exceeding expectations of minority contracting, minority equity on the work force and including women so both sides and there's nonunion and union representation across the board. Just can't say enough about multiple processes even including maybe in some of the cba projects that there's not one fix that solves these problems it's multiple ways of taking businesses where they are at. Also looking forward to the resource conversation because it's hard work to be working feverishly without building capacity for those who carry the voice of minority contractors. I am at a lot of meetings, certainly I'm outnumbered half the time and it's okay but I just want to see a little bit more robustness and resources to almost put money where our mouth is if we want these to come to fruition I can't wait for the next chapter of this evolution. What's more important is we have to get back on track with monitoring tracking we have done a horrible job. Our city auditor last year came out with a report striking hard at the procurement processes and lack of data and I don't think anybody behind me can argue that we have heavy lift to get our tracking systems and disaggregate information back on track. It's hard to do good work across both sides if we don't have real time information in which to come up with solutions. I also want to mention a little more clarity on what we're going to track. I think time and time again we track people getting into the work force and on these jobs, through the work force training and

July 12-13, 2017

hiring programs. What I tend to not see is after those jobs are done are these people sustained in their jobs or are they going back to work at McDonald's or Safeway? It's terrible for me to come across people in my community who went through an apprentice program and find themselves not finding a job to sustain themselves. A lot of these social issues we're talking about around housing and health care, I mean, having a living wage job eliminates a lot of those issues. I would ask that as we track we ask union and nonunion counterparts to give us that information. It's more than just the hiring of folks for city projects, it's more intentional to show that they actually sustained a job long term. Then lastly before I let others speak is I just want to also talk about mentorship. What I don't see in this document that speaks to it and it's a glaring issue that talks about the racism and discrimination for young minorities that would love to know more about construction, where are mentorship programs? More specifically in the schools, highlighting contractors of color, making sure they also work with our apprentice programs to forge opportunities for these kids. It's a hard challenge to maybe have our white counterparts to come and educate and mentor a kid who has a whole completely lived experience that's very different. We're looking for folks, you'll hear from one in a minute, who does this day in, day out. Doesn't get paid a dollar to do it but does it all day long. I encourage us to be very intentional about the intention and how you need to be enforcing that we do it the right way. With that said, thank you.

Jeff Moreland: Commissioners, I'm Jeff Moreland, president of Raymore construction. I'm also a board member of a national association of minority contractors. I'm going to speak to you today more on behalf of my construction company versus Namac. I want to give credit to Dante and Christine and Tiffany and all the staff, all the work they put into this and I think this is a great step in the right direction in terms of being able to look at alternative methods of contracting to provide support necessary for minority contractors and contractors do equity inclusion. That's what it's about it's about equity and inclusion. The only concerns I still have at times I still see almost looking at a CBA as synonymous with equity and inclusion and I want to state it's not. I'm union contractor in some areas and I'm non union contractor in other trades. That is specifically based on the unions and what I see in the unions and their commitment for equity and inclusion. Face it, some unions will be better than others. A lot of them have struggled and we know this because at this stage of the game it was really about inclusion, the unions been around a long time I think our work force would be more diverse then it is right now and that has nothing to do with the owners and their direction it has everything to do with the fact that this has been an issue for a very long time. So Raymore is a company we employ a lot of people we just finished up a \$7 million project for Trimet, a great owner, and they really stressed this issue. We came out with 84% DBE, MWESB inclusion and 64% diversity work force. We represent exactly what you are trying to do. Some of you guys have seen our crews downtown working and our crews reflect diversity it reflects inclusion that's who we are. I speak to you because I want you to understand that making sure that we don't allow any special interests to hijack what we're trying to do. What we're trying to do is get equity and inclusion in contracting and work force. I think that you guys are moving in that direction and I give you guys all kudos for that. Thank you.

Wheeler: Appreciate your testimony. Good morning.

Willie Meyers: Good morning, Mr. Mayor, commissioners. I'm Willie Meyers. I'm executive secretary -treasurer of the Columbia Pacific Building and Construction Trades Council. I have a quick question. I was under the understanding that there might be some amendments coming forward that we would have an opportunity to testify to. Is that --

Wheeler: There is always the opportunity for amendments to come forward. None have been proffered.

July 12-13, 2017

Meyers: Okay. Then first off I would like to thank the city for supplying staff and facilitating the meetings where we were able to work for creating both the ceip and the cba concepts back into the city's procurement considerations. At this point in time, we would not be in support of the resolutions as written. We believe that there needs to be a trigger so the threshold actually needs to be the trigger that says that we will be doing a community benefits agreement once it hits \$25 million. There's a couple other things in it that are also of consideration that we would like to be able to work with you to change before August, before the vote. We're also not in complete favor of the ceip, or the cbp, community benefits plan. It was contracting equity inclusionary plan is the way it was written to begin with. Its sole focus was on contracting equity at the expense of work force. There was no mechanics for delivery of work force and I have to applaud staff once again for taking us back in the direction adding those mechanics back to it with both the oversight with the committee and but that has yet to be determined who is actually on the committee whether it's meaningful and transparent oversight with accurate data it's a good step in the right direction, but we're still not in favor of the cbp or the ceip. The penalties are added back to it for noncompliance which we like and the partnering agreement, which makes people responsible for delivery, it allows people to take ownership of the delivery of what the city is asking for the partnership agreement is a well-written document. At that point without any amendments we would not be in support.

Wheeler: Very good. Just to be clear, these are resolutions but we're treating it as an ordinance because we think it's important. What we're doing today is which is a little unusual, we're taking testimony today then effectively giving people a month to consider what has been said today and what testimony has been provided then it's still possible for people to provide amendments up until the time when we take the vote next month. So just to be clear we're trying to be supportive and inclusive of different perspectives on this and it may be the case that we get some amendments or we may not. We're leaving that opportunity open. Commissioner Saltzman.

Saltzman: I would like to just float two amendments that I'm contemplating with you gentlemen. I want to see what the testimony is on these as well before I would formally offer them. One would be to require for projects over \$25 million to go straight to a cba, community benefits agreement, rather than having sort of the internal valuation process to simply make it more clear to our bureau directors that this is the direction we want to see city move to so that's one of amendment. The second would be to raise the threshold for work force participation requirements from \$100,000 to \$500,000. \$100,000 seems like a pretty low threshold, and \$100,000 contracts don't do a lot in city public works realm. So seems like \$500,000 would be a more appropriate threshold.

Meyers: So the one caution I would have on raising the threshold for -- yes, I would be in favor of the first amendment that you brought up. The second amendment raising the threshold for the work force hiring language which also includes apprenticeship is that the state just passed a resolution or passed a law that -- anything over \$5 million total construction cost. You're talking about subcontract. So if it's \$5 million total construction costs there apprenticeship requirements that you want to make sure you don't fall below state standards that were just passed. So it's something that we would need to maybe look at and work on some language that protects. We should be raising the bar, number one so yes we should have a low threshold. We're Portland we should be raising the bar not trying to meet state minimums. That's just something that I think we need to look at and I think we could have a workshop and figure out a solution for that.

McCoy: So what I would like to say is we're still in favor of the threshold being raised. I think the challenge that we brought up at the fair contracting forum was pretty spot on. The city typically has contracts of \$300,000 and higher they're more or less are where you see

July 12-13, 2017

a lot of the benefits of the work force training opportunities. So it seems like a program that has not changed since 1997 should be adjusted to 2017 to catch up with the times. I guess the other point on that subject is we also want to make sure we encourage minority contractors. There's a huge swath of contractors who avoid city of Portland work based solely on the workforce training and hiring program. I agree with willie on one front that we all care about a pro bust workforce. We want the system to work for those that don't see it beneficial today. That's the comment I want to state steady fast too I mean to look at the numbers. The numbers are glaringly horrible with the city of Portland when it comes to minority contracting and this is not synonymously different than what we're talking with contract development and work force development. The second on the amendment of \$25 million the only clarifying question I would ask is are we talking about 46 projects a year or 75 which automatically triggers the \$25 million threshold for a cba? I'm understanding it would be under the 46.

Saltzman: I was thinking four to six projects. [speaking simultaneously]

McCoy: That wasn't to my knowledge what we were talking about but we would not have a huge opposition of as willie said getting that online.

Eudaly: I believe we currently have four projects over \$25 million in the pipeline. That 75 number was the grand total.

Wheeler: So far on the amendments we don't lose you, Nate, and we get you, willie. Is that a fair interpretation?

McCoy: This amendment just came to my attention this morning, so I haven't even shared it with our group, but check in with a couple people and they didn't have any real heartburn but as we continue this conversation to august we'll weigh in if we need to.

Moreland: I'll table my comment on the threshold with the cba. I'll table that because I want to have some offline discussions with some people before I make that. As far as moving the threshold up, it is a benefit especially for smaller minority companies the way they operate and the way it's necessary for them to operate. I think that threshold moving that up is significant for those to be able to have consistency of work force as well because we don't necessarily have longevity of work force that we need in terms of in our pipeline that other contractors have. So it's difficult for us to achieve at times although overall we easily achieve that, but due to the nature of the work at times meeting that threshold can be cumbersome.

Wheeler: Very good. Thank you.

Meyers: One quick point, we're setting aside 1%. I believe that for all projects I believe that part of that money is supposed go to technical assistance that would help contractors meet that threshold. That's a whole purpose of this is to build the capacity so to use that as an excuse as to why the threshold needs to be lowered is flawed. That's my personal opinion. Especially when we're setting the money aside for that.

Wheeler: Thank you. The next three invited testimony, John Jensen, Nicole Rappaport and James Posey. Good morning. As always, name for the record would be helpful.

John Jensen: John Jensen. Thank you, mayor, commissioners. I represent ibew local 48, the international brotherhood of electrical workers. We represent about 4500 members some of them whom are lucky enough to work here at the city of Portland. I would say that while not all of our members live here almost all of them at some point do work here and even on some of the great city projects we're able to work on. First of all, to the spirit of the resolutions and the reason we're here today, I would just like to for our organization fully support the concept and what we're trying to do here and the importance of this work. I would also like to thank the city staff and everyone who has put in so much time and effort into this and also the other stakeholders here in the room who care about this issue and want to see more diversity in contracting and in our work force. As to the specifics, I would

July 12-13, 2017

support these resolutions with the amendment that commissioner Saltzman mentioned. I think particularly the first amendment, which is a trigger to enact cba, and I think if we consider the recent success of two cba projects here and the high achievement levels it attained, I think it's totally appropriate to have that trigger and continue to use that excellent cba pattern we have established at the city. As for the other amendment, I don't know similarly I just found out today so I would like to look at it a little more but I think the interesting thing that brings up it's my hope that this will be a living document and conversation. I wouldn't be surprised to find other areas that we needed to fix and change to make this policy work like we want to for everyone. Having said that, I'm grateful to be here and thank you for your work.

Wheeler: Thank you.

Nicole Rappaport: Good morning. Mayor Wheeler and commissioners, I'm Nicole Rappaport, general counsel for the operating engineers local 701. I went a lot back and forth with my prepared testimony and how I was going to present today and I decided I'm here not just as general counsel for 701 but as a community member. The work that we have done on the cba has been very important to me. I moved to the city of Portland six years ago, many of us are transplants as well here. So I often get the feedback that, well, I'm just a transplant, I'm not invested. I moved here from the city of Detroit, which I understand gets a lot of bad press, we'll say, but one thing that my home city made me very proud of this past election year when so many of us were recovering from this election year was that the residents of the community voted on the ballot and passed a cba ordinance. I was incredibly proud of Detroit and having moved to Portland six years ago was looking forward to a very progressive city that I could settle down and create roots in. I bought my home four years ago. I have become very active in my neighborhood association, which is the Kenton neighborhood association. I think some of you were at the vote couple of months ago may have seen me there. So I have made this my home and I'm here as a community member to support and advocate for the resolutions, but again as Mr. Meyers testified, as Mr. Jensen testified, without that trigger point that commissioner Saltzman proposed in an amendment, I don't believe that it gets the city to the progressive values that it claims to have. I'm very excited about the steps we have moved towards. I think that, and I recognize that there have tremendous moves from where we started several years ago. But I think there's still a few things lacking that we need to consider when looking at these resolutions. Mr. Rinehart and Mr. James mentioned and I fully agree that there's an under-utilization of minority and female businesses on large scale projects in the city. I don't think any of us are disagreeing with that assertion. Where I think there's also an under-utilization is with minority and female work force. I think having a trigger point to a cba helps to accomplish increasing minority and female work force. Of concern for me is that I don't believe I think it's the ceic, as Mr. Meyers pointed out it's not yet dictated who is going to be on that. The cba is very clear about which parties will participate in oversight. Not just which parties but the fact that those parties encompass everybody involved so you've got both pre-apprenticeship programs, the owner, the unions, the contractors, all involved in working together with oversight together. I think that's the only way where you can truly accomplish transparent, neutral and unbiased oversight to ensure that goals are being met. I don't think as written that the ceip meets that, however, we're willing to concede and agree to the cip for projects under \$25 million. We would like the cba to be applied for projects over \$25 million. The only way that I can personally support the resolutions would be with commissioner Saltzman's proposed amendment. Now getting to the second amendment with regards to the shift from \$100,000 to \$500,000, again, like Mr. Jensen mentioned, this is the first time I have heard of this, so I would need some more time to look into it, sounds like we'll have more time.

July 12-13, 2017

Just from what I know this morning, my understanding, to clarify what Mr. Meyers said earlier, my understanding is that had the new state law is that for projects that are as a whole at \$5 million and above, subs who are at 200 and above would be at the threshold requirement. So if the subs are at the \$200,000 and the city is putting \$500,000 threshold on it, then that really means that the state in my opinion is surpassing the requirements over the city. So I think as Mr. Meyers said earlier as the city of Portland we have an opportunity to surpass what the state is doing. Or at least meet what the state is doing. I also think if we change it to \$500,000, might run into issues with that conflicting with the state's law. Again, I would have to look more into it because this is all brand new to me. Where I am now is as a community member and general council for local 701 I do appreciate the work that's been put into these resolutions. The only way I would be able to support it would be with Mr. Saltzman's first proposed amendment and I would have to look into the second.

Wheeler: Just for the record we'll keep the written record open so as people have their conversations and do their analysis we would certainly welcome written testimony between now and when we take the vote on the resolutions.

Fritz: Wouldn't we also accept amendments at the second? And then people can make comments on the amendments.

Wheeler: Absolutely. A thank you.

James Posey: Good afternoon, commissioner. Mayor wheeler. I'm James Posey I'm a community member first and I chuckled because when you talked about community input, I wasn't even aware of this meeting and was not contacted. I think I have been a consistent presenter to this body with regards to this issue for over a year. I go back as far as bud clark in terms of these proposals, et cetera. Given an opportunity just to really recently review these amendments I must say there is some progress. I mean, you know, I know you all expect me to say something negative but at the ends of the day there's progress. The whole idea of having an alternative bidding process in and of itself is quite remarkable and really a good thing. The whole concept with Jeff Moreland being a primary person working on projects that will allow someone to epitomize the success of having a community member willing to hire people of color and really demonstrate that this can be done and there is a process in which we can have success is really, really important. That in itself is a piece that's worthy, but what troubles me about this process is you all's unwillingness to have complete transparency and a system that will keep us on track with where we really are standing with people not only the contracting area but also in terms of the work force. It's shameful for us not to be able to look in real time and see for example who are the operating engineers. Not just on the apprenticeship level but across the board so we can actually project out how long it would take to get equity and that whole operating engineers but they are willing to challenge you all about what we have in the system but I'm not sure I have ever seen in any of these unions what their census is, who is there, how long their mentoring program and who is associated with what. This is intellectually untenable for us to be going down this road without having that information. So when I looked at these resolutions the first thing I wanted to look at, where are the numbers? What's the baseline? How do we get there? It's not there in any of these resolutions. So that's one of the things. I took the resolutions whereas, this is my version of the resolution, whereas in the past there's been virtually no consequence for failure, Dante James got up here and talked about, well, we got teeth. Well, it's subliminal and Eudaly is laughing because she knows if there's no consequence for failure, then guess what, we ultimately are going to get the same results. We have been doing this for 40 or 30 years. When you have a body of people responding to these issues who keep going down the same road year after year, century after century, and there's no consequence then believe me you

July 12-13, 2017

they are going to keep doing the same thing over and over again. I was looking for something in these resolutions that not only makes consequences but really incentivizes the history of failure that we have had over the last several years. For example, if a contractor is doing well, why not give them a preference? Don't make it subliminal. Make it a highlight, a privilege to have a contractor who really is hiring people from out of the our community so at the end of the day this is not about the contractors or about the workers it's about making communities whole. When you look back and see who is getting this work, is it people living in our community or people living in Vancouver or Hillsboro or what? We have no fabric. When I get on my maps I can tell what house is here or there who lives in it, everything, but we can't tell whether the economic programs we're designing is impacting the community that have high rates of unemployment, housing issues, et cetera. Are we making a difference by virtue you of how we're structuring these programs and I don't think we are? We don't have an economist's lens, we don't have anyone looking at this to see whether or not like we do with an environment impact statement. Do we have an economic impact statement about how these policies Are effecting our community and building capacity and making accrual. So I said all that to say this mayor wheeler, you and I have had this discussion, I was proud when the city of Portland divested from south Africa. I was proud, we divested and we made a difference. If we do not divest from what we have here now, which is basically we have economic apartheid in this community. We need to take it on with that kind of seriousness in order to get this done. The other point that I have made to you all on several occasions is the patterns and pathways by which minority contractors enter this industry has not been fully vetted. We have trucking guys I got trucking guys here now who is clamoring to get people into the trucking industry and for years we haven't had a process in which we could get apprentices in. This is the easiest way I started that way. I started with trucking, I went to paving, I went to excavating, I started because I didn't have anything, I started dirt poor. You have to build these pathways let me just tell you guys, don't expect the private sector to do what you're not doing in terms of your work force, your heavy equipment operators, your laborers. We looked at the transportation I know you are familiar with this, in your shop, commissioners, there's an opportunity to do mentoring an promulgate that to the private sector. You're not doing it we have been arguing about that and trying to convince you to utilize your own work force to help feed the private sector, to help minority contractors be a part of this system it's not happening. So those are couple of the things I wanted to mention. I want to say this. Whereas these issues are deemed so critical to the economic survival of our community, people of color is required, the impact statement, a cbo, score these projects to see if they meet the cbo, whether or not they critically are having an impact on our community. As much as I like Jeff Moreland and -- it's not about them. It's not about them those guys if they don't have no workers on that project, if they are not trying to improve the business climate in our community, forget them. I'm not advocating for them as individuals I'm out here trying to advocate as a community and we will all be better off if we pay attention to where this money is going follow the money. Finally, I want to just say the assumption that individuals like I said with Moreland and those guys, we have framed this all around individuals and companies, but it is our community we're talking about. Let's pay attention. When we have these meetings, we're going to these things, let's see if that money is filtering down. We're all on this so-called -- what is it a trickle down kind of a thing. No one has no metrics on what we're doing to make our community better. You guys are the stewards of this stuff that's why all these years we have been doing this stuff and we haven't made the progress we should because no one is holding us accountable. I plead, it's time. We're long since the time to take this seriously like we did in south Africa decision. Thank you very much.

July 12-13, 2017

Wheeler: Thank you. Appreciate your input on this. Let's see I dint see Andrew culis walk in. Is there's Kelly Haines I wanted to give Kelly the opportunity. Then we'll get to open public testimony and then I'll ask you Sue how many people we have signed up. Good morning.

