



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **23RD DAY OF APRIL, 2017** AT 9:30 A.M.

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

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

		Disposition:
Due to the absence of two Council members on Wednesday, Consent Agenda and Regular Agenda Emergency items were taken at 1:00 pm, Thursday.		
COMMUNICATIONS		
922	Request of Jessie Love to address Council regarding to be heard on something they can help with (Communication)	PLACED ON FILE
923	Request of Don J Baldwin to address Council regarding Freedom Cities Campaign (Communication)	PLACED ON FILE
924	Request of Martha Dibblee to address Council regarding the Aarhus Project (Communication)	PLACED ON FILE
925	Request of Donna L Cohen to address Council regarding St Johns Truck Strategy, Phase II, Plan (Communication)	PLACED ON FILE
926	Request of Kelly Tadlock to address Council regarding St Johns Truck Strategy Phase II Safety Improvements (Communication)	PLACED ON FILE
TIMES CERTAIN		
927	TIME CERTAIN: 9:45 AM – Travel Portland 2017 presentation (Presentation introduced by Mayor Wheeler) 15 minutes requested	PLACED ON FILE

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<p>928</p>	<p>TIME CERTAIN: 10:00 AM – Create a local improvement district to construct street, sidewalk and stormwater improvements in the N Suttle Road Local Improvement District (Previous Agenda 787; Ordinance introduced by Commissioner Saltzman; C-10058) 30 minutes requested</p> <p>Motion to accept amendments as stated in Bureau of Transportation memo dated 8/17/17: Moved by Saltzman and seconded by Fritz. (Y-3)</p>	<p>PASSED TO SECOND READING AS AMENDED AUGUST 30, 2017 AT 9:30 AM</p>
<p>REGULAR AGENDA - Wednesday</p> <p>Mayor Ted Wheeler</p>		
<p>Office of Management and Finance</p>		
<p>929</p>	<p>Accept bid of Precision Trenchless, LLC for the Tabor-Powell, Phase II Sewer Rehabilitation project for \$1,841,089 (Procurement Report - Bid No. 00000647) 15 minutes requested</p> <p>Motion to accept report: Moved by Fish and seconded by Saltzman. (Y-3)</p>	<p>ACCEPTED PREPARE CONTRACT</p>
<p>930</p>	<p>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 (Second Reading Agenda 905) (Y-3)</p>	<p>188559</p>
<p>Commissioner Dan Saltzman</p>		
<p>Portland Fire & Rescue</p>		
<p>931</p>	<p>Authorize Portland Fire & Rescue to provide limited fee-for-service patient transport under unique and unusual circumstances, and authorize application to Medicare as ambulance services provider (Ordinance) 10 minutes requested</p>	<p>PASSED TO SECOND READING AUGUST 30, 2017 AT 9:30 AM</p>
<p>Commissioner Nick Fish</p>		
<p>Bureau of Environmental Services</p>		
<p>932</p>	<p>Authorize a competitive solicitation and contract with the lowest responsible bidder and provide payment for construction of the Sunnyside East Reconstruction & Green Streets Project No. E10370 for an estimated cost of \$2.64 million (Ordinance) 10 minutes requested</p>	<p>PASSED TO SECOND READING AUGUST 30, 2017 AT 9:30 AM</p>
<p>933</p>	<p>Authorize a competitive solicitation and contract with the lowest responsible bidder and provide payment for construction of the Concordia Sewer Rehabilitation Project No. E10677 for \$4,824,200 (Ordinance) 10 minutes requested</p>	<p>PASSED TO SECOND READING AUGUST 30, 2017 AT 9:30 AM</p>

At 11:29 a.m., Council recessed.

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2:00 PM, AUGUST 23, 2017

**DUE TO LACK OF AGENDA
THERE WAS NO WEDNESDAY 2:00 PM SESSION**

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **24TH DAY OF AUGUST, 2017** AT 1:00 P.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fish, Fritz and Saltzman, 5. Commissioner Fish left at 4:30 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Heidi Brown, Senior Deputy City Attorney and Lauren King, Senior Deputy City Attorney; and Elia Saolele and Jim Wood, Sergeants at Arms.

On a Y-5 roll call, the Consent Agenda was adopted.

The meeting recessed at 1:45 p.m. and reconvened at 2:03 p.m.

The meeting recessed at 2:48 p.m. and reconvened at 2:51 p.m.

The meeting recessed at 4:27 p.m. and reconvened at 4:36 p.m.

CONSENT AGENDA – NO DISCUSSION		Disposition:
Mayor Ted Wheeler		
934	Appoint Gwendolyn Griffith and Daniel Morris and reappoint Dharam Yadav to the Business License Appeals Board (Report) (Y-5)	CONFIRMED
City Attorney		
935	Authorize the City Attorney to appear as amicus curiae on behalf of the City of Portland in the case of <i>Oregon Natural Resources Council Fund v. Port of Portland</i> , seeking clarity from the Oregon Supreme Court as to state free speech requirements when municipalities are operating in a proprietary capacity administering municipal property (Resolution) (Y-5)	37313
Office of Management and Finance		
*936	Pay claim of Robert and Gayanne Courter in the sum of \$15,500 involving the Water Bureau (Ordinance) (Y-5)	188560
937	Grant a franchise to Portland General Electric Company dba World Trade Center Properties for electric vehicle charging station services for a period of five years (Second Reading Agenda 834) (Y-5)	188561
Commissioner Dan Saltzman		
Bureau of Transportation		
*938	Amend Intergovernmental Agreement with Multnomah County to provide maintenance services west of the Willamette River for FY 17-18 (Ordinance; amend Contract No. 51062) (Y-5)	188562

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<p>939</p>	<p>Revoke ordinance allowing Meier & Frank use along the south side of SW Alder Street between SW 6th and 5th Avenues for loading and unloading operations (Second Reading Agenda 911; revoke Ordinance No. 147912) (Y-5)</p>	<p>188563</p>
<p style="text-align: center;">Commissioner Chloe Eudaly Office of Neighborhood Involvement</p>		
<p>*940</p>	<p>Authorize grant agreement with Elders in Action to provide services and advocacy for older adults in the City for \$160,842 (Ordinance) (Y-5)</p>	<p>188564</p>
<p style="text-align: center;">City Auditor Mary Hull Caballero</p>		
<p>*941</p>	<p>Assess property for system development charge contracts, private plumbing loan contracts and safety net loan deferral contracts (Ordinance; Z0824, K0165, T0183, Z1202, K0167, T0184, Z0825, W0056, P0145, P0146) (Y-5)</p>	<p>188565</p>
<p style="text-align: center;">REGULAR AGENDA - Thursday Mayor Ted Wheeler Bureau of Police</p>		
<p>*942</p>	<p>Accept and appropriate a grant in the amount of \$68,250 and authorize an Intergovernmental Agreement with the Oregon Department of Transportation, Transportation Safety Division, for the 2017 Motor Carrier Safety Assistance Program for motor carrier safety inspections by the Police Bureau Traffic sworn personnel (Ordinance) (Y-5)</p>	<p>188566</p>
<p style="text-align: center;">Portland Housing Bureau</p>		
<p>*943</p>	<p>Authorize construction and permanent financing in an amount not to exceed \$5,766,360, and a ground lease with 72nd and Foster Limited Partnership for portions of City-owned property at 5005 SE 72nd Ave to facilitate the affordable redevelopment project known as 72Foster (Ordinance) 30 minutes requested (Y-5)</p>	<p>188567</p>
<p style="text-align: center;">Commissioner Dan Saltzman Bureau of Transportation</p>		
<p>*944</p>	<p>Authorize contract with KPFF Consulting Engineers Inc. for design of the Sullivan's Crossing Active Transportation Bridge in the amount of \$2,315,359 (Ordinance) (Y-5)</p>	<p>188568</p>

TIMES CERTAIN	
<p>*945 TIME CERTAIN: 2:00 PM – Adopt revised Post Deadly Force Procedures for Police Bureau including requirement for prompt compelled statements by involved officers; authorize and direct City Attorney to pursue legal proceedings to validate that requiring compelled statements will not preclude ability to criminally prosecute (Ordinance introduced by Mayor Wheeler and Commissioner Fish) 1 hour requested for items 945 and 946</p> <p>Motion to remove the word “compelled” from the definition of Public Safety Statement in Exhibit B, Policy 1010.10: Moved by Saltzman and seconded by Fish. (Y-5)</p> <p>Motion to insert the word “physically” before “incapacitated” in Procedure Section 2.2.5.1: Moved by Saltzman and seconded by Fish. (Y-5) (Y-5)</p>	<p>188569 AS AMENDED</p>
<p>*946 Approve amendments to Settlement Agreement between the United States and the City of Portland in United States District Court Case No. 3:12-cv-02265-SI, and Plan for Portland Commission on Community-Engaged Policing (Previous Agenda 893; Ordinance introduced by Mayor Wheeler)</p> <p>Motion to accept the Portland Committee on Community-Engaged Policing (PCCEP) package of amendments submitted by Commissioner Fritz: Moved by Fritz and seconded by Fish. (Y-5)</p> <p>Motion to add Albina Ministerial Alliance Coalition to the list on Exhibit 4-1, page 7: Moved by Saltzman and seconded by Fritz. (Y-5)</p> <p>Motion to add language to Exhibit 4-1, Part V. Term, that there is no term limit: Moved by Fish and seconded by Eudaly. (Y-5)</p> <p>Motion to add an emergency clause because it is in the public benefit to send the ordinance to the Department of Justice and the judge as soon as possible: Moved by Fritz and seconded by Eudaly. (Y-5) (Y-5)</p>	<p>188570 AS AMENDED</p>
<p>947 TIME CERTAIN: 3:00 PM – Appeal of Erica Ceder, DLR Group, and Appeal of Peter Meijer, Peter Meijer Architect PC, against the Historic Landmarks Commission’s decision of approval with conditions for Historic Resource Review of exterior alterations and rehabilitation of The Portland Building in the Central City, at 1120 SW 5th Ave (Hearing introduced by Commissioner Eudaly; LU 17-153413 HRM AD) 2 hours requested</p> <p>Motion to tentatively grant the Cedar appeal, deny the Meijer appeal and uphold the Historic Landmarks Commission’s decision with removal of condition G: Moved by Saltzman and seconded by Eudaly. (Y-4; Fish absent)</p>	<p>TENTATIVELY GRANT THE CEDER APPEAL AND DENY THE MEIJER APPEAL; PREPARE FINDINGS FOR SEPTEMBER 13, 2017 AT 11:15 AM TIME CERTAIN</p>

At 6:08 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.

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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.

August 23, 2017 **9:30 AM**

Wheeler: This is the august 23 session of the Portland city council, Karla please call the roll.

Saltzman: Here **Fritz:** Here **Wheeler:** Here

Wheeler: Both commissioners Fritz and Eudaly have been excused in advance, I'm sorry, I mean commissioner Fish.

Fritz: People do it.

Wheeler: I apologize.

Fritz: I'll just call you mayor Hale's again.

