



CITY OF  
**PORTLAND, OREGON**

OFFICIAL  
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **16<sup>TH</sup> DAY OF AUGUST, 2017** AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Fritz, Presiding; Commissioners Fish, Saltzman, 3. Mayor Wheeler arrived at 9:34 a.m. and presided, 4.

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

On a Y-4 roll call, the Consent Agenda was adopted.

The meeting recessed at 12:13 p.m. and reconvened at 12:24 p.m.

<b>COMMUNICATIONS</b>		<b>Disposition:</b>
<b>899</b>	Request of Mike O'Callaghan to address Council regarding shelterless update (Communication)	<b>PLACED ON FILE</b>
<b>900</b>	Request of Trena Sutton to address Council regarding safety issues in parks and trails (Communication)	<b>PLACED ON FILE</b>
<b>901</b>	Request of Troy Hartwell to address Council regarding safety issues in parks and trails (Communication)	<b>PLACED ON FILE</b>
<b>902</b>	Request of Craig A. Rogers to address Council regarding data etc. (Communication)	<b>PLACED ON FILE</b>
<b>903</b>	Request of Michael Jennings to address Council regarding insufficient management of building contractors (Communication)	<b>PLACED ON FILE</b>
<b>TIMES CERTAIN</b>		
<b>904</b>	<p><b>TIME CERTAIN: 9:45 AM</b> – Accept Year Two Report on the \$68,000,000 Parks 2014 General Obligation Bond (Report introduced by Commissioner Fritz) 20 minutes requested</p> <p><b>Motion to accept clarification amendments in Parks memo dated August 15, 2017:</b> Moved by Fish and seconded by Fritz. (Y-4)</p> <p><b>Motion to accept the report:</b> Moved by Fish and seconded by Fritz.</p> <p>(Y-4)</p>	<b>ACCEPTED</b> AS AMENDED

<p><b>905</b></p>	<p><b>TIME CERTAIN: 10:15 AM</b> – Approve findings to authorize an exemption to the competitive bidding requirements and authorize competitive solicitation using the alternative contracting method of Design-Build, and authorize payment for construction related to the Columbia Boulevard Wastewater Treatment Plant Wash Water and Hypochlorite Piping Replacement Project for an estimated amount of \$4,000,000 (Ordinance introduced by Mayor Wheeler) 15 minutes requested</p>	<p><b>PASSED TO SECOND READING AUGUST 23, 2017 AT 9:30 AM</b></p>
<p><b>906</b></p>	<p><b>TIME CERTAIN: 10:30 AM</b> – Authorize a Service and Maintenance Agreement with Portland General Electric Company in the amount of \$1,000,000 for transmission maintenance services for the Portland Hydroelectric Project (Ordinance introduced by Commissioner Fish) 30 minutes requested for items 906-908</p>	<p><b>PASSED TO SECOND READING AUGUST 30, 2017 AT 9:30 AM</b></p>
<p><b>907</b></p>	<p>Authorize an Intergovernmental Agreement with Eugene Water &amp; Electric Board in the amount of \$420,000 for scheduling services for the Portland Hydroelectric Project (Ordinance introduced by Commissioner Fish)</p>	<p><b>PASSED TO SECOND READING AUGUST 30, 2017 AT 9:30 AM</b></p>
<p><b>908</b></p>	<p>Authorize a Power Purchase and Sales Agreement with Portland General Electric Company for the sale of hydroelectric power generated by the Portland Hydroelectric Project (Ordinance introduced by Commissioner Fish)</p> <p><b>Motion to add directive d to require that all revenues, including excess annual revenues, beginning balances, and surplus fund distributions from the Portland Hydroelectric Project accounts and operations, shall remain in the Hydroelectric Power Fund to ensure sustainable financial management of the Portland Hydroelectric Project until such time as the City’s Chief Financial Officer, in consultation with the Water Bureau, has determined that distributions from the Fund can be made and are in the best interests of the City: Moved by Fish and seconded by Fritz. (Y-4)</b></p>	<p><b>PASSED TO SECOND READING AS AMENDED AUGUST 30, 2017 9:30 AM</b></p>
<p align="center"><b>CONSENT AGENDA – NO DISCUSSION</b></p> <p align="center"><b>Commissioner Dan Saltzman</b></p> <p align="center"><b>Bureau of Transportation</b></p>		<p align="center"><b>188548</b></p>
<p><b>*909</b></p>	<p>Authorize an agreement with the Union Pacific Railroad Company to provide design engineering services in the amount of \$25,000 for the NW Naito Parkway Pedestrian Crossing Improvement Project (Ordinance) (Y-4)</p>	<p align="center"><b>188548</b></p>
<p><b>*910</b></p>	<p>Amend contract with EcoNorthwest for additional implementation work for the local transportation infrastructure charge project phase III not to exceed \$50,000 (Ordinance; amend Contract No. 30004500) (Y-4)</p>	<p align="center"><b>188549</b></p>

<p><b>911</b></p>	<p>Revoke ordinance allowing Meier &amp; Frank use along the south side of SW Alder Street between SW 6th and 5th Avenues for loading and unloading operations (Ordinance; revoke Ordinance No. 147912)</p>	<p><b>PASSED TO SECOND READING AUGUST 23, 2017 AT 9:30 AM</b></p>
<p><b>912</b></p>	<p>Authorize an Intergovernmental Agreement with Peninsula Drainage District No. 1 and Multnomah County Drainage District No. 1 for flood control stop log closure structures (Second Reading Agenda 884) (Y-4)</p>	<p><b>188550</b></p>
<p><b>913</b></p>	<p>Amend contract with Oregon Department of Transportation for NE Columbia Blvd: Cully Blvd &amp; Alderwood Rd project (Second Reading Agenda 885; amend Contract No. 30005594) (Y-4)</p>	<p><b>188551</b></p>
<p><b>Commissioner Nick Fish</b></p>		
<p><b>Bureau of Environmental Services</b></p>		
<p><b>*914</b></p>	<p>Authorize funding of the supplemental environmental investigation and remediation work at River Mile 11 East in the Portland Harbor Superfund site required under the Administrative Settlement Agreement and Order On Consent with the U.S. Environmental Protection Agency up to \$300,000 (Ordinance) (Y-4)</p>	<p><b>188552</b></p>
<p><b>REGULAR AGENDA</b></p>		
<p><b>*915</b></p>	<p>Adopt new Portland City Code to define pedestrian plazas and establish prohibited conduct; amend associated codes for sidewalk cafes, sidewalk vendors and sidewalk use (Ordinance introduced by Mayor Wheeler and Commissioner Saltzman; create Code Section 17.43; amend 17.25.020, 17.26.020 and 14A.50) 10 minutes requested (Y-4)</p>	<p><b>188556</b></p>
<p><b>Mayor Ted Wheeler</b></p>		
<p><b>916</b></p>	<p>Appoint Sonia Marie Leikam and Christine Wallace Caldwell to the Human Rights Commission for terms to expire August 15, 2020 (Report) <b>Motion to accept report:</b> Moved by Fish and seconded by Fritz. (Y-4)</p>	<p><b>CONFIRMED</b></p>
<p><b>Bureau of Police</b></p>		
<p><b>917</b></p>	<p>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 813; amend Contract No. 31000502) (Y-4)</p>	<p><b>188555</b></p>
<p><b>Office of Management and Finance</b></p>		

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<b>918</b>	Grant a franchise to LCP Oregon Holdings, LLC to construct, operate and maintain pipeline facilities under City streets for a period of 20 years (Second Reading Agenda 815) (Y-4)	<b>188554</b>
<b>Commissioner Dan Saltzman</b> <b>Bureau of Transportation</b>		
<b>*919</b>	Authorize application to Carbon Neutral Cities Alliance Innovation Fund for a grant in the amount of \$100,000 for evaluation of congestion pricing mechanisms in an autonomous vehicle technology pilot to decrease carbon pollution emissions (Ordinance) 30 minutes requested (Y-4)	<b>188557</b>
<b>Portland Fire &amp; Rescue</b>		
<b>*920</b>	Authorize Intergovernmental Agreement with Portland State University to conduct a cultural assessment and develop an equity plan for Portland Fire & Rescue at a not-to-exceed amount of \$120,000 (Previous Agenda 886) 15 minutes requested (Y-4)	<b>188553</b>
<b>Commissioner Chloe Eudaly</b>		
<b>*921</b>	Amend Portland Renter Additional Protections to correct the inadvertent exemption of the 90-day notice requirements (Ordinance; amend Code Section 30.01.085) 20 minutes requested (Y-4)	<b>188558</b>

At 12:58 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.

<b><u>2:00 PM, AUGUST 16-17, 2017</u></b>  <b>DUE TO LACK OF AGENDA THERE WERE NO AFTERNOON SESSIONS WEDNESDAY OR THURSDAY</b>	
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## 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.**

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**9:30 AM**

**Fritz:** Good morning everybody we are on Wednesday, August 16, and this is the morning session of the Portland city council, welcome everybody I think most people know the rules. We ask you to engage politely and let everybody have their say, if you like something jazz hands or thumbs up, if not thumbs down, if you are disruptive we'll have to ask you to leave and if you don't you could be arrested but I hope -- things have been better the last couple of weeks and I hope that's not going to happen. Please call the roll.

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

**Fritz:** Since I'm president of the council that's why I just went ahead and got things started. So let's just go into communications, please.

**Item 899.**

**Fritz:** Good morning Mr. O'Callaghan, as you know, three minutes and the beeper goes off after 30 seconds left and then at the end.

**Mike O'Callaghan:** I am here to bring you information that you are probably not getting from the streets. Ok. I surveyed 24 people, eight female, 16 male that were sleeping outside. An average years of homeless, 6.5 years of homelessness. Average harassment per year is 12 times a year. That means that there were 1,862 harassments, and there were two citations issued for camping. This is what is known as extra judicial Dehaarte in the Philippines brought this term to mind where he murdered 4,000 people. Extra judicial means punishment without access to the judiciary. You guys can only operate supposedly in accordance with the law. There is no law that allows for sweeps. There is no law that allows you to confiscate private property, and there is a prohibition to it in the constitution, one of those amendments. Ok. Now you people need to be responsible for this, ok because the people that are out now weren't mentally ill, addicts, and alcoholics. When they are on the street, they have to do this and now there is some new, interesting information about addiction. You know the wrap that did the cocaine all the time until it died, you know, well you know what happens if you put it in with other rats and you give it other food to eat it won't do that. Addiction is basically social isolation. Three days without sleep, you are certified mentally ill, insane. You are creating this by blocking us from having a place to be. Will you please stop blocking us? This is your collective ignorance. I realize nobody is responsible here except for the mayor and the police sweeps. Now the number of people on the streets, 12-15,000 now. I thought I gave you some information on that last time. Here's some numbers, 4,000 are supposedly homeless by the count, same number pretty much every year. Portland school district reports 4,000 homeless in Portland school district, my goodness. You would think that there was one parent so you get 8,000 homeless. Anyway 4,000 were housed by home forward, good! So next year we won't have any more homeless, right. You guys are way off base. It would take \$3 billion to house the people that are on the streets. You have not got the money, ok. Sit somebody homeless at the table so you can get information. I went to O'Bryan square, 500 people they fed by volunteers in one hour. Ok and like I told you before you did not hear this ted but in France they passed a law prohibiting supermarkets from throwing away the pass pull

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date. I told them about it and they have not done anything about it. You can do something about it, you can feed 100 people.

**Wheeler:** Thank you. Next item, please.

**Item 900.**

**Wheeler:** Next item.

**Item 901.**

**Wheeler:** Next item.

**Item 902.**

**Wheeler:** Good morning.

**Craig Rogers:** Good morning. Data can wait, there is so many important things going on I thought that I would comment on something else. The reason why I am here is because I have noticed that there is a trend here at city council to keep public input out and also it's more becoming a spin class down here, and I am not talking about the kind on the bicycles but I am talking about the form of speech. I want to remind you your public officials, public servants and your job is to serve the public. Now here's a customer survey from one of my favorite stores, qfc. They want input from me on what kind of job that they are doing and we, as members of the public, it's our responsibility to share our thoughts and concerns with you. Here on this housing article it says for wheeler, little tangible on keen issue and that also involves the homeless. To get to this point, one of the subjects was our right to vote on things up to \$500,000. Well now we're not able to address that, and the real spear into that was housing, it slows down money for housing and then here who is slowing down the money for housing? Actually ted your name is mentioned all throughout this. So on one hand you use it where we don't have the right to publicly address \$500,000 and below and yet it's saying that we're slowing down money for housing but here it says that it's city council slowing down the money so who is telling the truth? And propaganda is executive arm of the invisible government. That's by the father of spin Edward Brene I encourage everybody to look this gentleman's name up and educate yourself. Propaganda is the executive arm of the invisible government. Here's a comment made by somebody pushing us not having the right to vote for things below \$500,000. During my evolution as the leader on council, I have learned that there is no substitute for robust public discussion on important issues before council. I say talk is cheap. Reputations are never made by what you are going to do. Now here we got Portland solar power bill after company defaults, Portland stuck with paying \$5 million. Judge rules council misspent \$17 million. City council could enter a secret deal with pge, close friends said I would remind them the deals have to be reported to the ferc as only secrets here are those kept from the commissioners. Is it any wonder that on this survey, I mean, don't you get it? Where's the prudent decision? The only thing that I have to say is that there is more fish in the sea.

**Wheeler:** Thank you. Next item please. Good morning.

**Michael Jennings:** Good morning, more than a year ago when I learned the Portland city government wanted to evict two successful tenants from a building owned by the city government I decided to do some research. I discovered that the city government had threatened eviction every year for eight years. There were many other details that indicated a lack of good management. Now the Portland city government has said that there will be a renovation of the parking structure at 10th and southwest Yamhill beginning in January 2018. The government has hired a contractor for \$1.2 million, ffa, architecture and interiors to do initial design. I would be very happy to see evidence that the contractor is competent but I have found only evidence of lack of competence. I have no opinion about whether renovation is a good idea. I am only saying that there is insufficient management. I have sent my reports of the lack of sensible management to more than 40 people in the Portland city government. In more than a year I have gotten no response.

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When I try to understand the operation of the Portland city government I arrive at the conclusion that there are really two governments. On the surface of the mayor and city council the purpose is to make it look to the public as though Portland has a city government and considers the needs of the residents. Sometimes that actually happens. It seems to me for example that mayor wheeler is more sensibly engaged than the previous five mayors. However to me it seems that the real underlying government is the pdc, the Portland development commission that recently renamed itself prosper Portland. It seems to me that the real intent of the city government is helping the real estate developers make money. Now there are constant traffic jams, and that has caused a lot more pollution. It is apparent that real estate developers want constant traffic jams. Real estate developers want what's bad for everybody else, and in Portland they have been allowed to have that. Real estate developers make more money if the traffic gets terrible because the jobs are concentrated downtown and people are willing to pay more for a place to live if it's close to their job. People don't like to spend large parts of their lives driving to and from work. A half-hour drive to work and a half hour drive from work is 240 hours each year. That's the equivalent of six extra work weeks of doing something unpleasant and sometimes dangerous. Allowing real estate developers to have unhealthy control is extraordinarily destructive to u.s. society. It seems to me that the Portland city government should allow no more increased concentration of businesses and residents until the many problems with traffic can be resolved. On the way here today I saw another very large building being built that has no parking. Thank you. That's finished.

**Wheeler:** Thank you sir. Colleagues with your forbearance there is a gentleman who went through considerable effort to get here today for communications. He was signed up for next week but there was confusion. Would anybody have any objections if we took him today? Come up sir. Is it Michael Jenkins? Did I get that correct? Thank you sir.