Kelly Haines: Good morning. Thank you. Thank you, commissioners and mayor wheeler for the opportunity to speak on this very important issue. I'm Kelly Haines and I represent the metropolitan alliance for work force equity or mawe. Mawe is an historic partnership between the carpenters operating engineers, laborers, building trades, other unions, construction contractors, pre-apprenticeship programs and community-based organizations. Mawe works to promote economic opportunity and equity in work force and contracting and develop practical strategies to address historic inequities in the region. As you're aware these partners developed Portland's first community benefits agreement to create a framework for shared community oversight and accountability, fair labor standards and goals and resources to increase contracting and work force opportunities for historically under-served community members. So as you may hear in other testimony these policies have real impact for working people. Women and communities of color who through achieving goals on public capital projects have the opportunity to have real careers in construction, grow their wealth and lift themselves into high skilled trades, or to grow small businesses into larger outfits locally. These are critical policy decisions to consider as elected in the city. I'm going to outline the concerns and recommendations for Mawe and hope that they will help inform next steps and your direction as council. The community equity and inclusion plan as was presented earlier was authored by a city work group and the city attorney and it was I think a good effort to system ties equity efforts across city projects and we do appreciate and support that concept. I do think there was a lot of work put into it in what was just articulated earlier that this is completely overdue within the city and the amount of funding that you guys have control over that can really help positively impact and create opportunities for under-served communities in the region. However, we do see significant concerns regarding the ceip and how it has come to be in its current form including issues of accountability, transparency and enforcement. I won't spend a lot of time on that but just a couple of highlights, there's language around some loopholes in the work force goals and standards that create exemptions based on a project by project assessment of the market availability of both contractors and work force and I think that can be a huge issue in the implementation and how to ensure that those goals are upheld regardless. There's an advisory committee in the ceic, but it doesn't have any enforcement power and it meets quarterly I think as default, which we have learned from the parks projects and others that that's not often enough to really address any issues that come up on the projects. The document also specifies that contracting diversity goals will not include specialty work based on a project by project assessment of the market availability of diverse firms to achieve the work. For the enforcement mechanisms the liquidated damages are capped at \$2,000 total for each contractor and I think what we have seen in construction unfortunately is that some people will just write a check so they don't have to deal with these efforts. I want to ensure that there's some sort of accountability and enforcement and penalties that are high enough that can help move the construction culture in the right direction. So for these reasons, although we applaud the efforts of the city staff we think there's still a lot of work to do for the ceip to be successful. So I'm going to switch over to the community benefits agreements and I think even in the original resolution not covered by city staff there is language in there about applying a cba to anything over \$25 million in the original resolution. I think the amendment is strengthening that language to say rather than considering a cba, the bureau directors will be given more direction to actually apply a cba. We support that amendment for many

July 12-13, 2017

reasons. The examples that were given by Mr. James around some of the highlights of the ceip were great because they were taken from the cba. So the bathroom facilities were in the cba, aggregated goals around minority and women owned utilization was also in the cba so I think carrying those on is very important. What is different is that the cba is a proven tool that worked on two city projects so we saw those to their end, and 26% of the project revenue was earned by minority and women owned companies. The goal was 18 and we hit 26%. Of the 68 contractors that were minority and women owned on the cba projects, 60% were nonunion. So there was accessibility on the cba for nonunion minority contractors to work on it. We always have valued that and seen it as a very important component to all of this that it's not just a union only program or model. For Kelly butte 50% of the apprentice hours were worked by minorities, 28% by women, 29% of the journey workers were worked by minorities, but I think you have all that data. So I think basically the cba pilots not only hit the goals, but also double and triple them many times and I think that's why many people that I work with see the cba as note worthy and something to pay attention to and to uphold and if were in the place where its at \$25 million and above we'll take, but lets just keep continuing to work on that model as the proven model that's gotten really good results. This is critical in where community and labor want to work hand in hand with the city to ensure that historical and disparities in construction and on large public projects can be addressed. So I think also that the proposed amendment would help give clearer direction to the city on applying the cba on all projects \$25 million and above which could result in those efficiencies we talked about earlier for large public projects by eliminating project by project assessments about whether to apply a cba and there's increased opportunity to apply a proven tool to the cba to large capital project resulting in more earned wages and contracting revenue for women and people of color in the community. So I think if you cant adopt the proposed amendment we oppose the ceip resolutions and urge you to vote no unless we can work on that amendment so thank you.

Wheeler: Very good thank you. How many people do we have signed up?

Parsons: Our count is 21 now.

Wheeler: 21 so lets I think that alright. Colleagues do you mind if we go to about 1:15. Ok lets do two minutes and I'm going to be a little bit draconian today I'm going to cut you off at two minutes so everybody really, really try to get under two minutes so I don't have to cut you ok. Thanks.

Wheeler: If you could just state your name for the record.

Nate Stokes: Hello I am Nate stokes, with the operating engineers, local 701. I want to thank you for this opportunity to testify here or talk to you guys. I was an employee on the interstate renovation project before I came a representative of 701. So I was a project manager for a women owned business that participated on that project, and was very successful on the project, and I witnessed first hand the process that had to go through tracking of the minority women, apprentices, and to meet the goals. It was a very successful project and I urged that you take and adopt that amendment for the trigger point of the \$25 million to address the cba on those projects. We would support the ceip even though we feel that there is some flaws because there have been two pilot programs that have proven effective, but we will prove that ceip as long as the amendments are addressed for the trigger point of \$25 million. I do have, and it was brought up about the state requirement of the \$200,000, the law just passed. I know that the university of Oregon is in the process right now of negotiating a project labor agreement in regards to that law so I would urge you to take a really close look at that new law that came into effect. That's all that I have.

Wheeler: Very good, thank you.

July 12-13, 2017

Ray Espana: Ray espana. Mayor wheeler and commissioners, I have always appreciated the relationships I have had with the city members that I am well aware of, commissioner Eudaly I have not had the opportunity to meet but I have heard some nice things about your work and effort. Today I will be constricted to two minutes and I think that my message today is to really look towards what I would call progressive and enlightened leadership, that it's clear on its expectations and the direction to the city staff and to what it wants the community to understand. I think that it's been said that we have been accepting a poor performance by city contracting, city hires, whatever. We could do better I think that you need to set that standard and the expectation that you expect it. The idea of moving toward equity is progressive, it's closing gaps, it's removing, eliminating spared treatments. Anything short of that is regressive in my estimation so you need to be clear of what you expect to happen. You spoke another item, on other items of the issues of concern for tenant protections. This topic today is the other side of the coin where one of the confronting issues in this community is affordability. So the ability to earn a living wage with benefits is the answer to increasing the rents and the availability issue so it has to be taken seriously. I would urge you to eliminate the language that provides a loophole, for example if the opportunity presented for a city bureau to accept or -- a low bid versus an alternative contracting the selection of a low bid means regressive and should not be a possibility. With that I will just simply say that in my estimation a publicly sponsored project that is owned by the city should have a very clear community benefit. I think that the threshold conversation that, the \$25 million is acceptable. I support the alternative contracting methodology, so with that I am, I will be respectful of the time and it's a blessing to see all of you again.

Wheeler: Likewise, thanks. Good afternoon.

Ranfis Villaturo: Good afternoon, mayor, commissioners. I am Ranfis Villaturo I am a Portland resident. I am not a developer, I am not a contractor, I am not a union organizer, but I am a concerned citizen who's worked most of its career in working with the most vulnerable community or in their community for organizations such as causa and vocs workers rights education project. I am here today to support the resolution as well as the proposed amendments, and as well as propose an amendment to the ceip to better serve workers. This is an amendment, a language that I have proposed to the housing bureau for the housing bond. I've sent a letter to your office, as well, Mayor, and I believe that it's a good tentative of good stewardship around public funds, sharing goods, best practices, verified and protecting the workforce if we implement a good wage theft enforcement program. Wage theft can come in many forms whether it's wages being withheld, deducted, not being paid the prevailing wage, or minimum wage, it could be misclassifying a worker, an employer cheating on the number of hours work, employers, yeah, failing to pay overtime or requiring workers to work off the clock, and so on. This is an issue within the city and the state. A recent report from boli reported on the state roots, it's the second top complaint of wage claims in the state. I believe that there is a model that can best address the wage theft. So one of the amendments, which I will not go to deeply into this, I will propose that language another day but I feel like it should strongly be required in the ceip essentially, it's deputizing the community-based organizations to verify the certified payroll. Verify the payroll it's an easy step in the process. The city receives certified payroll from the contractors, we should verify that. Very good.

Wheeler: So you have seen two minutes is not an easy threshold. Think bullet points, and we will absolutely accept written testimony, so if you have more details you would like to provide to the city council we will accept those via email. Next three.

Wheeler: Good afternoon.

Bill Kowalczyk: It is afternoon, isn't it.

July 12-13, 2017

Wheeler: It is.

Kowalczyk: Good afternoon commissioners and mayor. I am bill Kowalczyk I work for Portland youth builders where I ran the construction program for 15 years and currently am a construction specialist on special projects. Pyb is a certified pre-apprenticeship program, we are a alternative high school that serves very low income youth, ages 17-24, 50% of the students are people of color 20% are women. I am going to blast through this really quick, and submit this, submit my more detailed report. I want to start by focusing my comments on the partnership agreement in the community equity inclusion plan I will leave to comments by other colleagues. I think the partnership between is overall a good document. It codifies the key elements of the construction equity work, including construction apprenticeship requirements, community workforce recruitment and retention goals, subcontracting goals and establishes the standing community equity inclusion committee, the ceip to support the city staff and contractor. I want to talk about that because this is an important innovation. The structure of the committee delivers a model that can scale Up for the multiple contracts, running concurrently. I want to mention I served on the Imcoc, and I currently serve on the cbp so I have five years of doing this work, actually, on the ground. So there are still bug that is need to be worked out, and I feel like this is coming in and out. Can you hear me properly? Excuse me. There is still bugs that is need to be worked out but there that's been a concern of mine, bugs in the process of the scale-op but I think it's really still a good model. One thing that has been inconsistent in the testimony is whether there are monthly meetings or quartering meetings. I read it thoroughly, it appears that there is monthly meetings. I believe that that's critical to be doing this work in real time, so please check on that. The other thing it appears that there are quarter reports to council as I understand the reading in the plan. That's really critical because it was a huge absence of back and forth rapport between the Imcoc ask the city council during the cba.

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

Kowalczyk: I want to mention that the process has not felt inclusive to me. The process from last year when we provided testimony on the -- as a result of the cbp evaluation, so I have to present a different opinion to what the city staff presented. It has felt haphazard, no clear committee that has supervised a process of interaction between this equity work and the development of these policies and community input that I can see, I am hoping the ceic will be that mechanism. Thank you.

Wheeler: Thank you.

Connie Ashbrook: Good afternoon. Mayor and commissioners. I am Connie Ashbrook, a recently retired executive director of Oregon trades women and excited to introduce our new director Kelly Kupcak. Kelly raise your hand and say hi to everybody. Mayor and commissioners I know from my meetings with you from your leadership that the city that you are completely committed to equity for all of Portland's residents and for that I thank you. The Oregon tradeswoman urges the Portland city council to adopt the mawe amendments to the proposed resolutions to consider extensive edits to the ceip to make it more effective and to take council action to strengthen the city's workforce training and hiring program. While the city workforce training and hiring program staff are working hard and doing their best they need stronger tools and leadership support in order to administer an effective program. For instance in the most complete snapshot report on the city's website, and that's this document right here, this is all the projects that were awarded, and in the fiscal year 2012-2013. It had hours as late as 2016, so it's misleading the way the data is reported, but of those 42 projects only six of them met all of the city's workforce goals, and 14 of the projects did not meet any of the goals and only 11 met apprenticeship goals. So clearly we need some stronger scrutiny, enforcement and tools to make the

July 12-13, 2017

program effective. Equally concerning is that 16 of the 42 projects had zero female utilization. 15 projects had zero african-american utilization. If african-americans had worked in proportion to their percentage of the workforce, african-american households would have made at least \$288,000 more on these projects. In the interest of time, I won't read the rest of my testimony. I do want to make sure that you know because of the apprenticeship data I am submitting that there is enough utilization of women and minority apprentices to fill all of the city's goals. Thank you.

Wheeler: Very good. Thank you.

Fritz: I want to thank you for a lifetime of commitment to and achievement of work in this arena, so thank you Connie. [applause]

Vanessa Enos: I am Vanessa Enos. I am a union journeymen laborer for the local 737. I am also a northern Cheyenne member of the tribe in Walla Walla Yakima and pima decent. Three years ago I had my first dispatch, and it was for the water bureau, and before that I attended the seven week program of the Oregon trades pre-apprenticeship apprenticeship program, which gave me the tools to have the mentoring, the leadership and the confidence to go out onto a work site knowing that I had my osha 10 and I was ready for work. By going out there into that field I was able to realize that I had a weekly income that was over minimum wage. I was able to move out of my transitional housing, which was oxford for addicts so I was able to leave that bed open for another addict that was suffering. So by having this development you know, this living wage now I also was able to have my healthcare kick in. The first 300 hours as a laborer, your health coverage kicks in and it's full coverage. The government had changed the laws of where if you were not covered you would be fined \$300. So I was able to cover that and not be fined so with all of, you know, the benefits of working for the water bureau it did change my life, you know, dramatically. In the rule of law I am more than a woman of color. I am a human being who deserves the opportunities and the equal pay as a man. Projection like the water bureau had to help pave a new career, a new way of life, and a new independence, and that's how important this is to have women and minorities out there because becoming from the reservation, we are suppressed, and I was able to break that border down thank you for your time.

Fritz: Congratulations.

Wheeler: Government camp.

Hannah Holloway: I am Hannah Holloway and I am the policy specialist with the urban league of Portland. I am here on behalf of the organization to oppose the adoption of the ceip resolution before you, unless they include the cba amendment that we discussed earlier. Which would be a trigger for the cba for projects over \$25 million. The cba input that we advocate for are built on the results from 2012, and as Kelly Haines testified to earlier it had proven results that came in ahead of the time under budget and exceeded the diversity goals, sometimes as much as threefold so I will not go over that aspect of it. Part of why it succeeded was because of the meaningful partnership, the shared accountability measures, and the transparency and the outcomes, which we feel are lacking from the ceip resolution before you. Why would you want to vote for a lesser policy? On the other hand Portland has much to gain from a truly equitable workforce policy, and the construction industry offers the type of long-term living wages that could remediate the racial disparities that we see in income and employment, it is data from the urban league state of black Oregon report shows that the apprentices are terminated at a rate of 78% in comparison to the white peers at 45% and as a city we can do better on these statistics. It is incumbent upon the city to guarantee that public dollars are not used to promulgate inequities and discrimination. I will conclude by expressing the frustration from our organization by what we see as a continuation of the city's call to community-based

July 12-13, 2017

organizations such as ourselves to help wade through complex city issues to arrive at the best practices and solutions, only to have what is ultimately a status quo policy enacted. I will just -- I will end there and say please do the right thing and enact the cba amendment with the ceip. If you do not, we cannot support this resolution and urge you to vote no.

Wheeler: Very good, thank you.

Pat Daniels: Good afternoon mayor wheeler and commissioners. I am Pat Daniels and I am the executive director for the constructing hope pre-apprenticeship training program. Constructing hope is a program in the northeast Portland and we target people coming from incarceration, minorities and women. With that being said when I look at your first initiative to support the cba over \$25 million, we support that. As everyone before me brought to your attention how this supports people in our community. On this initiative where you are looking at lowering the cost on the projects from \$100,000 to \$500,000, I am not sure about that because as you are looking to build the diversity in the city, how would that work in building the diverse pre-apprenticeship going forward to your larger projects that's a question that I have, but I want to just say that We're all here for the right reason, which is building the diversity and inclusion. I want to say that I support a lot of the tracking and transparency that Mr. Posey presented. I've been working on these with the mawe teams since 2010, and I have to say that we have not seen a big change in the numbers when we break down and desegregate the numbers. In your disparity study it showed african-american men being one of the lowest and that was the need, and I can't see how we're going to change the numbers if we don't have accountability with the contractors for being transparent and inclusive and having mentoring programs to make sure that once these people do enter the trades, programs like Oregon trade women and constructing hope provides mentoring to the group so we're the main supporters of bringing the minorities to the apprenticeship.

Wheeler: Thank you. Good afternoon.

Matt Malmshaimer: Good afternoon and thank you mayor wheeler. I'm Matt Malmshaimer I am here on behalf of the northwest regional council of carpenters. I have met with many of you over the years on this topic and first I want to keep the comments brief. Initial comment is as written and we cannot support the ceip. With that said we believe that there is a possibility to get to a point with, at the very least the amendment that commissioner Saltzman has proposed that we could support something. We have our own concerns about the thresholds, certainly, the ceip only kicks in at \$10 million. I don't know how that number was arrived at, if we are talking 75 projects and \$75 million in a year. It seems like there is a lot of construction dollars that are not covered by the policy that should be in play. This is one of the concerns that we have the other I will echo some of the issues that were raised by some of the earlier speakers, which is oversight is critical. The details on this are critical our biggest concern is that if we don't get this right we're going to be looking at the same kind of results that the ecpc brought to light a little over a year ago. That is declining numbers, particularly of african-americans, situations where people show up are sent home, get two hours of pay and that winds up being counted as utilization. Those kinds of things that if you done have the right kind of oversight in place are just going to happen, so those are some of our concerns. I look forward to working with all of you together going into the future with the city staff and with our partners and mawe and the other organizations to get to the point that we can support something, I will remain cautiously optimistic that we can do that but it will require a lot from you as leaders and similar sorts of commitments that have been made.

Wheeler: And thank you for the offer. We will, we will definitely accept it. To be clear this is not a perfect document. We knew when we brought it that it was not a perfect document. Calling the question served an important purpose which is to ends the prolonged

July 12-13, 2017

conversation which has been going on for years in light of the fact that we know the results haven't been good. So we need to stop jaw boning about it and get to the punch on how we're going to improve the accountability, improve the data collection, improve the standards and hold people accountable for doing better and so this process I think has been excellent in so far that we are getting down to the brass tax. One request that I would have of you is we all agree we need more oversight and accountability. You have 30 days to help us define what that looks like. So I look forward to reading your suggestions and ideas on how specifically that could look. I would be very interested in that.

Malmsheimer: We'll be happy to do that and we met the request that you made of us.

Wheeler: Yes, sir, you did and I appreciate that. Excellent. Thank you. Thank you all for your testimony.

Wheeler: Good afternoon and thanks for your patience.

Hardesty: Good afternoon. I will talk really fast because I am going to try not to get a ticket. You might realize that I have been here since 9:30 and as a member of the public waiting for two minutes is a bit frustrating. For the record I am Joann Hardesty and today the hat I am wearing is with the east Portland action plan. You are getting documentation that points out why the east Portland action plan is in opposition to the ceip. I will just point out a couple of reasons of why that is so without actually reading a document since I have very limited time. There is several reasons why this is wrong many people have mentioned that there is no accountability, we continue to contract with the contractors who have figured out how to evade accountability over the years. Yet there is nothing that happens to them, we continue to contract with them. There is no penalty, if people don't make what they said that they were going to do we should have a period of time where the city of Portland will refuse to contract with that entity because they have not lived up to their responsibility. I also think that the leadership of this ceip is in the wrong place. It means the commissioner having oversight of this and having it in the office of equity and human rights and having other director level people dealing with it is a totally inadequate accountability process. I believe in the community benefit agreements because they work well I do not think that the ceip thing has too much benefit. I think that if we have not been really clear about recruitment mentorship, accountability, making sure commissioner Fritz I still in my mind have this quote from you the last time we talked about contracting. Your quote was we have contracted \$4 million and people of color have got \$1,290 some dollars, and that happens over and over and over again. I would like to see where reports come in front of the city council that they say how many black contractors were hire How many Asian pacific islanders were hired, how many Hispanic contractors because when we clump people of color together into a minority category we get to hide effectively the fact that we don't hire african-americans, that we are not hiring enough women, and that we have done this like for 20 years. I've been through a couple of disparity studies here at the city of Portland. I've been here longer than the people that put the document together, and James Poesy and I have been fighting this battle for 20 years here at city hall, and I can tell you that the ceip has not had enough community engagement, and if you put a committee together with equal numbers of contractors and people that want to be hired, where's the -- there needs to be somebody else. You have people who are responsible for civil rights. Do you have other people who actually may have an opinion about how this process should work? If not where you end up with is people who are going to trade so that they can get, they can get the contracts that they need. I also want to just put on the record that I think that \$25 million is too high of a threshold. We have asked the city over and over again how small contractors get insurance. That would be a good use of city resources. Help the minority contractors get mentoring help make those contracts smaller so that minorities firms can be the major contractor. We have had this conversation over the last 20 years.