Wheeler: So just the usual admonition, a reminder that this is an opportunity for the public to be heard. There is two opportunities for the public to be heard and address the city council in the chamber today. The first is during the communications, those are opportunities for people to come up and speak for three minutes on whatever subject they would like. Those, because those slots are limited we require people sign up in advance if you'd like one of those opportunities you can see our clerk Karla over here. The second opportunity is on the first reading of ordinances and resolutions and reports and if people would like to testify again you can sign up today with Karla on any of those issues. There is a couple of ground rules that we have agreed to. First of all, please do not disrupt other people's testimony I think that that's common sense. People want to be heard and they may or may not have an opinion that you share, but we still expect people to be able to speak here and feel that they are in a respectful and safe environment where they can be heard so please let people do their testimony. We also ask that people not interrupt council deliberations. This is an opportunity for us to take into account what we have heard, what we have learned and be able to make a discussion. If you do disrupt people's testimony or if you do disrupt council deliberations, you will be asked to stop. If you do not stop you will be asked to leave and if you do not leave when you are asked to leave you are subject to arrest for trespass. Just so everybody is clear on the rules. So with that we will move into the first part of our agenda. That's the communications. Karla please call the first communications.

Item 922.

Wheeler: Great. Is jessie here today? It looks like jessie may not be here today. Next item please.

Item 923.

Wheeler: Come on up and if you could state your name for the record.

Don Baldwin: I am don Baldwin. Thank you.

Wheeler: I should have mentioned there is a light system in the front of the chamber when you have about 30 seconds left the yellow light goes on and when your time is up the red like goes on. Thank you.

Baldwin: First I would like to extend my gratitude and thankfulness to ted wheeler and our distinguished commissioners for your hard work taking care of the city and for granting me the honor and privilege of speaking to you today. My name is don J Baldwin. I am a citizen of Portland, an emergency medical technician, a voter and a member of one of Portland's people, power, grassroots mobilizing groups, I am armed today with a few facts a little of

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what I hope is common sense and a little bit of reason. At this time I would like to ask all my fellow people power volunteers to make themselves known by rising. People powered groups are a grassroots movement of ordinary citizens and patriots concerned at the direction of our current administration is leading the country and we are here to explain why it is in the best interest of the city of Portland in addition to Multnomah county to adopt the aclu nine model enforcement policies and rules. I come to you today as a concerned citizen of Portland and as a medical professional. I believe that there is a incredible risk to our public health which can be minimized by adopting the aclu nine model policies. When it comes to the flu season that is approaching, the Latino population is already at risk due to widespread misconceptions that the vaccines cause more problems than they prevent. According to the "I.a. Times in 2014 only 15 to 24% of Latinos in California received a flu vaccination. With fear of deportation looming and immigration population, the law enforcement and the institutions in general, we can only expect these numbers to decline. Should an outbreak of swine flu, h1n1 or other strains take place this year, I suggest that the impact on Portland's public health could be significant and the undocumented population is vulnerable. I am not here to make any claims of imminent danger, the point is without an outbreak of severe flu the impact on public health and child and infant mortality within our immigrant populations may be significant because people are too afraid to access care. During interviews with residents of low income Latino communities in Denver, researchers found that many didn't call 9-1-1 in cases because of their suspicion of law enforcement and the possibility of language barriers with first responders and misconceptions about the cost of ambulatory care. A 2013 study by a professor at university of Chicago Illinois called insecure communities of Latino perceptions of police involvement and immigration enforcement reveals notable findings. Since the beginning of 2017 reports of rape among the I.a.'s Latino population have declined by 25%. Compared to the same period last year. Domestic violence reports have dropped nearly 10% and no other ethnic group experienced a comparable decrease. It is clear that mistrust of law enforcement and fear of deportation are responsible for the sharp decline in the number of reports. This is why adopting the model nine is so important. By adopting the nine model policies we clearly established the role of the law enforcement and really all ems when combined with an outreach effort to the community we can improve access to the emergency care and make all of Portland safer and healthier.

Wheeler: Thank you. If I could just make a couple of comments first of all I appreciate your efforts around the freedom city's effort and obviously I have recently signed onto the city's for citizenship campaign. I was appreciative of the folks who came and spoke to me about that. We are thrilled to do a naturalization ceremony here at Portland city hall so we're looking forward to that. With regard to the aclu, the model 9, we actually believe that we have adopted those principles. There is disagreement between us and the aclu on the specific wording of our ordinance, but we're working with them on that and philosophically we're in alignment on those issues and it's just a matter of getting to where we're in agreement our ordinance says what we think it says.

Baldwin: Sure. Thank you, but we appreciate it. I appreciate the folks who came in this morning to show their support for your efforts.

Wheeler: Thank you. Next item please.

Item 924.

Wheeler: Good morning.

Martha Dibblee: Good morning, my name is Martha dibblee. I am a resident of east Portland.

Wheeler: Please have a seat. Thank you for being here.

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Dibblee: Thank you for allowing me these three minutes. I think that this is an experience that I haven't had before. Mayor Wheeler and commissioners, your staff has provided you with the documents that I have provided as supporting information. I think that you have those on your -- the approach to the infill issue plaguing Portland provides small apartments for a reasonable price, designed for Portland city blocks 200 feet square, each block module accommodates up to 160 apartments. This concept does not impact existing Portland neighbors and it does not present zoning challenges. Used extensively in Europe where real estate is really tight it will lighten the burden and anxiety of existing house demolitions and establish Portland neighborhoods and could provide up to 4,000 single family units with the added benefit of large, safe, green space. The handout you have been given provide more detail about this Project. Don't hesitate to contact me if you have questions. I have a short power point and I don't know if that was intended to be shown or not. Ok. So in the power point this comes from my visits to the Danish community and it looks like it would work very well in Portland. I have given you some statistics in that power point presentation and you can see that it's a shell with an open space inside and this inside open common space would allow for a safe and secure area. I have based my cost analysis on \$100 per square foot, that may be way low. I don't know exactly how much cost would be. These are just sort of off my head. But the main thing is with this type of a proposal, of a design would allow small 500 square foot apartments, which, you know, very definitely are small, but it would allow a number of apartments in this area and to actually put these buildings around town in various areas where there are square blocks.

Wheeler: Thank you.

Dibblee: You are welcome.

Wheeler: And you went and visited in person?

Dibblee: Beg your pardon?

Wheeler: You visited in person.

Dibblee: Yes, many times.

Wheeler: I appreciate you providing us with this. Thank you. Next item please.

Item 925.

Wheeler: Good morning.

Donna L Cohen: good morning I am donna Cohen, I live in St. John's. I am here with five -- I am among five of the six original members of the stakeholder committee which developed the St. John's truck strategy phase 2 plan. Barbara Quinn, Shamus slinski, Kurt Schneider, Lisa rainy and myself. So it has been 17 months, I mean we spent 17 months in 2011 to 2013 working on this plan. It's been 16 years since the creation of the St. John's truck strategy phase one plan and four years since approval of the St. John's truck strategy phase 2 plan. In 2018 the city is to implement the construction phase of this plan. In June with absolutely no warning even to the neighbors who served on the committee, pbot unilaterally eliminated key safety treatments for the Fessenden St. Louis corridor. Am I too close to the mic?

Wheeler: No, you are good.

Cohen: Those features were pedestrian signals. 17 months of hard work on the part of the community thrown out, so much for the public involvement process. Since pbot's announcement the community has rallied and with the support of commissioner Saltzman we are told that those key treatments are back, however we have no commitment as to when the treatments will be completed, other than if not in 2018, "following the completion of the larger St. John's truck strategy phase 2 improvement,". There is nothing that has changed in terms of technical requirements for the pedestrian signals in the plan, the same guidelines from the federal highway administration exist now as existed in 2013. I personally have been in communication with the federal highway administration, in d.c.

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and Salem and odot. The initial attempt to eliminate these signals combined with waiving now on when they will be done raises suspicions in the St. John's community. Delaying the, especially since delaying these treatments until after the rest of the project is complete would be more expensive. The project has gone from \$3.3 million, the best cost estimate for any project that metro received during that funding cycle to over \$7 million now. We really would like to know how that happened and why the city feels that it's acceptable to now spend \$7 million while at the same time taking away crucial safety improvements. Public trust is a valued commodity for city government. We expect our city council to hold pbot to the original commitment, a commitment that we all worked hard to achieve and to provide us the assurance that all the safety changes in Fessenden St. Louis will be completed in 2018. The construction phase of the St. John's truck strategy phase 2 plan should take place as scheduled in 2018 with all the components, including the changes to Fessenden St. Louis. Safety can't wait and we have a request for some documents at the bottom. Sorry. We are here with the community as you can see and we worked a long time on this and we feel that we should not have to wait any longer. It should be part of the original plan.

Saltzman: If I may respond so yes, pbot is going to complete the project in the 2018 construction season? It will include the safety improvements with the one possible exception being the rapid flashing beacon which may take longer but everything else will be done in the 2018 time?

Cohen: That's precisely what is unacceptable to us. The pedestrian signals are needed. We've been waiting 16 years for them. This street is a barrier to the people on either side. We have people on the north side that are lower income, more diverse, we have a high proportion of seniors, kids and people with disabilities and it's -- we need to be able to get across our community of 15,000 people. So it needs to happen in 2018 along with the rest of the project.

Saltzman: That is the goal.

Cohen: We need a commitment.

Saltzman: The goal is to have it all done in the 2018 construction season, all safety improvements.

Cohen: We need it all now. Thank you.

Wheeler: Appreciate it. Thank you for being here. Let's see. So that takes us to the end of communications. We have one more?

Wheeler: I apologize. Absolutely. Thank you.

Item 926.

*******:** Thank you.

Wheeler: Good morning.

Kelly Tadlock: Good morning. Hi I want to say how grateful that I am that donna Cohen has been on this for so long on our behalf in the neighborhood. I want to speak to you today about the St. John's truck strategy phase 2 plan that donna just spoke about. I have lived here Fessenden avenue for the last 15 years. It's not if there will be a traffic fatality on this unsafe street, it's when. Pbot's vision zero anatomy of an unsafe street fits Fessenden. It is an unusually wide street, a collector street, cars travel in excess of 35 miles per hour. There are no marked or signalized crossings for over a mile in either direction. There is a long, dangerous blind curve, vision zero says we should correct these streets by installing marked crosswalks with signals. The street bisects the densely populated neighborhood where over half of the St. John's community lives. The demographics is low income, elderly, disabled, children and people of color. In order to get to Fessenden from my street pedestrians have to travel directly in the street. Cars often travel at 35 miles Per hour to cut through to Columbia boulevard. In my case to get to Fessenden I have to roll into the

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street to an unmarked intersection and hope that the cars going over 35 miles per hour in either direction will see a person in a wheelchair and allow me to cross. Trucks off Fessenden formed in 2008, our first success was getting the trucks off Fessenden. Neighbors protested with signs in their yards and in the street with news media. Pbot put up signs that instructed trucks to use the designate truck route. Traffic enforcement division gave tickets to truckers using Fessenden and then the truck traffic stopped. The community worked with pbot for 17 months in 2013 to approve three pedestrian signals, marked crosswalks and speed reader boards at the blind curve on Fessenden. This was the original plan for 2018. However June 2017 pbot met with the St. John's neighborhood association to give an update, the original plan has changed in the safety improvements would be stripped for most of the plan on Fessenden. Instead they would put a bike facility on Lombard. This area unlike Fessenden is not densely populated. This updated version of the original plan was done without notice, explanation or sufficient documentation. The community members who had worked with pbot should have been informed of this update which should have triggered an agreement process to the Original approved plan. Community members met with commissioner Saltzman and neighborhood associations wrote letters in support of the original plan. Pbot announces they will install our crosswalks after all but not in 2018. Sometimes in the future after projects are completed like the bike facility. The time to make Fessenden a safe street is more urgent than installing a bike facility on Lombard that project should wait. We have been waiting long enough for a safe street. Thank you.