**Michael Jenkins:** Bill here is going to read to you because I have medical conditions.

**Wheeler:** Thank you.

**Bill Russel:** I am bill Russel, a friend of Michaels, and I am here to read his statement. Here's his statement. My name is Michael Jenkins, people know me as pork chop. I've been chronically homeless off and on in Portland for a long time. I was part of right to dream two when it was safe and sober. I am concerned about r2d2 because internal leadership has become lax, and I have seen drinking and drugging there. I helped them move into the new site in June. When I confronted their leadership with members about alcohol there I was physically attacked at their instigation. Despite being a victim of the attack I was arrested and held in jail. Charges against me were eventually dismissed, but everything that I owned my converted school bus that I lived in called the Hawthorne bus and all of my possessions were taken and never returned to me. I have asked Portland police where my bus is and belongings are but they have never told me. I have an active complaint with the city auditor, independent police review, but I wanted you to know what is happening out there. Dozens of homeless people have all their belongings taken during sweeps. We are citizens and even though we are homeless we should in the have to lose our property because we cannot move it quickly enough and have nowhere to move it. I have a housing voucher but no landlord who will rent to me. Join has been working on it for weeks with no result. Right now I have a motel voucher until Saturday. We all know that there will be tons of people in town this weekend for the eclipse, and here I go again. I don't like being homeless. I hate it. Gives me anxiety to think about being out on the street again. I just wanted you to know what is still going on in Portland.

**Wheeler:** Thank you.

**Jenkins:** I just want to follow-up. I've been in the mayor's office to explain this. I feel like I am getting the run-around. I am not a run-around person. I am not going to wait. The

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Hawthorne bus came a year ago and said we are going to help people out on the streets and then in a year I have done that, I started out a year ago in Laurelhurst park bringing 146 people up spring water trail. I brought them into Laurelhurst and I brought the worst of the worst and they are still in there and there is no help for anybody. They want to blow us off. I am done with it and I am done watching, watching women get raped in their and that's all I have got to say.

**Wheeler:** Thank you. I appreciate it. We will look into your allegations with regard to r2d2. They have a clear community agreement and what you described would be in direct violation of that agreement.

**Jenkins:** Well I was over there and been to regional, me and Abraham started it 5.5 years ago and never once dreamed of it. When we don't even have a military bed or don't have a handicapped bed over there right now for anybody that comes in dire need of it. That isn't happening. We have a couple's tent, a men and woman's tent. I would like to speak with you later.

**Wheeler:** I appreciate it. Thanks for coming by. Thanks bill. That's all the communications, is that correct, Karla?

**Moore-Love:** Correct.

**Wheeler:** Why don't we get to the first type certain item. Have any of the consent agenda items been withdrawn? Please call the roll.

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

**Wheeler:** Aye. The consent agenda is adopted. First time certain item please.

**Item 904.**

**Wheeler:** Commissioner Fritz.

**Fritz:** Thank you mayor. I am very happy to present this and just as a tidying up there is a clarification with some amendments that have been circulating in the council, and I am correcting some of the numbers, and putting the verbiage back in the right order. Does anyone have any questions about that?

**Fish:** Would you like me to move that as a package.

**Fritz:** Yes please.

**Fish:** So moved.

**Fritz:** Second. Thank you.

**Wheeler:** Commissioner Fish moves, commissioner Fritz seconds movement of the entire package.

**Fritz:** Should we vote on that.

**Wheeler:** I am happy to, it's at your discretion. Call the vote.

**Saltzman:** Aye.

**Fritz:** This is just so that we're all discussing the same thing. Aye.

**Fish:** Aye.

**Wheeler:** Aye. So the entire package is on the table.

**Fritz:** Thank you mayor, in 2014 the parks replacement bond was passed with support of 74% of voters, the highest ever for a parks bond showing broad support for investment in our city's parks and recreation facilities particularly basic service and taking care of necessary maintenance. This was \$68 million, and the first set of projects were approved and in progress and we are going to hear about that. What we are here for today is to discuss the last section of the project. A primary focus of the bond program has been to hold true to the bonds language, we have to make sure what we promised the voters actually happens. And over the last year we have done a lot of work to get the project underway, and to have a great deal of public involvement for the remaining \$20.4 million of the bond. Thanks first to the Portland voters for approving this tax and secondly to the



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team in the bureau and the community who is bringing this ticket today. We hand it over to Lauren McGuire, the capital projects manager at Portland parks and recreation.

**Lauren McGuire, Portland Parks and Recreation:** Thank you mayor and commissioners, my name is Lauren McGuire the development program manager for Portland parks. As commissioner Fritz said the purpose of the report is to summarize and share with you the public the current status and the challenges that we have had the second year of the bond program. So the 2014 parks bond program passed by voters approved as commissioner Fritz said a \$68 million measure. On the screen is the overview of the bond agenda for today. We're going to talk a bit about the background. We'll review the investments that we made so far, and talk about the public involvement, transparency part, and then go over the performance with the project overview, schedule, and budget and scope overview. During the first year of the bond we set up the foundational structure for it by hiring new staff and establishing the process. This year, year two we focused on two things, project delivery and the creation of the bond phase 2 list. For project delivery we remain consistent with the bond language throughout the year. For example as you see in the oval circle when we said that we would do renovate Matt Dishman pool and peninsula pool and grant pool we have done that. We are working currently on peninsula pool but the other two have been completed. For the bond phase 2 project list the second part of the efforts this year we had \$20.4 million of the original \$68 million not allocated to specific projects so we devolved an, analytical and transparent process to establish that list. First we did an asset management assessment where we evaluated playgrounds, bridges, pools and other facilities to determine if they were likely to fail and their level of danger in case they did fail, and then we ranked those projects. We had a massive list, and to take it down tighter to a list workable within our budget we looked at an equity lens where we focused the project on areas of high diversity and low income areas and areas of high percentage of youth. We then took that project list and did the scopes and cost to evaluate the projects and make sure that we could produce on those projects, and then we took them out to the public and we got their feedback on it and on a June 21 you approved that list. Here's a map showing the investments on phase 1, that's \$47.6 million words of projects, there is 34 projects on that map. Here's phase 2, which has the \$20.4 million remaining projects, really only 18 projects but within one of those alone we are touching 30 sites so we are doing a piece replacement project and that will replace a lot of the lead based play equipment pieces that we removed to date, we are also repairing drainage in those parks. So here's the two together you can see it aggregates them, and we'll address a long backlog of critical repair projects. We know that we have \$250 million in funding gaps, at least over the next 10 years but this will go a long way to address that. Then finally this map shows all those projects plus our sdc projects that parks is working on. It's not really part of the --

**Fritz:** System development charges.

**McGuire:** System development charges, thank you. You can see it's an exciting time for Portland parks. There is \$116 million in sdc projects as well. Not only is the city working hard to improve the parks infrastructure, we are investing in the local Portland community to ensure the disadvantage, minority and emerging small businesses have the opportunities to bid on and construct the projects. Our success rate, we're pretty proud of it, itl has 34% of professional technical contracts devoted to these groups, and we have 46% of all the construction projects devoted to the dmwesk utilization, and just for perspective, our goal is 20%. We are also very proud of our park system, and with our initial work we had extensive public outreach to identify the phase 1 projects list. There's also been project outreach, public involvement with each of our projects. You can see on the right-hand side the number of public meetings and the celebration events, sign posted

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and the number of hits that we have had on our website. We have also been working with our bond oversight committee, which is comprised of Dion Jordan, Johneth Golum and our newest member Ken Richardson from the David Douglas schools, they have offered many significant and helpful suggestions. So two of the suggestions are up on the screen, they wanted us to establish a program contingency. We have done that with the bond phase 2, and they also wanted us to demonstrate our effectiveness of our outreach efforts and you can see our outreach efforts on the right-hand side, and we are looking at doing a survey in the future to evaluate our performance in this area, they'll be coming back in the fall with a report on how we have done, as well. Now performance, in our second year of implementation, several projects have moved forward through the various stages of design and construction and completion while maintaining the consistency with the bond language, and utilizing extensive tracking mechanisms for our scheduled scopes and budgets. All 34 of the projects are now underway, this is the Sellwood pool roof and windows which looks great, here's some work that we have done on the Matt Dishman spa and pool equipment and of the 26 projects that we have underway, one of them is the Washington Parkrose garden ADA improvement project it's wrapping up as we speak and we have completed eight of the projects. This is Grant Pool, we have done Matt Dishman pool, we have also done several loops throughout the community and finished a couple of studies. Overall the schedule metric is also a positive one with 19 of the 34 projects on or ahead of schedule and eight completed as I said. We do have seven projects that are a bit behind schedule, we have had several challenges, we have had the rainiest season on record, so that has not helped. We have had an increasingly challenging construction climate, which you have heard about as I have come with many different projects. Sometimes our bids are not coming in at all and sometimes they are high. We also have complex permitting and procurement requirements and from Pioneer Courthouse Square in particular we had downtown protest activity which delayed that project by a month. As of June 30 we spent \$15.9 million, our spending is at a slower rate than we originally anticipated, but we looked for that to change as more projects move in from the construction phase. You can see from the bars on the screen that we have more construction activity now and less administrative costs, which is great, our projects are within their bond budgets, except for two projects Grant Pool which was over and Park Lane, which was over due to a fund tracking oversight. The graphic shows the progress of the bond as far as the administrative expenses go, by a month. So we have a 6.6% cumulative percentage of funds spent on the administrative costs, that's what we wanted to clarify in the memo that you got recently and this graph in particular looks like it's almost zero. That was exactly our administrative expenses for the month of June so this is by month. Similar to year one all of our projects continue to stay within their originally defined scope. So overall, we are proud of our metrics, we have had projects that are well received by the public and by the contracting community and our leaders, we are exceedingly proud of our goals for DMWESB utilization and the majority of our projects are on schedule and on scope and within the budget. So looking ahead we have 13 projects that will be happening in the next year or so, so there's lots of excitement to come. With that we are happy to present you with the long form of the annual report, which will be shared with the press and the neighborhood coalitions and it will be on our website, the information presented here can be found in that report. It's intended to be transparent and honest about what has gone well and what challenges that we had consistent with last year. We have a handful of interesting stories in there from some of our other supporters and we're very appreciative of their contributions, including Nate McCoy, Arlene Kimura, Harriet Cormack, and many others united in the goal of reinvesting in Portland parks for today and for the next generation. The short version has started to be distributed and you have a copy of that

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right now. It's also been translated into Spanish, in summary we anticipate that we can deliver the phase 1 and 2 bond projects promised within the \$68 million bond with accountability and transparency and we're happy to take questions at this time.

**Wheeler:** Very good. We have the entire package including the amendment on the table. Is there any further discussion, and I will ask for somebody to.

**Fish:** This is a superb presentation. You deserve one question. We have got all these cranes in the air, and we have got so many projects underway in our city. We are starting to see upward pressure on bids as a result. Now obviously we want to get as much value as possible out of bond. What's your general assessment about the climate for bids?

**McGuire:** As you said we have had a challenging bidding climate, and a lot of our projects have come in overbid. We are trying to circle back with the contractors that are bidding, and see if we can get more information from them. We started to factor that into the budgets, you know, just to anticipate that that's going to happen. As far as other things we're doing with the bidding, we're circling back to people that haven't bid, and trying to get them to bid on the projects. We're trying to bundle our projects, trying to attack it in a lot of ways but it is a challenge and I can't say that we have cracked that yet.

**Fish:** On one hand it's a happy development and when you talk to the building trades they say that they are at 150% of capacity. Which means a lot of people are working, but it has the other effect of driving up construction costs. This is a superb report. Thank you.

**McGuire:** Thank you.

**Wheeler:** Public testimony?

**Jimmy Whittenburg:** Mayor, I expected to be out of town by now but they want a month's notice on my apartment even though it's full of bugs. I have a chair in my bed, they were spraying today in there. Unthank plaza, if you know where that is, and they also have a problem with drug dealers in there. They shot a person recently right in the middle of the forehead, a drug dealer and I want to get in here before I get a couple of shots in my head. It's unsafe place and nobody should be living there, certainly not 90-year-olds. I grew up in an atmosphere where wayne Morris and bob Packwood and governor McCall all wore jacks when they testified so I just can't get out of the habit. I have always done this for 50 years now, and I guess it's the last time that I testified I got to do it the same. I was really happy this morning when I reached outside here in the rack and saw -- I am sorry mayor wheeler, saw this article in the Willamette week. It was called repeating history and the members are cutting across the vacant lot in north Portland over to Harriet Tubman middle school. I was a little girl, supposedly 41 years old. In the 1960s the city owned an agency known as the Portland development commission, condemned vast tracks of inner north and northeast Portland. The takings including the still vacant block on the northwest corner of Williams avenue and Russell, that's across the street kitty corner from where I lived next to the urban league if you know where that is.

**Wheeler:** I don't want to be rude, but this is related to the parks replacement bond report.

**Whittenburg:** I couldn't figure out where else to put it in. I will get to that in a few minutes. You changed your name, the local resident Rashawn Mohammed told the reporter and board last week but you have not changed your behavior. So recently I read in the news that we are going to -- we were thinking about taking a golf course and making it into industrial lands so that we could sell it off for high value and then see if we could find some residential land somewhere to replace it and I saw in the Portland Tribune and again in the Oregonian, so I brought that to most of you. I have talked with you about this, but I am still afraid that you are going to put this in somehow for me not seeing it happen. Now that I will be leaving Portland for good, I don't want you to put it into industrial land, once you finish the golf course, as you start on the land for the, for the parks, and the city. I just wish that I had more trust in the city council but anything for a dollar or for free land somewhere, you

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are going to turn that land in there that was, that was a drugstore, and which was near and dear to my heart, and you are going to make it a damn hospital again, property, and I just hate to see you do that. I hate to see you do it.

**Wheeler:** Thank you.

**Whittenburg:** I am out of here and I will see you in another life. Goodbye nick, Dan, ted, and Amanda.

**Fritz:** Thank you for all your participation.

**Whittenburg:** I have enjoyed my 78 years here. [applause] I will leave this with her so she can -- this is this.

**Wheeler:** Mimi you are up.

**Wheeler:** Could somebody speak.

**Joe Walsh:** I am joe Walsh, for the record. I represent individuals for justice. Just a technical question as I was watching the presentation, obviously, if you listen to my voice I was not going to speak today. However the bullet points were very difficult to read and if I couldn't read it here, the people at home trying to figure out what you are talking about, have a very difficult time, so what you have done, with the bullet points that cannot be read by the citizens, is to isolate us and you present the image that your staff come before you to present to you the information to you and I would submit that that's wrong. They should be presenting it to the people of Portland, and we can't read what the bullet points are, and we can't figure out what they are talking about. How in god's name are you presenting it to the people of Portland? Do you see what I am saying here? We are the people of Portland. It was a good report. It was. I was impressed with it, but I am here. I have people around me that know more than I do. So I can ask questions. Somebody sitting at home, that takes the time to go on a channel to watch you guys should come away feeling like wow! That bond that we have voted in is being used really well and I can read all the information up there or I can check it and if you cannot read it, you cannot check it. So it's a technical argument that I am presenting really to you, Amanda, and again is it not a criticism of your staff or you. It is a criticism of the process and that's what we are really interested in. We are interested in the process and the issues, not the personalities. So we cannot read it, put it up on the board. You spent all of this money on this stuff. Put it up there and if you cannot read it, don't use it. Simple. Not rocket science. Thank you very much for your time. I am really glad that I didn't get thrown out on this one.

**Fritz:** Mr. Walsh you are absolutely right. It's on me. I reviewed it in paper version not from the screen so I appreciate the feedback and I will make sure we do better next time.

**Walsh:** It's not just your bureau. It's everybody's. I see it time after time after time and we're just reminding me this morning, and you just happened to fall into that lottery. Every one of your bureaus, when you do these presentations, have them come in and do it. Rehearse it. Look up there and say we cannot read that and if they cannot read it, they cannot read it at home. My wife is the one that suggested that by the way. She watches this at home, hi, patty. She watches it at home.