July 12-13, 2017

What you have come up with is a very inadequate solution to that problem. Thank you.

Wheeler: Thank you, thanks for your patience. Good afternoon. Either or.

Chris Montgomery: Hello, I am Chris Montgomery, local 701. I came to local 701 operating engineers about three years ago. As an organizer I came onboard and I am a product of what change happened in our local. Working with apprenticeship groups and helping them, helping our group be more diverse in our apprenticeship programs and working with groups like constructing, hope and is a few other community groups. We go out to schools and reach out to communities in order to Build the more diverse workforce. I am in favor of the trigger of the \$25 million, and I am also in favor for projects that, you know, that use the cba. I also believe in, that we need the project for project labor, for the cba, and for us to follow the state laws with limits. Although I may be in favor of the cip, I do believe it needs more transparency and enforcement. I also am in favor for the first amendment, although we need to take a closer look at the second amendment as commissioner Saltzman said. I just want to, in closing, I hear a lot of emotion and I hear a lot of things being said and I know that you guys understand what everyone is saying and how can I follow behind her. That's a tough job. I am going to ask you to please leave the politics and the back room conversations and all of that other stuff that do not benefit our community as a whole. It takes a village to create and bring this community together. It's up to you guys to do so, and I really believe that you can do that and honest transparency, thank you.

Wheeler: Thank you. Good afternoon.

Rob Marteneau: Thank you. I am Rob Marteneau, president of AfsCME local 189, and a city employee. I am also a member of the DCU bargaining team. I understand and share some of the skepticism expressed by those who participated in the pilot and have seen the process redirect into one that in the words of Mr. Posey, leaves no consequence of failure. What I show you here, the support cards for the individual bargaining team and why I do this is it relates to the community benefits agreement to how we treat the communities, and all of the neighborhoods, all of the stakeholders in our city, including those that work in your house. One of the reasons AfsCME supports the CBA model is for all city contracts and the DCU is one of them. My brother was operating in engineers 701, my friends from IBW 48, AfsCME 189 and the laborers 483, they are a part of that. On the subject of wages and contracts and things like this, we're focused on equity and how our proposals try to bring equity into the city and how it does not just the hiring but also the contracting process. I take off my union hat for a minute I would stand for all workers and that's union, representative and non. No one should work full-time in this city full time and face housing and security or basically poverty. CBAs provide good jobs for the community they provide jobs, I know the value of a good job and how it has changed my life to be your employee. This is something that the CBA's help at the base level, at the people that need to pay their bills, to keep the lights on, to keep a roof over their head that is where the value is for me in representing workers in the CBA. We support and encourage this in workforce equity, workforce development is, and would love to be a partner in how we can improve the mentoring in the city to help everywhere in CBAs and everywhere throughout the community. Thank you.

Wheeler: Thank you and appreciate your testimony.

Parsons: We have nine more names.

Wheeler: Good afternoon.

Lori Baumann: We didn't, we matched today. Ok so I am here from my union, obviously, and I am -- I am Lori Baumann, I am a tradeswoman, and I am a resident, and I am very passionate about the workforce and construction. I had some points to hit from my union, but I want to tell you I am a direct product of the Oregon tradeswoman, a strong pre-

July 12-13, 2017

apprenticeship organization I am a product of an apprenticeship, I am a direct product of training on the job and opportunities given to me mostly from odot I worked on heavy highway when I was out in the field, I am now a representative of the union and I wouldn't have had those opportunities if odot at some point didn't look around and say where are the women. And to save you background just real quick I was never meant to succeed in anything in my life I wasn't given the tools that a lot of people are given growing up, so the fact that I found Oregon trades women and the fact that I found a living wage and an opportunity through finding my way to middle class has been transformative and at every chance I'd like to see more women, more people of color, more people from our community having these opportunities. Now that I am a member of our leadership, I see a lot of people now, they are working from out of town. A lot of companies from out of town, and I am seeing a lot of people get run off of job sites, and just as they pointed out, there was a cba that has been used in the past that was very successful. I know a lot of those people that got careers from the jobs. It was very good. I am in support of this cba and the \$25 million.

Wheeler: Very good. Thank you.

Matthew [did not give last name]: Mayor wheeler and commissioners. First off I want to - I know organization would support Mr. Saltzman's, first amendment, and completely, and the second one I personally feel it should be more in line with the state law. I've been a member of the labor force for the last 20 years and organizer for the last 16 months, and for me personally I was able to buy a house after six years in Portland, after six years of being a laborer, and I was able to provide healthcare for my wife and children and when they go sick and I know that I will have a pension if me. It won't be a 401-k subject to, you know, wall street, greed, but it will be there. And as an organizer, I have met many workers out there that have getting wage theft on a daily basis and this is something that needs to be taken into consideration. I think that the community oversight committee would be the best way to do that. I also see on a regular basis safety violations out there by non-union companies. And this is to condemn the non-union contractors but just to point that out and there needs to be some kind of oversight for city contracts. I am sure that no one would want a tragedy on a city job. Also I personally witnessed the african-american owner of a contractor, a company who did not have a single african-american worker on there. At least for the concrete phase of two projects that they had. And so I think that for the city contract, it has to be worker based not just for the owners so that's taken into consideration also.

Wheeler: Appreciate your testimony. Thank you.

Wheeler: Gentlemen thank you for your patience. We sure appreciate it.

Rob Aichele: Good afternoon mayor and commissioners. I am rob Aichele, I am a representative for the carpenter's union. I am also a committee member for the joint apprenticeship and training committee, and in which I interview all kinds of application, many application every month. Many, many women and people of color and minorities and I help them to find work and work on your projects. In the past since 2012 the cba template has proven results and intergrates lessons learned from past projects. The template is not broken the current ceip proposed language has lots of loopholes, and it's not very clear. The cba has been the single best tool in the city's efforts to achieve equitable outcomes for our diverse community members. The current cba partnership is a success and works well. I encourage the city of Portland to not pass the ceip resolutions that are flawed and take away the opportunities from our diverse community. Thank you.

Wheeler: Thank you.

Dale Dvorar: Thank you Mr. Mayor. I am dale Dvorar. My writing isn't so good and I am a resident. I work for the pacific northwest region of carpenters and sit on the jatc I'm also a

July 12-13, 2017

marine corp veteran, and you know since I've been around I sit on the jatc, I worked out there in the community trying to bring members to the community, and when I saw that the cba agreement and I knew that that was in effective knew that that was a feat in itself. Bringing that to the table, the years when it came into effect, that itself was a feat. It was a huge movement in the right direction. Mirroring the community to the job sites and trying to do the best. If we try to water this thing down with something like ceip or any other process and it does not mirror what that is, really instead of bringing the threshold, we bring this down and it should be around \$5 million. In my opinion. And so definitely I am opposed to going through with that.

Wheeler: Very good. Thank you.

Scott Schaefer: I am Scott Schaefer, and I am a organizer at the regional council of carpenters and a member of 15 of the, a member of local 1503 and a native Oregonian. I would like to you for having us all here today to be able to give you our opinions on this. I support the mawe and the cba, and it's -- the cba is one of the best tools in the city's effort to achieve goals of these equitable outcomes for the diversely historical excluded members of the community. I have seen over my many years in the trades, this helps to find people a new path in life it gives them a career and an overall sense of self worth. A true partnership must be committed between the city, our community contractors, and our labor partners to make this cba signatory agreement work for so many people to help them to get out of the tough situations that they have poverty and just lock in their families to get that living wage. The city is known for diversity and we cannot turn our back on the labor pool for this amazing city let them show pride in what they can do to help the community. This resolution is going to be putting up roadblocks of the ceip, for the cba. The construction trades you know, they work so hard to try and make this city, build there city in such a boom that we are having, the cba is such an integral part to help them to get a leg up in the community. I think that the best interest of the city and to the people is to make sure that the cba and the mawe is being looked at the correct way thank you for your time.

Wheeler: Thank you.

Wheeler: Thanks for your patience.

Matt Hill: Thank you for the opportunity to speak I am matt Hill, with pacific northwest regional council of carpenters and a member of local 1503. In the interest of brevity I won't beleaguer the points my brothers made before me just to mention the ceip is a delusion of what the cba was. I don't see a lot of the language has been official to the heart of what the cba was, my main focus is from what I have seen that the 20% apprenticeship goal, within the cba does not appear to be there any longer and that apprenticeship goal is, I think, a very, very important thing. Without the apprenticeship I would not be the skilled craftsmen that I am today, and we have all seen the projections of what the skilled trades are looking at in the future for, as far as membership and that kind of thing and having language in there with like the 20% goals that increases the weight of the apprenticeship programs and gets them out there and working. Thank you for your time.

Wheeler: Thank you.

Samuel Morillo: My name is Samuel Morillo representative with the carpenter's union. I am a Mexican, I am a product of what keeping unions accountable is. If you think about it being a millennial from hood river, Oregon, born in agriculture, I had poverty wage jobs through my parents I didn't have a future. Now as a representative of the carpenter's union I get to keep Doug Tweety, my boss, accountable for having minorities, more inclusion and equity in the trades. I appreciate him giving me the opportunity to be able to go out here and push these cba agreements more and more. The ceip is a watered down version of just a lot of talk I appreciate your comments about saying that you would like to meet with

July 12-13, 2017

us I want to hold you accountable for that. That we, actually, not just keep the \$25 million threshold that we lower it because it's already been a proven fact that it's been victorious in the past, why are we changing it? Why are you wanting to reinvent the wheel? I don't see a reason for it, but thank you for your time, sirs and ma'ams.

Wheeler: Thank you.

Roger Garcia: I am roger Garcia and I got a transfer here from the state of Idaho. I thank you for letting me speak and my brothers and sisters around me speak. Back home you might be able to speak, but they just turn their head and do what they want to do. I believe that this is discrimination not just to the unions, but to minorities and to people of color. You should be ashamed of yourselves. You guys make me feel like I am back in Idaho, thank you.

Wheeler: Thank you, and with that I think that we are done with the public testimony. Is that correct? Commissioner Saltzman.

Saltzman: In the spirit I heard a lot of positive testimony. From my first amendment, a lot of head scratching about the second one, and an effort to move this ball down the line further. I would like to now offer my amendment and so we can sort of frame the debate in the remaining 30 days, so I would like to offer the amendment that we hire the cba for the projects over \$25 million, and I have that written out here for your consideration.

Wheeler: So we have a Motion?

Fritz: So this puts me in a quandary. I have a plane to catch in a short time and I would have hoped to have had more feedback from the staff and from the city attorney and most of the, if not all of the \$25 million contracts will be in the utilities, commissioner Fish is not here today. So I would, I appreciate the amendment and I most likely will support it but I would appreciate if we don't vote on it today and have it for the next session.

Wheeler: So is that a second, not to vote on it today but to put it on the table?

Fritz: Yes.

Wheeler: So we have a motion from commissioner Saltzman and second from commissioner Fritz we will not take the vote today. There is more data gathering information and feedback this council needs to receive prior to the conversation next month. Commissioner Saltzman did you have a second amendment that you wanted to put on?

Saltzman: I am interested in looking at the workforce requirement and raising that threshold from \$100,000 to \$500,000 but we heard interesting financial and I heard about a new state law that I wasn't aware of today so I want to do more research on that.

Wheeler: That's fine and we can bring the amendments when we take this up next time. So I just want to say that thank you everybody from your testimony.

Eudaly: I would like to, if you are going to wrap it up.

Wheeler: Go ahead, please.

Eudaly: I know this has been a long conversation, this week I had heard that we'd been discussing this matter for eight years but Mr. Posey pointed out today that this dates back to the bud clark era so that's at least 25 years. I am relatively new to this conversation I first learned about the cba pilot a year ago, came and gave testimony last year, and in support of this cba with the chambers packed to the rafters with other people also in support of the cba. I know a lot of work, hard work has been put into the ceip by the city staff, and we want to move forward. I am surprised that the ceip left out some of the most critical ingredients of the success of the cbas, as noted in the evaluation that the city commissioned for itself, but I also recognize I have a lot to learn on this issue, and I am heartened that so many people in this room, seem at least marginally supportive of the ceip with some amendments. I also support commissioner Saltzman's impending amendment, I guess. My questions also center around the rationale behind the \$10 million

July 12-13, 2017

floor and the \$25 million ceiling. Why we decided to provide a choice for the projects above \$25 million as well as concerns about oversight and consequences, I do not agree that the \$2,000 cap on the penalties for failure to comply is adequate. I am going to suggest that we have a work session on the amendment that come forward I think it would be really helpful to have the council as a body come together with the community members and industry experts and city staff to work out these final kinks and I am really hopeful that we will come to an amicable conclusion sometime very soon. Thanks everyone for being here and for being so patient.

Wheeler: Very good, and commissioner Fritz.

Fritz: Thank you. I also want to thank everybody for this. Mayor you are the third mayor I have had the honor of serving with who has brought something like this forward very early in your tenure, so it definitely is a gnarly issue. It seems that we are closer together now than eight years so I commend you for that. I also believe that it's partly due to the work of Dante James and the office of equity and human rights, one of the reasons I chose him was because of his experience with the Denver light rail projects and contracting there, and also I want to thank Mr. Rinehart for your engagement it does take both the engagement of high level folks including the mayor to be able to get as far as we have done so there are still things to work out. I believe that this is one that there is -- there is very little probability that anybody will be entirely happy with how we end up on it, but we are a lot farther, and I think that we can have more constructive conversations to keep moving the -- to let them know that we have accountability and real equity and inclusion.

Wheeler: I am going to let that be the last word because that is more eloquently than I will state it. Thanks to everybody for sticking around and for your patience and to be continued. With that we are adjourned until 2:00 p.m.

Fritz: I just passed the presidency over to commissioner Eudaly and she will be the president until I get back from visiting my mother.

At 1:24 p.m. council recessed.

July 12-13, 2017
Closed Caption File of Portland City Council Meeting

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

Key: *** means unidentified speaker.**

July 12, 2017 2:00 PM

Wheeler: Good afternoon if you didn't get enough fun and excitement this morning we're back. This is the regularly afternoon scheduled afternoon meeting of the Portland city council July 12.

Saltzman: Second episode.

Wheeler: Second episode we only have one item today. Could you please read it?

Parsons: I'll call the roll.

Wheeler: That's a good idea since the law requires us to do that. Could you please call the roll?

[roll call taken]

Wheeler: First item.

Item 810.

Wheeler: Commissioner Saltzman.

Saltzman: Thank you, mayor. Last Friday I was joined at city hall by u.s. Senator Ron Wyden to publicly denounce the trump administration's intentions to overturn the Obama era protections of a free and open internet. Today cross the country Americans this is an action day across the country. Americans and American companies such as google and Facebook are participating in this day of action to save net neutrality and to stop the corporate takeover of internet content. Now as senator Wyden, I'm not stealing any lines, he said last Friday that he gets a lot of good, positive support for net neutrality but not a lot of people understand what it is, but they say it sounds good, I support it. So we're going to help people understand what net neutrality is today with a little help from hbo's john Oliver and how important it is too. We have a brief film clip I think it's three minutes.

*******:** Yep.

Eudaly: This might be my favorite session ever.

Saltzman: Good way to end the week.

[Video Played]

*******:** First let's take just a moment together and appreciate how amazing the internet is.

You can use it to file your taxes, apply for jobs. You can go online and buy a case of coyote urine. Do you know how difficult it used to be to obtain coyote urine? You literally had to give a coyote Gatorade and just wait. It was a mess. The system was a mess.

[laughter] if you turned on the news lately you may have heard worrying references to the internet changing.

*******:** The federal communications commission has agreed to a proposal that could change the way we use the internet. At risk are the basic principle of net neutrality.

*******:** Net neutrality.

*******:** Yes. Net neutrality. The only two words that promise more boredom in the English language are featuring sting. [laughter] hearing people talk about it is somehow even worse.

*******:** As anticipated the notice proposed to ground the rules in section 706 of the telecommunications act of 1996.

*******:** Oh, my god, that's the most boring thing I have ever seen, even by cspan standards. I would rather read a book by Thomas Friedman than sit through that theory. I would rather

July 12-13, 2017

listen to a pair of dockers tell me about the weird dream it has. I would rather sit down with my niece and watch Caillou. A children's show about a poor Canadian child who lived a life devoid of any internet f**ck you Caillou grow some hair and leave the house find out what the world is about. Come on here's the thing net neutrality is actually hugely important. Essentially it means that all data has to be treated equally no matter who creates it. It's why the internet is a weirdly level playing field. Start-ups can plans that helps Facebook supplanted myspace which supplanted having any friends. Few remember physically having friends it was awful you couldn't tap faces to make them go away. The point is the internet in its current form is not broken. The fcc is currently taking steps to fix that.

*****: The fcc is endorsing new rules that could clear the way for a two-tier system.

*****: The rules would open the door for the first time for internet providers like Comcast and Verizon to charge tech companies to send content to consumers more quickly. Netflix for example might pay a premium to ensure its customers can stream movies more reliably at a cost a start-up competitor may not be able to afford.

*****: No. This cannot happen.

[Video Ends]

*****: We'll stop there.

Saltzman: My thoughts exactly. this cannot happen. That's why the city council today will hopefully pass a resolution to oppose the fcc's efforts to weaken net neutrality or eliminate net neutrality altogether. Comments are due by July 17 so our resolution is well timed today. We have some invited guests here. I wanted to start first by bringing up staff from the city attorney's office and the office for community technology to provide an overview of the resolution in two or three minutes.

Ann Goldenberg, Office of Community Technology: Good afternoon, mayor, commissioners. I'm Ann Goldenberg, the manager for the office of community technology. Now, we already heard a pretty good explanation of what net neutrality is so I'm not going deeply into it but I'm going to explain a little bit about net neutrality some of the things we would lose if we lose it. I also want to tell you about the unique history Portland has as a leader in this issue and I think that is really something exciting today being a day of action. We're here because the fcc, as we saw, is poised to unwind the net neutrality rules that they just passed in 2015. These rules are so important to the modern internet that we're here along with many others to speak to it and to pass this resolution and let the fcc know we oppose what they are doing and support an open, nondiscriminatory net neutrality. The free and unfettered exchange of information between people and organizations with no band width preferences based on the nature of content, authorship or affiliation create what we know today. Net neutrality fosters competition on the internet, allows small companies to enter the market on the same footing as large companies, let's our kids do their homework online and let's all of us have access to information even greater than what we just saw on tv. We have new industries in Portland and around the world based on these principles of a fair playing field an even and level playing field. Three ways that net neutrality, the elimination of net neutrality could affect us all, blocking, throttling and pay to play. Blocking, we all have seen when we have gone to an internet content and seen 404, content not available. Can you imagine if our kids had to go get their homework at their school and they see a 404? Not acceptable. We need access and we need it immediately. Throttling, imagine if our meeting here, we serve many, many people in our community. The civic purpose of government access is important to create civic engagement and knowledge about our community however I'm sorry you probably don't have as many viewers as game of thrones. If that was decided to be throttled by a company meaning it would not even be a clear video stream that's the same as not having access. We lose the ability to have civic engagement if we're throttled. Pay to play, who do we want picking our

July 12-13, 2017

content for us, an isp or you? That's a basic issue about your right to get the information you want. It's especially important for our economic community. We need to be able to have everybody have the same access whether you're a individual or a business. We need to be able to make sure there's no pay for play. Music companies in the 50s they called it payola. No payola. None of these out comes are good for us, for our communities, for job creation, civic engagement, government transparency, emergency preparedness, none. Now, Portland has played a unique role and we have a unique role today with this resolution. You might even say that net neutrality was born in Portland. This position can be traced back to 1998 in a council's consideration of the mount hood cable regulatory commission's recommendation that the cable franchise from tci to at&t reflect a condition of nondiscriminatory, open access. 1998, the city voted to require this as a condition of that cable franchise. Guess what you got sued. Yeah, but the outcome of the case was very important. The outcome decided that this classification of the fcc as a cable modem service was a information service that was affirmed and net neutrality as a concept was born so you may say net neutrality was born here. Since then the city has taken a bold leadership supporting net neutrality principles. Its always been a leader 2010 and 2011 the legislative agendas reflected that. 2014 the mayor of Portland joined the mayors of San Francisco, New York city to file a letter with the fcc and the legislative delegation supporting Net neutrality. All these efforts paid off in 2015 when the fcc had net neutrality as a rule. Yay all of it paid off, but now there's an opportunity to have these rules rolled back. Today is the day of action. What are we going to do here in Portland? What can we do? As leadership you can pass this resolution and let the fcc know how important it is to all of us in Portland. Citizens have a huge and very important role to play as well. You have a few more days to make a comment to the fcc. www.fcc.gov. The docket is 17-108 and it's called restoring internet freedom. Ironically. Tell the fcc, keep net neutrality now. Last time in 2014 over 4 million people commented. We crashed the internet. Let's do it again. So let's take this day of action. I urge you to pass this resolution. I urge all of our citizens to make a comment to the fcc, and together let's make sure we keep net neutrality. Thank you so much.