Wheeler: Very good. Could I ask one follow-up question and you may not have the answer and I certainly don't. Do you know what the cause of the delay is for the flashing signal crossings?

Tadlock: No. I have not been given any information on why that can't happen. In 2018.

Wheeler: Ok. I will certainly --

Tadlock: I would appreciate it.

Saltzman: I can shed light on that. As I said a minute ago our goal is to have those installed in the 2018 construction season. The possible exception may be the hock light beacon and it deals with negotiations with the federal government about whether these things can be included and funded by the feds.

Wheeler: It's a federal contractor, a federal --

Tadlock: My understanding was that, that did not require a federal warrant.

Saltzman: We are trying to get the federal warrants if we can, but regardless it's going to happen.

Tadlock: I think that donna could speak to that actually.

Saltzman: I don't know if we want to get into a lot of detail here.

Tadlock: Why not? It's been 15 years in the making. What's a few more minutes. It's important. We need to have it to happen before we have a traffic fatality.

Wheeler: It sounds like we're all in agreement that we want the flashing beacon. Let me work with commissioner Saltzman and --

Tadlock: We would like to get it in 2018. That would be ideal.

Wheeler: We're all on the record saying we're in agreement with that. Good. Thank you. I appreciate everybody who came in today. Thank you. That is the completion of the communications. Correct?

Moore-Love: Yes.

Wheeler: Very good. Let us move first to the -- we don't have a consent agenda. Beautiful. Ok. So we'll move to the first time certain item please. 927.

Item 927.

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Wheeler: Very good, travel Portland colleagues is the city's destination marketing organization. Their job is to drive tourism and create economic development opportunities for people in our city, often we don't think of tourism in exactly the same way. We think about business recruitment, but those visitor's dollars put money in the pockets of businesses, both large and very small in our community and we know that Portland is a thriving start-up and maker scene which is enhancing the visitor's experience here and adds dollars to those businesses. For those here last week we heard from some of the small business owners and operators in Ankeny alley and they confirmed that. According to a survey by more information, Portland residents rank tourism and tourists third behind technology and healthcare, is creating the most economic success in the Portland area. A combined 86% of those surveyed said it was extremely or fairly important. Travel Portland also is charged with sharing the brand of Portland and insuring it is authentic to the experience that visitors have here and the board has discussed this work and they also know that through tourism we export the values of Portland to other places around the country and around the world. How open and welcoming we are as a community is evident. As you walk down the street and see locals helping tourists with their maps in hand get to the destination that they want to get to. Another area of focus over the last several years has been to dig deep into the multi-cultural meetings market and to ensure that all of Portland is well represented in promotional materials. You will see today using members of our local community to tell their true Portland experience and with that now I will turn this over to our able travel Portland team. Good morning. Thank you for being here.

Jeff Miller: Thank you mayor and commissioners. Before we start I would like to introduce Naim Hasan who is our board chair this year.

Wheeler: Why don't you introduce yourself as well.

Miller: I am Jeff miller the president and ceo of travel Portland. Naim is our board chair and owns Naim Hasan photography and has been a great addition to our board. After four years of phenomenal growth, as you know from the lodging tax it is beginning to become a more normalized growth and we have seen extra hotels being built. We certainly are excited about the ground-breaking at the Hyatt convention center and that will bring more business to Portland via the conventions that are so beneficial to the city economically. While we have not been able to officially start booking the hotel we have four groups coming we promised rooms to so we will have to make that happen. Our job as a destination marketing organization is to make sure that businesses large and small and all lodging types of properties benefit from that. The photo that you see is of the Mercado on southeast foster and this is from our photo library and it's one of our favorite photos because it represents the joy of Portland and they received the travel Portland president's award this last year for fostering diversity and entrepreneurs and we think that small business in this culture is the cornerstone of what makes Portland interesting. We had 9 million visitors last year to Portland. This is up 1.3% from the year before and these are from dean Runyan who does our economic impacts. Direct spending, this is a nice increase from 2010 and you will see an increase from last year as well, I will tell you that the lodging taxes from fiscal year 2010-11 to 2015-216 doubled in Portland. A huge increase and nice going into the city coffers as well as all recipients of that tax. We had a 4% increase last year so a more normalized growth but growth nonetheless. At the end of the day this is all about jobs and the jobs that are created through tourism and I think that we will see an increase in the job numbers as the hotels open. We have 2,000 rooms coming on in the next years and I am sure you know about all those. We talk about healthy hotels and the occupancy and you can see we have very large numbers there and the average daily rate which is, has gone from \$150 to \$182 and when you add the entire city,

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these are the numbers for the central city, but for the entire city the occupancy last year was 78.9% and the average daily rate was \$152. So that is why we are getting hotel construction because we are a very hot market. We do a survey every couple of years of residence and as the mayor said Portland residents feel that tourism is important to the economy. It jumped from 58% on the last survey to 65% this year of tourism being important and another point that I think is really interesting in the survey is we asked people where do they recommend friends and family stay? 62% say stay with me, but the folks that said stay in a hotel dropped from 28 to 19%, but the home sharing Airbnb, vrbo's jumped from 9-13% so we are seeing those folks, the host benefiting from this and we know that our job is to have an impacted on the destination. International has been a key investment for us for the tourism improvement district. We are committed to branding Portland internationally and this is the Japanese language tour guide that we did and this is the mascot, the dude, we believe he's the only one for the u.s. city in japan he has a virtual travel agency in japan. This is the dude in mody square which is the times square of Tokyo. He connected through his, travel agency that we partnered with there, with the potential visitors. He's quite the blue dude. We created some virtual reality heads, which were at our awards breakfast and we had three of them they were branded food as you can see. The ski dude and the maker's culture and the adx and we spent a lot of time making sure the international flights through delta and others are well supported. We also in japan partnered with prosper Portland on a department store promotion where they took an entire floor and made it with Portland products and we joined prosper Portland there, which has always been beneficial for us and for them. Last year we recruited a Dutch, the number one Dutch reality tv show called "who is the mole." it was a 17th season and it was the most successful show that they have had. 3.2 million visitors a week and the travelPortland.nl website blew up about a 3,000% increase. It's basically a scavenger hunt and one person is a mole who's trying to break the whole game down. It really helped our - - how we're seen in that market and delta klm reported very strong increases in their business as well. We're working in London. We were with the group on the inaugural flight and we have hired black diamond, which is a London-based tourism promotion company in the u.k. to help to promote Portland. We have done expedia campaigns and we will do some Portland popups in the shortage neighborhood, which is a Portland part of London and take Portland makers with us to showcase them there. You probably know that delta has renewed the flight for next year and expanded the time period and we are looking for the year-round service and we'll do our part to promote that. We also moved for the first time in advertising outside of the pacific northwest to san Francisco, Minneapolis and phoenix and those markets research show that they have an affinity for Portland and the campaign titled, "you can" which showcases the spirit of possibilities here and every person's ability to craft their own experience while in Portland and next I will show you the 32nd ad that's created by Wyden and Kennedy and house spirits, which is a shot motion video company here in Portland. We got an email from a retired film editor and animation buff who step framed through the whole ad and his comments via email were and I wanted to sincerely thank you for showing diversity, all caps. You have inter-racial couples and people in wheelchairs, gay couples, preppy, long hair, rockers and classical musicians. I mean I am really impressed. He goes on to say thank you for telling how everybody is welcome in Portland and I am going to let you see how many of those you can catch. You might also notice since it is Portland we have a chicken.

[Video Played]

*****: Whatever it is that floats your boat or particulars your taste buds, or brightens your day. Even if you have never tried it before, just know that you can in Portland.

[Video Ends]

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Miller: This played successfully in all those markets and there is a lot of excitement about being able to showcase those pieces of Portland and here you see one of the stop motions with the timbers. We also were talking about hand crafting local products and being able to create your own trip when you are here, unlike any other place on the planet. We did press events in each of those cities and we took Portland in a can showcasing Portland products and taking those makers with us and we got a ton of press on that. It was fun to see how much you can get in one can. Public relations is at the cornerstone of our success and you can see some of the results here, an article from the wall street journal, which is not where you might expect us to pop up, but it's been terrific for us to be both internationally and domestically focusing on that press and with that we are hosting the society of American travel writers convention October 29 to November 3 with help from the visitors development fund which commissioner Fritz and Fish sat on, they were able to help us financially with that and it's an organization of the premiere travel writers in the country, both writers and public relations officials in the travel space. Early registration already shows that we have folks from the los Angeles times, san Francisco chronicle, the national geographic travelers, usa today, traveler leisure and many others and while they are not required to write the articles, we know from other destinations that they have met that you get many years of residual articles from them. We are very excited about hosting sat. In the convention business, it is one of the things that is easiest for us to count and this is a screen shot of our new meeting planner website. You will see it says let's Portland, which is a take-off, a bit of a different take-off on you can and it helps to invite the meeting planners to do Portland and some easy tools for them to use. As the mayor knows we had a successful pitch with outdoor retailer and inner bike and while we did not get the outdoor retailer we are still waiting on inner bike and each of those cities is throwing lots and lots of money at those meetings but it was good for us to work directly with business Oregon and prosper Portland and those vendor communities and economic development professionals to help us to put that pitch together and to really show Portland in a very positive light. We were told by the folks at outdoor retailer that we stayed in the competition a lot longer than we might normally, simply because of the pitch that we put together and you will see here this was -- we took our retailers with us via video and because of our facility size, we weren't able to win that bid but we gave is a good, good pitch. We also just did a pitch for the naacp 2020 in Baltimore and we booked a couple of multi-cultural conventions that we are proud of. One is the church of god and Christ coming in 2020 with over 10,000 room nights and another convention whose name we cannot give but in 2019 with 9,000 room nights. We are working very hard on this Part of the business and the naacp was a dream pitch for us. We were up against Miami and you don't often hear Portland and Miami in the same pitch, but we're really excited about that. 2020 is also an election year, so we would love to have the naacp's national convention here with us. I am going to show you the video that we took with us because I think that we used Portlanders to talk about their city, the mayor was also kind enough to be in that pitch, but I think that it's -- it will show you the kind of pitches that we are putting together about Portland.