**Fritz:** Mr. Walsh you are absolutely right. Thank you.

**Walsh:** God, can I have that in writing?

**Fritz:** I thought you might enjoy that.

**Mimi German:** I am Mimi German. I was appalled that in the presentation somehow protesters came into the presentation for blocking their time management issues. If there are time management issues and I am sure that there are, I don't think that it's because of protesters. First if it's even remotely related to protesters it's due to cops. So let's put the onerous where the onerous needs to be. When the cops are there things get crazy. So I take -- I take great offense in -- I am still stunned we made it into that presentation. I take offense that we're in there. I would like that removed from their presentation. If they cannot

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handle time management and the budget, that's on them, it's not on the protesters. Clearly they have issues, they were admitting that many of the bidders overbid. Why is that an oversight? Why is it always an oversight and why does that come up later? We all know those of us who are activists, we know it is a guarantee that there is going to be people overbidding to get money from you guys that gets spent incorrectly and here it is. Can we deal with that ahead of time so we stop wasting money and maybe we can take all that extra money and the parks department can take the extra money and build a couple of houseless villages with that? That's a good way to deal with it, make them be responsible. I guess the reason that I am so surprised that we came into play on their presentation for budget issues, it's like saying that this Nazi cop Krueger is responsible for their budget issues. Why don't we take a look at that? That's as crazy as saying that protesters are the reason for their budget issues and delays. So if we are going to be in that, I want it known that not the Nazi cop Krueger and his employment with the city is part of their budget issue. We need to get rid of him. We need a recommendation from the mayor to the union, from Chloe who for some reason is not here today due to the bullet vote I am sure because she's a no vote and just can't find the spine to be here to say no against the bullets. I want a recommendation from her to the union to fire this Nazi cop and let's make the Nazi cop responsible for budget issues. That's all that I have got to say.

**Wheeler:** Thank you.

**Fritz:** Miss German, the pioneer courthouse was supposed to have the barricades at the beginning of January. Protesters set that they wanted to gather for the January 20 inauguration so we delayed the fencing of the area to accommodate the protesters. That's why it's behind schedule.

**German:** It could be noted that way. As it is right now it's protesters. There's been a lot of protests. Clarification would be great.

**Lightning:** I am lightning I represent lightning super watchdog x. Another thing that I would like have on these presentations is on the overall again, and I stated this on other programs and construction jobs, is I want to have a clear understanding on how many jobs are created per park and the number. Just a basic estimate is what I would like to have. It's just to have an understanding when we are talking about dollars going into projects and then how many jobs are created and that is a very important issue to me to have an understanding on the overall dollar amount towards a park and how many jobs created and looking at the overall picture pertaining to the bond. Another issue that I have is that in the parks themselves I would like to have a more clear understanding for the low level of offenses committed in a park. I don't want to see people taken over to the Multnomah county jail for those type of offenses in a park. I don't want them to be trespassed and then taken into jail, I think that it's completely inappropriate if they are out in a public park to end up having to sit in the jail for a few days on a low level offense. Again as the parks commissioner you have authority to basically set the rules and the guidelines for what also the police need to follow in these parks, and again I don't want to see people sitting in the jail, and I have gone over this on a disability report where some people actually committed suicide after three days of treatment in the jail and I want that to be stopped. Another issue just pertaining to pioneer courthouse square, I would like more emphasis on the artwork that goes into some of these parks. I want to have a little bit higher budget for the artwork. Maybe working with the racc. I want to see more artwork in the overall parks. Different things where community members come in and have an input on what they want to see in the park and provide that and have the artist come in and create it. I don't see enough of that and I didn't see that in the pioneer courthouse square with all of that money that was spent. I wanted to see more artwork placed there, I have not seen it yet. My final position again is that I really think that you are doing a good work on this commissioner Fritz. I

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really think that this bureau is something that you truly enjoy. You light up when we talk about it. I think that that's good. I think that you really enjoy this bureau. You are going to do really well. You are doing good. You are keeping a lot of the overall costs down. I want to see more artwork, more community involvement on that and other than that keep up the good work.

**Fritz:** Thank you Mr. Lightning. The bond measure was specifically for fixing problems. We could not use it for improvements like artwork.

**Lightning:** But it was my understanding on any park development that there is a percentage of from where racc kicks in to provide art on any new development of a park.

**Fritz:** The city does.

**Lightning:** Well, you donate -- we know where we are going.

**Fritz:** Go to the openings of the gateway discovery park and the louette view park because then you will find that's where the art is.

**Lightning:** Very good. Thank you. And again private donors would be happy to probably step up and provide additional artwork.

**Fritz:** You would think.

**Lightning:** You would think. That's why you have the park foundation. Thank you.

**Wheeler:** Colleagues I will entertain a motion.

**Fish:** So move.

**Fritz:** Second.

**Wheeler:** Commissioner Fish moves and commissioner Fritz seconds. Please call the roll.

**[roll call]**

**Saltzman:** Thank you for this good oversight report. Thank you commissioner Fritz for your leadership. Aye.

**Fritz:** Well I was very first elected promising to take care of basic services in every neighborhood and that's what we have done with this parks bond. Thank you to the team for your display today, the presentation today and for your diligence in making sure that we give the voters what they voted for, which is using their tax dollars wisely, and I am proud, I am proud of every bureau that I've been in charge of because their role, it is wonderful. This one is wonderful, causes so many community engagement and I appreciate the work that's going on even with basic repairs. Aye.

**Fish:** Outstanding report. Thank you very much. Aye.

**Wheeler:** I think it's a great report and I would encourage the public to take a look at it. Mr. Walsh I agree with you. I have trouble seeing small print particularly on overheads and so what I will do is I will send a memo to all bureaus reminding them that not everybody can see 11-point type. I know I can't so I understand what you are saying and I agree with your wife. Number two, commissioner Fritz, I think that it's a great report. I appreciate the work that you and parks bureau staff has put into this. It's very clear, I particularly like the fact that you have the wins and yet to be wins and you are clear and transparent about that. I think that gives people benchmarks to look at the next time that we have you back. I also want to just reflect on the comment why are, of late in particular the original construction estimates being surpassed by the actual bids? The main driver here is the bids are put in, then a period of time, sometimes a considerable period of time goes by until the actual bids are received. What's happening right now in this market is finding a tradesperson to be able to actually do the work to get a subcontractor to actually be able to do the work. Those costs are being bid up dramatically and while certainly not all of the contracts that come in front of the council for review are higher than the original estimate, a considerable amount of them are, and it's predominantly for that reason. Again the bidding process itself is an open process and people are free to bid less, but that's been a trend that I have also

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noticed, and that is the explanation that I've been predominantly given. I vote aye. Excellent report. The report is accepted. Next item, 905.

**Item 905.**

**Fish:** The bureau of environmental services Columbia boulevard wastewater treatment plant as you know is Portland's main treatment plant and due to its age is in need of repair. This plant processes millions of gallons of wastewater and storm water each day protecting public health in our environment. This morning Larry Pelatt, the interim chief procurement officer and Paul suto, the supervising engineer for the bureau of environmental services wastewater treatment design group are here to give is a brief presentation about the proposed competitive solicitation for this project. Gentlemen welcome.

**Paul Suto, Portland Water Bureau:** I am Paul Suto, the supervising engineer.

**Larry Pelatt, Procurement Services:** And I am Larry Pelatt the interim chief procurement officer.

**Suto:** Good morning mayor wheeler and commissioners. We are here today to request council approval of an ordinance to authorize an exemption to the competitive bidding requirements and authorize the competitive solicitation using the contracting method of design build for the Columbia boulevard wastewater treatment water, wash water and hypochlorite piping replacement project. The use of the design build contracting method will help us to deliver a better, more cost effective project because it will allow us to include the construction contractor in the project earlier than in the traditional design bid build approach which will allow us to make better more informed decisions throughout the project's design. So all right. So here are two photos of the two piping systems that this project will be addressing. Basically the purpose of the project is to replace the Systems, one is a steel system, you can see it on the left, it has the pitted corrosion on it, and on the right it's a plastic. It's a pvc or cpvc system. So you can see the photo on the left shows the corroding steel pipes. The current -- that's the wash water system and these are one of the first piping systems that were run in the piping tunnels when the plant was built quite a few decades ago. We consider them the plant highways so to speak of the water system, essentially, this water is used at various places around the plant that is used by various pumping systems so if the wash water system goes down we can lose pumping systems around the plant and the systems and so forth. On the right photo, the plastic photo that's what's called sodium hypochlorite which is a high strength bleach and that's used for disinfection of the plant. We also use that for odor control at the facility as well. So you can see that there is leakage in that pipe, and there is crystals forming as some of that hypochlorite leaks so the system requires a lot of maintenance at this time. The system is about 13 years old and leaking in many sections. So basically we need both systems to be working on a daily basis to keep the plant running efficiently and effectively to meet the permit requirements. The next slide shows a summary of the two systems so I want to highlight a couple more things on this. For the wash system we have no redundancy so any failure of that system we would lose the system and it would take a lot of time to get it working again so we want to get this project done to address that concern. The piping's corrosion presents a risk for the plant mechanical and electrical equipment since it is in the tunnel system so any leaks can get in and impact those systems. The hypochlorite system has redundancy that was put in with two separate systems, however both systems are leaking at this time. So any failure of that hypochlorite system could impact our ability to meet the requirements related to the disinfection. Now this next slide shows the aerial of the Columbia boulevard treatment plant, and you can see on top of the page there is the Columbia boulevard, so we're essentially we're looking more towards the south here of the plant. And what's highlighted here are the project areas, what's in yellow is essentially the

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hypochlorite system, the bleach system, and what's in blue is the wash water system so what we tried to do was illustrate where the system is co-located. I am trying to show that here with the pointer here where it's blue and a dashed line around we have both systems intersecting and overlapping each other, which would make it more challenging during the design and construction for us. That's this, and we're in the tunnels with this photo looking basically overhead and you can see the wash water piping system is on the left there. Here I will try to point those out, and on the right, the hypochlorite piping lines. So this is, this photo illustrates pretty well the construct-ability challenges that we have with the project. We are using the standard design build approach would make it less than ideal for us. These pipes are challenging to access in these tunnels and they will likely require some fuel fittings to route these pipes around the other existing pipes, in these tunnels. So in order to effectively deliver the project and reduce the redesigns during construction the project plans to go with the design build approach, where the construction contractor provides input during the design process. This next slide summarizes the project schedule and budget. So we plan on going out with a request for the qualifications this winter, and using a two-step process where first we identified qualified contractors and we followed that up with an rfp with the firms short listed in the rfq process. We anticipate that this two-step process will allow the community to consider qualifications that the contractors experience with industrial systems and including the safety record, working at industrial plants, and also with the chemical piping systems. However I do want to say that we will consider reducing the two-step process to one and skip the rfq step if we take a look at the bidding market as we get closer to advertising and in effect we'll plan on choosing the approach that will give us the competitive outcome in the bidding process. So we followed this process, we expect to come back before council with the chief procurement officer presenting the report recommendations for acceptance of the selected contractor, and we expect the design and construction to take less than a year for each and completing the project by the fall of 2020. So the currently the project is in the predesign phase and we have a preliminary project estimate with a low level of confidence to be \$4 million and a total project cost estimated to be \$5.4 million.

**Wheeler:** Explain those two differences. You have a low confidence estimate of \$4 million, and then you are giving a total project cost, is that also a low confidence one.

**Suto:** That's correct.

**Wheeler:** And why are these low confidence estimates?

**Suto:** Because we're still early on and we have not gone through the design process so typically for our projects when we start off the design process we give them a rating of low confidence because we have not fully done the detailed design yet.

**Wheeler:** Ok. Thank you.

**Suto:** You are welcome. Larry.

**Pelatt:** Ok. Good morning.

**Wheeler:** Good morning.

**Pelatt:** The city attorney's office has reviewed all of the required findings for this process and find it to be in compliance with the mandatory findings for an alternative contracting methodology. The findings document was included in the packet and is included as exhibit a, if anybody wants to take a look at that again, in the exemption ordinance packet. The project itself will benefit significantly from being outside of the standard low bid process because you will get the design elements done and processed significantly earlier. However it is still a competitive process, there is nothing non-competitive or a sole source or limited competition type of thing about the project at all. It will likely result in a better project because construction contract will be integrated way earlier and the contract can integrate construction methodology sequence and scheduling to maintain the continuous



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operations of the treatment facilities while the work is being done. The targets, the next slide would be the talking about the subcontractor and supplier plan. The project is estimated at \$4 million for construction. The normal sep would apply to this project. Bes, procurement services agree the intent is to exceed the base goal and maximize participation to the fullest extent possible through the alternative procurement method, dmweb utilization will be one of the factors on which the db firm will be selected, that's not available to us in a standard low bid process and bes will consider waving the dmweb participation at more than our standard, 20%, which will likely increase -- increases the probability of exceeding the standard goals. Bes will include participation utilization in the contract negotiations with the proposer and is prepared to let that be a disqualifier in the event that the first selected vendor can't or won't meet the goals. Today we are asking for approval for the ordinance and if you have any other questions we are here.

**Wheeler:** Any questions before we move to the basketball were testimony? Thank you. Public testimony?

**Moore-Love:** No one signed up.

**Fish:** This is a first reading.

**Lightning:** Yes, my name is lightning and I represent lightning super watchdog x. Now it's my understanding your carbon steel pipes are for the water and the pvc is for the sodium hypochlorite. It's stated in your ordinance that these lines were put in at approximately 2004. I am wondering if with the bids coming in if they can state that they can actually state that we'll be able to have the lines in longer because it sounds like we're going to have to replace the lines approximately every ten years and calculate your overall costs around say \$4 million to \$5 million. Now that just is my opinion. I would like to have an understanding from the contractors if they can possibly get more time on this type of piping because it appeared that most of the piping was easily accessible, open to the air, and so I would like to have a more clear understanding on that, and I notice it said in this report around the fittings, just on the water pipe alone I was wondering if you could use that system that was used on the other type of piping to where they insert inside of this type of piping. I don't know if you can do that on this type of water system or not, but maybe it's something to look at to reduce the overall cost. Again on the overall bidding process, I prefer to have the competitive bidding process myself, but you are going to do a design bidding process. I just want to make sure that it is really open for competitive bids. It's not so much a merit type based choosing of who would get this contract because I want to have -- what I don't like to see on some of these big projects, I want to have some new people brought in on these projects. I want that opened up to people that might not have that extensive experience as somebody that's been doing this for 25 years, and I want to give them the opportunity to step in on these type of projects. We're just talking about running pipe here, it's not anything that complicated, I used to build sour gas processing plants for exxon so this is not a complicated project here. So I just want to make sure that the bidding process is open, not just based upon the merit and what you are -- how many projects that you have done, but I want to see new people getting into these projects. I want to see new people stepping up and not the same names that I see, and I could probably predict who is going to get this contract but I won't say their name. I am just saying that I am watching this close. I want new people who can step up and be given a chance on these projects because we're just running pipe here and of course the chemical issues on this but that's an issue that a lot of people can do these type of projects. I want to see other opportunities given to other people. Thank you.

**Fish:** This is going to a second reading, lightning has raised a number of interesting and provocative questions. We'll get him answers in writing before next week and as to the major point he made about expanding opportunity to people to compete for these

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contracts, that's one of the benefits of this approach and one of our goals is to have higher mvesb participation. I think we are aligned but we'll get him more written answers to the other questions.

**Wheeler:** Great any further comments? This is a first reading, non-emergency ordinance and moves to second reading.

**Fish:** Could we have 906-908 read together.

**Wheeler:** Absolutely. Please.

**Item 906.**

**Item 907.**

**Item 908.**

**Wheeler:** Commissioner Fish.

**Fish:** Thank you mayor and colleagues. We have invited city staff to give us a brief presentation today about the city bureau, city's bureau of hydroelectric power and the options for the future. Today's presentation is a follow-up to the -- what I thought was informative and useful city council work session held last Tuesday. We have the following staff here to present and answer your questions. Mike Stuhr, the Portland water bureau director, Karen Moynahan, senior city deputy city attorney, ken rust, the city's cfo for the city, following their presentation we will ask Janice Thompson from the Oregon citizen utility board to come forward and offer her comments and following the presentation I intend to offer an amendment, co-sponsored by you, which would retain all of the revenues from this bureau to further enhance our reserve fund to cover the potential down side in the first three years so we'll bring that amendment following the presentation. Mike, welcome.