Saltzman: Thanks. Ben did you want to add --

Ben Walters, Chief Deputy City Attorney: Ben Walters with the city attorney's office. I'm here for two reasons. One is to first well three. First I want to acknowledge that mayor wheeler has already gotten on board with this effort in joining 49 other mayors from around the country in cosigning a letter that was -- will be or has been, I don't know the exact status of it yet through the u.s. conference of mayors and the assistance of our government relations office mayor wheeler joined in that letter taking a firm position in preserving net neutrality. So thank you, mayor. Thank you very much. Then secondly, the effect of the resolution is to direct our office, the city attorney's office, to work with the office for community technology to file comments and otherwise participate in the fcc's proceeding and to take further action as may be necessary in subsequent judicial proceedings to continue to advocate for net neutrality in the position of open access on the internet and with that if there's any questions I'm here and available to answer questions.

Saltzman: Thank you both.

Walters/Goldenberg: Thank you.

Saltzman: Next grace stratten is field representative for u.s. Senator Wyden. Then we have one invited panel after that.

Grace Stratton: Good afternoon, mayor wheeler, city commissioners. Thank you for having me today. I'm grace stratton and I'm here representing u.s. Senator Ron Wyden to express his support for this resolution. I would like to thank commissioner Saltzman for bringing this forward today. Senator Wyden has long fought to protect net neutrality

July 12-13, 2017

because he knows the importance of equal access to information on the internet for all Americans. Children researching school projects, adults seeking employment, owners of small start-up businesses wanting an even playing field and more. Today is significant for advocates. Today is the day of action to save net neutrality. Senator Wyden encourages as many Oregonians as possible to participate by going online and submitting comments to the fcc, defending net neutrality. In the words of senator Wyden, this is an extraordinarily consequential issue for Portland, for Oregonians, because net neutrality has sparked the flames of innovation and commerce on the internet. We shouldn't roll back that spirit of innovation and equality that would extinguish much of what the internet has come to be. With that I think my comments really mirror a lot of what we have heard already. I just want to end by again on behalf of senator Wyden thanking mayor wheeler and city commissioners for considering this resolution and again for commissioner Saltzman for bringing it forward.

Saltzman: Thank you, grace. Our one invited panel is sue diciple, Sam Pastrick, Erik Onnen, cto of cloud ability, and david olson, former director of the office for community technology. I need one more chair. It's coming.

Sue Dicile: Good afternoon, council, commissioner Eudaly, commissioner Saltzman and mayor ted wheeler. Thanks for inviting me to speak to the issue of consumers as it relates to net neutrality. I have some history with the issue of net neutrality as the mhcr representative for the city of Portland. I had just come on to the mhcr at the time that the open access issue came to the fore. That was 19 years ago and Ann Goldenberg just addressed. We were as she indicated engaged in a battle with our incumbent cable provider over what was then termed open access, and at the time the company sought to bottleneck control over consumer choice of their internet service provider. For our consumers in the metropolitan area that impact would have been a monopoly-like absence of choice forcing them to use the company's proprietary platforms. In our rural parts of our state it could have prevented small isps from obtaining carriage and eliminated internet access altogether for consumers and businesses in those communities. I'm proud to have been on mhcr, representing the city of Portland at that time and proud that our city council and county commission took this fight all the way to the 9th circuit court of appeals. In doing so as has been mentioned by other speakers we struck the first blow on behalf of consumers on the issue that fast forwarding now to 2017 is the principle of net neutrality. As open access was right for consumers and businesses in 1998, net neutrality is right for consumers and businesses today. Telecom and cable companies with market power want to manipulate the timing of information delivery because it gives them the ability to make more money, but we all know the vital and important role of the internet to consumers and businesses. Throttling the internet for those who do not pay the premium will act as a filter on the flow and timing of information consumers and businesses and news -- well, that consumers rely on and that news and business organizations use to disseminate. These limitations come purely at the expense of the consumer as this additional profit-making gambit can be deployed without any additional investment or any additional service improvements. It is not true that under the fcc chair's proposed rules some information will arrive faster. That's a fallacy. All it does is guarantee that some information will arrive slower. Essentially curating via delay the information consumers receive. And it's hard to imagine how small start-up businesses will compete on an internet dominated by those who pay for expedited delivery of their messaging. So as way back in 2000 we still on the mhcr have concerns about the rural communities in Oregon. We haven't gotten really good analysis on this, but many of those communities still like they did in 1998 depend on small isps for their internet service. It's really hard to see how the erosion of net neutrality rules and principles can be anything but an economic and cultural blow to those

July 12-13, 2017

communities. So members of the Portland city council, thank you on behalf of consumers in Portland and in our state for once again stepping up and supporting consumers with your resolution on net neutrality. Thank you.

Saltzman: Thank you, sue. Sam?

Sam Pastrick: Good afternoon. I'm Sam Pastrick here with Oregon Citizens Utility Board, I'm their consumer advocate and membership manager. I want to cut to the chase this is sort of the line I use I used this last Friday. The internet is an essential utility service that's our stance as the residential utility advocate, residential utility customer advocate in Oregon. It's a service for public benefit. That means that everyone is entitled to you're going to hear this a lot, fair, unfettered and affordable access to service. This is the underlying principle of net neutrality. Like MHCRC and the City Club has endorsed net neutrality for many years but it wasn't until 2015 when the FCC approved the open internet order that the federal government codified those rules based on sound legal footing, that legal footing was Title 2 I don't want to get too wonky there. Despite numerous attempts to appeal from the big cable and telephone industry lobby groups the courts have largely upheld defense of the order, the last being last summer. However this might change because the FCC has the apparent vote count to repeal the 2015 order, but an apparent vote count does not always guarantee repeal. We're seeing this play out in Washington around health care. I think that's a really important point to make. This is why local efforts are so, so important they send a strong signal that repeal of these basic common sense protections for consumers needing access to the internet is completely unacceptable. Two examples, probably the more common one, anecdote in defense of net neutrality or in support of greater digital equity is sort of the low income student needing home internet access to complete his or her homework. This is a good example because that student I think we all agree is entitled to the same speed and access to content as maybe the wealthier family across town or the corporate CEO in a downtown high rise. I want to offer a different example that hopefully highlights why folks nowadays, especially those who are most vulnerable truly need fair, safe and reliable internet access. Let's say I'm home bound for any reason for any period of time, so in this scenario the internet is my connection to the outside world I would argue. It's my vehicle to connect with friends and family, it's my entertainment outlet, probably my only outlet. It's my way to receive essential medical services whether that's scheduling my next appointment or reviewing test results or even receiving telecare. Internet may also be my best means to order food or get extra help around the house. If I'm employed it's probably the ways I'm going to keep that job because I can work remotely I think we have all done a little bit of that. If I'm unemployed it's the only option I have to search for a job or apply for a job. So the internet in this scenario is really the foundation of my health it's the foundation of my safety, my general well-being, and ability to participate in society in any meaningful way. So if we can all agree on this critical point that fair and affordable access to the internet can make or break someone's livelihood then we should also agree that reasonable protections to preserve net neutrality, those that were enshrined in the 2015 order, really must be defended. So in light of this and on behalf of CUB I want to encourage passage of today's resolution that would officially support the preservation of the 2015 federal open internet order. Thanks for your time of course I'm happy to answer any questions.

Saltzman: Thank you.

Erik Onnen: Thanks for inviting me. I'm Erik Onnen, I'm the chief technology officer at Cloud Ability, cloud ability is a start-up discussed today. We're in Portland, a company of 80 and we employ 60 people living in the greater Portland area. We're proud to be a local Portland start-up. I have anecdotes as to how absence of net neutrality would negatively impact our business specifically and how it would negatively impact the software industry

July 12-13, 2017

in general within Oregon. First, lack of net neutrality would run a significant risk of impeding our ability to operate our business. The product we create, the product we engineer here in Oregon is what's known as a software's and services product. It's hosted, it's not installed on a desktop it relies on open internet protocols for our customers to consume the products we create. The absence of net neutrality runs the risk that customers trying to consume the product we create would be artificially impeded in ways that would be difficult for us to diagnose and require us to spend precious revenue just to be able to offer the services we currently offer today. Secondly, the absence of net neutrality runs the risk of impeding productivity of our workers here in Oregon. Namely our knowledge workers, software engineers who work with large binary assets who write software for us rely on reliable band width in and out of our office here in Portland. Our sales team heavily uses video conferencing technology and phone technology all based on an open principles of open internet, reliable band width, arbitrary restrictions absent net neutrality would be negatively impacted by. As it stands today we're already forced to spend significant money just to have reliable band width coming into our office. The last thing we need is upstream impediment by third parties to restrict that band width so we can do our jobs on a day-to-day basis. Lastly I want to mention that as with most software companies we are a global business we do business everywhere in the world. We have customers in many countries, offices in Australia, employees in the u.k., and our ability to operate and grow and address a global market is put at risk absent net neutrality. It's essential that we communicate with our remote coworkers, that we have channels that are reliable, that don't come and go at awkward, strange, unfair principles. That's effectively how the office of net neutrality would impact our business. In working with skip Newberry the ceo of the technology association of Oregon there's a broader impact to software as it relates to the state of Oregon in that right now software in general within the technology sector within Oregon is one of the fastest growing sectors, contributes over \$25 billion to the gdp within the state, its one of the highest drivers for annual wages in terms of state accumulation of wealth more than double the average across other trade sectors across the state. I feel comfortable telling you all software -- not all, the vast majority of software engineers would have a similar sentiment to mine. Their jobs, their ability to effectively operate their business to perform their day-to-day tasks would be significantly impacted in the absence of net neutrality.

Saltzman: Thank you. Finally David Olson.

David Olson: Thank you, commissioners. I'm David Olson for nearly 30 years I was your director of cable communications and franchise management under five mayors. I arrived with a stack of paper which used to be a budget tactic for me. Mayor Katz used to be frightened to death at budget time that I would start talking and I used to get my budget passed that way. Just telling you I'm not going to dwell on that so much but I know each of you very well. I have not had the pleasure of meeting commissioner Eudaly but working for Dan I saw mayor wheeler at the county per the cable regulatory commission and commissioner eudaly's executive assistant and I more or less coinhabited an office.

Eudaly: Chief of staff.

Olson: Chief of staff. More or less coinhabited an office during the open access fight under commissioner sten and we know this issue very well. First I want to thank the council, commissioner Saltzman and the council for introducing this resolution. This is very, very important stuff. One other thing john Oliver said in one of his pieces is if you want to nationally do something really evil, put it inside something really boring and in essence a lot of that is what's going on here. Please know that 80% of the wired internet subscriptions in this country are dominated by five companies only five companies. 75% of u.s. citizens have one, one choice for high speed data only one. There's a reason that

July 12-13, 2017

those companies are not here today, there's a reason for that and that is that these companies benefit from stealth, they benefit from people not pitching in. They benefit from there not being an ample public record on this that's why you won't see much of them at these local meetings. This passed on a 2-1 magnificent margin of 2-1 at the fcc when the new administration came in only two votes and it would undo what had been done with the internet as a utility. This is a very important day of action. I want to associate myself with what sue diciple said about rural urban if you ever want to work with rural Oregon this is the issue. They are going to be hung dry if this happens and I appreciate what you're doing. I want to conclude by giving a shout out to the nationally recognized staff of the office for community technology which continues to be nationally recognized and the mount hood cable regulatory commission. This is another nationally recognized asset for you, these volunteer citizens. Many people don't remember or recognize this issue was led from behind at the time. That is Portland city council didn't reach out and grab this issue. This was brought to the council by a very dedicated group of citizens in a multi-jurisdictional commission. It took all of them and in fact it took Troutdale and Multnomah county working with commissioners from Portland to get this issue going and it wasn't easy, but because of the benefits of that multi-jurisdictional partnership this issue got to you and is a national issue that really started here and because of that unique bond multi-jurisdictional bond that you have. In any event, carry on, thanks again, commissioner Saltzman, from the bottom of my heart I thank senator Wyden for the attention he's focused on this issue. In fact I was with him at city club the other week it was killing me, it's against city club rules to recognize people in the house because they wouldn't have any program time if you did but thank you to this council and to the county commission and to the mount hood cable regulatory commission, urge all of you to carry on with senator Wyden. This issue is critically important. I thank you again for the honor of being able to serve you all these years.

Saltzman: Thank you all. That completes invited testimony.

Wheeler: Do we have public testimony?

Parsons: No one signed up.

Wheeler: Does anyone want to provide public testimony? One taker in the back. Come on up. State your name for the record, please. Three minutes.

Edith Gillis: Thank you. I'm Edith Gillis and I'm really grateful that you're addressing internet security and justice. One of the things I didn't hear is that it's essential for democracy and democracy and trust is essential for civil peace because without it we cannot have civil justice and that's essential for your peace of mind, your enjoyment and you feel good about why you're here, what you're accomplishing, you're trusted and respected in the community. We need to know that we can quickly and correctly get information we need to go to the aid of someone who needs it. When we have disasters we need to know that we'll have the news, we'll have the information we need. At the good in the hood because of the internet and the incredible work they had pictures of known white supremacist terrorists. I was there to pray and was in the right place at the right time to stop two known terrorists from coming in who planned to shoot people whose pockets were bulging and had at least one weapon on the side. The cops did not stop them, the fbi and whatever sheriff's deputy it was did not stop them but because of antifa having open internet I saw the pictures I was there praying, I could act and get black panthers and antifa to close off areas they were accessing. Those places were then guarded and they never followed through with their plans that all the police would have never stopped. It was the internet with the access, it was courageous, caring, dedicated people who put the information we needed up there that kept our city safe. I just want to commend you again, how important it is for democracy and peace of mind. Thank you.

July 12-13, 2017

Wheeler: Thank you. Any further questions?

Saltzman: That's it.

Wheeler: Ok with that we'll go to calling the roll, please.

Saltzman: Thank you all for being here today. Again thanks to senator Wyden for his outstanding leadership on fighting on behalf of net neutrality. It really is a very important issue despite its boring title. It is important to all of us to be able to have equal access to the internet. I'm pleased Portland has such a proud tradition in the mount hood cable regulatory commission, all the jurisdictions have a proud history of involvement in this issue, maybe initiation of the concept of net neutrality so I'm proud to be offering this resolution to carry on this proud tradition of working to keep net neutrality. As I said, the comments are due on the 17th. We'll take our resolution on the plane to Washington d.c. as soon as we pass this. Aye.

Eudaly: Well, I want to thank commissioner Saltzman and senator Wyden and everyone that came here today. You did an excellent job explaining the importance of this issue. It does sound very boring and I often fear that the public doesn't understand what a huge impact it could have on them. So I like to put things very simply your isp could decide what you see, how interactive it is, how quickly it reaches you, if ever, then charge whatever it wants for that access. This issue is near and dear to the heart of my office as was mentioned. Marshall Runkel, my chief of staff, was deeply involved in the work that led to our current policy. He also was behind our first effort to bring municipal broadband to Portland, which is a conversation we may want to return to because it probably is the strongest move we could make against the loss of net neutrality if that does happen, and it would address our ongoing issue with broadband access equity. It's also near and dear to my heart. I devoted over 20 years of my life to supporting and promoting independent media in no small part because of the consolidation of print media, television, radio, et cetera, into a handful of multi-national media conglomerates. I see this as even a bigger threat, especially considering that the internet has basically undermined all other forms of media and we're really dependent on it for access. Finally, at a time when our own president is undermining the position of our press, I think it's especially vital and essential as the raging granny mentioned to our democracy. So it's a scary thought to think that we could lose this. Thank you again. Aye.

Wheeler: Well, I appreciate this and I want to thank you, commissioner Saltzman, and thank the folks who testified. You made this highly entertaining and any time I come to a city council session and actually watch john Oliver that's a great day. I want to give a slightly different analogy as everyone knows I have a love-hate relationship with the internet. I do think it democratizes information, it does not democratize facts or knowledge, those go you have to go the extra yard for those two things. I have been struggling the right analogy and I have concluded it's looking at the public library system. Originally libraries were private affairs in the united states meaning if you had access to a library you had access to the entire body of information. If you didn't have the means you did not and you were relegated to borrowing other people's materials or finding information through other means, but if you really wanted to look at the nature works of literature, the nature works of art and culture and science, there were actually what today we would refer to as pay walls for access to that information. We are supplanted, I hate to say it because I love the public library system, but we're supplanting the library system with these open technologies and this access to all of this information. I'm very concerned any time somebody suggests that we should not have democratized access to the body of information that for 200 plus years in this country we already made the decision it is in the best interests of a healthy and thriving democracy and an informed public to have access to that information. So it's appalling to me that there are private sector organizations that

July 12-13, 2017

should know better and that there are high level elected leaders who should know better who want to take this backwards in terms of access to that information. So it's very important that we support this resolution and thank you again for your passionate support of it. I also want to thank senator Wyden he's truly been a national leader on this issue. I know he will continue to fight hard on behalf of all of us but it's important that the city council step up and express our strong support for his works in Washington d.c. I'll vote aye. The resolution is adopted. Thank you, everybody, for your great testimony and hard work and with that, believe it or not, we are adjourned.

At 2:42 p.m. council recessed.

July 12-13, 2017
Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

July 13, 2017 2:00 PM

Wheeler: Good afternoon everybody this is the Thursday, July 13 afternoon session of the Portland city council. Welcome, everybody. Please call the roll.

[roll call taken]

Wheeler: please read the first item.

Item 811.

Wheeler: Commissioner Saltzman.

Saltzman: Thank you, mayor. Today we're going to hear from staff and our partner trimet about proposed projects that will create safe streets and improve transit in our city. Item 811 is a resolution that gives the bureau of transportation the authority to add proposed enhanced transit projects to the transit projects to the transportation system plan and we'll learn much more about that shortly from the staff and item 812 is a resolution that amends the vision zero action plan to add a list of proposed projects to the transportation system plan. Both resolutions will allow pbob to submit the project list to metro's regional transportation plan and the timing is certainly excellent as the state legislature passed a transportation package last week that will help immensely with these projects. Want to especially thank Neil McFarlane and our team at the city especially Elizabeth Edwards and director Leah Treat and other pbob staff for their work on that successful transportation package. A significant number of streets in the high crash network are in areas where high numbers of low income families, people of color, and people with low English proficiency live, work and go to school. Making our streets safer for all, particularly for these groups, is fundamental to succeeding as a city. Equally important is to make these corridors attractive and effective for fast, reliable, convenient transit. This is the focus of the enhanced transit program and vision zero. Transportation director Leah Treat, trimet general manager Neil McFarlane and senior planner Art Pearce will kick it off for us.