[Video Played]

*****: When people say to me especially in Portland I don't see color. We cannot relate if you don't understand it's different. We are still so stuck in isms that we cannot grow. I think we need to get our heads out of our asses. I think that we need to reconcile the history of the state of Oregon and be honest about it.

Wheeler: The past is pretty ugly so I don't say these things to bad mouth the community. I love Portland. It is a great community, I am very optimistic about its future but we have never really had intentional dialogues to the degree that we need to, to own that race past

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in the state and in this community so that we can move on from it and that's why I think that the naacp can be particularly helpful.

*****: What gives me hope is the work that we are doing and have been doing over the last several Years in the Oregon legislature. We had a legislature who was willing to go up the hill and require that all Oregon children regardless of their immigration status, have access to healthcare coverage. To me that's a really good sign that we can make progress and we can move forward.

*****: It's beautiful here. There is a different spirit here that I haven't experienced in a lot of places. This is, like the food capital of the world. So we have got great restaurants all over the city. We have got wine and beer and everything in between.

*****: The arts here, the music here and my husband is from New York and he's a musician and when he moved here he was amazed at the musicianship here.

*****: We have our Columbia gorge, which is absolutely gorgeous. The water falls and beautiful Columbia river and you head west towards the ocean and it's heaven.

*****: Coming to Portland, you know, I felt at home as far as being amongst the creative community as well as, you know, just being introduced to so many other creative outlets that I would not have been exposed to otherwise.

*****: Out here its like where are you from? And why do you do what you do or what makes you happy? So in general everybody is very accepting. The thing that allows for creativity is I would say the industries out here. Why do we have all the food carts, some of the best restaurants, some of the greatest creatives, one of the biggest creative agencies in the world, the biggest footwear companies, biggest tech companies. Why do we have this? If it's not -- if we are not doing something right.

*****: Having organizations like the naacp choose Portland, it's not Baltimore. It's not d.c. or I.a. So if you are coming looking for a large african-american population, this is not the place for that.

*****: When you have an opportunity to change the landscape and not just the city like Portland but a state like Oregon with the hisoty that it does, that is the best topsoil ever.

*****: It feels very counter intuitive to consider Portland, that's what makes it right and I think that picture would provide a different lens by which to see and understand the possibilities of what the african-american spirit has been. There is an immense amount of possibilities the city could gain by having that be present.

*****: If you don't choose Portland you are missing out. It's that simple. You are missing out. Don't give us a chance, give yourself a chance. Yep.

[video ends]

Miller: I love how he finishes that up and I think that it's so incredibly well said. Commissioner ray Larry from the merc commission did a very good job of talking about the need for the naacp to come to Portland and create a dialogue with us. We were very honest about the community we live in and that we want to live in ad how they help us want to do that. We were proud of that and I was proud to be with the team making that pitch. We won't hear until the fall but we are very optimistic. This is some of the creative that we did on the convention side. You will hear the banner ads, on the meeting portal, the number one portal and you can see the creative very much represents the experiences that you will have in Portland. This is one of the print ads where culture and kindness are super powers and this is a picture from the Portland pride parade and we take absolutely every opportunity to show what a welcoming community we are. This is the first ad announcing the Hyatt coming to Portland and that, we can start selling that in about 90 days, but we wanted to get out there in front of this and we have a long list of clients that we'll be talking to. This is the Mercado's website from prosper Portland. We know that at the end of the day small businesses and businesses in Portland need to benefit from

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tourism dollars and we've been -- our vice president of diversity and community relations, worked very closely with Tori Campbell who you saw in the video from prosper Portland and we had a vendor showcase earlier in the -- early last year and we'll have a much larger one this coming year to showcase those minorities entrepreneurs and to the community but also to the meeting planners and other professionals that can use their services so we take very seriously doing our job with other economic development agencies to create business. We work very closely with organizations throughout the city. We have the travel Portland education and training foundation, which is supported by our golf tournament and member donations and we focused those scholarships which are for the industry, the hospitality industry on students of color, using the black united fund, the Hispanic metropolitan chamber and many others to funnel those scholarship dollars to people interested in our industry. We have also worked very closely with many other community relations, both with their galas but also funding some of their initiatives like transition projects, which we have just helped to fund again on the street outreach for downtown, for the rest of the summer and are looking if other ways with our hotel partners to continue funding that because we believe that we can be a part of the solution there. As we look forward to the future we are working on the tourism master plan because we want Portland to be is a great city for the residents, as well as a great place to visit and mayor-elect wheeler met with residents when we started this project a little over a year ago and we're now in the second phase of that where we have looked at what the tourism assets are and how do we position ourselves for the future? We are not going to serve Barcelona yet but we want to make sure we do a really good job of selling this place and making it welcoming for all and with that is my presentation. Thank you.

Wheeler: Thank you Jeff. Colleagues any comments? Excellent presentation.

Saltzman: As usual your impressive presentation and impressive activities that the travel Portland is involved in and you are doing a great job.

Miller: Thank you.

Saltzman: Appreciate it.

Wheeler: Well done.

Fritz: Do you want to tell us about these pins? I am assuming you gave us these or something else?

Miller: Those are from us. That's the let's Portland pin. They are great trade show giveaways but it's the, let's Portland. Bring your meeting to Portland and fun lapel pins for folks to pick up at our booth and remember us whenever they go.

Fritz: Thank you very much.

Wheeler: Good seeing you. Next item please time certain 10:00 a.m., next item.

Item 928.

Wheeler: Commissioner Saltzman.

Saltzman: Thank you mayor. A quick review, a first reading of this proposed local improvement district formation ordinance was held on July 12, 2017, right here in city council. Consideration of the ordinance was postponed to august 23 to allow additional time for privately funded engineering study to be completed. A property owner meeting to discuss the draft findings of the study was held on august 7 and the chief engineers of the Portland bureau of transportation and the bureau of environmental services attended this meeting. A final version of this private study was completed on august 16 and is being incorporated into this ordinance. Pbot and bes desire the flexibility to implement as many of the study recommendations as possible with authority to implement changes delegated by council in lieu of a requirement to hold an additional council hearing after the formation of the local improvement district. Of note both bes and pbot have agreed to provide additional funding of \$500,000 each to defray property owner's cost of the lid subject to

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certain conditions and I would like to thank commissioner Fish and the bureau of environmental services for stepping up to help here. The joint financial participation of both bureaus will provide significant financial leverage, effectively doubling their respective investments in the much needed new storm water and transportation infrastructure and providing some financial relief to property owners. The lid administrator Andrew Aebi will walk us through the ordinance and I believe that we'll hear from the property owners as well.

Andrew Aebi, Portland Bureau of Transportation: Thank you commissioner Saltzman for the very good recap so you have some proposed amendments in front of you that would incorporate the exhibit h into the ordinance and accept the additional funding for the lid subject to certain conditions, so we were wondering if we could start with the roll call on the amendments and I will explain how that would have a financial effect on the property owners.

Saltzman: Do I need to move the amendments?

Moore-Love: Somebody explained those amendments already.

Aebi: So the amendments, Karla, incorporate exhibit h into the ordinance and it contains some directives in here that allow the administrative decisions to be made about the scope changes and the additional funding without having to return to council. For additional council approval.

Saltzman: I will move those amendments.

Fritz: Second.

Wheeler: Commissioner Saltzman moves the amendments related to exhibit h and commissioner Fritz seconds. Why don't we go ahead and leave that open and we will hear the testimony, the public testimony before we take a vote on the amendments but I am sure that there is not an issue. Thank you.

Aebi: So I will be very brief this morning. So Maul Foster Alongi did a study and made good recommendations as far as changing the scope of the lid and bes and pbob are committed to implementing as many of those recommendations as possible. So with your approval those amendments we will and subsequent lid formation next week on August 30th when we move forward on the lid we will incorporate as many of those amendments as possible. Just to kind of put this into perspective when we brought the resolution in front of you in May we had an \$8.5 million lid amount, with these amendments the lid amount would decrease to \$7.2 million and we think that based on a range of options with the Maul Foster study and best case scenarios that we may get the lid amount down to a range of \$3 million to \$4.5 million. So potentially we could complete this lid with property owner savings in the range of 50 to 65%. But we still are budgeting prudently based on an abundance of caution because we have some engineering steps we need to go through yet to confirm for example that we can do local storm water infiltration, but it has been a collaborative process and I appreciate the council giving us an extra couple of months to have this dialogue with the property owners.

Saltzman: Thank you, ready for testimony?

Wheeler: Very good, public testimony. Just a reminder state your name for the record. We don't need your address and if you are a lobbyist we need to know that and if you are here representing an organization that would be helpful, too. Three minutes.

Tony Lemon: So similar tony lemon. I am the plant manager for lacamas laboratories. One of the businesses on north suttle road. We would like to appreciate the opportunity to address the council concerning the formation of the road local improvement district, the lid. At this time lacamas laboratories cannot support the formation of the north suttle road as it is currently budgeted. Lacamas Laboratories agrees the north suttle road is in need of repair however we oppose the lid as currently proposed because we believe the financial

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burden imposed on the property owners far outweighs the benefits. The scope of the lid as currently budgeted is overbroad and too conservative and we believe that the primary goal of the street improvement and storm water management can likely be obtained for significantly less expense. An analysis of alternatives for street improvement and storm water management is merited and should be incorporated into the budget prior to any council decision on the lid. Of course we are grateful for the city's proposed \$2.4 million funding contributed to this project, however we are a small business, as are a great majority of the businesses on north suttie road and the current budget of the lid improvement is \$9.6 million. Even with the city's proposed \$2.4 million contribution, we simply can't afford to pay our share, even if paid in monthly installments, the financial burden would be overwhelming, if required to do so it is possible that we would need to lay off employees, sell the property and relocate, or take other less desirable measures, over 70% of the properties on north suttie road submitted remonstrance letters and objections not supporting this so I know we are not alone. In order to obtain a more realistic cost assessment we along with several others retained Maul Foster engineering to analyze the proposed lid. Given the information provided by the mfa engineering study the revised \$3.9 million to \$4 million cost estimates and the city's acknowledged changes to their initial proposal we respectfully request the mayor and city council to limit their approval of the formations of the lid at a budgeted amount that is aligned with mfa's recommendations and not to push through the conservative \$9.6 million lid. In summary there is a need to improve the north suttie road but we ask the council limit, set limits to pbots budget that are aligned with the engineering data provided by mfa and affordable to the property owners on north suttie road. Thank you.

Wheeler: Could I ask one follow-up question. What was the budget proposed by mfa?

Lemon: \$3.9 to \$4 million.

Wheeler: Thank you. Appreciate it. Good morning.