**Mike Stuhr, Director, Portland Water Bureau:** Good morning Mr. Mayor and commissioners. Glad to be here again and we're here to talk about the contracting for the hydroelectric power operation that belongs to the city of Portland. In addition to the individuals that the commissioner mentioned we also have here if necessary ken Coffman, our specialty attorney, for energy matters, and Tim beldan from energy gps our consultant who helped us through this, and I have glen Pratt and Teresa Elliott from our engineering division that kind of manages the hydro operation. So for background purposes briefly we built the Portland hydroelectric project in the 1980's. That was something that started in the early 1900s with the wisdom of design engineers many years ago who realized it's very difficult to put the pin stocks through a dam after it is built and they put them in both dams when they were built. It became economical in the late 70s due to federal regulatory changes, and we began construction in 1979 and began producing power for the city in 1982, not actually power for the city but power to be sold to the grid a benefit achieved by the city. Over the years the city invested \$55 million in the facility, and to date has netted around \$14 million for the general fund. Right now we have a \$1.8 million positive balance in the fund. To be clear the hydroelectric bureau is a separate bureau. It is only managed by the Portland water bureau. The funds are separate hydro-fund and that fund deposits money when there is excess revenue into the general fund. So the water bureau itself does not benefit from this operation, we just run it for the benefit of the city. The bonds were paid off in 2016 October. So we are currently a debt-free carbon-free energy facility. Looking at the two facilities that we have. Dam number one built in the 1900s. We have a 24-megawatt powerhouse dam number one and dam number two we have a 12-megawatt powerhouse. Those are the two facilities that we operate on behalf of the city. What do they do in human terms? In human terms they produce enough power over the course of a year for about 8,000 average homes. We look at it another way we also produce enough power to deal with the 60% of the city staff, the city operation power requirements. There are three key things to do with the hydro-operations that must be kept in mind. First and

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foremost is the water supply. The water supply for the city is the reason that the two dams exist, and that is our prime drive for all water operations in the watershed. The second priority is fish. We have a habitat conservation plan that improves our regulatory relationships and gives us a guaranteed regulatory environment in which to work which is really important to us, and the third thing is producing power. So we produce power after the other two requirements are met. For regulatory compliance, we are monitored by Oregon department of fish and wildlife and we have a habitat conservation plan that's approved by a variety of federal agencies. The power we produce is carbon-free, and we are regulated in that regard by the federal energy regulatory commission. Sometimes there are conflicts between these three priorities, and they are always resolved in water supply first. The previous agreement that we had with pge was take or pay. We got paid regardless. Take or pay meant that even if we were producing no power, maintenance would take place, the bonds would be paid off, management fees would be paid, and any licensing and permitting actions were taken care of by pge it was a very good deal. Our new agreement pge will continue to purchase power from the project if you approve. Pge will no longer operate or maintain the power plant over the last 20 years or so. Pge's west side power operations have become smaller, marmot dam and bull run powerhouse have been shut down so they no longer keep staff in the area convenient for operations so they don't really wish to operate or maintain the power plant. They do however have the power grid in the area so we look to pge to maintain the power lines. Council has a simple choice here to surrender the generation license or to continue to generate and sell power. There are consequences for either choice. We like to control our water supply, and if we surrender the generation license we potentially lose control of our power supply or our water supply. The federal energy regulatory commission regulations because it's a licensed facility go through a process that can take several years to look and see if it's economical to have another operator. We would prefer to control the operator and we can also choose to generate and sell power, and I think that the proposal that we have for you will show you that it's probably a good deal to continue to generate the power on behalf of the city. What does this thing look like? There is four agreements involved. One of which you have already approved from left to right on the screen, agreement one, operations and mariners. That agreement is approved. It was for \$8 million over five years. The next agreement going down the stream, engineers like to go down the stream for some reason. That's how you figure out whether you are on the left or right side of the river. Face down the stream, left side is on the left and right on the right. Going down the stream the next agreement is the transmission maintenance agreement. The bureau, or the hydro bureau owns 10 miles of transmission line that moves the power from the two dams out to pge's energy grid. Going farther down the stream, agreement two up there is power, purchase, and sales agreement, its value is variable and it is a 15-year agreement. The bottom right of the screen agreement 3 is the scheduling agreement e-web operates, an electrical water utility, and they are going to do the scheduling for us, it's \$400,000 in value over five years. Those are the basics of the agreements. Risks, we have five major risks to deal with, and we have mitigations for each. The two big ones, one and two weather and water are kind of interrelated. Weather delivers the water. Weather also makes it a drought or dry. The amount of water that we have in the reservoir affects what we are able to do, and in some respects more importantly the temperature of the water in the reservoir is important because we have fish responsibilities that are partly driven by volume and partly driven by temperature. The third risk is price. We're operating in a variable power market that's heavily influenced by the price of natural gas at the moment. So there is pricing risk and that's one of the things that we have mitigated for. We have operational risks, for example the wicker gates on a generator is stuck or something like that. Those are in

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some respects easier for manage, and then regulatory risk that would be some new regulation that would pop out that could affect our operations. Generally speaking those are very long-term things because you have to go through the federal administrative procedures act, and there is a lot of public process involved so it could affect us but we would probably have notice so to speak. Now I would like to turn it over to ken who is going to talk about the financial analysis of the project.

**Ken Rust, Chief Financial Officer, Office of Management and Finance:** Thank you mike, for the record I am ken rust, the city's chief financial officer. It's a pleasure to be here this morning Mr. mayor and members of the council to talk to you about the financial aspects of the agreements that you are considering. As you have heard we're going to be operating under a different set of agreements that reflect kind of the modern world and the power markets, and it's very different than what we operated on historically. The water bureau has engaged professionals to help understand --

**Fish:** One sec. Are we done with the power point?

**Stuhr:** I am sorry. Excuse me.

**Fish:** If we are done with it let's bring it up.

**Stuhr:** No, no. I had not hit the button. There we go. Sorry. Ok.

**Saltzman:** Thanks mike.

**Rust:** I think you are one slide ahead of me, though. That's usually the case. You're always ahead of me.

**Stuhr:** There you go.

**Rust:** All right. So as we were looking at how to understand the risks associated with the power sales agreement, we have had experts advising the water bureau on the power market and the agreement and the terms and how to frame this. What we're trying to do is maximize the revenue and minimize the risk, and those are competing goals and we have tried to capture that inside the agreement and one of the big risks that mike talked about is weather and rain and rainfall in the winter months because that's when the power is generated, and the, in the summer it's not delivering power so we really care about wet weather in the wintertime, so when you think about rainy day reserves we want the opposite, we need sunny day reserves because we don't want the sunny, dry weather in the winter when we generate the power. One of the benefits of the agreement is that we are able to establish a contract price for the sale of power to pge and because of the nature of the power both the energy component and the capacity of that power we've been able to negotiate a contract price that is above the market of wholesale price for energy. In the early years that contract price was slightly above market but then it jumps after year three and escalates thereafter and provides the ability for us to generate revenues that are favorable to us over the life of the contract. One of the things that we are required to do in this contract is to specify how much power we're going to deliver each year to pge within a certain range and we can set that each year. We are going to talk about how that affects us financially on some of those risks. You can go to the next slide. Based on the terms of the agreement if we have an obligation to deliver the specified amount to pge and if we don't do that we potentially are subject to what are called under delivery damages that we would owe pge and that really only happens if we are unable to deliver what we are required to and the price that is in the market at that point in time is higher than the contract price because pge has to buy the power that they thought they would buy from us that we were not able to deliver. So that's one of the risks that we have. We also have some tools to mitigate that risk that make that a relatively small dollar risk for us when we look at the agreement and the projections. We have about less than two-thirds of the power that we are specifying for a firm delivery and a third of the power that's available as we call it in the agreement. So we can offset any of these under delivery damages with

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money that we earn from selling as available power into the market over the course of the year. We also can net out under delivery damages on a monthly basis so it's not just what happens on a day or hour but over a month. We're going to establish the reserves and they would be available as well and we can certainly manage the expenditures if we were in a position where those risks were producing financial concerns to us in the management of the fund but the under delivery damages piece is really easily managed within the terms of the agreement. The big risk that we have beyond that component is simply what happens in the low water year, a low water year with market prices that are low as well and that's very difficult for us to mitigate against. There we will have to look at the ability to establish and maintain the reserves that would be available for those low revenue years and also if necessary to manage the expenditures. So those are the risks that are inherent in the agreement. We have done a lot of work trying to understand what might that look like in terms of the financial projections going forward and we have looked at different alternatives and we developed a couple of ones to test whether or not the fund will remain financially strong over the course of the, or the projection period. We developed a base case looking at historical experience and chose to make a projection based on the median results over our historical period and made those projections going forward. When we take a look at that particular experience we find that the fund balance in the fund at the end of the forecast period totals in excess of \$7 million. So we're able to pay our expenses and generate the net revenues and build the reserves over time. We also developed what we call a worst case scenario knowing how sensitive that we are to the low water years, and particularly in the first years of the contract when contract prices are not that much greater than market prices. We looked at historically what would have been the three worst consecutive water years. We experienced in the project. We assumed that those three worst water years would occur in the early years of the contract when contract prices are lowest. And what we found then even if we project out over the forecast period that net revenues overall would be lower, we generate \$5 million, under that scenario, by the end of the 15th year and there is the potential that the fund could turn negative by a couple of hundred thousand in those early years. So how would we manage that? I think under that situation.

**Wheeler:** Could we be clear first what is the worst case scenario? What's the hit to the general fund?

**Rust:** Our estimate, the worst case scenario if it unfolded as we laid it out is the worst case scenario as a potential negative \$200,000 in the fund, but that assumes that the fund wouldn't see that coming. We have three consecutive poor water years so after the first year we may see if we are planning to make certain expenditures in the next years maybe we'll slow that down and make sure that we don't end up with a second bad year.

**Wheeler:** Let's assume that we're not that smart. What's the worst case scenario?

**Rust:** Our projections show \$200,000.

**Wheeler:** Ok so I want that on the record. So if anybody is saying what is the down side, there is the down side.

**Rust:** That's correct.

**Wheeler:** Let's not assume three bad years of weather.

**Rust:** In the first years of the contract. If those three bad years for example occurred five years later into the contract or eight years later, because the contract prices are there, we have a lot more capacity at that point in time. So the worst time for it to happen is early the contract's life. In addition to that static analysis we have had the consultants run more sophisticated statistical technique called a monte Carlo simulation. We look at 10,000 different iterations of price and weather and things like that to see what would happen statistically when you look at a dynamic kind of modeling, and what we found in ten events

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out of 10,000 did the cumulative reserve balances end up being less than zero so basically under a more dynamic modeling it looks like under almost all scenarios the reserve fund will be positive over the forecast period, and the probability of hitting the range of numbers we talked about is it quite high so that gives us further comfort that the nature of the contract, the terms of the agreement, the way that we are planning to manage that should give us the ability to run the project, produce carbon-free energy and avoid having any financial impact to the general fund.

**Wheeler:** And just to -- and I am deliberately putting negative messaging on the table because I want to be clear about it and transparent and on the record. So you have given us a worst case financial strategy. We don't actually have -- we have a contract that would preclude us from talking about what is the delta above market rates. We know that the contract is above market rates. If we operated this we would be selling on the open market at whatever the market rate is. The contract gives us something above the market rate, but we're not disclosing what that is above, but the key thing, the point that I want to make is that it's above the market rate. So the worst case scenario is we operate and take the hits for whatever the market rate happens to be at that time. So let me ask you a question that somebody might reasonably ask? Why can't we disclose that? The monte Carlo simulation, your estimate of the worst case scenario, there are things that were do as a council far riskier than this. So what's it on us if we disclose what the delta is above the market. Why do we care?

**Stuhr:** I will let the attorney answer that.

**Karen Moynahan, Chief Deputy City Attorney:** Thank you. Good morning Mr. Mayor and commissioners. Karen moynahan from the city attorney's office. The city has agreed to enter into a non-disclosure agreement with pge at pges request because essentially that's how business is done in the energy market, this is not unusual, and it is done and approved when the disclosure of this information would create a competitive disadvantage to the party, in this case the city. Therefore there is a public records exemption that allows for that situation. Again it's not unusual, the Oregon public utilities Commission also provides for non-disclosure agreements of this nature and also the -- I want to also address something that has just come up recently with respect to reporting requirements that were discussed in the Oregonian last night. There was the issue raised that the city is not going to disclose in this situation, however ultimately those rates will have to be reported, that's not accurate. Our assumption is that the reporting requirements that were referred to in the Oregonian were requirements under the federal power act that do apply to sellers of power. In this case the seller is the city and the seller -- and the city is exempt from those requirements for two reasons. One it's a municipality but if you go further through that exemption, the city is exempt because we generated -- we sell fewer than 4 million megawatts per year. So therefore there won't be a disclosure.

**Wheeler:** So let me suggest one possible disclosure requirement that is probably the most relevant to the tax payers which is if we hit the skids and we hit the worst case scenario there will be a hit to the general fund and we will go through, and that is a publicly disclosed number. It would be discussed, I presume, in our budget process. You would have to come back to the city council and explain that there is a need to make up for that short-fall. That would be through our regular publicly disclosed budget process or an interim budget process, is that correct?

**Moynahan:** Yes, it is.

**Wheeler:** Ok. So what about on the opposite side of that? You mentioned that there was a one in whatever it was, a slim chance, but a chance nonetheless, and I could definitely see a scenario where we have three dry years in a row and market rates are higher and we

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don't meet the volume requirement. What about the upside? That Monte Carlo simulation has an upside too, tell me about that.

**Rust:** The upside is I think umm trying to remember the numbers off hand mayor. I think we're running around a \$7 million dollar accumulative fund balance at the end of the projection period. I think the cumulative number is \$8 to \$9 million plus.

**Wheeler:** So the downsides about- doing some quick and dirty math three years your 20 years it's about a \$800,000 downside and about a \$7 million upside. Is that correct?

**Rust:** Can you say that again I'm not sure is I'm tracking it.

**Wheeler:** \$800,000 downside, \$7 million upside. Give me the down and the up.

**Rust:** Ok.

**Wheeler:** So you start off \$200,000 per year.

**Rust:** Well the cumulative negative down case was \$200,000. That's the whole negative.

**Wheeler:** Total? In the first three years? 200,000? So it's even less negative then I was assuming for discussion purposes and the upside over that same period.

**Rust:** During that first three-year period? I'm just trying to get the right time period.

**Wheeler:** Give me over the life of the contract. The projected downside and the projected upside.

**Fish:** Mayor, I think lets go to the slide, you have a slide, the next slide, the one that follows. Not that one, the next one. That's the slide that addresses the mayor's question. Ken, why don't you walk the mayor through these points.

**Rust:** I'll try -- I want to come back to the worst case scenario that we built. So for example the worst that we saw was a negative \$200,000 cumulative in about the first three or four years.

**Wheeler:** With the bad weather scenario.

**Rust:** With the bad weather, but then we assume that we return to more normal, that median experience, so over the life of the scenario we resulted in about a \$5 million positive reserve balance. It was simply --

**Wheeler:** A stress test.

**Rust:** Even under that scenario it turned positive by the end of the year, but there was a period of time during that 15-year time period it could be slightly negative. I wanted to make sure that's clear.

**Stuhr:** So said in my version of English even with a \$200,000 loss at the end of the period 15 years even with that loss you would still have a \$5.8 million dollar positive.

**Rust:** So for example let's imagine that that happened. That there was a series of weather event that resulted in the fund going negative and it needed assistance from the general funds. Certainly those are temporary, transitory events. We expect to return to profitability over the course of the contract, I would expect that council would demand that the fund pay back the general fund with interest at the full treasury earnings rate it has foregone and it would be made whole as soon as possible.

**Wheeler:** That would be done in a public environment.

**Rust:** Correct.

**Wheeler:** Why don't you walk through the summary slide. It's catching my attention anyway.

**Stuhr:** So in summary, it's a net positive deal no matter how you cut it. Even with the \$200,000 loss over 15 years the low is \$5.8 million in net revenue. Our predicted ending fund balance using the monte Carlo simulation is \$7.6 million and there's a 99% probability of positive net revenues overall. We think we have mitigation tools in this contract to take care of all of the risks although there's always some risk, 1% in this case. Those mitigation tools include nominating the power which balances every month. They also include special funds set up to cover repair and replacement and the loss scenario and I think

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commissioner Fish is going to offer an amendment to make that even more clear. We maintain control of our water supply. We don't run the risk of having someone else come and be sitting at the base of my dams. I think of them as my dams, and we continue to produce carbon free energy from a renewable source. Thank you and we're available for questions.

**Wheeler:** Ken, I appreciate this plus the work session. I appreciate your answering my questions. That's helpful.

**Fish:** Mayor, why don't I offer the amendment now and we'll put it on the table. Karen, this is technically an amendment to which of the ordinances? 905, 6 or 7?