Wheeler: While their coming up commissioner could I have the clerk also read 812.

Item 812.

Wheeler: Thank you.

Leah Treat, Director, Portland Bureau of Transportation: Hi. Mayor, commissioners, Leah Treat, director of the Portland bureau of transportation. We're really happy to be here today to talk to you about some of our most innovative and important projects at pbob. Vision zero, which you all are well familiar with and have been incredibly supportive of, but the other is new concept and its called enhanced transit corridors and that is informing the update for the transit division for the next 20 years. Our staff has been working closely together to improve safety and make transit more attractive. We have been working closely with our partners at trimet and Portland street car to come up with strong regional transit vision that meets our comprehensive plan goals as well as the region goals. We thank our transit partners and Neil McFarlane and Dan Bower for being with us here today. Before we dive into the specifics of the resolutions they're two main reasons why we're bringing the items to you today in a joint presentation. One is that our recently adopted comprehensive plan lays out a clear vision zero and transit goals that mutually support each other. The other is safe streets and robust transit system need each other and are fundamentally linked. As you all are well aware vision zero aims to eliminate all deaths and

July 12-13, 2017

serious injuries on our streets by 2025. Many of our high crash network streets also happen to be key transit corridors and areas for neighbors to shop and get together. We're talking about extremely important corridors with multiple mobility demands. Many of these will attract much of the city's growth so it is imperative that they are safe, attractive to all users and well serviced by transit. Only then can they be the places where Portlanders come together to meet, to shop and recreate. These streets and corridors in many ways are the test of whether we as a city can meet our goals for prioritizing walking, cycling and transit and to make safety and equity key principles guiding our actions. Regarding equity as you'll see in a moment a significant number of corridors lie in areas where high numbers of low income families, people of color and people with low English proficiency live. They work there and they go to school there so making our streets safer for all of them particularly these groups is fundamental to us succeeding as a city. And just as important to make these corridors work for fast, reliable, convenient and attractive transit particularly for the many Portlanders who rely on transit to travel long distances to and from work and school. So as I stated early our safety, transit and equity strategies go hand in hand fast, reliable, attractive transit supports walkable communities and compact development. Similarly safe streets make walking and cycling to transit possible for all Portlanders. Now I'll hand it over to Neil McFarlane.

Neil McFarlane: Thank you for the opportunity to address you and by my presence I think I want to mostly indicate the great partnership that we have had historically with the city of Portland. We have inherited an enviable transit system, but it's largely because of the partnerships that have really allowed great things to happen. We now know that we need to grow that transit system and we need to improve it. We need to make it keep up with the demands of growth and frankly the challenges of the congestion that follows that growth. That's why I'm excited about being here today to share and join in the conversation about enhanced transit and some of the other concepts that we have outlined for the future. I did want to take a moment just to share some of the other initiatives trimet has under way right now many of which you know about. First of all we have developed with a very robust process over the last few years a series of service enhancement plans for all sectors of our region and those really have become a road map if you will for the development of service over a period of time. We were very pleased that a couple years ago our board of directors implemented payroll tax increments that increments over ten years allowing us for the first couple of years to see bus service improvements in many areas, 3, 4%, which is really a very good percentage of growth, but I would also note that with adoption of transportation package that commissioner Saltzman noted, we have the chance for a jump-start at some of this. I would just note that we have made some commitments associated with that package, the first one that we are beginning to work on as we speak is low income fare that will actually provide and there's a great outline of this with a metro task force that has been established and will continue to work with this group of nonprofit providers and people who serve disadvantaged portions of our community but the goal is really a 50% discount on all prices from the adult fares, same discount we offer seniors and people with disabilities and students, to people who are within 200 of federal poverty level. So again really important program we're anxious to get that under way, but then we also have residual funds that will allow us to begin to improve service. We have some time to do some planning, we actually won't be receiving those funds until probably in terms of cash until something like January of 2019 provided the governor signs the bill which I'm sure she will. And so we'll be working with your staff in terms of prioritizing the expenditure of those funds together with all of our other constituents in the region. We're really looking forward to that needles to say there are challenges, a lot of back of the housework that needs to be done. Things like buys buses, hiring operators, mechanics and other things,

July 12-13, 2017

but the emphasis of the service is to serve areas that have concentrations of low income families, connections to jobs, all kinds of very important goals that I know are deeply reflected in city policy in many, many places. We're working closely with the city to advance our next high capacity projects. We're working on the division transit project and are out with a great deal of outreach on refined designs as we speak. Our goal is to submit that project to the federal transit administration for rating later this summer and hopefully will be in a position to implement that over the next few years our goal for that is actually open for services in 2021. Similarly we're working on a draft environmental impact statement metro is the lead for this for the southwest corridor. It would serve our barbur-i-5 corridor, which is the largest travel corridor not served with high capacity transit in the region right now. We appreciate the city's continued support on all that and we're engaged with our partners at the department of transportation but also Portland street car related to potential service improvements there as well. You'll hear more from art and April about the concept of enhanced transit and this is really an important concept to us because we know that we will continue to serve the majority of customers on a bus system. Our bus system as you'll see in this presentation has been subject to substantially more and more delay and it's been harder and harder for us to keep our buses on schedule, to keep our intervals where they need to be, and we would love to be able to invest in corridors first that have a better sense of reliability and can provide a better sense of reliability to our customers. I think combining the work that will be outlined to you with our improved service is really model forward. We have proved that in the 122nd corridor where pbot has been active in making a number of sidewalk, pedestrian safe crossing improvements and have been stepping up service all the while abd122nd will be a full service line before you know. I would also just note that we are looking to expand other tools to make transit effective and we're on the brink of actually a big public announcement if you will for the hop fast pass new fare system. We are pleased to have partnered with Portland street car as well as c-tran and we think that will offer a great number of advantages to our customers but we're also continuing some of the other smart city initiatives that we were partnered with in terms of our application to dot some time ago. That's different ways to get infrastructure to work better with our service and those are really important initiatives that we're continuing to put a lot of energy into. We're also still preparing to launch our first series of electric buses. In 2018, middle of the year, next year, we'll receive five electric buses that we'll begin to learn about and I know there's a great deal of interest in the community I personally believe electric is the fuel of the future for transit. However, I would also note that there's enormous amount of organizational and other change that's required to really make electric technology work well. So this will be a great opportunity for us to begin to learn about that. Let me just close by once again reiterating how much I value the partnership with the city literally nothing dramatic or good happens in this region without the city related transit. Nothing happens without city support, and again, happy to be around as you approach the question and answer period as well.

Art Pearce, Portland Bureau of Transportation: Thank you. Art Pearce. I manage transportation planning and capital program for the city of Portland as well as active transportation and safety division. We brought together for you today essentially two topics that were thought of as two separate items and realized they were appropriate conversations to bring together as one, so we're looking for specific adoption around vision zero as well as a midpoint briefing with enhanced transit corridors and looking for your endorsement of that proposed set of lists for the regional transportation plan. One of the reasons we're bringing this together is 14 of the 30 high crash corridors are also enhanced transit corridors so they will need both investments focused on safety and access as well as improvements that will support transit. Also really focusing in we are at a stage now in

July 12-13, 2017

terms of the process in which we have adopted a transportation system plan and are heading through into coordination of those plans at the regional level and it's very important for us to bring the latest thinking particularly around transit and vision zero into the regional process as well as the next transportation system plan. It's very timely and important we have this conversation with you so we can bring appropriate and updated information at the regional transit conversation. So in terms of what one set of piece of background I think some of you were here for the transportation system plan but some are new. The transportation system plan includes a whole array of investments, investments that are small, less than \$500,000. These would be crossings or new lights as well as projects that are more in the \$500,000 level or more all the way up to many millions of dollars. Specifically we're trying to make sure we have updated those that we want to make eligible in the regional transportation plan that might be eligible for federal funding or competing at the regional and state level for resources that's why it's very timely today. The first group of folks that we're going to bring up is Margie bradway and Clay Veka and they will give you an update on vision zero.

Wheeler: Good seeing you, Neil. Thanks for your testimony. Good afternoon.

*****: Good afternoon.

*****: I'll move over.

Wheeler: I just want to remind people that if there's anyone here waiting for item 813, 813 has been pulled back to my office. There will not be a presentation on 813 today. Sorry.

Margi Bradway, Portland Bureau of Transportation: That's okay. Hi, I'm Margie Bradway, active transportation safety division manager. I'm going to keep this part of the presentation brief. It seems like I'm getting an echo on my microphone. Am I okay?

Saltzman: Yes.

Bradway: Okay. So -- [shouting]

Wheeler: Mimi, you are --

Bradway: Shall I proceed, sir?

Wheeler: Wait a second. I actually want to hear what you have to say. [shouting]

Wheeler: You're in violation of council rules. If you continue you will be asked to leave and if you don't leave you're subject to arrest for trespassing. [shouting]

Wheeler: Mr. Walsh you have been asked to leave, please do so. Thank you. [shouting]

Wheeler: Well, that was interesting. Please start again.

Bradway: I'll start over. This piece of the presentation is focused on vision zero. We are here today to amend this particular resolution, amend the vision zero action plan and adds a projects list as well as directing pbot to the tsp the transportation system plan and. [shouting] next slide. I'll pause for a minute. Okay. Just to remind us all you're familiar with the concept of vision zero, but the vision statement that was adopted by the 26-person task force is really important because it sets the criteria that we use in identifying all the projects. So the goal is working together we will take equitable and data driven actions that will eliminate death and serious injuries for all who share Portland streets by 2025. That means we use only two criteria in identifying projects. One, the crashes, fatalities and serious injuries. Two, equity data. Also as a reminder, the 26-member task force vision zero task force adopted the high crash network and directed pbot to endorse this project list before you. This city council in particular has had a huge amount of support for vision zero as you can see in the slide above you. You may remember commissioner Saltzman when we came before this council in 2015 to adopt a vision zero resolution we came back with a full plan in 2016 which outlined 32 action items, one of which was to invest in the high crash corridor. And while we have been going forward with our plan we have also been investing in projects such as outer halsey, which was funded by this city council, but the investment in those projects have been piecemeal. What we're doing today is bringing

July 12-13, 2017

you a complete comprehensive list of projects both funded and not funded, some large projects and some small ones which clay is going to explain.

Clay Veka, Portland Bureau of Transportation: Good afternoon. Clay Veka, project manager for vision zero with the city of Portland. As Margie mentioned vision zero identifies Portland's 30 most dangerous streets and 30 most dangerous intersections together they make up Portland's high crash network. These are streets that make up only 8% of Portland's street network and yet account for 57% of deadly crashes on Portland streets. In fact the first week of July was pretty horrific and troubling seven people lost their lives on Portland streets averaging one person a day. Additionally, there was a very serious bike injury seven of the eight crashes occurred on one of these 30 streets. This network provides data driven focused way to invest designing safety in our most dangerous streets. With particular priority on segments that overlap with sections shaded in gray, which show the equity areas referred to as community of concern in Portland. Vision zero is multi-modal in nature, vision zero commits eliminating traffic fatalities for all people moving on Portland streets and by all modes. This graphic shows that people walking are overrepresented in traffic fatalities on Portland streets. While about 9% of Portlanders identify walking as their primary mode of getting around, 31% of people killed on Portland streets are walking. Recognizing kind of in converse that there are personal safety concerns in using transit from a traffic safety perspective, transit is an impressively safe choice. This graphic shows that while 7% of Portlanders identify using transit as their primary mode of moving about Portland, no people died in a traffic collision while on transit in the ten-year period that we analyzed. This further highlights overlap of the two programs before you today we need to make it safe for people to get to transit and invest in making transit a competitive and attractive travel option. Street design contributes significantly to how people behave and interact on the streets as well as to how severe the outcome of the traffic crash is. On wide multi-lane streets people often feel comfortable driving fast and they have a hard time seeing the complete street network, the tunnel vision occurs and it's hard to see what's happening on the periphery often where people walking or biking are moving. We know the faster the speed the more likely the crash is to result in death or serious injury. Two design tenants of vision zero either to set speeds that are safe for all users who are mixing on the streets or on streets with higher speeds to separate people who are traveling with different modes. The vision zero task force, the body of community and agency leaders that came together to develop the vision zero action plan, was clear that Portland's vision zero work should prioritize street design. We know that we can redesign streets so that when someone makes a mistake it does not result in death or serious injury. The center median in this design provides safe left turning movements for people driving and a refuge for people walking across the street. People biking are provided with space for moving vehicles and slower speeds are achieved through street design, education and enforcement. Redesigning streets in this way is a top priority for vision zero the first of the 32 actions in the vision zero action plan is street design number one, to fund and build capital safety improvements on the high crash network. In order to implement that first action we needed to step back and take inventory of what is already on the high crash network. With 30 long stretches of street across the city we needed to develop a complete picture of what work already had been done and planned on each segment on each corridor and o see where the gaps were where no project had yet been planned or built or identified that way we knew there was safety investment that was needed. The goal of this big picture look was to ensure that every segment of the high crash network was analyzed and accounted for with the project hope of achieving the vision zero goal. With that in mind we took the 30 streets and the first question we asked is, on the high crash network, where are there existing and planned projects. So on that

July 12-13, 2017

map, we drew a green line where projects have already been built. We drew a gray line where projects are funded and should achieve significant safety investments that change the character of the street such as outer division that Neil McFarlane referred to. Then we drew orange lines where comprehensive safety projects have already been identified in the transportation system plan. So this is kind of the map that says, we have either something built, funded or proposed. You may note that there's a gray polygon drawn around the central city that represents the boundaries of the central city multi-modal safety project. Which is a funded project whose planning process is just kicking off now. The project may fund safety improvements on the segments of the high crash network within its boundaries because of potential funding opportunity within this area the segments are identified in the funded section of the vision zero project list in front of you. The next question we asked is on the high crash network, where should new projects be added or where should existing projects in the tsp be changed either grown in description or in geography. So then we drew a solid red line where projects already existed in the tsp, but needed to be expanded wither in length or in scope. We drew a dotted red line where there were no identified projects but where there should be. Those would be proposed projects that would be more than that \$500,000 level that -- is that correct? Sorry. Okay. That is required in order to be a project in the tsp. Then we drew a yellow lines on the areas where smaller improvements understand \$500,000 could be appropriate to achieve the safety gains needed and those would be considered part of the transportation system plan safety program. So not a specific project called out independently in the tsp. So adding these two maps together, we see kind of what is funded and planned and what's newly proposed or revised. We have a complete project map that covers the entire high crash network each segment of all of the 30 streets on that network. This map provides a high level visual of the investments and projects needed to significantly address safety on the network and this map correlates with the vision zero project list that is in front of you. Each line on the map is listed as a single project on this list, exhibit a. The first block of projects, the red block, includes all of the new projects that are recommended to be added or revised in the tsp. So those red solid and dashed lines that you just reviewed. There are 17 new or revised tsp projects out of a total of 107 in the complete list. Included in the block of orange projects are all of the safety projects that exist today in the current tsp there are 54. So it's important to note that Portland is recognized and has been planning for multi-modal safety needs on many of our most dangerous streets for some time. This exercise has helped us to identify and fill the gaps with 17 new and revised projects. The vision zero task force, they have been integral in helping to kind of move vision zero forward to first create the vision zero action plan and at our last meeting with them in June we brought this list and they unanimously motioned to move this list forward to city council for consideration. The task force recognizes that in order to realize significant investment in the high crash network and move aggressively toward vision zero we need to ensure projects are identified and integrated into both the local and regional planning processes. Again, to wrap up, today we're asking to amend the vision zero action plan in order to incorporate the vision zero project list, and then to integrate select projects from that list into the transportation system plan and move them forward into the regional transportation plan process. Thank you.

Pearce: Any questions on the first part of the show? No? Okay.

Bradway: I would just add to the record that commissioner Fritz articulated she would like to be here today to talk about how the marijuana tax will be funded for vision zero, how its going to be programmed. We told her we'll come back in the fall while she's here and talk more about how that funding is going to be spent.

Pearce: Thank you. We'll switch to transit and enhanced transit.

July 12-13, 2017

Pearce: This is about the importance of transit itself in terms of the potential of serving our growing region. Next slide, perhaps. So just a reminder around the full spectrum of transit when we talk about transit improvements there's a lot of different potential outcomes that might be embedded in that. There's local bus service at the lower end of the spectrum serving short trips, on and off trips, and then a spectrum going up to high capacity transit, the max lines of our system, or even a future subway lines, those things. What we have been emphasizing in work for pbob is this specific middle of the transit we have been talking about being the missing middle of transit similar to the missing middle of transit, how do we make sure we're really stressing the importance of the work horses of our system that are those transit lines. As Neil referenced already, a lot of the partnerships in the last couple years with trimet has been working on the service enhancement plan process which is very specifically focusing in on smaller level service investments, investments in new lines and bringing new lines up to frequent service. That lays a great foundation for the conversation we initiated around enhanced transit. One of the specific sub areas we have given particular attention to has been around the east end of Portland in particular focused on north-south service along some major corridors as well as connections between housing and jobs in that area and there's a number of additional service proposals imbedded in that process. As we move towards the regional transit plan, we are working in partnership with metro and trimet and Portland street car on making sure that we are implementing a system of planning and implementation in partnership to make sure these lines will be effective in serving our growth. All of this is embedded in the regional 2040 growth vision. We have a map referenced here, which you'll see a series of major high capacity transit corridors being the primary organizing principles around how we are going to emphasize our growth within the region as well as within Portland you'll see key centers such as downtown or gateway referenced here. Through the update of the comprehensive plan and transportation system plan Portland identified a whole number of additional centers and neighborhood centers and important corridors that are central to our growth strategy and to creating the future Portland that we want to see happen. One of key realizations is the importance of bus service in particular in serving the daily activities of those specific locations and the importance of specific attention by the city, not just by trimet, in making sure that bus service can be effective. That a lot of the decisions around the service in addition to adding the buses are those in terms of priorities within the right of way, and that's a specific task of the local jurisdictions to make those choices. What you see here is the current map of the regional transit plan. It primarily is emphasizing major transit high capacity transit lines. What we are now proposing is to add a whole additional granularity to that system that shows how this bus service will be integral to providing that service. We gave you specific maps as handouts as well.

Wheeler: Could you go back to the last slide you're going to a whole new level of granularity and I don't understand what that means.

Pearce: You bet. So what you'll see here is the mostly what's stressed here are bus rapid transit or light-rail lines being proposed in the focus of the regional investment. We have come to realize and believe that frequent network service network and other bus lines also deserve this level of regional and in fact federal priority so we're pressing for this additional set of lines that are I guess coming between those major corridors you see there.

Wheeler: I'm sorry, I can't quite read the legend. What's the difference between red, yellow and green?

Pearce: Sure.

Mauricio Leclerc, Portland Bureau of Transportation: They were potential light-rail lines for brt. The colors represent priorities. First tier, second tier of implementation and southwest corridor is a good example of one in the state of implementation.