Steve Taylor: Good morning. Mr. Mayor and members of the council thank you for the opportunity to submit my testimony. My name is Steve Taylor, I am a professional civil engineer in and the president of Maul Foster Alongi an engineering and environmental company located in Portland. We were hired by property owners along north suttie road to evaluate the conceptual roadway design and associated cost estimates prepared by the city and to determine if there were ways the roadway project would be completed for less while maintaining the city's goal having the road meet modern roadway standards. As part of the work we commissioned three studies which are included as part of the submittals to the city. We completed a geo technical study, a storm water infiltration study and traffic study. Maul Foster and Alongi used the results of these studies to develop a conceptual cross-section for north suttie road prepare recommendations for changes to the original design and developed independent engineering cost estimates. Before I go into what our study found and recommendations I would like to acknowledge that the city did not have this information that we collected in our studies when they prepared a conservative estimate of \$9.6 million for this project. This number is what caused the clients concern and motivated them to hire us to collect field data and see if the project could be completed for less. We have shared our information with the city staff and they have been understanding of the property owner's concerns. They have also been cooperative and professional in their interaction with us and staff and I would be remiss if I did not recognize Mr. Andrew Aebi and the staff of the Portland bureau of transportation. They have been a pleasure to work with and have the same desire of completing the project that is functional and providing good value to the citizens of Portland. Throughout studies we determined the following cost saving measures are viable and should be pursued, storm water infiltration is viable and could eliminate the need for piping and discharge of storm

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water to the Columbia river. Infiltration testing and run off showed infiltration is a viable option for dealing with the storm water along north suttie road, additional work needs to be completed to show the contamination from industrial uses does not exist in the infiltration areas and we are working on an assessment of this issue right now and we will be presenting our findings to the city staff in early September. The width of the proposed roadway should be reduced from 36 feet to 28 feet. The city transportation plan, tsp to find minimum pavement width for local access traffic street is 28 feet. When the street is not in a pedestrian district no additional bicycle lanes are required and north suttie road meets both these. We suggested that the separated pedestrian connection between north suttie road and marine drive should be removed, it is not necessary and was more of an outcome of needing to require the right-of-way for potential storm water outfall. This is unnecessary if infiltration is pursued and installing a new sidewalk along north suttie roads would adequately address the pedestrian needs. Reducing the driveway and evaluating the shared driveway should be evaluated, the original design assumed 30-foot wide driveways for all property owners and it is part of the design, this can be focused on what can be accommodated with the shared access points, in conclusion we found that if our recommendations were implemented on north suttie road project the project could be completed between \$3.8 and \$4 million. Providing significant savings over the initial estimate. Our understanding is that the city staff will utilize the data collected and have determined that because of this work design is at 25% versus 0%. While there is still questions to answer to assure these savings be realized we are confident that the city, the affected business owners and the citizens can realize substantial savings beyond the original cost assessment while providing a functional road built to modern roadway standards.

Wheeler: Thank you. Good morning.

Mike Jenkins: Good morning mayor. Good morning Dan and Amanda Fritz. My name is mike Jenkins for the record I am with the Hawthorne bus 420. I was told today right in here that my dogs are not dead but I was told yesterday that my dogs were shot in the last 44 hours. I've been going nuts. Your police officers got me out at 4:31 at 10:15 yesterday.

Wheeler: I am sorry, I am aware of what happened, but this is not related.

Jenkins: Oh, yeah, it is. Oh, yeah, it is. Let me get to it. Oh, yes, yes, sir, yes, sir it is. You know what us homeless problems out here we have problems and you know what, we're going to step up to this. We do have problems. You know we have a right to dream over here, ok. I got records. I got 17 phone calls of alcohol being drunk on police calls. There is your records.

Wheeler: Listen, we have agreed to meet with you. We have met with you after the last two meetings.

Jenkins: No you haven't mayor. You have not came back and called me once, you son of a bitch.

Wheeler: Excuse me, you are in violation of council rules.

Jenkins: [profanity]

Wheeler: You are arrested for trespassing.

Jenkins: Bullshit.

Wheeler: And disorderly conduct and you were notified, you were notified that your dogs were ready. You were notified that your dogs were ready for pickup. Thank you for your testimony. Next three please.

Wheeler: Good morning.

Star Stauffer: Good morning. Star Stauffer for the record as you very well know. I opposed this project simply because number one I don't understand how pbot has the funding to make improvements that a neighborhood clearly does not want nor can they

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afford, but they cannot put in a crosswalk and number two I oppose it because every time that you give the go ahead for anybody in this city to develop or improve anything the houseless get shuffled around, arrested, swept, just on the way here today we were watching cops arrest the houseless under the bridge on waterfront. It's ridiculous so where -- where is pbob's plan when they come in and do this so that the impact isn't so traumatizing on the houseless in that area when they get shuffled around and moved again for an unnecessary improvement, where is pbob's plan to reduce the impact on this neighborhood and whether or not they can afford these improvements. Especially when we are sitting in the middle of a housing crisis. This project based on the numbers that guy gave, that testified to three people before, this is too expensive. This could displace some of those folks. At what point do you let the community be the community and tell the developers to pack sand? Or is everything about money, oh, wait it's not because we are waiting on the \$50 million for the houseless, but thank god the cops got their \$4 million in bullets, that went through just bam. Like that. I agree with almost everything that pork chop said except for the last disgusting part. You are shameful because you put children in danger and act like you don't. You are shameful because you put black people in danger and act like you don't and you are shameful because you are gross all the way around.

Wheeler: I would just remind people please keep the yestimony germane to the issue at hand. I think that we can all handle that.

Stauffer: I was pretty well on topic.

Mimi German: So I just looked up this agenda item and it is Columbia boulevard. Why does it say that? I don't know why it says that but I just read it. It doesn't really matter, what matters is that people want to do all kinds of building and rebuilding and we can't get a crosswalk but you know, people can come here and ask for millions to do sidewalk repair for water treatment or whatever and all I can think of is why do we keep giving money to all kinds of development in Portland when we have Nazi cops on the Portland police force and we can't get a crosswalk in due time without you saying that it's part of the deal, it's not part of the deal, it can't be part of the deal and maybe it is. That's what we are left with in St. John's. I live there and I know Fessenden and I can't cross it and I am not in a wheelchair. I don't know if you have been to Fessenden, but you should try crossing Fessenden. It's a highway and the fact that we're giving money and we sit here every week and we come here every week to see how the city works. We know how the city works and the city doesn't work for the people. The city works for builders, contractors, different forms of employment, taking away people's homes. All kinds of things that are egregious when the houseless are not getting the money that you are not dealing with Mr. Mayor until October, which was supposed to be started I think in July. From the budget and also the fact that we can sit here for this agenda item to testify but we couldn't for the travel Portland agenda I believe is a violation of our rights in city council and been brought to the city attorney, can the city attorney answer that? If we were actually allowed to testify for the last agenda item? Which is under the same section as this agenda item because I don't know why we weren't.

Wheeler: That was a presentation. So the answer is no. The presentations don't count.

German: I don't know Lightning knows more than I do and the lawyer knows more than I do for sure, but it was brought to my attention so I wanted to bring it up because if that's a violation we should be allowed to testify against that. Travel Portland everything is beautiful and yeah we're going to put black people in to tell everybody around the world.

Wheeler: It's not about travel Portland. This is about an lid.

German: It does not really matter.

Wheeler: It actually does. Those are the council rules. It does.

German: No, it doesn't.

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Wheeler: The reason that this works is because people abide by the rules so that everybody gets to testify and be heard respectfully. That's why we have the council rules and you are in violation of them.

German: I would say that we don't have a crosswalk and that's not working. For anybody. I told Vera Katz once that if a particular building went up in our neighborhood in St. John's and it didn't, we won, but if it did and there was a death on that hill that goes down to the river, if there was it would be on her and if this happens and if this happens Mr. Saltzman it will be on you.

Wheeler: Thank you, corky, good morning.

Corky Collier: I hope i'm in the right meeting.

Wheeler: You are in the right meeting. If you are here to talk about the lid.

Collier: I am here to talk about an lid.

Wheeler: State your name.

Collier: Corky collier, the executive director of the Columbia corridor association. Regarding the lid it does appear that the plan is coming together pretty well. At least almost. We have to keep an eye on expenses, we have to further evaluate the on-state storm water infiltration, to make sure that the financial contributions arrive and but we're on track. I want to thank commissioner Saltzman and Fish for making this happen and director's Jordan and treat have hired great staff and have done their part and Maurice Henderson helped to move things along and the Maul Foster report has provided very valuable analysis. I am not going to break out in kumbaya but it's worth noting outside of the downtown area, I don't think that we want to do that right now, but outside of the downtown transit Maul or the ohsu tram this is the largest lid in the city history. It's funded mostly by adjacent property owners going out on a limb to pay for it. It could have turned ugly and it still might. It's possible, but everybody has remained respectful and focused on solutions. Small low margin businesses have stepped up to do their part and provided a considerable amount of money. Pbot and bes have done a relatively small, well, actually, a large amount, but extremely outsized in the amount of money to help out and Andrew Aebi will keep the expenses down. Good, yeah. We count on that. In the end the city gets a rebuilt street for a bargain. That's why we appreciate and stress the need for the city to provide a bit of funding to help those adjacent property owners move this along. Hopefully we'll stop breaking a few axles in those three foot holes. Thank you very much.

Wheeler: Thank you.

Fritz: I have a question. Just to remind us and people at home why is this street improvement needed?

Collier: Well if you look at the evaluation of the street condition, it's as bad as it gets it's almost non-existent. If you go out there when it's raining, the rainwater fills these really massive holes. When I was out there this last winter a truck driver stopped by and started chatting with me and said yeah, that one up there is six feet deep right over there.

Fritz: We do have a lot of streets that fit that description all over the city. Why is this particular one, one that you and the Columbia corridor support getting done?

Collier: You know you are right. We have a lot of streets. I am not sure that we have very many in this bad of condition but we have unpaved streets, we have a lot of needs. The reason this is important for the city is that most of the financing is coming from the adjacent property owners. So the city really is getting a bargain and from their perspective of the property owners they are kind of scratching their heads saying I paid my taxes. Why is the city in the providing the entire street rebuild? We know how difficult that is so I think that that's sort of the answer to your question is the reason that we suggest you move forward on this is because it's really a bargain for the city. Of course it's extremely important for

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those property owners because this is an industrial area and you are provided a lot of trade sector money coming up and down that street.

Fritz: Thank you.

Wheeler: Thank you.

Wheeler: Good morning.