**Wheeler:** No, it's 8.

**Moynahan:** I don't have that in front of me.

**Fish:** Thank you, mayor. I would like to offer an amendment to ordinance 908 based on the feedback that we received at the work session particularly from the mayor, and we have further revised in consultation with Andrew Scott in the budget office. The amendment would read as follows "All revenues including excess annual revenues, beginning balances, and surplus fund distribution from the Portland hydroelectric project accounts and operations, shall remain in the hydroelectric power fund to ensure sustainable financial management of the Portland hydroelectric project until such time as the city's chief financial officer, in consultation with the water bureau, has determined that distributions from the fund can be made and are in the best interests of the city". I offer that as an amendment.

**Fritz:** Second.

**Wheeler:** We have a motion for an amendment from commissioner Fish, a second from commissioner Fish -- these guys. We have a motion from commissioner Fish, a second from commissioner Fritz. Any further discussion on the amendment?

**Fish:** Only this has been reviewed with the city's budget office and prior to us taking this action the net revenues were taken out of the five-year forecast for budgeting purposes so there is no -- if adopted this does not create any kind of shortfall for other investments the city would want to make with general fund resources because it's no longer part of our five-year forecast.

**Wheeler:** Very good. I'm leave the amendment open. We'll take public testimony, hear feedback and we'll vote on both the amendment and the main motion. Ladies and gentlemen and just for the record.

**Fish:** May I clarify, we'll take testimony then I'm going to propose that all three ordinances be held for a vote on August 30th. This will allow the Portland utility board to review the presented information at their work session and council today and if these agreements are passed on the 30th I will request that they go into immediate effect as the current agreements expire at the end of the month. Our preference is to take testimony, have these returned on the 30th as amended for a vote.

**Fritz:** We would vote on the amendment, though, today?

**Fish:** Yes.

**Wheeler:** Very good. Public testimony on these items?

**Moore-Love:** No one signed up.

**Fish:** I want to invite -- we skipped a spot. Hold one second. I neglected to invite up the utility board of Oregon. Janice, will you come forward?

**Joe Walsh:** You want me to be a utility?

**Fish:** We have one or -- we want your testimony but we're going to ask a cub just to present their thoughts. They were part of a panel. I overlooked them.

**Walsh:** I'm so sorry. Do you feel rejected? He does that to me too. [laughter]

**Janice Thompson:** Janice Thompson, Oregon citizens utility board or cub. Cub has been



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tracking this issue and thanks for the water bureau for a couple of briefings over the last several months leading up to this, but we're tracking this issue for two reasons. One is from a city of Portland angle since though this topic involves general fund dollars the hydro facilities are in the bull run and as you've heard need to be operated with energy production as a third priority after water supply and fish habitat requirements. The second reason is that cub cares about Portland general electric ratepayers. Though the major analytical focus of our regulatory team right now is on a major pge rate case and their integrated resource plan or irp, which has been in the news recently. The second point highlights that pge is interested in Portland's hydropower resource, this is a tiny slice of pge's over all energy needs and that's kind of a backdrop for recognizing that that dynamic affects Portland's negotiating clout. I could not be at the work session but I did send out three points. One I have just made in terms of energy being third priority, the other two just to get them on the record here is that the current though soon to expire at the end of the month agreement between the city of Portland and Portland general electric has been a great deal for Portland. That deal is ending and it's not at all inappropriate for pge to want a new deal, so there's nothing nefarious, if you will, on pge's part in terms of saying we need a new agreement. Similarly, the need to develop a new agreement is not due to any mistakes or miss steps made by the water bureau and current management. Another point is that it was most appropriate in an earlier briefing I was very gratified to learn that the water bureau had secured consulting services regarding energy law and energy marketing, this is a complicated topic, and I obtained expert resources was very important step taken from the water bureau. I could not be at the work session, I did watch it later, and thought it was very appropriate that a question was answered by the water bureau's -- one of the consultants in terms of review that was done of market dynamics. I think it's important that the water bureau then listen to their consultant. An rfp isn't always needed to get the sense of market possibilities. Rfps have their own confidentiality dynamics as well, so what the water bureau did do regarding kind of the market research seems both adequate and prudent. Regarding the confidentiality issue has been mentioned, cub deals all the time with private utilities before the Oregon public utility commission and very frequently in those proceedings there's confidential proprietary information. So that dynamic in this situation was certainly not a surprise to cub. To conclude, we do not recommend surrendering the generation license, which in effect I think you would start the process of doing if you do not adopt these resolutions, ordinances. As has been stated earlier I think it's important to maintain the license so that there's control of the water resources, but the other angle is as much as there's been very appropriate concern about risk analysis and risk management if you surrender it you're not going to make any money at all. So I think that needs to be part of the compare and contrast discussion. Obviously, the contract that is undertaken in lieu of surrendering it needs to be carefully evaluated but the risk analysis and management steps seem to reflect a great deal of due diligence and effective work with consultants as well as pulling in the financial resources of the office of management and finance.

**Wheeler:** Thank you. Mr. Walsh?

**Walsh:** Good morning, for the record I'm joe Walsh I represent individuals for justice. I'm going to take a risk of getting egg on my face because it's the first time I heard your amendment, commissioner Fish, so it's something that I don't normally do, but I was a little confused and concerned. We have a lot of concern about residual money being held. A lot of bureaus, a lot of departments have a tendency to say, well, we better reserve something in case we have a rainy day or it hails or we get trump in office or something disastrous like that. So we have an automatic knee jerk reaction when we hear someone say, well, let's put this in the fund over here and have these nonofficial nonelected people decide

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when we're going to move the money out. With the audit department it's my understanding it's really the ratepayers -- I mean isn't this the water department?

**Fish:** It's not a water bureau enterprise. The water bureau is simply tasked with managing it. There's no ratepayer investment or liability.

**Walsh:** Alright the money that you want to hold in reserve who does that belong to?

**Fish:** It would otherwise go to the general fund.

**Walsh:** The ratepayers are kind of in the general fund they are citizens, so I mean I know I'm stretching it, but it's still tax money. So we have a resistance to that. I know each bureau likes to have a little cushion so when something comes up in an emergency they can react.

**Fish:** I probably was not as clear as I should have been. The purpose of the amendment is to take the net positive revenue, put it into a reserve fund until we're absolutely sure there is no risk to the general fund. Then the cfo, once he or she makes that determination, it can then flow back to the general fund, but it will effectively eliminate any risk to the general fund over the life of the contract. We think that's prudent where you have such a close call.

**Walsh:** I wish I could play that back to you about four times because I think you would pick up what I'm picking up. Somebody is making a decision to hold the money. Somebody is making a decision to release the money, and the citizens have nothing to say about it. That's my objection. So it's the elected officials you'll make a decision today and I don't kid myself you're going to vote it in anyway --

**Fish:** We're not voting on it today.

**Walsh:** August 30th, is that what you said? You're going to do it anyway. Citizens are not going to be able to say anything after today.

**Fish:** Yes, they will. I'll tell you why. No distribution from this fund can go to the general fund without it coming to council either in the normal budget or in one of the bumps. Then it gets called out as a transfer. So you and anyone else will have absolute freedom to comment on that event.

**Walsh:** All right, I would just submit that look at the turnout today and you can just imagine the turnout down the line someplace. I'm just pointing out be careful with your reserve funds that they don't get too fat. That's all we're asking. We want you to do -- what's that phrase? Due diligence. I think that's from Brooklyn. Due diligence. Sounds like a Brooklyn phrase.

**Fish:** Very dutch.

**Walsh:** That's what we're asking you to do. When you do the amendment and you just do it, I don't know, you know. Sometimes citizens look at that and say, hey, man. We don't have any input. That's why you get such low marks.

**Wheeler:** Just by the way one of the reasons I wanted this amendment and one of the reasons I strongly support the amendment, in fact I wouldn't support any of this without that amendment, that fund also becomes a marker in an of itself over the years in terms of how this deal is working out for the people who live in this city. Good morning.

**Lightning:** Good morning. I'm lightning I represent lightning super watchdog x. Free electricity for everybody, Nicola tesla. What a mind. Hydropower. Carbon free. No debt at this time on this is phenomenal. Where I have a problem is that the purchase and sale agreement is drawn up to the advantage of Portland general electric absolute great work from your attorneys, my problem that I have is that on the take or pay, I don't want to have something that's debt free and we end up losing money after 15 years where if you don't have enough power delivered to you we get penalized and have to pay you. We control the power, not you. We control the dams, not you. You have taken full control through your attorneys which I'm impressed, very impressive work. Here's my problem. After -- well, this

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contract on the purchase and sale agreement is 15 years but we do have two five-year extensions and we do have opt-out provisions on this contract which we need to look at very close because in my opinion, we might want to step out of this in five years. In my opinion, due to climate change and we begin losing money on this we might want to step out of this in five years. In my opinion, instead of subsidizing my good friends at Portland general electric, which I think we're doing, we should set a number on the net that you will pay us certain amount. How about \$500,000 a year to begin with? You just pay us that amount of money. As far as you saying you can't maintain these dams, let's get real, Portland general electric, you know how to maintain these dams and you know that since these have been here so many years, we could be talking a tremendous amount of maintenance and costs here. Now, by your agreements it states once you get past a certain point on the maintenance side and the cost, you might come back to the city and say, hey, here's a bill. Now pay it. That's not being calculated in all this optimism on this 15-year projected bull I won't put the last name on this but if you want to project out 15 years and tell me I'm going to be making income put it in writing and you put it in writing how much money I'm going to be making. This is debt free, the city controls this, Pge, this is not your power until we sign this agreement. I think we should bring in pacific power. I think we should have other bids coming in and I think pge you should just guarantee a certain amount of money at the end of each year and you cover every additional cost and on these maintenance agreements you just use them as subcontractors and you pay them. Don't put a tariff on these powerlines that we paid for. Come on, give me a break. All confidential, can't disclose it to the public? Let's get real, pge. Give us a number. Tell us what we're going to make or don't do the deal. Don't sign this.

**Wheeler:** Thank you. Colleagues, any further discussion on commissioner Fritz?

**Fritz:** I have a question. The risk is in the first three years. So where is the fund that would offset a down timing in three years?

**Fish:** Currently there's a \$1.8 million reserve. You've had the cfo identify a small but plausible risk in the first few years. There are other events that have been identified along the way including some kind of catastrophic failure of the systems, the need for maintenance is not budgeted or the like, out of abundance of caution I agree with the mayor that we should keep whatever the net revenues in the reserve until we're confident that the deal is secure, then it's the council that can decide whether to distribute any of that money and for what purpose.

**Fritz:** Thank you that's good information about the \$1.8 million reserve now. What might happen is if we lose \$200,000, then that goes down to \$1.6. Does the bureau have or do you have a sense of what should the reserve be for the other things you mentioned?

**Fish:** There's a whole slew. What I want to be very clear commissioner Fritz is that there's no hidden agenda in terms of grabbing general fund money that you and I might otherwise want to see go to parks maintenance, to services for homeless and the like. It is simply we think in consultation with the cfo, the mayor and others, exceptionally prudent to hold that money until we're confident that it's a deal that pans out over time then that money above whatever is recommended as a reasonable reserve can be distributed to the general fund for any purpose. That remains the council's exclusive decision to make during the life of the 15-year life of the agreement.

**Fritz:** I wasn't suggesting any anything nefarious, I was just trying to understand the arithmetic and presumably the Portland utility board would be giving advice on the level of the reserve that's necessary ongoing.

**Fish:** Sure.

**Fritz:** Thank you.

**Wheeler:** Any further discussion? I'll move this 906 and 907 first, these first readings,

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nonemergency.

**Fish:** If we could let's vote on the amendment.

**Wheeler:** I'm going to get to 908 in a minute commissioner 906 and 907, these are first reading of nonemergency ordinances. They move to second reading. The commissioner asked the vote be on august 30th. Could you please call the roll on the amendment to 908.

**[roll call]**

**Saltzman:** Aye.

**Fritz:** Thank you for this very clear presentation and also for the work of the panel as well as the community comments. I really appreciate that the prudence and the very clear transparent way this is being brought to us. Aye.

**Fish:** Aye.

**Wheeler:** I think this is a great amendment and I appreciate it, commissioner Fish. I appreciate you working with the finance team and the bureau staff on the amendment in particular. I think overall the package is a very solid one. There's nothing we do here that doesn't come with commensurate risk, but I think it's been clearly identified and I'm certainly satisfied that we have a good solution here.

**Fritz:** Could I move to put the emergency clause on now so we can vote on it next week?

**Fish:** My request was that all three ordinances be held over for a vote on august 30.

**Fritz:** Yes, and we need to put the motions to see once the emergency clause is there?

**Wheeler:** Aye. The amendment is adopted. This is first reading of a non-emergency ordinance it moves to second reading as amended.

**Fish:** To be clear all three will come back on august 30th.

**Moore-Love:** Correct.

**Wheeler:** Colleagues, we have had the fire chief and ranking members of the fire bureau here for quite a while. They are at the end of the agenda if there's no objection I would like to move them next, item 920.

**Item 920.**

**Wheeler:** Commissioner Saltzman.

**Saltzman:** I'll turn it over to chief Meyers.

**Mike Myers, Chief, Portland Fire and Rescue:** Thank you, mayor and commissioners, for the opportunity to speak today record I'm Mike Myers, fire chief of the city of Portland. To my far right is Irene Concepcion-Sestric, she's a recruiter for Portland fire and rescue. Next to me is Karen Brooks, who was originally a spot program specialist and in the last 45 days we were able to move her classification to program coordinator. That's important to this discussion because we will be using Karen with this expanded job description to help with equity planning. I want to thank Karen and Irene for spending time to be here this morning. This will be a very brief statement for me. As you know I started with the organization about a year ago. During the past year we have spent an extensive amount of time and effort in developing a very comprehensive strategic plan to take us from where we're at today to what I believe will be world class in three years as a fire organization. During that process by about March I started here in July of 2016, by about March 2017 we're in discussions with Portland State University to assist us with developing a cultural assessment. I was not asked or directed to do this assessment. This was something that we discovered during the strategic planning session that our past cultural assessments that I can find historically were done in 2002 and the last one in 2008. That is obviously nearly a decade ago. Being new to the organization I felt it necessary to fully understand the cultural assessment of the organization and then to take what I find and move it forward. So the object in front of you is a little bit different than the 2008 request and I'll clarify that with you now. So in 2008 a cultural assessment was done largely by my review a well reported on survey of the employees about the cultural assessment, how welcome

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they feel in the organization, trust within the organization, those types of things, but that was it, it was simply a survey of the organizational employee workplace. My feeling is that a true cultural assessment should go a bit farther. I appreciate the data that we will get from an additional cultural assessment survey that psu will do during this 2018 model but I'm also interested in looking deeper within the organization. It's my intent to find out if any philosophies and principles that I hold and value at the chief's office is actually getting down throughout the organization to the deepest levels in the firefighter ranks. To do that I need to make sure the managers at all levels truly understand inclusiveness and equity so I have asked psu to do deep interviews within the organization, so these are not just general surveys of the entire work group, these are one on one interviews with managers, the battalion chief ranks, deputy chief, division ranks and so the commission knows, even myself. I have asked psu to make sure my leadership style and the way I lead, my philosophies and principles are in place and are agile enough to actually lead this organization through equity and inclusiveness that I think are necessary. So I think it's a bold step, very, very transparent for us to do this. We will also be interviewing independent groups within the organization so if you collectively look at a fire station then ranks and then of course underrepresented groups that may have some concerns about how they are treated in the workplace. That is the first issue is we will be doing the survey then some comprehensive interviews. The third step is probably the most important. What I believe is most glaringly missing in the last cultural assessment. It's not uncommon to do cultural assessments within the organization, actually it's fairly common. What must happen I believe is once you get the content back from a cultural assessment it's nice to have the report and certainly interesting to understand the situation that you're in, but it's absolutely imperative that you take that information, mold it into deliverables and measurables and move it to some sort of plan so if there are issues we're building solutions in getting those things changed and rectified. We'll be asking psu to assist us, they will help with the framework along with coordination efforts of Karen and then we'll move forward from there. I'm hoping for your support as this would move to a second hearing but that is my briefing this morning.