July 12-13, 2017

Pearce: So the next map is a proposal coming from Portland to the region and the regional process around how we might prioritize our emphasis in transit investment for the next 20-plus years. So you'll see some key highlights of this map and this is the specific handouts that we gave you as well. Some of the key highlights of that on the regional high capacity transit network a lot of emphasis is on extending the max system farther out into the suburbs in addition to southwest corridor, but then a lot of investment specifically in a whole series of those enhanced transit corridors, bus corridors. April will talk more about what those might look like in a minute but those include places like 122nd, 82nd, sandy or mlk. Those are all bunches of areas where we're seeing very rapid growth and continued demand for transit but also we're seeing them being caught in congestion and April will talk just a little more about that . Next slide of course we won't be able to do all those lines at once so one of the key parts of the process is deciding where to put our energy first. So the second map shows proposal for where we might emphasize attention in years 1 through 10, years 11 through 20 and long term in the strategic perspective outside of our current 20-year planning horizon. Any questions so far? We're bringing a lot to you in terms of number of lines here all at once. Keep moving forward. One of the key questions that came up as we presented this presentation to the planning and sustainability commission is how does the streetcar system fit within this over all vision. One of the key pieces to make sure we're aware of today is the amount of work that the existing streetcar system, the existing loop, the ns line and a and b lines are doing already. We have about 16,000 riders each day and significant number of operations occurring each day and all of those lines are at 15-minute frequency but we're learning we need to step those lines up this specific service of those lines to keep pace. One of the misconceptions around streetcar is about who rides it so we thought it was important to reiterate this. 66% of streetcar riders are originating from home so these are people who live in the neighborhoods specifically surrounding streetcar. They are using it to access daily shopping, work, school, specific for their daily needs. One of the other important facts is that one-third of all affordable housing within Portland is located within the catchment area of streetcar lines so it's very, very important to people who need transit service specifically. One of the other interesting pieces is as we're expanding service we're seeing growth responding in a correlated pattern in surrounding streetcar. Streetcar investment is occurring, growth is happening around it and ridership occurring on a unit by unit basis as new development happens around streetcar showing the significance of it for people's daily needs as they are moving into the urban neighborhoods. One of the issues that we see coming in the near term is specific to streetcar vehicles so you'll see here that as we're moving towards 2020, we're realizing that our now aging streetcar system we're going to need to be refurbishing or retiring existing streetcars and bringing new streetcars online. We're starting to become a mature transit agency as a city of Portland, which is a new phenomenon for us. Portland street car has done an extensive process of working with neighbors and constituents as well as with the Portland street car board and has focused their near term investment strategies in extending the system to Montgomery park as well as to Hollywood along Broadway and Weidler. That's the near term focus for the specifics of streetcar. We at the city are considering it one of the components of the enhanced transit strategy as vehicle type for our corridor. I'll pass it on to April to talk about enhanced corridors.

April Bertelsen, Portland Bureau of Transportation: So given this is something new we have been talking about in the city and in the region I thought I would start by introducing what is enhanced transit corridors to give you a better picture. Some of the characteristics of enhanced transit include increasing the capacity, reliability and transit travel speed of transit lines and doing that through moderate capital and operational investments. They

July 12-13, 2017

can be flexible or context sensitive so we can shape them to the places it's most needed and within the constraints of the built environment or acceptable modifications. They can be deployed relatively quickly compared to high capacity transit and they could come in different forms this could address hot spots that perhaps address one line or multiple lines for benefits. It could be a series of investments in the corridor that's just part of a line or multiple lines, or it could be a full upgrade of a full line from end to end and it really can take different forms and it also can include bus and streetcar. We consider both to be in the family of enhanced transit and in addition to help further define what is enhanced transit we have developed a tool box of operational and capital treatments that we can use to deploy on transit lines. The symbols along the bottom of the slide represent some of those tools in our tool box. There's about 20 of them that our consultant through our tgm grant, transportation and growth management grant, we have a consultant team with ch2m and HDR helping us develop this plan. I wanted to give you a sampler of some of the tools in that tool box and certainly happy to share the full tool box with you it's also on our project website. I would say premier tool would be dedicated transit lanes and where only transit is allowed to travel in that lane. We do have examples of this and actually several of the tools I can share. We have examples of them already in our transit system including some of the frequent service bus lines and so we're looking for that opportunity to do even more. Another tool in the tool box is business access and transit lanes called bat lanes. These are lanes which are primarily for transit but allow other vehicles to also use that lane in order to turn either to the access local driveway, properties, or to make a right turn, for example, then only transit is allowed to go through so it's a preference for transit. Another tool is our pro time peak period only transit lanes. We have an example of this in the photo here on southeast Madison approaching the Hawthorne bridge where during peak time up to 10:00 a.m. It's for buses only but then in off peak it's on-street parking. You can see some days really the bus can enjoy the benefit of passing congestion. Another tool is the intersection queue jump right turn exit bus with the bat lane allowing buses to also skirt around a traffic queue. Another family of tools are located at stations or stops just one tool highlight is the bus stop consolidation which means once you get on the bus your trip can be quicker if it doesn't stop as often. Around operations and the tool highlight here is transit signal priority along with other signal improvements. This allows technology that is both located in our traffic signals but also on the buses so a system that allows them to communicate and let the bus -- let the signal know that the bus or the train or streetcar is approaching and to give them a green to clear out the queue or get through the light themselves. So that's just giving you a taste for some of the treatments that we could apply to enhanced transit. I wanted to then also highlight that we do see this as a partnership and inspired in part by the 122nd avenue partnership that Neil McFarlane spoke to earlier where we make capital investments and in the instance of 122nd it's been mostly about safety and access to transit building sidewalks and crossings, but we see this as an opportunity to take it to another level where we also focus on the transit performance itself and make improvements on our streets to help the bus move along more efficiently and so we're looking for how to grow this into a program and a list of projects. Just as an update on 122nd avenue partnership we have some projects in design and going to construction this year and then also more coming in 2019 I'll talk about that more in a moment. I wanted to talk more about why. Why are we looking to do this? Fundamentally it's because we think we need to do more to support transit in Portland. Buses are a work horse of the transit system in fact some bus lines today are carrying as many transit riders as max and streetcar lines. So they are all up there together. The number 4, which is fourth on this list, is already advancing as a division transit project and some others up there that need some attention too let's make those work horses work better. Unfortunately, though, transit mode

July 12-13, 2017

share within Portland has remained at about 12% since the year 2000. Our policy goals are and our growth strategy really relies on a higher mode share, that more than 12% of Portlanders are taking transit. We think there are things we can do to help improve that experience for existing transit riders so we keep them as transit riders and serve them well but also so that we can grow that ridership and make it more attractive.

Wheeler: Could you go back for a minute? Does this surprise you?

Bertelsen: It was a little surprising, yes.

Wheeler: It surprises me a lot given that congestion over this time period has gotten much, much worse and I would have expected just based on the value of time that you've seen increase in ridership but it's effectively remained stable. Why do you think that is?

Bertelsen: I would clarify that ridership has gone up as a number, whole number. But the percentage has not increased.

Wheeler: That's still surprising to me.

Bertelsen: We think it may in part be because buses are stuck in congestion. They are also taking longer.

Wheeler: So you're proposing of these enhanced zones giving the bus the transit priority so you think that will address that issue.

Bertelsen: Help to address it, yes. Absolutely.

Pearce: One other piece soon coming to council is growing transit communities and other efforts that April is working on, focused on investments surrounding transit corridors to make it easier to walk and bike to access those corridors that's another piece of the puzzle is making sure most transit riders start out as pedestrians so if they don't have full and complete facilities to get them to the corridor it pushes them away from being transit riders.

Wheeler: I still have posttraumatic stress syndrome from the crc conversations that I remember lots of discussions about the time value of money or something like that. What was the term? All you transportation geeks, the time value of money. At some point the value of your time is such that you will switch modes of transportation. So either the transit doesn't provide you any advantage in terms of time, or alternatively the cost to you as a consumer of the transit has gone up proportionately to whatever savings might be derived from that transit. Are we also talking about the fares here?

Pearce: Well, Neil spoke to the low income fare piece of the puzzle that's a key component. The other is making sure that we're balancing out the costs of your other options. So the cost of parking, for instance congestion pricing, all those elements fit into this choice matrix the individual traveler is trying to configure.

Wheeler: I'm just surprised by that statistic.

Pearce: We are too. This has emboldens us to say we need to take this very seriously.

Eudaly: I could tell you why I don't take the bus. It's because I have been pushed so far out of the central city by rising rents there's not enough time in my day to get here and get home before I run out of child care hours, and I also have a son who uses a wheel chair and I found the buses to be unreliable for wheelchair users. Unreliable mostly in that sometimes they are taken up by other wheelchair users. Sometimes they are taken up by other riders such as in one instance a gentleman pushing a stroller full of chihuahuas. That was the second bus that we couldn't get on. I know at least I live on the edge of northeast Woodlawn, so there is a reliable bus route, but for people especially that have been pushed out to east Portland there's not enough service, maybe they don't feel safe walking home because of these unsafe streets. So I don't think we can underestimate how the housing crisis is impacting congestion.

Bertelsen: I agree.

Leclerc: Also something we heard from our other partners around the region just taking longer and longer to get through the region. So this impacts people. Portlanders who live

July 12-13, 2017

further out but also who need to go from Gresham to Washington county where many of the jobs are. These are Portland projects but I think there's a great regional benefit that trimet and other agencies understand.

Eudaly: I know this is a tough one, but there's not a lot of park and ride options for people who live in the city. I would probably be happy to do that, but --

Pearce: To date our strategy has been more to try to create those centers that have direct access to transit so you can do it as a pedestrian or a cyclist rather than needing to drive first.

Bertelsen: But I think we're trying to work on multiple funds to address those pieces of the issues and challenges you highlighted that are within our purview so what can we do to make it safer to get to the bus or accessible.

Eudaly: We do love the maximus streetcar for wheelchair use.

Bertelsen: I have heard this from others as well. What can we do to help replicate that kind of experience through buses so I'll be looking for that level boarding or near level can help with that. The new 60 foot buses that trimet will be using on the division transit line would accommodate more space as well potentially.

Eudaly: Thank you.

Wheeler: Update. What I was struggling for was the value of travel time savings. Something for everybody to go home and google tonight. Vtts.

Bertelsen: Thank you for walking out with us.

Pearce: It's essentially embedded in each of our heads.

Wheeler: I promise not to share any more.

Leclerc: We're looking at performance measures so later on this is one of the things we'll be looking at, how we can pressure delay and trigger action.

Wheeler: Very good.

Bertelsen: This is one here on this screen that shows that the average speed of trimet buses is declining over time and it is taking longer for them to complete a line, and that ends up longer for the passengers too and it's costing them more. One to \$2 million a year just to maintain the same schedule because that takes longer. We want to change that equation if you will and instead of trying to service that -- turning it into a service people will notice and have improved frequency.

Pearce: Does that make sense in terms of having to add buses just to keep up the same service. The same bus working a loop you need to add another bus just to have them come every 15 minutes because the buses are being delayed. Rather than improve service from 15 minutes to 12 minutes you're just keeping up based on that congestion delay.

Bertelsen: This map displays congestion and the delay to transit throughout the frequent service lines and helps to show the geography of where buses are slowed down during peak congestion. It's measuring the difference between the free flow off peak and then the peak and so where the map is red its saying there's a greater difference between that free flow and congested time. So it's experiencing more delay during the day in those red or orange locations. This is not just buses, right? This is people who are stuck on buses, people who are late getting to work, getting to school, getting to child care. Wherever they may be going and so we want to turn that around. There's also an important equity consideration to this and I appreciate you for highlighting that. People who do need to live further out from their jobs, they have longer transit trips and this delay is making it even longer and at what point is it not a feasible option for them either because it's too long of a trip or because they can't rely on the bus to get there if their a shift worker so that is a greater implication if you need to clock in or you could lose your job if you're not there on time. We do think it's important that we're doing this period but also focused on where it

July 12-13, 2017

will provide the most benefit for the most vulnerable too. So getting to the where, this map displays various candidates that we were looking at and projects that are in progress that complement our efforts in the southwest corridor, outer division are not included in our initial study but we did identify about 11 candidates of lines or pieces of lines for further study that really we saw having the most need and potential for improvements now and this is just a starting point. We do plan to develop an ongoing system that we would look at all transit lines but for purposes of this initial planning study, this is where we have been focusing our analysis. And we developed an initial methodology and to evaluate these lines in segments of these lines our initial criteria include looking at ridership, reliability, which is that delay due to peak congestion, transit speed, where the bus is throughout the day, dwell time which is the time the doors open and it stops, and equity considerations focused on three primary communities where there's a high number of people of color, low income, or households with limited English proficiency. Addition we looked at growth where based on the comprehensive plan growth scenario there is forecasted increase in population and jobs. The results of our analysis along with more about those criteria are on one of the handouts I gave you on enhanced transit and on the back side it has the results with all the scores, individual criteria, as well as the total score map that I'm displaying here and essentially it's red, that's the highest score. Total of all of our measures, where it indicates to us where it's most important to focus, and the orange and yellow are also important. We used this both as a way to start to develop our methodology and test and learn from a methodology so we can refine it a little research and development if you will. Also to help us start to identify projects and locations where we want to look at more closely so it's helping inform the next phase of our planning process as well. And that leads me to our next steps is that we are picking up to three locations to test the tool box in select corridors and identify potential actions and investment plans as well as learn from applying the tool box and have the community conversation about it. And then we also are going to refine our methodology to help define what is success and what are acceptable levels of service and include those in an ongoing monitoring system to which could become our program with the threshold. We will return in the fall for more public outreach and then return to you at city council thereafter with recommendations on both to adopt a plan as well as establish transit enhanced transit program. So a bit about the recommendations of where to look closer next. We identified up to three corridors that are highlighted in green on the map where we propose to look more closely with our consultant team. That includes 82nd avenue along line 72, which hopefully based on the town hall we had last Tuesday night reinforcing the importance of looking at 82nd avenue. We hope to look at line 12 and potentially along northeast sandy and potentially mlk boulevard, line 6 this is dependent on how much it takes in resources. We have identified other planning and processes and projects that can provide an opportunity for us to also look at additional corridors and those are highlighted in purple and that includes 122nd avenue through fixing our streets project that we have along 122nd as well as outer stark and the central city. One thing I want to highlight about all of these corridors are high crash corridors, so we will be working with our vision zero team on these together. The other element that I talked about in trying to develop performance measures and a threshold this is our call to action, one of the most important things we're doing is trying to define and monitor success. We are going to spend this summer working more to develop potential performance metrics and this is in part inspired by what we're doing already along neighborhood greenways where we have established guidelines of how we want to see conditions on neighborhood greenways and that helps us to guide investments and changes along and projects along those neighborhood greenways. We want to do something similar for transit and do some potential metrics in addition to the ones we're

July 12-13, 2017

considering we consider modifying those or adding different ones. Things that focus on looking at the customer experience as well as the effective and efficiency of providing that service and again support growth, equity and transportation system benefits. This graphic is a graphic here is to help to try to demonstrate what we're talking about in terms of developing performance metrics and thresholds. We want to monitor all of the transit lines, not just candidates that we have been looking at so far, but start to define thresholds for which if performance drops plow a certain trigger point that we take action. We evaluate it and prioritize if needed, evaluate what tools and improvements and then make improvements and continue to monitor to see it get back into the desired transit performance realm. All of this to avoid dropping below what we define as a threshold of low performance. This would be an ongoing dynamic process where we would monitor and evaluate annually and help to inform both small programmatic improvements as well as larger capital projects. And with that it brings me to my last slide and that is where I recommended action for you today. This is referring to resolution number 2, item 811, to recommend pbot develop an enhanced transit program to expand our strategies and improve transit service as well as to endorse a list of candidate transit projects to consider for the regional transportation plan. Pointing to exit a, that candidate list at the back of the packet.

*****: There's also a map.

Wheeler: Thank you. Appreciate it.

Bertelsen: With that we're happy to take questions.

Saltzman: Do any of the projects involve signal priority?

Bertelsen: Yes, they absolutely can.

Saltzman: Did I hear you say our traffic lights are so equipped?

Bertelsen: Both would be our equipment that is part of our signals as well as equipment that goes on to trimet buses or on to our streetcar.

Pearce: We have some lines than currently have that. This is a tool we would like to use much more aggressively.

Saltzman: We have bus lines that currently have signal priority?

Leclerc: Here we have a list of a tool box that we developed for you to see. Signal priority is one of the 20 tools we may apply.

Wheeler: What would the impact be these strategies are great from the perspective of transit. What's the impact on automobiles?

Pearce: So embedded in both decisions about the use of the right of way as well as time in terms of how the people travel the right of way there's definitely a trade-off. It could be a trade-off of prioritizing transit time and use of the right of way and it could be creating less expedient use of the right of way for vehicles. For cars.

Wheeler: Do you have a way of modeling what the impacts would be?

Pearce: Absolutely. That would be part of any project development. As we do those projects we would be doing those type of analyses.

Wheeler: Just to be clear, this resolution directs you to move forward on the project list but you still have to come back and get the approvals for the individual projects.

Pearce: Absolutely.

Wheeler: Is this just -- this is just to basically give you the direction that you need.

Pearce: Right. Specifically the why now is because of the regional transportation plan process and the need for us to submit candidate projects to the process. So we wanted to get your support in moving along at the planning concept level.

Wheeler: Is this through jpac?

Pearce: Yes.

Wheeler: Is there any conflict in this list with respect to our regional partners?

July 12-13, 2017

Pearce: No, in fact it's been done with very close coordination with the regional partners, metro and trimet.

Leclerc: We have been working very closely with trimet. Each jurisdiction has its own projects so we're trying to coordinate as best as we can. This is the first round of projects? We're hoping these lines will make it to the list. We'll be tested and mottled. We'll get results, there will be another lengthy process perhaps another call for projects and time will pass another year before this becomes with all of our partners the region's transit vision. For now it's just a proposal for us with very good ideas in transit and candidate projects and we are working closely with trimet and other jurisdictions but this is the first round of it.

Bertelsen: So consider it like input into that regional planning process. We're meeting with some of our regional partners tomorrow morning.

Wheeler: This is a lengthy list of projects. What time frame are you looking at in terms of beginning and completing these projects?

Pearce: At least 20 years. Most are 1 through 10 or 11 through 20 in the next 20 years but we included projects including potential subway under the central city in this list as well make sure the regional transit plan is thinking that far ahead in terms of big moves we would need to be considering over time.

Wheeler: How often is this list updated?

Leclerc: Five years.

Wheeler: Five years from now you'll come back to city council presumably with a small fraction of these projects actually under way.

Pearce: Hopefully done and behind us with a new set to be added.

Wheeler: So you would continue to refine it.

Leclerc: We have land use regulations that ask us to look at long range planning. This is a transportation element. This region adopts a 20-year transportation vision.

Wheeler: I assume you balanced this -- is it at the jpac table where others get to chime in, for example? I assume the freight industry has an interest in this conversation as well. Not represented here today, but I assume at some point they chime in with their interests as well.

Pearce: For sure. In fact the transit piece of this is only one part of what we're proposing to the regional table. There's a whole specific set of freight projects as well as motor vehicle and pedestrian and bicycle projects. Those are being based on the transportation system plan which this council adopted in the last year. The transit piece and the vision zero are the two pieces we most aggressively updated and we wanted to have a specific conversation with you before passing this.

Wheeler: This is really focused on the transit piece, but it obviously it impacts freight mobility, bicycles, cars, pedestrians. It's all -- so obviously this is not the place where we right size this.

Pearce: Correct.

Wheeler: Where do we do that? Is that the jpac table?

Pearce: On the jpac scale at the project list scale it will also be mottled through the regional process then at the individual project level on the project design deciding specifically in terms of how to use the tool kit that April described specifically to a street is part of the process that we then work often with local stakeholder group they come back to council with specific --

Wheeler: I'll stop with one last question. If I'm walking up the stairs after this meeting and have to say one sentence what is the purpose of this, what is the purpose of this?

Pearce: I think emphasizing the importance of transit for supporting Portland's growth strategy. This is really city council is stressing that importance and stressing its support for us and prioritizing transit is one of the key modes to supporting our city.

July 12-13, 2017

Wheeler: We talked a lot about congestion but congestion is not the bullet point you're addressing here.