Jim Brown: Good morning Mr. Mayor. My name is Jim brown, I am an attorney that represents several of the property owners along north suttie road. Mr. Mayor and members of the council on behalf of our client's western container transport eco-services corporation, our operations llc and trade co real estate llc, I appreciate the opportunity to speak in support of the formation of the north suttie road lid as currently proposed with the inclusion of the Maul Foster Alongi engineering report which is exhibit x that you received today. We also want to thank the city staff and Mr. Aebi for their helpful efforts in bringing this proposal to the council. They have listened earnestly to the property owners concerns and worked with this design. The project that meets the needs of the city, the property owners and provides the capacity for future development, we are grateful for the city's proposed \$2.4 million funding contribution to the project. We recognize the municipal funds are tight and applaud the city's recognition of the need for north suttie road to be reconstructed and it's willingness to contribute significantly to the project. We appreciate the city formalizing these contingencies with their vote to form the lid. With respect to future development, we respectfully request that a provision be included prior to the final assessment stage of the lid, that in any future development that may occur along north suttie road that the development entity be solely responsible for providing any traffic control measures that may become necessary along north suttie road or at the north suttie road Portland road intersection. As a property owner, you know, we commissioned Maul Foster Alongi to do this study because we believed it was necessary to have the additional information to properly scope this project and we are grateful that the city has been receptive to those. We appreciate the help of city staff and Mr. Aebi and their transparency with which they moved the project forward. We look forward to continuing to work with them and reaching the final to design stage for the roadway and the storm water infiltration system, which we think will achieve the savings that have been talked about today in this project. Thank you.

Wheeler: Thank you sir. Good morning.

Larry Conn: I am Larry Conn I'm an agent for pnp properties, a neighbor on north suttie road and I don't think that I have missed a meeting since we began meeting on this issue a year ago or however long it has been. I do appreciate the efforts that have taken place particularly with regard to the potential city funding. I don't know if those, some of those funds are on a percentage basis or not, but on behalf of the owner of pnp properties we don't feel that suttie road is any more in need of this type of project as many, many other streets in the city of Portland and I also think that the city can't afford it, the property owners can't afford it, the land values won't support it and my feeling is that an effort to find a way for allowing the property owners to maintain this street by themselves is the most prudent method that should be addressed. I think that six feet deep on any of those potholes is a stretch. Although I am not traveling down the length of suttie road. We only use about 300 feet on the very east end. But I do go down suttie road and yes some of them are deep. Can they be maintained? Yes. For how long? Who knows, but at this point in time it's something that I think is beyond all of our abilities and efforts. Thank you.

Wheeler: Appreciate your testimony. Thank you sir. All right so we'll vote on the amendment before we move this to second reading. Is there any further discussion on the amendment?

Fritz: I don't find the amendment in writing. Could somebody.

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Wheeler: Exhibit h, is that correct?

Linly Rees, Chief Deputy City Attorney: I believe there is a memo from staff that includes the amendment in it.

Fritz: So that's exhibit h, hank you.

Rees: And the amendments begin on page 2.

Wheeler: I have got it, too.

Saltzman: So the goal is for you to take the study, the Maul Alongi study and further refine the cost estimates.

Aebi: Yes Andrew Aebi, lid administrator. So just to clarify, so what the amendment does is it incorporates the study of the new exhibit h and it allows us to administratively make the scope changes that were recommended by Maul foster without holding a subsequent council hearing notifying the property owners and then providing property owners with the opportunity to remonstrate against making the cost reductions and the scope changes. Also listing some of the testimony, it might be worth noting that the \$500,000 from bes can only be used to build storm water infrastructure and the \$500,000 is coming from pbot which is contingent upon including suttle road in the new ftc project list. Can only be used to build additional capacity. So I think that the council knows that I've been at suttle road for 13 years, had 13 years worth of conversations on this, so I would respectfully submit that this is the end of the road and the decision is now for council to make. If you approve this ordinance next week we will be ordering the survey and we will be including the property owners throughout the design process. We will continually update the estimates of the project and we will share that with the property owners and as suttle road in the end has improved, then we'll have to find some other street to be labeled assess the worst road in Portland because suttle road will no longer fit that category so I appreciate the council's consideration of improvements in north subtle roads.

Fritz: Thank you for your explanation of that and certainly 13 years of working on the worst street in Portland is significant. I am a bit concerned with Mr. Collier's description of it being a good deal for the city. Usually we look to aim a good deal for the property owners and why are you not going to go away and redo it and then come back to council?

Aebi: I feel confident that the recommendations on the Maul Foster study have a lot of merit and if you saw the written testimony that I e-mailed around to the council offices you can see that we had quite a few letters of support for adopting the recommendation of the Maul foster study so in my mind I think that most of the property owners have weighed in and have been supportive of the Maul foster study so I didn't see a need to bring that back before council.

Fritz: There's quite a big difference between \$9 million and \$4 million right?

Aebi: Yes and I would also say that we have not taken the Maul foster estimate and run it through our standard estimating process to validate the numbers, but I don't think that we need to do that because I think that in short order we'll confirm whether we can do storm water infiltration, we know that we can narrow the road. So we think that once we do a 30% design we can do an estimate and I think it's going to be a lot closer to the Maul foster study than to be closer to the original estimate.

Fritz: What is the options to the property owners if you go through this process and they find out that it's \$7 million instead of \$9 million and they feel that they cannot afford that?

Aebi: Well I think it's important to know we are only going to charge the property owners what it cost to build the projects so to be clear my goal is for the lid to come in substantially under budget and bring in good news for the property owners.

Fritz: And if it doesn't, if it happens to come in at \$7 million which some of the testimony we heard today said, we'll put it up with the road if it's going to cost that much, we simply cannot afford it, what would be their options at that point?

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Aebi: That's precisely commissioner why we brought in the additional pbot and bes funding so in a worst case scenario if we could not adopt the recommendations of the Maul Foster study we could incorporate them but I want to stress part of the savings is narrowing the road and there is very little debate that we can narrow the road in accordance with their wishes. So really the pending item out there is the storm water infiltration in lieu of the outfall and the information from Maul foster indicates that we should be able to do that.

Fritz: Yes and if it turns out that that's not the case and It comes in at \$7 million instead of \$4 million or \$9 million the property owners are still unhappy with it what happens then?

Aebi: Well the defaults go for the project if we build a storm water outfall and those cost would be billed to the property owners.

Fritz: And they would have no option other than to get build.

Aebi: That's correct but they could finance it over 20 years.

Fritz: Which some of them have said that they cannot. I can't understand why, I know you've been doing it for a long time, this information comes in and everybody is set that we're working together well, why not come back to council so that everybody can sing kumbaya and bless it on it's way I am concerned that people are asking us as well as -- asking us to trust you which we have reason to do so, they also have a right as part of the hearing, which my understanding the amendment is we might take away that right, there would not be a final vote by the council public hearing.

Aebi: It is certainly the council's prerogative if you want to defer making a decision on forming the lid and-or if you want to direct me to bring something back to council that's the prerogative of the council if you wish to do that.

Fritz: It sounds like you are halfway there, you've considered the study and it won't take all that much more to come back to council.

Aebi: I think commissioner what I am struggling with a bit is we've been at this for 13 years and at some point we have to have a budget to go and do the survey and the design, so pbot relies on a formed lid as a basis to start survey and design, so it is difficult for us to start designing and surveying a project that we don't have a budget for so that's why we really need council to approve the lid in order to do that next step and that was a fundamental change we made to the lid program because what we used to do 15 years ago is to go to the design projects and survey them before we knew we had a project and we ended up spending a lot of money designing projects and throwing plans on a shelf and not building anything or worse yet we would design a project two or three different times and build it once so I am trying to be responsible with the limited resources that pbot has to not spend that money unless we know that we actually have a project to design and build.

Fritz: Usually we have a higher confidence level, though, of what that number is going to be.

Aebi: Well again it has been based on a storm water outfall that once we get the level one and two environmental analysis then that would be the point in time where we can confirm with bes that we can do the local storm water infiltration, we have those findings in the Maul foster study and shortly after the lid formation we're going to get a level one assess element from Maul foster Alongi and then bes goes to the next step of doing the level two environmental assessment.

Fritz: If we were to pass this next week, could we add a, one additional step towards this unusual process of a report back to council in the middle when It's been agreed to how much it would cost or at that point do the other property owners just in regardless of whether it's \$3 million or \$9 million?

Aebi: We could certainly brief the council, I think that the question would be whether you want the council to make another decision with respect to the scope of the lid, but we could

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certainly include a directive for staff to report out an updated scope and cost estimate to council.

Fritz: I am sure that none of us want to put any company out of business with a large bill even with the capacity to pay over 20 years. From what I heard today we do have an agreement that it's a terrible street that needs fixing. There seems to be a lot of concern for the amount that it would cost. The more it comes down the more the proportion of the city's fund is up because our dedication of money, I am assuming will not go down?

Saltzman: The two bureaus?

Fritz: Yes.

Saltzman: That's my understanding, we are in for \$500,000 each.

Aebi: Yes.

Fritz: Ok.

Aebi: And there is always the option of looking at additional funding options, too. I have not brought that up but that's another option for council if council wants to provide more funding for the lid.

Fritz: What is your assessment of why this particular, other than it being when you worked over 13 years and it's in terrible condition, what are the benefits to the community to having this street improved?

Aebi: I think for me it's not really based on an engineering study or anything terribly scientific, it's just that if my phone rings for 13 years at some point I just started reaching the conclusion that there is a need in the community for this street to be improved. So fundamentally I am trying to be responsive to the property owners.

Fritz: And just my last question some of the testimony was about the condition of approval of a future development being responsible for the traffic lights. A can we do that as part of this process if we wanted to, but more importantly does this improving the street make scarce industrial land more available for the development? How much undeveloped property or underdeveloped property is there around the proposed lid area?

Aebi: The improvement, I think, primarily the improvements are going to benefit the existing property owners. We don't have any pending development proposals on the table so I think that some of that discussion is a bit academic but I think what we can do between now and final assessment is monitor that and perhaps craft language to that effect if there were some level of development that would, for example, trigger the need for a traffic signal, I think that we could take that into account and incorporate some language into the final assessment ordinance. I want to be really clear it is not my intent to come back to these property owners for a second lid to build a traffic signal.

Fritz: Usually the last and that is the straw that breaks the camels back and is responsible for the traffic.

Aebi: Yes.

Fritz: I was just wondering is there an area, any undeveloped land around where we are going to do the lid?

Aebi: There are undeveloped areas in the lid. I honestly don't think that we are going to trigger the need for a traffic signal. I am not a traffic engineer but I don't think that that's a likely scenario.

Fritz: I am also just trying to justify the expenditure of the public money and the reason for doing this that we have a scarcity of industrial land and if there is any undeveloped property this lid might help.

Aebi: I think part of the justification for spending funds on this is this city has some level of maintenance responsibility for the street and we are wasting our maintenance operations limited resources trying to put band aids on this so if we can reconstruct the street it benefits the property owners and it benefits the city which is why we set this up to be a

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funding partnership between all of the entities. It's a difficult decision, I recognize that but my recommendation is to approve this next week.

Fritz: I am comfortable with that. I would like a, a report back to city council after you have gotten some more definite estimate.

Aebi: What I might suggest is in lieu of the hearing I would be happy to send a memo to the commissioners maybe not schedule it as a council agenda item but send a memo around that briefs council on the outcome of that.

Fritz: That would be ok and could you send it to all the property owners as well because then they have a directed opportunity to come to us and ask for help.

Aebi: Absolutely, be happy to do that commissioner.