**Wheeler:** To be clear, this is marked as an emergency, iga approval. We will be taking a vote today.

**Myers:** That is my understanding. I didn't know if we had to move to second reading or not.

**Wheeler:** No, this is marked with an emergency. Great. Any further comments before we open it to public testimony? Any public testimony?

**Moore-Love:** Yes. Mike Jenkins.

**Mike Jenkins:** For the record my name is mike Jenkins aka pork chop, I wasn't going to speak any more today but when the fire marshal got up here it brought me up here to speak. I'm going to bring it to him that when I'm out there at right to dream, 900 thunderbird, I was the first one that squatted on the 25th. I squatted on that land, they asked me to be one of the squatters. So I went up there I raised 50 cases of water from the Hawthorne freed Meyers to take out there because there was no water on the facility when I showed up on the 24th. No electric, no water. So I went and spent that week there. I come back on Memorial Day on the 25th, the guy comes up from the mayor's office to see who is squatting. He asks me all the right questions, I answered them all , "I said me and the dogs are there we're here with the detox bus". Everything went well for seven days until I found them using drugs and all this then they tear me up. You guys come out, your office comes out, the fire chief comes out, the police department comes out, they are talking to me like man-to-man. Next thing I know is my bus is being torn. I got a guy coming in my bus inside my bus where my dogs grabbed them by the throat, my other dog

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had him there and I had to put a knife through his head to save my life and I'm in a wheelchair. Now, I had a start a fire at 3:00 in the middle of the night to get police there to give me help and when I got the fire department coming up and telling me that I'm a piece of shit, we got problems. When I'm crying to the fire department saying I need help I'm tired of the fire department looking at handicapped people around this town. We have service dogs. Our service dogs are going to be allowed to ride in the ambulance when we have problems and not go to the pound. My dog has been in the pound 16 times this month because of my health condition. I think that we need to look at service dogs and everything else even coming in here. You guys asked me today for all my service dogs' permits. My service dogs' permits are in my bus that I don't have any more because of everything else. I'm tired of being looked down as a homeless guy. I have rights too and that's where I'll stop it.

**Wheeler:** Thank you, sir. We appreciate your testimony. Any further comments? Please call the roll.

**[roll call]**

**Saltzman:** Well, I want to thank chief Myers and his team for initiating this study with Portland state university and I look forward to reviewing the results with the chief and my colleagues on the city council. Aye.

**Fritz:** Thank you for this report and thank you, pork chop, for your testimony as well. There's a lot of concern in the community about how people with disabilities from both the police and the fire bureau, so I'm glad you are doing this assessment I would ask that you would have them interview former chief Erin Jansen for her perspective on her experience there. Thank you. Aye.

**Fish:** Aye.

**Wheeler:** Aye. The intergovernmental agreement is approved. Thanks, chief. We appreciate it. Folks, we have two appointments to the human rights commission and we are going to lose them soon so I would like to ask that we move 916 next.

**Item 916.**

**Wheeler:** The human rights commission works to eliminate discrimination and bigotry, to strengthen enter group relationships and to foster greater understanding, inclusion and justice for those who live, work, study, worship, travel and play in the city of Portland. In doing so the commission is guided by the principles embodied in the united nations universal declaration of human rights. During this time in our city and in our country we need the Portland human rights commission in the role it fills more than ever. The core mission of hrc, and the work of the dedicated commissioners, both who are seated now, have been seated previously, and like yourselves who will serve in the future, are pivotal in gathering and furthering the cohesive message we need to send as the city government and to our fellow community members. We need to commit as a city to employing the humans rights lens to what we do across bureaus and we're fortunate to have individuals like yourselves willing to serve as volunteers and to ensure the mission and keep us accountable. Today we have Tatiana Elejalde from the office of equity and human rights, sometimes called oehr, in our acronym world. Here to introduce our newest appointees for the human rights commission. Good morning.

**Tatiana Elejalde, Office of Equity and Human Rights:** Good morning. It's a pleasure to be here with you today, mayor and council. Yes, the Portland human rights commission now with these two new appointees is at 11 members, and as you stated, absolutely a time where we need the human rights commission now perhaps feeling like more than ever both here for our municipality and worldwide for all human rights commissions based in municipalities. We have with us today Chris Caldwell and Sonia Marie leikam and I have the pleasure of being able to work with them and the rest of the incredibly dedicated

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seated commissioners that we have on the hrc.

**Wheeler:** Any questions, colleagues? I'll just ask the basic and I'll let you answer. Could you tell us a little bit about yourself and why in particular you wanted to serve on this important commission.

**Chris Wallace Caldwell:** Sure, I'll start. Thank you very much. I'm Chris Wallace Caldwell. I think working towards the rights of all humans to live without fear, to live with agency and dignity has been a key component of my life. More recently the inclusion of equity and diversity work within the organizational development work I do has become critical. I do a lot of strategic planning and increasingly looking at we can't plan for a better organization or a better society without really examining at the heart our approach to inclusion, equity and human rights and dignity. So very pleased to be able to bring that back to the city of Portland where I am drawn and lived and committed to seeing this being a better place.

**Wheeler:** Thank you. We appreciate it. Good morning.

**Sonia Marie Leikam:** Good morning. I'm Sonia Marie leikam and I have spent the better part of the last eight years of my professional career working on anti-genocide and mass atrocity press prevention on a global scale. Both in a professional capacity as the former executive director of the Oregon holocaust resource center, and also through a number of volunteer opportunities that I have participated in. From me at this point in time I'm especially drawn to being able to have impact in my own backyard. I have been able to kind of look out on the global stage and done a lot of interception, a lot of reflection on where I want to put my energies now that I'm a mom, and here in my own backyard is where I want to be.

**Wheeler:** Thank you. We appreciate it. Any questions?

**Fritz:** Thank you for your willingness to serve. What do you see as the relationship between the human rights commission and city council? What would you like from us as you join this commission?

**Wallace-Caldwell:** I'm very interested in how we can bring value and be a place. I know I'm just one of other commissioners at this time who bring different perspectives, voices, and it's not just the commission itself. It's the commission reaching out and engaging regularly with the community and really serving as a liaison so that I really see the human rights commission as being part of that bridge and to help work within the realities of city government so that the concerns of the community can find a place and find real actionable measures that we can take together.

**Leikam:** I would say I see my role as really helping give voice to all of the community members who come to the table. I know that the commission, the human rights commission is looking at increasing dialogue and having more conversations with our community members in order to be able to bring their concerns to you. I think my personal hope is that we would see all of you showing up more regularly and asking for our help if there are questions about certain issues. How can we help support many of the initiatives that the city is currently engaged in, in order to make the city a more accessible and equitable place for everyone.

**Fritz:** Thank you.

**Wheeler:** Thank you. Is there any public testimony on this item?

**Moore-Love:** Yes. We have six people signed up.

**Joe Walsh:** Good morning for the record my name is joe Walsh I represent individuals for justice. Nothing I say should be taken as a negative of these wonderful citizens that volunteers or ask to serve on this commission. I love volunteers and actually, I love staff I just have trouble with the elected officials. The resume of these two people are outstanding. You read the resumes you say, we're really lucky to have these people, and we are without a doubt, but it begs the question, if the committees have such wonderful

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people on them, why are we in such a mess? I don't have an answer for that. I have been doing this for a long time and I don't have an answer for that. I don't have an answer for very bright people doing stupid things. The new word, some say arrogance, some say delusion. They don't fit. What is this that very intelligent, bright, good people do stupid things? I don't have a word for it. I have asked a lot of friends they don't have a word for it. You need to open up the process I think. I'm going to suggest that. What you did here today is good. You should brag about them. I would brag about them. I would take them home and serve them dinner. So you started the process. All I'm asking you is maybe the human rights commission ought to figure out how in god's name we have a captain on the police department who is a Nazi. How is that possible? Given all the liberals that are sitting up here, sitting here are the activists, sitting out there are these wonderful people. How is that possible? Maybe they ought to do a search to try to figure out how in god's name we lost that arbitration. How did that happen? I used to be a chief steward. I think some of you know that. I used to do arbitrations in the federal sector. You think it's hard here? In the federal sector, very hard. You should have won that case. Someone ought to do a study and say why did you lose it and if the city attorney cannot handle the job, go out and get the aclu, get the lawyers guild to recommend some lawyers and win these cases. Because it's a disgrace. He is a disgrace. You hear me, Krueger? Captain of the police department? You need to say it Fish you're up for reelection. You need to say it, Saltzman. You're up for reelection and we'll force you to say it or deny it, one of the two.

**Wheeler:** Thank you. Good morning.

**Mimi German:** My name is Mimi German. I was here a while back when other people were being appointed to the human rights commission in city council. What I know is we have a Nazi cop on the police force. We will not forget. It's not just a slogan. It's a reality. So that we don't repeat the past. We're repeating the past right now. We have Nazis coming in here, they will be back September 10th, and mayor, I really hope you come out on September 10th support us, not the cops supporting the Nazis. We were the ones targeted. It was wrong. It was dangerous. What I have to say about the human rights commission is I don't know what they do for this city. We hear things about human rights across the world. Let's work for people across the world and yeah that's great. Our city is jeopardized by Nazi cops who go after protesters who kill black lives on our streets, how many times already this year? Too many to count. One is too many. It's been at least three. I don't know why none of you aren't doing anything about this Nazi cop. I don't understand why Krueger is still on the force. I don't understand why nobody is hounding the union to redo arbitration if that's what's necessary. I don't know how all of this goes down. What I know is there's a Nazi cop on the police force and mayor wheeler, transparency, cops creating trust in the community. There's so many things that have not occurred since you have been mayor. This is one of them.

**Wheeler:** Let me be very clear. What you're talking about is a settlement that the city entered into in 2014, three years before I got here. I don't like the settlement but the settlement is the settlement and so there are union rules in place. There is an arbitration process that is in place that I have to honor because those are the rules by which we work with our labor unions, and this issue I would encourage people to google it. It was well covered. I'm not saying it was the right conclusion, but it's not like I can simply say you're fired. I don't have that authority.

**German:** I understand that.

**Wheeler:** We have labor unions and we have rules and I'm required and frankly I should uphold those rules that we have in place with our labor unions but I would encourage people to do a fuller -- I'll use joe's words, he's not here, do due diligence on this subject.

**German:** I have done due diligence on this subject, what we're left with is a Nazi cop



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working in Portland. Regardless of how this about he's still a Nazi cop in Portland. He's still damaging to communities here knowing there's a Nazi cop in Portland. Knowing that joey Gibson is coming back September 10th. Knowing that we protesters and antifa are going to be targeted again by the cops. This has to stop, something has to give here. More than statements need to be made to stop this Nazi city from becoming a Nazi state. I don't know what the human rights commission is doing to help any of this. Let them get on board. Where were they last night at overlook when the neighborhood association there was telling the houseless that they aren't part of the neighborhood when they are clearly part of the neighborhood? I have no idea how we won last night, but the good side won last night. I was there and I don't even know how we pulled that off but the fact is it was like a white supremacist gathering in overlook. Where was the human rights commission then? All I'm saying is that the human rights commission in Portland needs to act for Portland and there's a lot of causes that need to get help.

**Wheeler:** Thank you. Good morning.

**Tiffany Kraft:** Good morning. Tiffany craft. I understand the issue and still we need to press it and be vocal about it. Why do people need to protest a Nazi cop on city council? I mean you ran on police accountability and we need to do better than trump. The language of partnering without law that's problematic to me. In your statement released on the 7th, august 7th, "I need a partner. I need a leader". But where is the oversight then? You don't need to be partners. You need to have accountability with outlaw as she comes in. I'm speaking from personal experience too, my dad is a cop, retired now. I inherited a keen understanding of the double standard that's lived. I doubt any cop would deny that. Well, they might, but whatever. It's there. The partnership language is very problematic to me and I would like you to revisit that it's in statement in bold. Please, please think about that. It just raises the question are cops above the law. It's sickening. It's sickening. So even if there's nothing we can do about it we still need to keep talking about it. There's so many people I know and I'm one of them that wouldn't call the cops if I had a personal emergency. If I was being raped or my house burglarized, that might be the only time if I could get to a phone. All other cases, heck no. That would put my life and those having an emergency around me in danger. Heck, no. I'm shaking just thinking about it. How is that possible? We're all sick with what's happening in our nation. Trump is a white supremacist. He all but said it. He's defending the alt-right, Richard spencer. Our universities you might know I'm a former adjunct professor at Portland state university and I defend student and faculty rights. Florida had to release a statement, Texas a&m that they are protecting students from the alt-right white supremacists coming to their campuses. One of the professors from uva, in Charlottesville, I'm sorry, a librarian, he's in the hospital this morning with a stroke, right after Charlottesville. Days later. People are so wrecked by what's happening. So we have to take a strong stand in Portland, mayor. I'm begging you. Please watch the language of those statements. We need oversight. You don't need to be outlaw's partner. Thank you.

**Wheeler:** Thank you.

**Wheeler:** Folks, this is about appointments to the human rights commission, so please keep your testimony germane to the appointments to the human rights commission. Thank you. Good morning.

**Mike O'Callaghan:** Good morning. I'm Michael O'Callaghan again. Thank you. I support the people being nominated to the civil rights commission. I find them to be as the other speakers to be ineffective. Civil rights were set up by our government to protect us from you. We're not very good protection. Search and seizure, the sweeps. She mentioned living without fear. Everybody on the street lives with fear. No doubt about that and you mentioned settlement is a settlement. Under the Anderson agreement the settlement was

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give 24 to 48 hours before sweeping and that has been dropped. So apparently a settlement is no settlement.

**Wheeler:** I assure you we still adhere to the Anderson agreement.

**O'Callaghan:** Excuse me I just read in the southeast newspaper --

**Wheeler:** I love reporters and I love newspapers. I want to be very clear they don't always get it right. We adhere to the Anderson agreement.

**O'Callaghan:** Well, that is not what a Portland police officer said and I'll get the article to you.

**Wheeler:** I would like to see that.

**O'Callaghan:** I have a real problem, you know, with a human rights commission, you know, all these people out on the streets. My goodness you have no authority for sweeps. You missed the first part of this in my statement when I surveyed 24 people, eight females, 16 males, they had spent an average of 6.5 years on the street. They were harassed by authorities an average of one a month which makes 1862 harassments and there were two people that were cited for violating the camping ordinance. It's called extra judicial punishment without access to the judiciary. Human rights commission will you please deal with all this extra judiciary process that our government is doing to us to make people crazy? My goodness. Don't you have any compassion for human beings? 15,000 people on the streets and you're sweeping them all the time. Where are they expected to go? Thank you.

**Wheeler:** Thank you. Good morning.

**Dan Kaufman:** Good morning. Thank you for taking my testimony. I'm Dan Kaufman. I'm a business owner and property owner in Portland, Oregon. I am delighted to support the new folks on -- human rights commission volunteers, so really appreciate their work and what they can do for us. I really also Sonia leikam, I believe, one of her key things is anti-genocide that's something we're very concerned about. Just a little historical reminder here, I know you all are very aware of this and concerned about what's going on in our land today, but in the pogrom, in the holocaust around the time the time of World War II the group from the Nazis went into towns, they worked with the police forces, they worked with right wing militias and those were the initial groups that started genocide against Jews. People's neighbors pulling them out of houses, the police force. They supplied things like ammunition so that these Jews could be shot. So that is very concerning to me so we need to keep that in mind. As we fast forward to what's happened in our city, with the slashings and murders and by right wing extremists and what's happening in Charlottesville. I know you're all very concerned about it. One thing if I find interesting about Charlottesville, people there with their masks off, so to speak, are being fired now because of it. People don't want to be associated with that. And yet I finds it very disturbing to think that we can't fire a captain on our police force who is a known Nazi. It's mind-boggling to me now I understand what you're talking about, the arbitration or whatever, but these are concerns. The fbi, federal bureau of investigation, knows there are white supremacists who are infiltrating police departments. So this is where I would say human rights commission can look into what's going on with the infiltration of our police department by white supremacists. When we have militia members, loose militia members who join our police force to help arrest citizens who are fighting against Nazism and fascism on our street what we should all be supporting but we have loose militia folks, the kinds of people that shot Jews, pulled them out of their house and shot them in the pogrom prior to world war ii I'm concerned about spending millions of dollars on ammunition to go to our police force.