Pearce: No, specifically focused on transit and riders.

Wheeler: That's helpful. Thank you.

Eudaly: Can I just vote no for a subway?

Wheeler: Sure.

Eudaly: Vote now. Done.

Saltzman: I thought you said no.

Bertelsen: There's one thing I wanted to highlight. We just talked about projects and one to ten year, now 20 years, we also have what is a modest program but an annual program that enables us to do smaller projects. So this framework can also help inform identifying those projects and we're doing that now and on an ongoing basis we may be able to do some of the small implementations.

Pearce: Specific location where a bus is being delayed we can do very localized improvements and not spend a ton of money. Have our maintenance crews do it to create a space where a bus can jump around the queue of traffic and gain time back.

Wheeler: This also gets to commissioner Fritz's question. We have some funding lined up. The majority of it obviously is not identified so from my perspective I would be curious to know what we're going to accomplish or what we're capable of accomplishing in the short term and how it fits in with our other transportation priorities. There are lots of them.

Pearce: Absolutely.

Wheeler: Good.

Wheeler: We'll ask you to cool your heels for a bit and we'll take public testimony if anyone has signed up. Do we have anyone signed up?

Parsons: We have about seven people signed up.

Wheeler: Very good.

Wheeler: Good afternoon.

Terry Parker: Good afternoon. I'm Terry Parker I live in northeast Portland and I'm speaking as an individual today. Sandy boulevard is both a major traffic street and a freight street in addition to being a transit corridor. There's already a considerable amount of congestion on sandy and not just during peak travel periods. Over the next 20 years car trips in Portland metro area are expected to increase by 49% regardless of how much mass transit is added. When looking into the enhanced transit corridor's tool box most of the tools will not fit within the constraint, already constrained sandy boulevard right of way without density -- without drastically increasing congestion and/or removing on-street parking that small and minority businesses rely on. This microphone is funny for some reason. Okay. Even just adding curb extensions at the bus stops will compound foreseeable future congestion. The existing ones already do. Instead of operating like a big bully on the streets trimet needs to be just as courteous to drivers as trimet expects from drivers. The rose city park neighborhood association has twice voted to retain full motor vehicle lanes in each direction on sandy along with on-street parking. Also suggested alternative bicycle routes. The loss of either travel lanes or on street parking would have negative livability impacts on the neighborhood. I have for a long time held the impression working class homeowners in Portland that are slammed with property taxes and motorists who pay the gas taxes to fund the majority of transportation infrastructure are no longer being heard at city hall. Special interests and the people who receive the majority of benefits but don't pay for them seem to get all the attention. The enhanced transit corridors plan presented and first brought to my attention at a recent odot 82nd avenue community advisory committee meeting that I sit on I'm also a neighborhood rep on the cnn's land use transportation committee which has scheduled a tentative meeting with pbob in November

July 12-13, 2017

to discuss safety concerns and potential remedies on sandy. None of the people I have spoken with from the neighborhood had any knowledge of the ect even existed. Where is the transparency, the up-front involvement with affected neighborhoods before a plan is developed? To correct this in the closet planning my suggestion is as follows. Treat each as a separate endeavor and work directly with the neighborhoods, coalitions and local business associations. Possibly establishing advisory committees specifically from these groups. Also think holistically whereby there are no negative effects or take-aways for tax paying motorists and no negative livability impacts to the neighborhoods both of which must apply on sandy. One thing I keep seeing happen is it's taking longer for us to get around no matter which mode we use. It's not just transit and it seems like what you want to do is add congestion and pricing to the motor vehicles to increase ridership. That's not equity. Thank you.

Wheeler: Thank you. Appreciate it. Good afternoon.

Jessie Maran: Good afternoon. I'm jessie Maran, here as co-chair of the Portland bus lane project. We appreciate the opportunity to share our testimony regarding enhanced transit corridors project. We thank you for taking the time to consider this resolution. The projects an important recognition of the role of the city street and the efficient and effective functioning of the regions buses and by extension their role as our most effective tool in reducing our contributions to climate change. We understand that over the past several years trimet has experienced decrease in bus ridership. As a result of delays and unreliability due to increased congestion and this has significantly impacted everyone's travel times. When riding the bus is slower and less reliable than driving people who can do so often make the switch to the car. All Portlanders are affected by this increased congestion. For transit dependent residents increased transit times, travel times and reduced reliability are significant. The transit dependent often have jobs in which casually flexing a schedule is not possible. Transit availability and reliability have impacts on our ability to transfer our kids to and from school, to go to work, to look for work, to fine or take advantages of affordable housing and to pursue education. In order to create an equitable city we must provide fast, effective, convenient transportation to all citizens. Our auto dominated system does not scale it cannot be stepped to meet the needs of a growing population and it does not allow for our city to be resilient in the face of climate change. So we have noted that the draft resolution instructs pbot to return to council with aggressive strategies and treatment. To achieve the goals of improved travel times and increased ridership. This language matches the seriousness of the challenges listed in the resolution. I'm going to turn it over to my co-chair to finish our statement but I just want to urge you to support this resolution and to push for bold implementation.

Wheeler: Thank you.

Alan Kessler: I'll continue with the letter. We not in particular the language aggressive strategies and treatments that the resolution calls for. Plan provides a number of tools to be used in improving transit service in the city. The most aggressive and most likely to work what April called the primary tool are bus lanes, queue jumps and signal priority. Those are the tools that are going to be most effective. We would ask council to embrace the language of the resolution, make this an aggressive, bold policy and let pbot staff know those tools should be their first choice let them know that they need to take that language seriously. We ask council to keep the four following requests in mind when implementing the ect. The first one is this goes to the mayor's point are there short term fixes. We would like to see a pilot dedicated lane signal priority and queue jumps in the central city. Although the corridors identified in the ect are evaluated for a number of concerns we a hub and spoke model in Portland and most lines come through central city. An improvement to especially crossing the bridges, that delay time would produce, save

July 12-13, 2017

money as you heard earlier fewer buses have to go into service and impact the whole network. I would suggest, I would love if the commissioners would go during a commute period and take a bike ride across the Hawthorne bridge around 8:00, 8:30, and just look at the buses stuck in traffic. I think you'll be shocked by how much money we're spending for buses to be idle. You can see why people don't take the bus when they can sit in their car and have a.c. and radio. The second thing we're asking is for you to identify or prioritize low income opportunities we think that if pbot analyzes data they will find specific spots where quick fixes are possible. We think they should keep those in mind, especially when paving projects or whatever come up in those specific areas. The third one is we want to ask you to use the etc vision zero. Adding dedicated bus lanes, taking two parallel travel lanes and making one a dedicated bus lane makes everyone safer because cars are not weaving or racing. They are in line, the buses are in line it's safer for pedestrians buses are a lot less frequent than cars. Focus on complete streets and use this as an opportunity to advance vision zero. Finally hire a transit coordinator at pbot. Roger Gellar has done a fantastic job advocating for bicycles in the agency and I think having him there allows all the different projects to kind of have somebody looking out for bikes. There should be someone looking after buses in every project pbot is doing. Thank you for your time.

Parsons: Next please come up.

Wheeler: Good afternoon.

RJ Sheperd: I'm RJ Sheperd. I'm a software engineer at metal toad, a local software engineering firm. Many of our employees love being able to take public transit to and from work but we have also noticed that they have become increasingly mired in congestion. Some of the points that are brought up amongst some of the concerned citizens are a really good point however when citing the business case that reducing travel and parking lanes will impact businesses it's been shown to increase seams and decrease commercial vacancies according to the New York city department of transit mentoring street study. Similarly it's shown to decrease pedestrian crashes and obviously since we are noticing in the high crash corridors really, really horrific trends there, this seems to be implementing dedicated bus lanes seems to be the most obvious and in many cases the most inexpensive solution. So I'm here today to say myself and Portland bus lane project are very much in support of this resolution.

Wheeler: Thank you.

Doug Klotz: I'm Doug Klotz. I support the advanced transit corridors and vision zero and the goals of the Portland bus lane project. Transit is a keystone of the 2035 comprehensive plan yet transit use is dropping in Portland and this initiative will make some changes to city streets that will do something about that. I think primarily giving transit vehicles their own lane, buses and streetcar, is one of the surest ways to do this, to increase the number of people that a given street can carry. Get a lot more people in a couple buses than in a whole street full of cars. Faster, more convenient transit gets more cars off the road because transit becomes more attractive leaving space for freight and delivery vehicles and for those who must use a car for multiple trips. I urge that the staff really concentrate on the dedicated transit lanes, signal priority and queue jumps but also as recently mentioned figure out a way to make quick fixes even before the tsp money comes through such as a signal modification at Madison and grand so buss can go straight on to the southeast Madison and grand, straight on to the Hawthorne bridge without being stuck in the line of cars, the buses get to go first, cars come later. So thank you.

Kem Marks: Good afternoon mayor and commissioners my name is Kem Marks and I'm here to represent the rosewood initiative in the east Portland land use and transportation committee. I wish that I could support this resolution and I want to say there's a lot of good

July 12-13, 2017

things in this plan, but we have one major concern and that is one of the tools in the tool box. That tool is elimination and consolidation of bus stops there's been a lot of focus today on the experience of riders on the buses once they get on the bus, but I haven't heard one word about the experience of bus riders before they get to the bus. If you have to walk two tenths of a mile or three tenths of a mile or whatever extra and you are a person with a disability you're a senior, you're a mother or a father with a stroller and a bike full of groceries that is one of your major concerns. One of the driving factors increasing or decreasing ridership for buses is the convenience of how close is your bus stop.

If your bus stop is further away, you are actually pushing people back into their cars, that is going to undo all the efforts that you're talking about with vision zero, eliminating congestion, eliminating greenhouse gases. I want to also note that, again, the people who are going to be impacted are seniors, disabled people, people of color and low-income people because they are the most reliant and they are not the ones who have the capacity to actually make a decision whether or not they're going to use the bus or they're going to get in a car. Thank you very much.

Wheeler: Thank you. When we're done with public testimony, I'd actually like to hear the staff response to that because that's a pretty compelling argument. Good afternoon.

Doug Allen: Hi my name is Douglas Allen. Mayor wheeler and members of the council, first I want to congratulate you and pbot staff for taking the initiative to improve bus operations. Trimets continued loss of ridership suggests that we are sadly overdue for fixes for buses stuck in traffic. I'd like to offer a few suggestions for additions and improvements to the plan and these are not in any order of priority. On your criteria, you should add, look for cost savings for trimet wasted time costs trimet salaries and additional buses. These savings will translate to overall increased transit service. Number two, look for the biggest potential reductions in total passenger delay relative to autos. This will attract riders. Number three provide funding in two forms city staffing to advocate and city funding to implement, as mentioned already there's a bicycle coordinator at pbot, how about a transit coordinator? Number four look at planned new and extended transit services and try to expedite them while pushing trimet to offer adequate frequency. The number 24 Fremont bus will be extended in 2018 to cross the Fremont bridge and possibly continue to providence park. This should be a frequent service route and the city should address the bottlenecks before implementation such as where the east bound Fremont bridge off-ramp intersect cook and Kirby where traffic backs up at a four way stop that intersection should be signalized. The off-ramp approach, the intersection is two lanes wide so the right lane should probably be a bat lane to give buses priority. Some projects need to go ahead now the congestion across the Hawthorne bridge causes unacceptable delays. The city should act this summer to give priority to buses and insist on a pilot project. Some action should happen tomorrow the westbound bus lane on southeast Madison, despite the photo that shows that it's in effect until 10:00 a.m., that's for the final block its only in effect until 9 am congestion extends past 9:30 a.m. Can a member of the council, today, ask staff to extend the effective time and post appropriate signage immediately? Most congestion problems occur during the peaks, but the majority of trimet ridership occurs off-peak. During the off peak the best way to improve travel time is to increase frequency of bus service and traffic isn't so much of a problem. However, signals should use more intelligent priority to eliminate delays for buses, both during the peak and off the peak. The series of signals that buses pass through to arrive at and depart for the Hollywood center are begging for automated intelligence to be implemented. It should be less route and corridor oriented. Your best bet would be to eliminate the word, corridor. Okay, I submitted written comments.

July 12-13, 2017

Wheeler: Very good. We did receive copies of this.

Nancy Newell: Good afternoon, my name is Nancy Newell. I've been in this community for over 20 years, riding buses, using a bicycle, walking and, what's of deep concern to me is these kind of technical fixes don't include an incident that just recently happened on mass transit and no clear survey has been done on how that's impacted ridership and the public's feeling a vulnerability after the horrible attack that occurred on the transit system. I think if we don't follow how people are actually out in the community feeling, whether they're going to be protected and whether there's a system that works for them, that was my station. My daughter uses that station and I've been in situations where people handle it very skillfully. We all know the increase of people that are mentally ill or under stress because of lack of employment, lack of health coverage this is all going to be on the increase. So, if you're not considering some of these situations and a better way to handle it, how does that transit system really appeal to the public? The tendency, like you say, it's down, as far as the numbers riding. Have you looked at the impact at what they face when they're riding on those systems? And enough stress on their jobs, longer hours, less vacation and not looking at the overall societal impacts in city life. You won't get the results you're looking for -- there's no money on this this report has no money amounts and people's pocketbooks are depressed. A middle class person who's lived here for a long time, keeping up with the cost of living. I don't think that's a complete over view of life in this city I agree that mass transit is really a good solution but it has to be done wisely and with a lot of quality of life considerations and I don't hear that in these reports and I really would love to see that. Thank you.

Wheeler: Thank you. Appreciate it. Good afternoon.

Mary Sipe: Good afternoon Mary sipe. I'm one of the people that's been referred to throughout this presentation. I am low-income elderly woman living in affordable housing on the street car line. I've lived in the pearl district for almost 17 years and 10 of the 17 years I haven't owned a vehicle for a couple of different reasons now, for financial reasons. And, I've been using the street car -- well, I watched it built it was built right outside of the building I lived in. I think that our transit system, now that I am someone who gets from point a to point b either by walking, taking the street car or bus or max or occasionally using a zip car, I've experienced everything I've heard being talked about today. The dangers of being a pedestrian if you get out of your car and you walk almost everywhere that you have to go, you will be amazed at how often your life is in peril. I can't tell you how many times, just in the neighborhood, I have come so close that someone has actually left the dirt from their vehicle on my raincoat and so I think anything we can do to improve the safety of our streets all over our city. Anything we can do to improve the transit system I do think that the distance between stops, the frequency of things, especially like the street car, like to come down here, I have to make sure I allow myself a lot of time because if I miss a street car, I'm either -- I pretty much have to be 15 to 30 minutes early or risk being 30 minutes late wherever I'm going if I happen to miss a street car. The crowding on the street cars, it's obvious that we need more. I do avoid the max I have for quite awhile, for personal safety reasons because of some personal experience I have, but I also recognize there are ways to de-escalate and escalate them by behaviors. The mention of losing parking spaces, I found kind of interesting because I've actually come to the conclusion that I would rather take mass transit rather than spend 30 minutes trying to find a place to park. And I guess, just kind of in conclusion, I would say, I don't think I could find another city or neighborhood where I could afford to live and have the freedom to get around the community without a personal vehicle than here in Portland and, so, I appreciate the way this city works and I appreciate trimet and what they do.

Wheeler: Thank you. Appreciate it. One more person. If anybody else wants to testimony,

July 12-13, 2017

this is last call. We're closing the list. Good afternoon.

Lightning: Good afternoon. My name is lightning, I represent lightning super watchdog x. I do agree with their resolution moving forward. I disagree with any new development I agree with strategies to improve the current system. Ridership is down because of uber and lyft and they're going to dominate this market. We're dealing with a dying dinosaur here and you can put as much money into it as you want and it's going to keep losing ridership, keep losing money and in my opinion we need to look at it like governor brown is looking at, transportation systems. To put them on the market and sell them why we can get the highest price before the autonomous vehicles come into reality, which they will and then you'll see that you're not going to be able to maintain these systems. You're not going to get the public to pay money to maintain these systems because there will be other alternatives, a better riding experience, safer and let's face it, look at the buses out there, spewing out diesel particulates throughout the air, poisoning the lungs of young children through this city and they've done nothing about it. Any study will show you that it is as dangerous to anybody in this city to breathe these type of fumes but everybody wants to throw their arms up and say, hey, what a great transportation system we have. Well, guess what? We don't. We need to look at the new tech companies coming into this city and understand they will dominate the transportation system and to sell out anything that is going to be considered a dinosaur and will be buried by these tech companies, sell them out at the highest price while you can. Again, I disagree with any new spending on any large development but I agree with maintaining the system and selling it and getting the highest price you can. Thank you.

Wheeler: Thank you. So, I had one more question. It was interesting testimony received on the question of the frequency of bus stops and there's an obviously trade-off. Could you tell us a little bit about that trade-off?

Treat: Sure. So, I think, in particular, when we were talking about bus rapid transit lines, there are certainly trade-offs in the developments of those lines and in order for a bus to move rapidly, you have to significantly or somewhat reduce the number of stops it makes so it can move faster. When we're looking at brt, specifically along division, we will take out stops along the way. We have had communications with east Portland about which locations to take out and trying to be accommodating as possible, but at the end of the day, they'll have to be taken out. We're working with trimet and the steering committee to make sure we have enhanced local service to make up for shortages in different routes and we -- I also wanted to respond to the notion that we aren't investing in to infrastructure of getting to the bus. We are making a lot of investments in east Portland along the division brt, we have many other capital projects in the works that will be adding cycling infrastructure, pedestrian infrastructure, ensuring people can get to school and transit safely and easily.

Wheeler: Commissioner Eudaly?

Eudaly: I want to make sure I understand with the rapid transit, that will entirely supplant existing bus lines?

Treat: Yeah, the bus line on division.

Eudaly: It's not like you get on the rapid bus and you skip stops and there's an alternative its just only rapid.

Treat: It's only rapid.

Eudaly: Okay.

Bertelsen: I wanted to speak, too, a bit more about bus stop consolidation beyond the division project. We are having conversations -- I don't take it lightly and we do want to choose wisely and try to minimize the impact. So, even on the division transit project, but elsewhere, we think about what stop it's serving and which stops to -- to close. So, there

July 12-13, 2017

are criterion and considerations that go into a stop closure and working with trimet and there are times when we push back. In addition, we would look for opportunities to couple that with costing improvements. So, if there are less stops, but if we can have those less stops better served with costing, there can be an overall benefit. I would also highlight an example on the street car where we recently did close -- there was stop closures and street car found that ridership overall went up and so not just that the additional people who -- if their stop was closed, they went to the next stop, but there was an increase in ridership above that. So, I think there are examples we can look to that can show there are benefits to stop closure and we need to weigh those and do so sensitively.

Wheeler: Maybe blending this with Mr. Parker's testimony. In making these decision, I assume you work with the community for the best locations?

Pearce: One of the balancing acts you're seeing is the overall conversations and localized project conversations. We know that Sandy's a priority corridor, as we're heading into more detailed conversations, it would be very in-depth interactions.

Wheeler: This is really the big picture that you're asking us to approve. As you get to the smaller picture, you will have a community engagement process?

Pearce: Absolutely. The example of sandy, there's a lot of expectations from a whole set of stakeholders about how we will balance out the use of that street.

Wheeler: Okay, thankful.

Eudaly: What's the distance between stops on the rapid transit route?

Treat: It varies. The average is one-third of a mile.

Eudaly: So seven blocks? Seven-ish blocks?

McFarlane: I would just note -- Neil McFarlane. About a third of a mile is the average stop distance along the revised plan we are now reviewing and we are in the midst of community conversation on that so no final decision has been made so we'll be looking both at those individual decisions, but it is a balance between speed and access and so we're looking for the right model and community gives us a lot of information about that. One of the things I would also note that we're trying to develop higher-quality stops. Many stations along division that are really much higher places and safer places to access and wait for transit and it's really important that those be located that don't affect left turns into turns into neighborhoods. It's the detailed peeling of the onion on issues we use to make that balance. So, the stops will be pretty much where they are right now in inner division. They'll be somewhat thinner than they are right now in outer division.