Fritz: Thank you.

Wheeler: Very good. Any further discussion on the amendment? Please call the roll.

Saltzman: Aye.

Fritz: With my concerns and your replies on the record aye.

Wheeler: Aye, the amendment is adopted, this is the first reading of a non-emergency item, moves to second reading as amended. Thank you. Next item please.

Item 929.

Wheeler: Bes staff here today. Good morning. Thank you for your patience thanks Larry.

Larry Pelatt, Procurement Services: Good morning, I am Larry Pelatt, procurement services. You have before you the procurement report recommending a contract award to precision trenchless for the tabor-Powell phase 2 sewer rehab project for \$1,841,089. The engineers estimate on the project was \$1,875.00 and bureaus confidence level was high. The project was advertised the city's electronic procurement system pursuant to 188375, bids were opened on June 22. Five bids are received Precision trenchless is the Lowest responsive -- I always go too fast and stumble on that one. The lowest responsive and responsible bidder at \$1,841,089. Which is 1% under the engineer's estimate, which these days is a very welcomed thing. Bes and procurement service identified an aspirational goal of certified dmwesb subcontractor supplier utilization at 20% of the hard construction cost. There is a total of \$420,574.25. Almost 23% certified firm participation on the project, apportioned as follows. It is a women business enterprise at \$420,574.25 doing the site work and excavation. Precision trenchless is headquartered in New York. They are not a state of Oregon certified dmwesb contractor. They have a city of Portland business tax registration. They are eeo certified and are in full compliance with all the contracting requirements. If the council has questions regarding the bidding process I can answer those or Scott Gibson from bes is here with an interesting story about the project.

Wheeler: An interesting story? Let's hear it.

Scott Gibson, Bureau of Environmental Services: Actually good morning Mr. Mayor and council. I would like to briefly take a second to talk about this contract that we advertise. Your project manager, miss colleen herald did a lot of reach, outreach to vendors selling a new technology, which is u.v. light cured and placed pipe. It's a technology that will save us a lot of money and we have been trying to get that technology involved in our, basically in our community for a long time and colleen reached out to vendors all across the nation and was successful at getting five firms to bid. She successfully estimated what this new technology would cost and actually ended up with a firm with an excellent participation rate with a local women owned business so we don't always have these but in this case we took a risk as an organization and I think that this bidder coming in is going to encourage or force our current vendors to up their game a bit and adopt this newer technology which is the u.v. light cured instead of the heat cured pipe reliner. So that's a really good story and I wanted to take a minute to share it with you.

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Wheeler: Very good. Thank you. Any further questions? Very good. Public testimony on this item please.

Moore-Love: They all left.

Wheeler: Very good.

Fritz: I have one question this new u.v. technology, is it now becoming an industry standard? Is it something that's been tested and proven?

Gibson: It is. It does not have quite the long history of the, what we call the heat or thermal cured, but it's an excellent product, a high quality product. It cures faster. It allows us to get the customers back in service sooner and has several other advantages in addition it does not have the, some of the chemical off-gassing that we experienced with the lining. So it's safer and reliable, but it was an issue of the current vendors not wanting to upgrade their capital investments and not wanting to spend a bunch of money on new light streams and newer materials so this is sort of encouraging the market to do that.

Fritz: Thank you very much.

Wheeler: Very good and I will accept a motion to accept the procurement report.

Fritz: So moved.

Saltzman: Second.

Wheeler: Commissioner Fritz moves, commissioner Saltzman seconds. Please call the roll.

Saltzman: Aye.

Fritz: Thank you both for your presentation, aye.

Wheeler: Aye. The procurement report is accepted. Next item please.

Item 930.

Wheeler: So we've already taken testimony this is a second reading. Please call the roll.

Saltzman: Aye **Fritz:** Aye

Wheeler: Aye. The ordinance is approved, next item please.

Item 931.

Wheeler: Commissioner Saltzman.

Saltzman: Thank you Mr. mayor, I don't see chief Ken Burns here who's going to make the presentation on this item.

Wheeler: Do you want to skip it.

Saltzman: Yea maybe skip it and we'll find him.

Wheeler: Ok, very good. We'll skip to the next item please.

Item 932.

Wheeler: Very good, good morning gentlemen.

*******:** Good morning.

Wheeler: Chief, we'll get with you next on this.

Scott Gibson, Bureau of Environmental Services: I'm Scott Gibson and with me is Ruben Gonzalez-Baird, who's your project manager on this effort. We're asking for authorization for construction contract on a sewer rehabilitation project. We have two today that are back to back. As engineers we see sewer sale, two main reasons, one is they are too small and they can't meet demands of storm and sewage combined then they result in flooding to basements or surface and that's a health risk to everyone. The first part you're gonna see by Ruben is about the capacity of sewer, the second is about when a pipe dies, when this gets old and starts to decay and Margaret will talk about that coming up next I'll turn it over to Ruben.

Ruben Gonzalez-Baird, Bureau of Environmental Services: Good morning, Mr. Mayor, councilors. I'm going to talk about the Sunnyside east reconstruction green streets project. The Sunnyside project area is in southeast Portland. It's bounded by 44th and 38th avenues to the east and west and stark and taylor street to the north and south. The

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project was identified in the bes combined sewer system plan as recently as 2012 as being an area with a high risk for sewer backups and street flooding due to undersized combined sewer pipes. A few of the objectives and details of the project will be replacing adding about 4800 linear street of new sewer pipe, the number there should actually read 6" to 24" diameter because we're including the addition and reconstruction of existing 6" sewer service laterals. Much of the pipe in the project area was constructed in the early 1900's most of the work will be taking place on local streets. We'll also be building 16 storm water facilities called green streets within the right of way and we have been coordinating with pbot on the green streets and pavement restoration as well as with Portland water bureau with regards to water line relocations. For public involvement, we have been engaged with the public early on as early as 2014. We have collaborated with the community to identify impacts and access needs. We provided project updates that have been conveyed via flyers, newsletters, emails and project website. We conducted a project area tour with residents at 30% design and a public open house was held at 60% design and you'll see from the slid here I just wanted to mention a couple of notes here, the top photo is Belmont library which according to my source was the very first public library in the city of Portland. We have pipe work that is actually on either side of that on southeast Yamhill and Taylor streets and our public involvement staff is in contact with that library to coordinate access needs and then the bottom two pictures are peacock lane and if you might be aware during the Christmas season there are specific access and traffic control requirements, we've been coordinating with the pbot traffic engineer to ensure that we meet those requirements. Outcomes of the public involvement have been that we've ensured adequate – we'll ensure adequate access during construction and the businesses and residents are well informed and have been engaged throughout the design and will be engaged after the construction process. We will also be applying for a noise variance for work on southeast Cesar Chavez in order to meet the Portland bureau of transportations traffic control requirements. The night work on Cesar Chavez is expected to last for approximately three and a half weeks and the majority of the project will be completed using open cut trench construction methods replacing the vitrified clay pipe with pvc and reinforced concrete pipe. We're also going to do trenchless work for some of the new sewer laterals and we're proposing to do pipe bursting for one block between Cesar Chavez and 38th avenue on southeast Washington and again, as I previously mentioned, we're proposing to build 16 storm water facilities in the right of way. The primary purpose of the facilities is to store and infiltrate intercepted storm water flow during rainfall events and integration of these facilities with our project has allowed us to avoid more costly pipe replacement while still meeting our levels of service for storm water conveyance. The project is sufficiently budgeted based on the engineer's estimate of \$2.64 million. Our level of confidence is high, we have experienced with this type of project we have identified the conflicts and impacts and issues that we'll need to carry forward into the construction phase. We expect the project to advertise in early December and for construction to begin in April of 2018. Construction is expected to last for approximately 280 calendar days and we'll be happy to take any questions.

Wheeler: I have a question and this is procedural. Are you teed up and ready to do the presentation on Concordia?

Gibson: We are, yes.

Wheeler: Let's do this. Let's keep this open. Could you also read item 933 then we'll take testimony on both these.

Item 933.

Scott Gibson, Bureau of Environmental Services: Good morning once again for the record my name is Scott Gibson and with me is Margaret Russell who's your project

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manager for the Concordia rehabilitation project. This is the first of the two waste sewer failure which is they get old and they decay and so this is a little more straightforward. It's part of our larger program to rehab failing sewers which is currently scoped 36 efforts I think 36 projects this is about the 30th. We spent over \$100 million, about \$108 million spent to date, over seven years and so Margaret is here to talk about her particular project.

Margaret Russell, Bureau of Environmental Services: Good morning, commissioners. Mayor. My name is Margaret Russell I am a senior engineering associate with the bureau of environmental services we're here to talk about Concordia sewer rehab project. The slide Concordia is in green, the other large scale sewer projects are in yellow. Concordia is in northeast Portland bound by Lombard, Alameda and also northeast 10th and northeast 42 street. This project will be replacing highly deteriorated sewer pipe. As a project overview for the segments we have 54 segments of pipe, which means pipe manhole and manhole of this pipe about 16,000 linear feet will be rehabilitated. There is 13,000 worth of main in that pipe, the remaining 3,000 are lateral, six inch lateral pipes. The main pipe are eight to 24 inches and the majority are typical eight inches sewer pipe. They were constructed between 1919 to 1950 and it's a very residential project 98% of the pipe are in residential streets. We have one on a collector street in northeast Killingsworth near northeast 34th street. On the screen now at the top you see some typical decay and defects in pipe. The top two are mains showing deterioration and cracks and then typical lateral issues where there are holes at the connection to the main or broken pipe at the main. For our construction methods we will be replacing with pvc pipe. The majority will be open cut. 31 segments are going to be open cut rehab and 12 nonconforming sewer extensions.

Wheeler: What do you mean open cut?

Russell: Cutting a trench. Yes. Open cut trench.

Wheeler: Thanks.

Russell: We have 11 segments of cure in place pipe repair, which is trenchless. Throughout the project public involvement has been involved. They have been outreaching to homeowners, schools and businesses and the neighborhood associations. They have sent out flyers, done personal contact, newsletters and had presentations at the neighborhood meetings. There is one school that will be affected and we will not be doing construction while alliance high school is in session. For our night work and noise variance requirements there's only one segment of 24 inches pipe that is being lined which will require a noise variance for that. Also at that intersection is street art that public involvement has coordinated with the neighborhood to let them know there may be some impacts but we are lining at that situation we are not doing open cut trench work. As was earlier stated probably our engineer's estimate is \$4,824,000. We have a high level of confidence, the scope is clearly understood, this is a similar large scale sewer project. The quantities and unit prices are from recent projects. The schedule we have tried to take into account any difficulties or constraints and there are experienced bidders that we expect to be available to bid.

Wheeler: What are we looking at in the photograph?

Russell: It's a typical street with pavement, some rattling on the pavement which is one of the issues that we sometimes have to deal with restoring the pavement.

Wheeler: Is that because of the pipe?

Russell: Oh, this is existing. This is the existing condition where if we have to open cut the pipe we would have to deal with restoring this pavement.