**Wheeler:** Thank you. Good morning.

**Standard Schaefer:** Good morning my name is Standard Schaefer. I welcome this commission they seem magnificently qualified. I don't welcome the process which I feel

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like was a little bit secretive. The reason that's a problem is there were questions I would have liked to have asked some of the candidates which had to do with how they might be able to inform us about any human rights violations that might be going on as a result of the city's undermining of the DOJ settlement around policing and I also would like to know whether or not this commission would be willing to address whether or not the city has a right to investigate the tattoos on the police officers. Dan was referring to the 2006 FBI report showing infiltration of local police forces by white supremacists. That was two years after Krueger got caught. That report wasn't available at the time, but I don't know why that report's existence wouldn't allow you to reopen the settlement. This is organized infiltration. It's documented very clearly I can provide it for you if you would like. The other question I would have to have is the question is why is the known Nazi Krueger up for promotion? I understand as a result of that settlement his record was erased officially, but we haven't forgotten. He shouldn't be trained and given a leadership role. We know a little bit about the way the ordinary police operate under Nazi Germany. The ordinary police were much more brutal, the Stasi. They killed the pluck of the people. These are serious concerns to some of us in this community who have watched as cops have denied to our faces the racial and equity statistics in the county and things like that. I think it's a serious question whether we can look at these officers with these questionable tattoos and we have seen Viking tattoos, and we do have reports of people seeing cops find homeless, houseless people with Nazi tattoos and ignoring that there are warrants out for their arrests. These are kinds of questions I would like to know if this commission can help us with.

**Wheeler:** Thank you.

**Schaefer:** Let's get rid of the Nazi cops.

**Wheeler:** Thank you.

**Moore-Love:** I have two more.

**Wheeler:** The list is closed. Who are the two? Two new people?

**Moore-Love:** They signed up before the testimony started.

**Wheeler:** Please go ahead. Then list is closed.

**Kris Ramsey:** Thank you. I'm Kris Ramsey. I'm sick and sick of it also. So the people up here for the human rights commission sounded so dedicated, hopeful, sincere, willing. That's awesome. I would ask you to encourage a huge show of human rights support today with a no vote for bullets and I would like to just tell you if I may a couple of weeks ago we heard a domestic violence situation behind my house. My daughter is 14 and she suggested we call the police and I had to tell her why we wouldn't because our neighbors are minorities. So my daughter sat there and listened to people get hit and cry because we weren't sure that calling for help would be helpful. It was really devastating for our family to have that discussion. I'll be there September 10th with Joey. I have noticed there's hardly roving troves of anti-fascist people unless there's actually a group of fascists. It's kinds of like a thing that's a response, so just encourage you to not send Nazi cops out to face us and I would love it if they with turn around and face Joey. I asked him on Facebook yesterday if he would disassociate and disavow white supremacist, identity Europa and proud boys from his groups and he responded, I love the proud boys. Why do you associate them with identity Europa. This is who is coming to our town. He came June 4th after Ricky died. I almost got maced at Jeremy Christian's first arraignment by your cops because we said bigot in the hall when he said those horrible things. I don't even know what to do. I thought I would come here and you guys would want to hear and help. I'm not even a radical person, only in my thought that we should not be afraid cops will shoot people when they come. I have one more thing. Let me get my shit together. Joey went to Seattle the day after Charlottesville just like he came here after those people died on our max train. Know who you're dealing with and the person you're going to send to stop him is

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this guy? That's crazy. Please don't mace us on the 10<sup>th</sup> and please get your stuff under order and please spend the same resources going after Krueger that your police force does targeting activists. Thank you.

**Mike Jenkins:** I'm Mike Jenkins for the record. I wasn't to know where our rights are, we have no rights. I got put into a place called Bud Clark Center. Dan and Nick knows all about Bud Clark, don't we? We know it's a heroin house that you can go do heroin in and the cops don't have to do nothing with me. A year ago I lost two years ago I lost my leg. I was put in there. Nick and Dan and Fritz you all know about this. I came in here screaming for help then. Wanting help. I been put on the streets because they refused service for me again. I have been put out there and put out there. Now you put me in there, you put out for 12 years being clean and sober you put me in a wet house where 196 deaths has gone on in two years. I brought that up to you guys and no one has ever come and talk to me further about that. Now here I am fighting for my life again. You stole my bus. You took all this. You come out there and you go okay, pork chop, year going to work with you this time. Ten hours later I lose everything. I don't think there's no justice here with the cops here, you know. I got people running me over that live in Laurelhurst park, I got two rookie cops telling me I have no rights. Then they leave. Then the homeowner comes home and runs over my wheelchair. Then takes the wheelchair and drags it into the driveway backwards. Then he takes the wheelchair and comes out and slams it on me. The woman pulls up, the wife grabs two wheels and hurts my other service dog. This is -- the rookies come back out with a sergeant and they are still nothing going on and they say it's an accident. You're looking at a chair that I had to go on, I had a max incident because I had to steal a chair from Fred Meyers to get around. You guys have no -- the police has no for us canned I caps. You want to push us aside and I'm not doing it. Ted, I was at your house when you come there. I camped there. You weren't home. You know what? I'll come again. If I get kicked out of my house Friday, count on me coming to your house and count on me bringing people. You know what? I'm sick and tired of being the one down. I have worked my 12-step program. I got a clean and sober program. I got rso that I detoxed 27 rat kids that went to rainbow. They are still clean, 60 days, 70 days, whatever it was when we had the problem at 900 West Thunderbird. Okay? There's solutions. We need to listen to the people in the field. Not the fucking government.

**Wheeler:** Thank you. I'll entertain a motion.

**Fish:** So moved.

**Fritz:** Second.

**Wheeler:** We have a motion from Commissioner Fish, a second from Commissioner Fritz. Please call the roll.

**[roll call]**

**Saltzman:** Thank you Ms. Leikam and Ms. Caldwell for your willingness to serve and we appreciate it very much. Aye.

**Fritz:** Thank you for your patience being here today and Tatiana being here also. Obviously the testimony has shown there's a lot of concerned people in Portland and across the country, so it's a crucial time for you to be stepping up to do this. It's clearly impossible for the five of us or for the 11 people on the human rights commission to solve every problem today. What we're going to try to do is do the best we can and engage our community to see how we can do better so thank you very much. Aye.

**Fish:** It's clear we have two superbly qualified people who have put their names forward and thank you. I also appreciated the exchange you had with the mayor about the relationship between the commission and this council. I hope we can continue to have that dialogue because I think it's all of us share the goal of raising the profile of commission and making their work more connected to what we do at council. So thank you for your

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service. Aye.

**Wheeler:** Thank you. I want to add my applaud its. We have two really excellent people stepping forward to volunteer to be part of this important commission. I agree with the testimony that said their credentials are stellar and their experiences are stellar and I think we can all benefit from that. We as you know on a related subject to some of the testimony we are bringing back a proposal around community engagement with regard to the settlement agreement with the u.s. Department of justice. We're planning on vetting that through hrc, so those of you who are joining that committee will have that opportunity to work through it with us. We're pleased with that. Aye. The report is accepted and the appointments are approved by the city council. I'm going to go to two second readings. I don't see any reason to belabor either of these. Could you please call 918.

**Item 918.**

**Wheeler:** This is second reading. Please call the roll.

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

**Wheeler:** Aye. The grant agreement is approved. Please call 917.

**Item 917.**

**Wheeler:** Colleagues, I know and we don't have to say anything, this is a second reading, but I want to say something because I know there's a number of people here who want to - - they were heard previously when we took public testimony. I understand there's a lot of concern with regard to issues related to policing at this time. I want you to know that I do share those concerns. As the mayor and as the Portland police commissioner, I do my best to make sure that our current officers and new hires undergo extensive training in all regards to protect the community that they serve. The ordinances that we are talking about today are funding for training ammunition. People may be asking why do we need funds for bullets at a time when we need so many other things in this community. The reality is that we are -- we are bringing more people on to our police bureau. The recruiting is up as you know one of my objectives is to make sure we recruit more people from the community, particularly women, and people of color, and they are required to go through live ammunition training as part of their state certification. So we need to support those efforts around training, that's why we are bringing this ordinance. We have a.c. Davis here. I don't know if there's more I should be saying on this or clarifying questions member of the city council would like to ask before I call the roll and e took extensive public testimony on this item. Please call the roll.

**Saltzman:** Aye.

**Fritz:** I want to thank former assistant chief bob day, who got me the answers to the questions and explained this item. Aye.

**Fish:** Aye.

**Wheeler:** Aye. The contract is approved. Next item is 915 - Mimi, as you know, this is a violation of council rules.

**Wheeler:** You're in violation of council rules and you will be asked to leave.

**Wheeler:** Mimi, we have heard you. The mikes are not live. We heard you.

**Wheeler:** We're going to take a five-minute recess.

**At 12:13 p.m. council recessed.**

**Wheeler:** So we were on 915 correct? You had not yet read it, is that correct:

**Moore-Love:** I have not.

**At 12:24 p.m. council reconvened.**

**Wheeler:** We are back in session. Karla please item 915.

**Item 915.**

**Wheeler:** Sorry, one minute. I cannot find my talking points. They are here. Don't anyone leave without me. Here we are. Colleagues, the bureau of transcription is bringing forward

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rules governing Ankeny alley and plaza. Pbot is better defining plaza rules based upon discussions with residents, businesses, the city attorney, the police bureau, and the district attorney. This strategy complements the increased efforts and funding to address livability issues it includes added staff to the one point of contact program that includes trash clean-up including biohazards. It includes the starting of towing of abandoned r.v.s. It establishes the clean and safe program on the east side. Thank you. It includes tackling so-called zombie homes. It provides increased funding for graffiti abatement and increased walking beats in six key areas including Ankeny alley. The city has tools we can use to address illegal activity. Past administrations used these tools sparingly and inconsistently. It's my intention to take a more active approach. We have increased partnerships with neighborhoods and businesses to work on solutions. I want to thank commissioner Saltzman and the bureau of transportation for bringing forward these important refinements and continuing to work with adjacent properties on solutions. Commissioner Saltzman.

**Saltzman:** Thank you, mayor. Just in addition to what you said I wanted to add, the Portland bureau of transportation has relied heavily on the work of the Portland parks and recreation bureau with respect to the rules of conduct for Ankeny alley that we're going to be hearing shortly from Richard Eisenhauer. I do want to emphasize on the front end that in no way are we attempting to criminalize lawful conduct in the plazas such as free speech, but we do need rules that can be enforced to keep these areas safe and allow people movement. I.e transportation through them so, without further ado I'll turn it over to Richard Eisenhauer.

**Richard Eisenhauer, Portland Bureau of Transportation:** Good morning or good afternoon. Oh, yeah.

**Wheeler:** It is now.

**Eisenhauer:** Just going to go back, last august we came and adopted interim rules on how we govern pedestrian plazas. At the same time we adopted a contract as we started our livable streets strategy. This last year we have been going through a public process to develop a policy framework around place-making and activation of public spaces, so we have a stakeholder advisory committee. At the same time with interim rules we have been working with collaborative with the Portland police, Multnomah county d.a., city attorney, our businesses along Ankeny alley. Basically for coming to council now through this year long process to process what we learned, to make final modifications to the rules and adopt permanent rules for pedestrian plazas that would apply to Ankeny plaza. Main changes, just -- they are mirrored against parks. There were minor changes based on interim ones, things we have learned over time that pedestrian plazas are not parks but they do provide a transportation purpose. The main purpose is the movement of people, utilities, goods and services, so there are some minor tweaks. That's our main authority, our priority is for the safe movement of people and goods and services through these spaces and be able to create tools for the police to be able to deal with issues, concerns that come up in an effective manner. Jody yates is with me, also with the bureau of transportation.

**Jody Yates, Portland Bureau of Transportation:** One of the additions, one of the issues that we have learned from having the interim is that we never posted rules of conduct in the plaza so that would be one of our primary additions that we have learned through this is to actually just post them and tell people what's unacceptable behavior and what are some rules associated with that. For example, animals are allowed in plazas but they need to be leashed and under control pretty basic. We also mirrored our rules as commissioner Saltzman indicated that they mirror parks' rules so we would like a consistent format for our citizens as well as our police that they are not thinking, where am I, what rules apply.

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We have made them consistent with parks' rules and the format is the same as far as any exclusions that would be done are subject to the hearings officer, that's the same as parks and we have mirrored the form to match the parks exclusion form.

**Eisenhauer:** From the public's perspective it's very consistent on the city takes – how we look at management of public space in general if its park or a pedestrian plaza.

**Wheeler:** Very good, thank you. Colleagues any questions before we call public testimony? Commissioner Fritz.

**Fritz:** Thank you. So some the testimony we received by email has been why are we making this so broad when we're really just talking about Ankeny alley.

**Eisenhauer:** Where through the livable streets strategy we are developing a process on how the city can create more pedestrian plazas and pbots goals in our mission is we want to create more place making in the public right of way. So in October we will be bringing forward to council our livable street strategy that will kind of outline that policy and framework for the implementation on how we will create more pedestrian plaza's in the future coming in late February of next year.

**Fritz:** and is that process likely to say that the council will approve each one of them as an individual yes or no?

**Eisenhauer:** Right this is written that pbot would make that, applying the rules administratively through the process that we define as how we create new public plazas. So city council will have the chance to approve the overall framework code, admin rules that will be set forth on how we create the pedestrian plaza, and once the pedestrian plaza is created then the rules would apply.

**Fritz:** Ok. So we will defer that discussion to a later date and I know that this -- these rules are intended to decriminalize behavior because right now although some of the listed behaviors are against the law, we don't want to call police to -- who then put an arrest, a citation and get people into the justice system. Am I correct in that's one of the reasons that we are doing this?

**Eisenhauer:** To make this more clear and concise, this is a special place and different rules do apply.

**Fritz:** And these are people other than police might issue the exclusions or would the police be the only ones?

**Eisenhauer:** Police are the only ones that have the authority to issue the exclusion.

**Fritz:** Ok thank you. Is the support for the police, instead of – or as well as doing that to call the project respond people or the – I've forgotten what they are called now, the cars that have a police officer and a social worker and a mental health specialist to make – if some of these behaviors that we've been seeing in Ankeny alley do seem like they may be a result of somebody having a mental health crisis. So is that part of the understanding that there might be assistance called as well as the exclusion?

**Eisenhauer:** The standard process of the police.

**Yates:** I think it's in the police but I think it is addressed in the rules that someone suffering a medical incident or a mental health crisis would not be subject to the exclusion and then I would assume that the police have training associated with how to address that issue.

**Fritz:** Ok, thank you, and do I appreciate you taking some amendments from my previous comments. The one that I am not -- I am concerned about now, which is interesting that pork chop just came back with his dogs, is in 17.43.110 animals, no person shall hitch any animals to any trees, shrub, fence, railing or any structural facility in any pedestrian plaza except the structures or facilities designated for that purpose. That would seem to say that you cannot hitch your dog to the table if you are there enjoying being a patron of one of the restaurants. So I am a bit concerned about that.

**Eisenhauer:** Ok.

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**Yates:** Is that allowed on the sidewalk cafe?

**Eisenhauer:** The tables themselves that are under the sidewalk cafe permits so they're not under the Ankeny alley rules, so a couple of other modifications in the code that we are bringing forward is the rules on the sidewalk vending, sidewalk cafes and also the sidewalk use ordinance. Just to make it clear that, you know, sidewalk cafes are allowed in pedestrian plazas and those rules would apply, or these rules would not in those areas.

**Fritz:** Ok.

**Yates:** But if it's not clear we can certainly bring forward a secondary, you know, a clarification.

**Fritz:** In the next process.

**Yates:** Yeah. Especially if we are having any issues associated with that then we'll bring a clarification forward.

**Fritz:** We just want to make sure the rules are clear and they apply to everybody and if it's some are allowed too and some are not that's unfortunate. Thank you.

**Wheeler:** Great. Do we have people signed up for public testimony?

**Moore-Love:** I show four people.

**Wheeler:** I will limit it to two minutes because we are going to lose our quorum and we have a considerable amount of business ahead of us.