Wheeler: Very good. Thank you.

Saltzman: Are there dedicated bus lanes in this proposal?

Pearce: In terms of which specific tools get applied to which corridors we haven't gotten to that level of detail yet, but we expect that is one of the tools we would be looking to, for sure.

Saltzman: What about the suggestion of a Portland bus project to focus on bus lanes and signal priority and queue jumping?

Pearce: That's good feedback. Those are very useful tools in terms of moving quickly to support transit.

McFarlane: We hope to work with you closely and pbot staff and others and neighborhoods associated with using those tools on the division transit project. That will be the primary way we get a 15% to 20% improved on travel time between Gresham and downtown Portland. We think that's really important in a place where we can begin to demonstrate these tools as well.

Pearce: April referenced the criterion thresholds in what she was talking about. One of the things we are trying to work with is knowing when to act. One of the challenges is, as an individual staff person, it's hard to decide, is this a big enough problem that we should use

July 12-13, 2017

these tools and making some hard choices about the street? Having specific criterion, knowing how to measure the delay on the bus system helps give us clearer guidelines on when we will be driven to act so that's one of things we'll be bringing back to council with the enhanced transit corridor plan is that specific to engineering staff so they know when to use those tools.

Saltzman: Maybe this is for you, Neil. Who determines -- on southeast Madison -- the length of the dedicated bus lane during rush hour.

Pearce: I think you do. [laughter] this is definitely --

Saltzman: I should say, how long do we consider rush hour to be. It is longer than 9:00 at night, I would agree with that. Is that with pbot or trimet?

Pearce: That would be us, pbot.

Pearce: That's a really good example of where there is a confusion about whose action is this? In the end, a lot of it is incumbent upon as the bureau of transportation to help those lines move.

Saltzman: Thank you.

Wheeler: Great. Thank you. Colleagues, any further questions? Please call the roll on 811.

Saltzman: Thank you, all. Pbot, street car, trimet and the public for your testimony and I think this is a very exciting proposal in front of us and we just need to make them happen sooner rather than later. Aye.

Eudaly: Thanks for the presentation. I'm looking forward to the subway. Aye. [laughter]

Wheeler: Aye. The resolution's adopted. Please call the roll on 812.

Saltzman: I'd be happy to sell you the first pass if you wish to purchase it. [laughter] again, good work, everybody on making our streets safer and helping to get people around better. Aye.

Eudaly: Aye.

Wheeler: Aye. The resolution's adopted. 813 has been pulled back to my office for further discussion. Please call 814.

Item 814.

Wheeler: Folks, I'm going to have to ask you to take it outside. We've got a lot of business ahead of us. People don't want to sit around and listen to the risk management report? Good afternoon. Thank you for your patience.

Bryant Enge, Director, Bureau of Internal Business Services: Good afternoon, Mr. Mayor. Good afternoon, council. I'm Bryant Enge bureau director for internal services, we are here to present risk management 2016-17 annual report. The risk management division is one of four central services that bibs manages. For the current fiscal year risk managements budget is \$16 million. The fund includes appropriation for actuarial cost of insurance premiums and operation costs for the risk management division. Each city agency gets an expenditure allocation based on a risk industry formula. Risk management objectives includes preventing and minimizing injuries to employees and the public. Protecting the city's capital asset, minimizing the total cost of risk to the city and protecting the city against financial consequences of catastrophic accidental loss. The risk management annual report provides the city council and management with the overview of the division's functions. The intent of this report is to provide information about workers compensation, general liability and automobile liability of loss for the past five years as well as insurance requirements and premiums and loss prevention and employee health and safety services. This report, we have highlighted risk management-related challenges facing the city and the risk management team. The four major services that risk management provides are claims management in terms of general liability and workers comp, loss prevention, insurance and occupational health. Kate wood will provide further

July 12-13, 2017

information about these services.

Kate Wood, Office of Management and Finance: Thank you, Bryant. Mr. Mayor, members of council, thank you for this opportunity to present the 2017 risk report. It provides an overview of the centralized operational risk management program. We provide advice and services related to the centralized operational risk functions of financing for recognized risks using a combination of self insurance and commercial insurance, claims administration and loss prevention advice services and assistance. These centralized functions require staff with expertise in five distinct specialty areas, workers compensation rules and regulation, injured worker rights, claims management for tort liability, civil rights for employment and practice liability and third-party segregation. Commercial insurance placement and financial transfer risk options, occupational health and infectious disease services of a registered nurse who provides osha required preventive immunizations, on-site seasonal flu clinics and the coordination of point of dispensation countermeasures in the event of a bio terrorism attack and loss prevention knowledge of osha compliance employee safety and work place hazard assessment. In addition city risk manages a risk management software, actuarial service and insurance broker services and contracts for industrial hygiene and hearing conservation that are used by bureaus. We use managed tier contracts and medical bill review services to minimize workers compensation cost while still assuring quality medical services to our injured employees. This coming fiscal year, we will be responsible for \$16 million of city funds we project 56% will be on claims, defense and payments. 21% on commercial insurance and the remainder to services to bureaus and the administration of the central risk function. Claims and workers comp team manage almost all claims within the self-insured retention that's \$850,000, \$1 million for liability except for law enforcement liability for which the city retains the first 2 and a half million. Claim frequency has been steady with no outstanding change in loss trends except for the months of January through march. We received and excess 250 claims for vehicle damage due to potholes we are hoping that's a one time aberration.

Saltzman: How much was it again?

Wood: An additional 250 claims for damage to vehicles due to potholes that's over and above our regular winter claim counts we hope that it's a one-time experience for us. Claims costs are also stable, the city has not paid a catastrophic liability claim since 2012. Workers compensation cost are rising because of changes to statutory requirements, wage increases and medical inflation. The city did pay on its first fatal workers compensation claim it was under the firefighter prevention coverage and that just leads me to point out that this report does not cover disability claims by sworn police, fire, personnel, that's handled by fpdr it's a separate coverage and they have a different data system. Following a decade of annual budget cuts, position reduction and 100% turnover, city risk had to take the back to basics focus for it's insurance lost prevention and health and safety services. The insurance market is ever-changing, earthquake coverage has been seriously restricted, even if the science made us more aware of the risk. The liability market for law enforcement forced the city to accept a split retention back in 2013 and major insurers for public entity liability are withdrawing from the market. The result was a 64% increase in premium in 2015 in order to place excess liability coverage for the same conditions and limits. New risks are continually emerging so city risk has refocused its insurance activity. What for over a decade was a pretty straightforward policy placement and renewal process, we have substituted conducting a detailed in-depth review of all the commercial coverage that we buy for limits retention, deductibles and gaps coverage. We've refined the insured property list and work closely with property-owning bureaus to better understand how insurance works for them and what makes sense to insure. We've improved the insurance application process and expanded the property loss prevention

July 12-13, 2017

efforts to improve resilience to loss and to better present the city as a preferred risk to have access to the broadest markets and obtain favorable rating those efforts have allowed us to continued to obtain earthquake limits even though the market has seriously retracted. We've designed a new insurance program in the last six months for residential property ownership and management. That's a new line of business for the city, which does not fit well into the existing master insurance and self-insurance programs and we continually monitor emerging risks for risk transfer options right now, cyber liability and autonomous vehicles are on our radar. City risk has wisely placed responsibility for managing risk and preventing loss in the hands of bureau management. They are best able to anticipate and identify risks facing their operation they can direct resources, procedures and implement training to manage the exposures and are able to rapidly act to mitigate losses that do occur. Larger bureaus hire their own safety and risk staff the team focuses on the city's statutory requirements of the self-insured and provides expert advice and assistance to the bureau safety staff and direct services to the smaller bureaus who do not have full-time safety staff and using our existing staff we have been able to expand our efforts into the property prevention and disaster recovery arena. Examples of our back to basics employee safety activities include analysis of the safety programs in bureaus these programs offer a foundation and tangible structure for bureau safety efforts. We prioritize safety -- osha requires, have reviewed the written programs done by bureaus, conducted site visits and done employee interviews. Of the 890 recommendations that we've made, bureaus have successfully implemented over 650 of them. And to assist the bureaus in this effort, city risk has produced 15 loss prevention guidelines, 14 safety procedures and 179 program templates. The overall loss prevention effort is required by Oregon workers compensation statute for self insured entities. We are working to review and offer advice on the current best practices for the 11 required elements of a loss prevention program and we're monitoring the safety culture. For the first time in 20 years, we were able to conduct, compile and provide feedback on a first city wide safety perception survey, a tool to assist the city's safety culture. We have completed a follow-up survey and expect to finish our analysis of those responses in late august. We continue to work on auto liability and driver safety we've proposed multiple updates to the city's administrative rules for drivers, access to city vehicles and driving on city business. We've been able to access the resources of a retired safety specialist from odot who is able to offer specialty driving and mobile equipment training, which includes behind the wheel coaching to bureaus at a reasonable rate. We've moved our basic defensive driving class online, which improves bureau access and reduces time away from work and we've rebuilt our crash investigation and follow-up process and we're continuing our efforts to expand driver license and driver record monitoring to city drivers who are residents of the state of Washington. In addition, city risk expanded its loss prevention efforts to prevent accidental damage to insured property and improve property resilience to and recovery from disaster. We competed for an innovation grant to get funds to help bureaus finance the implementation of basic earthquake fire prevention technology and we've helped bureaus access the services of our current property insurer to implement human factor protocols for loss -- fire loss prevention, to apply their engineering loss control recommendations and access their design review for major building remodels and construction and acquisition which enables us to build in resistance at the design phase when it's the most feasible. The city is changing and growing rapidly city drivers must still operate large vehicles on narrow streets now shared with many other road users. Affordability of shelters resulted in a crisis of homelessness, infrastructure is showing the impact of deferred maintenance civic engagement is tinged with a culture of protests, technology is driving change at a dizzying rate and aging workforce presents safety challenges as they stay in the work

July 12-13, 2017

place and knowledge transfer and succession challenges as they leave. Citizens have a different expectation of city government responsibility. These are some of the uncertainties the city is facing now and into the foreseeable future. As our part as the centralized operational risk function for the city, our immediate challenges are intelligent automation of routine tasks and procedures to achieve consistency and efficiency and to free-up our skilled risk employees for the high value work we hired them to do. Succession planning for the unique body of knowledge we provide to the city and achieve a workload balance for the existence staff and collecting and communicating useful information and actionable data to assist bureaus in managing risk. City risk will continue to do its part to help address the impact of all the uncertainties facing the city and we're continuing to work on our current activities. Next year I plan to update you on our continuing effort on employee safety and health and process improvement through the self insured reviews, loss prevention programs and the results of the safety perception survey. We'll give you a progress update on protecting property from accidental loss and improving resilience in disaster recovery and the improvements that we hope to make on data collection, reporting and information communication. I want to thank you for your time and your attention I'll be happy to take any questions that you have.

Wheeler: Commissioner Eudaly?

Saltzman: I want to make sure I'm understanding, there's a pie chart on page 11 that shows the total replacement value of all city assets to be about \$1.8 billion?

Wood: That's the insured values.

Saltzman: That's the insured values not the replacement values?

Wood: We insure for replacement. So, those are all the of properties that city bureaus have asked us to place on the insured value list and that we placed with fm global, who's our current global property insurer and it comes to \$1.8 billion.

Saltzman: Bes bureau of environmental services is well over half of that replacement value.

Wood: They have high property values.

Saltzman: Hmm ok I thought maybe water and bes could be on a comparable level.

Wheeler: I didn't want to interrupt you because it was a great report. Thank you, by the way, for the thoroughness of the report. I loved the out your exposure analysis just in terms of some of the challenges and the changes coming in the years ahead and I appreciate that your office is forward-thinking in that regard. Catastrophic coverage, you mentioned earthquake coverage. Could you dive a little deeper?

Wood: As part of our property coverage we have good coverage against standard perils, but in the pacific northwest around 2012-2013, the insurance market moved away because of the high risk. At that time, in 2012, we did a probable maximum loss study on the insured values and the models told us that we would in a 6.5 west hills quake we would experience \$160 million to \$180 million loss on uninsured values at that time we had been carrying about \$100 million in earthquake coverage through our insurer and, just as we were going to look into buying more coverage, the insurance market moved away and the following year, the insurers offered us earthquake coverage at a 75% reduction they only offered us \$25 million. We have been working hard at improving resilience, working with the bureaus on taking advantage of the loss engineering offered by in insurer and so they were able to dip into their own facultative services and offer an additional \$50 million. So right now we are still able to buy \$75 million in earthquake coverage probably with about \$3 million in deductibles. So, earthquake is not a risk that you can insure your way out of.

Wheeler: No.

Wood: We have enough coverage that will probably help us clear the rubble, but probably not enough coverage to rebuild anything and that's an issue we've raised within the city in

July 12-13, 2017

terms of looking what alternative means the city can plan for to be able to implement long term recovery following a major quake.

Wheeler: Very good. Over the course of the next year, that is a priority of yours, to identify the resilience strategy and you're bringing that back to the city council or did I hear that incorrectly?

Wood: That is something on the finance side of the house as opposed to in the insurance side. It would happen with the bureau of revenue and finance, the treasurer, the economists, the cbo.

Wheeler: Okay. Very good. I appreciate that. Thank you. Any further questions before we -

Saltzman: Do we have a single insurer for earthquake coverage?

Wood: We have a single property insurer and they are selling us \$75 million in coverage. If we want more, we're going to have to go into what's called a differences and conditions market a d.i.c that would cost us probably double what our current rate is. We did offer that possibility to prior administration and one of the challenges is that you pay for property insurance every year whether you use it or not. So the question becomes do you want to pay that high cost of insurance of that d.i.c. coverage every year and roll the dice of whether or not you're going to need it? Or do you want to take that money you use on that insurance premium and put it into resilience, improving the resistance of the buildings you have and community readiness and the decision on the prior administration was that's where they prefer to put those funds, I cant argue with that it's a very tough decision to make.

Saltzman: I guess my question, really, is who stress tested the insurance companies to make sure they have an ability to really pay in that sort of scenario?

Wood: We worked through a national insurance broker currently it's Willis of Oregon, they only lead us to insurers that are high rated by the rating companies. We're with fm global one is one of the largest and strongest property insurers in the world and I've always said if you're not able to get into another market, if you can stay with fm, you're probably with the best insurer you can get. As a good example following the 2015 floods, after the disaster declaration, we quickly put together an insured property loss reporting process and have submitted a claim to fm. Most of the property that was damaged in those floods was not insured, but fm worked with us, only charged us \$100,000 deductible and the insured loss will only be getting back \$150,000 it doesn't sound like much, but if they had kept the actual policy, we wouldn't have gotten anything because of the varying deductibles. We just had a fire at a city property a couple of months ago and it turns out that that particular property had not been listed by the bureau to be insured, yet we do have some additional coverage that allowed us -- that allowed fm to provide coverage for that building and so we are going to get some insurance. So they are an excellent company to work with they have very strong reserves. They're a company that's operated by engineers and so they have a very different approach to how they set the reserves and aggregate their risks and how they charge and how they work with their members.

Saltzman: Okay. Thank you.

Wheeler: Is there any public testimony on this issue? One individual. Very good. Good afternoon.

Lightning: Good afternoon. Yes, my name is lightning, I represent lightning super watchdog x. I have some real concerns on the statement made that liability went up 64% in 2015. I'm hoping we can have more information on that on why that would have happened on liability insurance if that's the statement that was made, I'll leave it at that. Issue number two is on the general liability issue again, looking at the ruling by john dilorenzo the victory from john against the city for \$17 million, my understanding that could be alleging

July 12-13, 2017

negligence of some of the people at the city of Portland. I want to know why we can't have insurance cover those types of situations. Why we don't have proper e and o insurance on commissioners who do make mistakes and do not follow the charter and do not follow the constitution to fall back on our insurance policies with a full investigation on why they did not do that and why the insurance can't pick up that loss if that's going to happen, then fine. Issue number two, on the overall property insurance for the city, at one point at \$1.8 billion correct me if I'm wrong, but I think we're looking at an overall value of the city closer to \$25 billion to \$35 billion, if I'm correct. Now that would tell me that we are definitely under insured and you're picking and choosing certain properties that you hope will be covered in the event of a serious problem. Now, to me, that's not good planning from the city and I have asked to a percentage of the overall real estate assets sold. Similar to what governor brown is proposing at the state of \$5 billion overall. I would like the city of Portland to propose a \$1 billion asset reduction due to the fact we are not properly insured. That concerns me by selling it, you take the equity back in to the city, you remove the liability and you're better off by doing that, to have real property assets not insured and again, as we know, we're talking replacement costs here and let me tell you something when you don't have replacement cost on some good properties, you will learn real fast on how your equity will disappear immediately and let me tell you something the taxpayers do not want to take any chances on losing the money they have invested into these properties. I'm asking again for a liquidation of a certain percentage of the real property assets due to being under insured, not the proper insurance in place and we do not want to lose that equity. Thank you.

Wheeler: Thank you. Can I entertain a motion, colleagues?

Saltzman: Move to accept the report.

Eudaly: Oh sweet Jesus. [laughter]

Wheeler: I'll take that as a second, commissioner Eudaly.

Eudaly: Yes.

Wheeler: We have a motion from commissioner Saltzman, a second from commissioner Eudaly to accept the 2017 risk management report. Please call the roll.

Saltzman: Thank you for this very thorough and illuminating report its full of all interesting facts. Aye.

Eudaly: Mayor, it's fun to watch your eyes light up when we're discussing risk management. Aye.

Wheeler: Great report, I appreciate. Thorough. On-point and I think you highlighted the right issues. Thank you. Aye. The report is accepted. And, last, but not least, item number 815.

Item 815.

Wheeler: Good afternoon.

Jennifer Li, Revenue Division: Good afternoon, mayor and commissioners. I'm Jennifer Li the program manager for the office of community technology revenue division. This ordinance is a new franchise agreement continuing authorization previously granted to lcp Oregon holdings for pipeline facilities installed in the public right of way on northwest front near northwest dorm avenue near highway 30. The franchise will replace the terms and conditions of a 2006 franchise agreement for lcp Oregon holdings who is the successor to the original franchisee paramount petroleum. The original 2006 agreement will currently expire on October 21, 2017. Staff and lcp have been in negotiations for modern franchise agreement to replace the former authorization to paramount the final agreement is consistent with other pipeline franchises granted by the city council and with the city policy in resolution 37168 regarding fossil fuel infrastructure. Lcp understands the restrictions against the franchise and the franchise agreement is negotiated to provide authorization

July 12-13, 2017

for the company to only maintain its current facilities in the right-of-way. Under the terms of this agreement if they desire facilities to be built beyond the current infrastructure as described in exhibit a of the franchise expansion, it must be approved by city council via ordinance as a franchise amendment prior to the company seeking permits for the construction. At the same time, the appraisal negotiate compensation for additional occupation of the right of way the new franchise includes increased insurance requirements for pollution liability as well as other modernized provisions. I'm happy to answer any questions that you have.

Wheeler: Colleagues, any questions?

Eudaly: Just to be clear, if they want to build any additional facilities, it comes to a vote?

Li: We would have to -- an amendment. So, this franchise only authorizes them to have the facilities they currently have. They can repair and upgrade for seismic, but the can't expand beyond the box that's in exhibit A.

Eudaly: Okay. Thank you.

Wheeler: Commissioner Saltzman, any questions?

Saltzman: No.

Wheeler: Thank you makes perfect sense to me. Is there any public testimony on this item?

Parsons: No one is signed up.

Wheeler: This moves to second reading and, we are adjourned. Thank you for your presentation.

At 4:20 p.m. Council adjourned.