**Wheeler:** Why don't you go ahead sir.

**Mike Jenkins:** Put it on the record my name is mike Jenkins. I am concerned about service dogs. You know these are service dogs. My dogs take care of my blood sugar and my dogs take care of my seizures. Now they also protect me and keep me level headed. I don't think that I would be on the streets right now alive if it wasn't for my service dogs. I will guarantee you that I was kicked in the head the other night when I was woken up by a Fred Meyer security guard on their property having a seizure the night before. A dog dragged me and my other dog across the parking lot to have the cops not even arrest this guy. It's on camera at Fred Meyers and then I get a cop telling Fred Meyers that I call the cops too damn much, that I should not be calling them. I am calling on corrupt stuff. It's like I work with small businesses, and when I am working with the small businesses trying to find out how we can work with the homeless, without the homeless beating them up, you know and that's what I've been working on a year with my program. Now I can announce the bill at union gospel is coming out with a shower truck. We're coming out with a laundry truck. We're coming out with a food truck. Fritz knows a year ago I came in here and I said that I was going to do it, I am building it. We're doing it. We're doing it, people, and the community are doing it without you. I need you to step up and help us, you know. I have got a business guy right here that feeds my dogs and makes sure that my dogs are fed every day. The small businesses take care of Hawthorne bus and we are out there trying to take care of the homeless that can't take care of themselves. We are speaking up for them, and I want you to listen, and this is not -- this is not a crisis. You have got federal money from the president to help the worst of the worst. I get a guy coming out here telling me that I am going to go back to my motel room and listen to Leo call me up to give me nothing, that's not good enough. Ted step up. Fritz, I have a lot of, a lot of power with you. Dan and nick, I ain't voting for ya. You are out. You are gone.

**Wheeler:** Good afternoon. Thank you for your patience. I saw you sitting over there, really appreciate your patience. Thank you.

**Keoni Wadsmuth:** Thank you mayor and commissioners for taking the time to listen. My name is Keoni Wadsmuth with Dan and Louie oyster bar. We've been there for 110 years, I am the fourth generation and it's been hand down father to son. It's always kind of has been that area had challenges and I believe that the closure of the street has been good for the businesses, it's continued to help us stay alive and be part of Portland's history, but



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we're meeting some challenges having a hard time managing the public right-of-way. We're doing our very best to manage the ten feet off of our building and our gated space, but we really need the clean and safe and the police to be able to make some changes for us inside of there. So and that's why we are here. We appreciate it.

**Wheeler:** Great business by the way. Excellent. Thank you. Good afternoon.

**Azim Patel:** Thank you mayor, commissioners appreciate you guys giving us the opportunity to speak today. Azim Patel I own two businesses on the plaza. We're located I would say probably in the number one tourist destination in Portland with that comes the pros and cons. That is the first impression visitors get of Portland. We progressively have been having issues in that area, right now it's a free for all. You can do whatever you want, there is no repercussion, everything from vandalism, graffiti, fighting over turf, aggressive panhandling, and the guy who stabbed three people on the max. He stabbed somebody outside of voodoo doughnut in the plaza area in January. I forget what his name was. Doesn't really matter, but this is an area, and gang activity at night, and loitering, you know, you have these kids that basically can just hang out and cause problems intimidate families with children. That's not the first impression I want for people who come visit my business. We've been getting slammed on reviews, everything from google to yelp because of the homeless issue they call it homeless but I would say that most of the problems we're getting right now are the travelers. They come through Portland, create their problems and then once the weather changes they move onto the next city create more problems over there and what I am here for is to share or hope that some sort of these rules get implemented so that there is some sort of proper management of the area, so that everyone feels safe, my employees don't need to get escorted to their cars at the end of the night, they don't have to ask me if it's ok for them to, especially the female staff, to carry pepper gel and bring it to work with them. I really appreciate you guys giving us this afternoon speak and hopefully pass these rules today.

**Wheeler:** Thank you. We appreciate your testimony. Good afternoon.

**Mark Ierulli:** I am mark Ierulli I am part of the ownership of the Wachsmuth block and also the property manager and the leasing agent on the building. I am proud to say that we are 95% renovated and 100% leased. We applied for and were given a community livability grant from the Portland development commission to work on some drainage issues that we had in the alley prior to that work being done, we partnered with rich at pbot to create the plaza. So we are the guys along with the support from our tenants that really got the plaza built. When that plaza was built there were rules in place because it was a condition of our ownership group, that be in place with it and for some reason in that nobody seems to really be able to put their finger to the rules stopped being enforced so you have seen all the pictures. You have seen all the videos. I would just like to get it back to the point that we have at least some sort of control over what's going on in front of our business. Period. That's it.

**Wheeler:** Very good. Thank you.

**Ierulli:** You are welcome.

**Wheeler:** Is there further public testimony?

**Moore-Love:** That's all who signed up.

**Wheeler:** Ok. Commissioner Fritz did you have a question or a comment.

**Fritz:** No, thank you.

**Wheeler:** I really appreciate the public testimony today. So with that this is an emergency ordinance. Please call the roll.

**[roll call]**

**Saltzman:** Well with the passing of this ordinance we will have visibly posted rules and defining what a public plaza is and that's what the goal of the effort here is and I am

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heartened here as Mr. ierulli said, you can post the rules but you needed people to enforce them and I am heartened by mayor wheeler's efforts to get the police officers out of their cars and onto the streets including Ankeny alley to start enforcing these rules, so hopefully this will improve the situation. Aye.

**Fritz:** These rules and exclusions are the kinder gentler way making sure people in Ankeny alley are behaving properly rather than having to arrest them. So council might be interested, parks is not going to be enforcing this ordinance because it's transportation, but we have similar exclusion rules as mentioned, in the fiscal year 2016-2017 the total number of exclusions was 262 and the most -- the only ones over 10 was waterfront park with 54, north park blocks with 53, south park blocks with 26, spring water corridor 26 and couch park 11. So when people might be concerned that we're you know issuing hundreds of exclusions per day that's not happening. For the most part we're able to get people help or have them move elsewhere, so thank you very much for your patience and businesses. Aye.

**Fish:** First let me say thanks to all three of you for running successful businesses in our city and I know Dan and Louie oyster bar goes back to my phone says goes back to 1907, so you've been doing this for 110 years you think you are getting it right? [laughter] it has been my favorite kind of seafood place for the 20 years I've lived here and congratulations to you and your family, but thank you all for running successful businesses and I appreciate the mayor and Dan bringing forward this common sense set of changes. We do want you to be successful and we need to balance a lot of uses in the city. At the end of the day if you are successful and you generate jobs and revenue we'll have the resources to continue to reinvest in programs for everyone in our community and that's a high goal, so thank you very much. Thank you mayor aye.

**Wheeler:** I want to be very clear. It has been stated several times during testimony, but I want to underscore this point. We are not criminalizing the homeless. We are criminalizing illegal activity and we are enforcing our existing ordinances and we're strengthening the enforcement of those ordinances through this measure and others to put more resources behind cracking down on illegal public drug abuse, cracking down on people who are harassing residents and in many cases your customers, cracking down on drug paraphernalia that's being thrown onto the street corner by encouraging the safe collection of those biohazards, making sure we pick up the increasing amount of litter that we're seeing on our streets. It used to be in the old days you throw garbage on the streets and three white vans with no windows would pull up and it would be gone 30 seconds later and everybody would be standing there going how dare you do that. The reality is now we're seeing more trash being brazenly thrown onto the sidewalks and elsewhere and that is not acceptable behavior. We are also going after what we as a council heard when we went out to the Lents community and we had a listening session and we heard lots of concerns about biohazards, particularly in abandoned r.v.s and other circumstances, we're going after that more aggressively through the bureau of transportation. We heard concerns from people who said look there is 500 homes in this community that are not really being used, they are boarded up, their abandoned, dilapidated, in some cases being used illegally as meth labs and for other nefarious purposes. We're going after those and taking back as many as we can as aggressively as we can to put them back into the housing stock so that people who don't have access to a home in this community can gain access to a home in this community. Last but not least I want to thank you. I want to thank you for your patience and for your perseverance. Ankeny alley has been a very tough place of late and you have done your part. You have kept up your end of the deal and you have done a great job of supporting our community and supporting the people who live here. You have supported tourists who want to come to the city of Portland and they want to see as you said Ankeny

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alley. You've done your part; now it is our turn to do our part so I vote aye and the ordinance is adopted. Thank you.

**Wheeler:** Next one. Please.

**Saltzman:** I have a hard and fast departure at 1:00.

**Wheeler:** Here's what we're going to do. We're going to move quickly here and what I am going to just ask since all of us up here have reviewed I am sure all of these items that are before the council I will ask if there are any further questions, and I will limit the public testimony because I do not want to lose my quorum before we get through this issue, so the next issue up is 919.

**Item 919.**

**Wheeler:** Commissioner Saltzman.

**Saltzman:** I am turn it over to Ann Shikany for a short explanation about this.

**Ann Shikany, Portland Bureau of Transportation:** Hello and thank you for having me. This is a request to apply for a grant. We will be looking at piloting autonomous vehicles and including congestion pricing in that pilot structure. There is also a second portion of the grant that looks at equity concerns regarding congestion pricing.

**Fish:** What does that mean to pilot autonomous vehicles?

**Shikany:** That's what we are going to be designing, so that might be closed track testing, that might be looking at creating other options for testing autonomous vehicles in the city. This would be money to design what the pilot looks like.

**Fish:** Will there be driverless cars driving through the city of Portland starting now?

**Shikany:** No.

**Wheeler:** When will there be driverless cars going through the city of Portland?

**Shikany:** I would hope that nitsa had passed vehicle safety standards before that happens and we will have completed our city regulations of autonomous vehicles before that happens. The time frame for the technology I am not an expert but I have heard five years from people in the industry.

**Wheeler:** I want to be clear the autonomous vehicle pilot projects we're engaged in I am just asking dumb questions because I do that and people probably want to know the answers to these questions. The work that's actually going to be done number one it starts on a closed track. Number two the technology hasn't been developed or refined that would allow driverless vehicles to go into our city. Number three we don't have a regulatory framework for that in place. So it will be a long time before you see that. I could see a near term situation where you have a driver sitting behind the wheel in an autonomous vehicle and monitoring it. That already happens in other places around the community so just to be very clear about where we are in the life cycle of this innovation.

**Fish:** So mayor I'm going to support this ordinance. In part because we have had this conversation before council and we have a standing policy that no autonomous vehicles will be on any of our roads prior to the council crafting and adopting local regulations. So I appreciate we have made that commitment, but the second thing that I want to observe is that a few weeks ago when I was in Washington d.c. visiting members of our delegation and some other folks congress was taking up legislation to preempt the states and the cities from regulating autonomous vehicles and it was one of the few areas where ours found common cause, so while I take comfort we will not give the green light to any autonomous vehicles until we have our regulatory system in place, I think that it's worth noting that there is a growing movement in Washington to actually prevent us from setting our own standards and we would then therefore be subject exclusively to federal standards which I think is a disaster but for purposes of this it's a grant and I am going to support it.

**Wheeler:** Very good. Is there any public testimony on this item?

**Moore-Love:** No one signed up.

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**Wheeler:** Can you keep it to a minute?

**Lightning:** Two minutes.

**Wheeler:** Ok. I will accept that deal and the list is closed. Thank you.

**Lightning:** My name is lightning. I represent lightning super watchdog x. Again when we have these conversations on autonomous vehicles I want the first words to be "mass unemployment." mass unemployment. Mass unemployment. When we, as elon musk already knows has developed the driverless truck test, he's been in numerous tests, done it himself, driverless vehicles are going to happen much faster than you think. They need to come in and they need to take over certain territories. I have suggested doing a franchise type of situation for a central location which they can pay a fee for and control it, how much do they want to pay for that right? Quite a bit of money in my opinion. We need to also focus on the fact that when we're talking the unemployment situation elon musk, mark Zuckerberg both want to look at universal income. We need to focus on that and we need to keep them thinking about it, we need to keep pushing them forward and all these problems we've been talking about, businesses, a great place, oyster bar, used to eat there all the time, the reality is this. They are problems that they are talking about, universal basic income will take care of those problems. These people will have money in their hands., they will be able to go around and they will be customers of businesses in this city. Instead of them being in certain location says to possible make some money, so again Hawaii through the house bill, the concurrent house bill 89, is the first state in the united states to move forward on the universal basic income, work groups, and I hope that mayor wheeler you follow their steps on this and worked with elon musk, mark Zuckerberg and the leaders in autonomous vehicles and say that we want this implemented before you bring your vehicles into our cities. Now let's get it done. That's going to change the city. You need to talk to elon musk. He's going to revolutionize transportation. Thank you.

**Wheeler:** Very good. Thank you. Call the roll.

**[roll call]**

**Saltzman:** Aye.

**Fritz:** Thank you for your patience and for your work. Aye.

**Fish:** Aye.

**Wheeler:** Aye. The ordinances is adopted. Thank you. Well done. Last item I believe is 921 correct? That's our last item? Let's go for it.

**Item 921.**

**Wheeler:** Colleagues, commissioner Eudaly is out of the offers this week and she asked me if I would introduce this item in her absence, I am happy to do that. Before I invite her staff up to answer any questions council has, council would just like to share a few talking points about what this item does. In February the council as you will recall approved relocation assistance to tenants that received no cause eviction or a rent increase more than 10%. During that council session the council added amendments to create further exemptions for certain landlords, but also inadvertently exempted landlords from mandatory 90-day notice requirements. This amendment corrects that inadvertent exemption. I want to thank our relocation working group, I had the pleasure of meeting with them on -- was that Thursday or Friday?

**\*\*\*\*\*:** Friday.

**Wheeler:** Friday. Thank you. Friday. All the days are blending together now and they have been reviewing changes to our policy. This group includes landlords, realtors, nonprofits, and housing advocates, and they have taken the time that they need to make sure the changes are being properly vetted. By taking our time to be thorough while also engaging different perspectives, the relocation group is helping us to get it right. I will turn this over to Jamey Duhamel to answer any specific questions you may have on this item. I

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want you to know that this item in particular has been vetted both with the relo committee as well as the Portland housing advisory commission. We received very few comments back. The few that we did were positive.

**Jamey Duhamel, Commissioner Eudaly's Office:** I just want to clarify cause it's probably confusing about why this coming now and wasn't part of the part of the package that was originally introduced by the technical advisory group. I received an email about three weeks ago from Christina Dirks from legal aid services, she's also part of the relocation and technical advisory group. She had just been meandering over the code as the housing advocates tend to do and realized that the way that she was reading the language basically said that anyone who wanted to issue a 90-day notice for a 5% increase or a no cause eviction would also be exempted. That would be the owners who only have single rental units as well as those who are on sabbatical for up to three years. She asked what my interpretation was, and I sent that onto Lisa Gramp our city attorney who works on the housing issues and she confirmed that indeed that is the way that the language read. I asked her to make a quick fix to the language, and that's where we're at.

**Wheeler:** Ok. Any questions, colleagues? Please call the roll. I'm sorry is there any public testimony? One minute. Thank you. Good afternoon.

**Lightning:** Yes, my name is lightning and I represent lightning super watchdog x. Again on -- I am totally against all of this that we're doing today. I am totally against the relocation fees. I am totally against the outrageous numbers that they are trying to charge landlords. I am totally against the tenants shall have six months from the affected date of rent increase to either pay back the relocation assistance or remain in the dwelling unit. What you are going to have is some very smart tenants getting that money and not paying it. Going into - - on their agreement, not following their agreement and you are going to have a lot of landlords sitting there having to go back into court and spend this additional money. This was not well throughout out, and again we should not be stepping on the toes of the landlords. We need to be giving more incentives for the developers to keep building, building, building, and building more inventory. That's how you are going to get lower rents and maintain lower rents and not this, this is going to upset the landlords, it's going to work against us. Thank you.

**Wheeler:** Thank you. Any further questions colleagues? Please call the roll.

**[roll call]**

**Saltzman:** Aye.

**Fritz:** This is a very simple fix that actually says now what the councilor intended. Thank you for your work Jamey, aye.

**Fish:** Aye.

**Wheeler:** Thanks, Jamey. Appreciate it. The ordinance is adopted and we are adjourned. There is no council session this afternoon or Thursday of this week.

**At 12:58 p.m. council adjourned.**