Wheeler: Got it. A win-win there.

Gibson: I think there is a win-win. We have been working with pbot on a way to leverage these big trench patches to get potentially full width replacement wherever we can,

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wherever it makes sense. The trench patching is done by hand often with small crews, its more expensive, where if you have a mechanized replacement lane to lane or wider there are some savings. One risk once you get into construction with heavy equipment you can have roads in poor condition fail then as a responsibility to the neighborhood and pbot we have to pick up that cost as part of our project. So one of the reasons it's here is she's attempting to estimate how much of that we'll be paying for in advance. It's a little bit of a reading the tea leaves.

Russell: Right. For our schedule we hope to add size in October, begin construction in February of 2018 and it should last approximately a year, 400 days. Do you have any questions?

Wheeler: Very good. We'll take testimony on 932 and 933. Thank you for the presentation. Come on up. Good morning.

Mimi German: Good morning. My name's Mimi German. I was just listening and I don't have a problem with fixing sewage pipes. You guys know sometimes I write poetry and sometimes I look at the poetry of what is going on around me. It was interesting to me that the money is somehow available to fix sewer pipes because they need to get fixed. You know? That's dirty water going in the rivers, we don't want people drinking dirty water, but the way we describe houseless people are dirty, not myself. I don't describe them this way, but the common language is they are filthy, they are broken, they are mentally ill. All kinds of things, meaning all of which are similar to how we describe what's going on with sewer pipes. I'm just saying maybe we could look at the fact that we're so easy giving money for fixing sewer pipes, which we should be, but apply that to the ease of giving money to fix the houseless problem so people can have clean water, be clean, have a sense of cleanliness for themselves, be less broken so that they can get fixed through the systems that are here that also need fixing but at least there's someone in place for people to get the therapies that they need, the addiction treatment that they need to avoid jail, to avoid issues of maybe having their dogs killed because they are living outside and they are not okay. I just want you to think about it. You know? The similarity of how we talk about things and applying money to things and giving contractors money to fix things. I'm asking you to fix the houseless problem. I'm asking you to come up with a fix. We have the money. You gave extra money and it needs to get used. That's my testimony.

Wheeler: Thank you.

German: Please no more Nazi cops on the police force. Let's fire them all.

Wheeler: Good morning.

Lightning: I'm lightning. I represent lightning super watchdog x. I guess on 932, my only concern is I prefer to have local Oregon contractors end up with the bid. My understanding this is a New York business and if I'm incorrect I apologize on that. On the issue it said you were going to replace clay pipe with pvc. My understanding is the statement you made I was wondering if we're going to get quite a bit more longevity from going in this direction. Again you said the diameter would be anywhere from the six to eight inch lateral up to 28 inch main. Again just when we're talking the trenchless type method, I believe that was on the number 933, you have a certain section, I guess, which would be trenchless. Again, you were talking two different methods from the u.v. to the heat. Sounds to me like maybe that's still kinds of an uncertain method or maybe going in a different direction for that change will offer more longevity. I'm hoping again there's some type of on this type of work they are offering some type of warranties or longevity on how long they think this will last because it sounded like on the first 932 you had a capacity situation to where these pipes were big enough at the time and I'm sure you've calculated into any growth in the areas and what could possibly happen to make sure we don't run into that situation again because I know you're talking going up to maybe 24 inch and I was curious why you might

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not even go up bigger than that just for long term type growth and to make sure that we don't run into the same problem and also you used a term called pipe bursting for one block. I have never heard that term before and hopefully somebody can explain what the term pipe bursting means for one block and what type of method that is. Thank you.

Wheeler: Thank you. I don't know if staff can respond to that.

Wheeler: Excellent. Thank you. Colleagues, any more comments before we move these? Very good. With regard to item 932, this is the first reading of a nonemergency ordinance. It moves to second reading. With regard to item 933, this is a first reading of a nonemergency ordinance it also moves to second reading and that gives us item 931. Thank you for your patience, gentlemen.

Item 931.

Wheeler: Commissioner Saltzman.

Saltzman: I'll turn it over to chief burns.

Ken Burns, Chief, Portland Fire and Rescue: Good morning, mayor, commissioners. Portland fire and rescue responds to 63,000 plus calls ems calls annually from 30 fire stations providing emergency life support services. The ordinance here today that we bring to you allows us to move forward and get more innovative and look at more ways of partnering. We also have two transport capable rescues currently that are responding day-to-day on emergency calls. The ordinance today allows us to be in contact with center for Medicare and Medicaid services and to get a billing number. A billing number allows us on the rare unique and unusual circumstances that we do transport someone in one of those two als units that we would be able to bill. We have transported during the ice storm and there wasn't a billing mechanism because we didn't have the proper documentation and we need to get that all in alignment. So the ordinance allows us to proceed with our efforts to have a billing number for limited transport services as well as it sets a fee for transport is set by Multnomah county through their compliance authorizing the same fee for service that we would charge when and if we did transport as what the current contracted provider for Multnomah county is charging. So that is the ordinance before you today.

Wheeler: Thank you.

Burns: I'm sorry, I apologize. This is deputy chief joe budge. He's in my office at the ems medical training services division. He's been instrumental in getting the paperwork and getting everything in alignment for the accreditation to be able to do the center for Medicaid Medicare services, that application process is a very stringent process and he's taken the lead on that.

Wheeler: Thank you. Commissioner Fritz?

Fritz: Thank you for your work on this. I know commissioner novick started it. So it's taken a long time to get to this point, which is good. Tell me again what kinds of vehicles are people going to be transported in?

Burns: Currently we have two transport capable -- they look like ambulances but Portland fire and rescue are staffing those with firefighters today and they are running some of the low acutely calls. In the scenario we're preparing for, when there's a snowstorm or mass casualty incident where ambulances are overwhelmed we could implement those two transport capable rescues, if you will, into the system to be able to transport. So there's two of those currently being operated today.

Fritz: They do accommodate somebody lying on a gurney?

Burns: Yes, I'm sorry. They would look if you parked them next to an ambulance other than the emblems they have similar equipment, similar trained personnel.

Fritz: This is specifically for disasters, emergencies, like weather events or can you do it any other time?

Burns: Right now there's a sole provider contract for Multnomah county. Today it's amr

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and they are the unique provider for the county. We would only be able to transport in those unique and unusual circumstances. There are some conversations going on with the potential, the new provider that would happen in 2018 that we may be in a partnership where you could subcontract. Today's ordinance at least allows us to get headed in that direction but doesn't get in front of that partnership.

Fritz: Good. I hope you keep going with that partnership cause that's currently out for bid.

Burns: Yes. We're very much aware and cautious and we're looking at getting us in a situation to be able to participate more if we have a chance but we have a duty today to be able to transport.

Fritz: Thank you.

Wheeler: Very good.

Saltzman: You need some – do you need some determination by the county that a transport is a unique and unusual circumstance or is that just --

Burns: Actually today in our protocol we could actually transport if there's a critical patient that readily needs transport immediately and there's not an ALS unit currently available. We have in our protocols today. The situation we're preparing for and trying to be innovative for when there's a perceived snowstorm or earthquake you would have noticed, when we had the snowstorms last winter we collaborated and we knew where the stresses of the system were going to be and at that point we tried to implement additional resources as part of the partnership. So criticalness of a patient is a factor. The ambulance availability is a factor in identifying the unique and unusual circumstances.

Saltzman: So you don't need the county to declare we're in some period of unique and unusual circumstances for you to do the transport and in order for you to bill for reimbursement.

Burns: Correct. If there was an earthquake today we needed 50 ambulances appeared AMR is a great company and at this time they probably have about 24 ambulances available. We would assume the role of a transporting unit because this would be a unique and unusual circumstance. If someone just had a 911 call we would not be transporting. We would not be in violation of the contract.

Wheeler: Okay.

Fritz: How many fire districts do we have?

Burns: We have 30 fire stations.

Fritz: That's interesting so we actually have more coverage than the number of AMR ambulances.

Burns: Absolutely.

Wheeler: If a patient is transported by you who pays for it? Does the county pay for it or does the individuals on medical insurance pay for it?

Burns: The ordinance that we're passing today, so we're not entering into a contractual arrangement with Multnomah county or any other private provider, today the billing would go to the person's private insurance or if they had Medicaid/Medicare we would bill them directly.

Wheeler: Is that any different from AMR, if AMR transports?

Burns: It's exactly the same process. Billing the individual's insurance provider.

Wheeler: Thank you. Any further questions for now? Thank you, gentlemen. Public testimony?

Moore-Love: Everybody on the list left.

Wheeler: Please have a seat. We'll see if there's any follow-up. Good morning.

Lightning: Good morning. My name is Lightning I represent Lightning Super Watchdog X. I absolutely approve this ordinance. I like the direction that the fire and rescue is going on this. I want to see more of a cost recovery type analysis in the future on this. It could be

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done as far as if maybe working with Multnomah county you might be able to do a little bit better service in certain areas from your current fire stations and having an understanding maybe amr has approximately 24 ambulances, maybe you can work with them to increase how many we have and I think it's great. You have my understanding on this ordinance 63,000 emergency calls each year. Now, what confused me and I think you know where I'm going on this, you're talking 1,000 per transport then you have basically on your last page that you think the fees brought in will be about \$10,000 annual revenue. As you and I know if you're having 63,000 calls a year and you're possibly able to move forward on this, I think your income is going to be pretty good there and I think it should be. I think you earn it and I think that people out in the community should have a right to say, no, I would rather be transported by Portland fire and rescue instead of amr. I think they should be given that right. I'm hoping after review through the Multnomah county contract that we get a little more clear understanding on not saying taking over too much but being given a little bit more and then calculating new vehicles to be purchased in expanding this because I think it's a great opportunity for the public first, but also for Portland fire and rescue. I think there needs to be more numbers done on this. Calculations. And look at the cost recovery analysis and benefits to the public if I want to be transported by Portland fire and rescue, then so be it. I think I should have that right. Then again we'll bill my insurance or Medicare, we go from there. It's a great program. Hopefully it will continue and expand. Thank you.

Wheeler: Thank you, sir. I appreciate it. Colleagues, any further follow-up? This is a first reading of a nonemergency ordinance. It moves to second reading. Thank you for your testimony and your presence. We are adjourned until Thursday at 1:00 p.m. that's Thursday, August 24th.

At 11:29 a.m. council recessed.

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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.**

August 24, 2017 1:00 PM

Wheeler: Good morning everyone this is the August 24th afternoon session of the Portland city council Karla please call the roll.

[roll call]

Wheeler: I'm going to condense our long statement at the beginning. When people testify, please let them testify. Let's be respectful, regardless of people's opinion. We want everybody to feel that they have been heard in a safe and welcoming environment. If you're a lobbyist, we need to know that per council rules. If you're here representing an organization, that would be helpful, as well. Please do not interrupt people's testimony. If you are disruptive, you'll be asked to stop. If you don't stop, you'll be asked to leave. If you don't leave after you've been asked to stop, after you've already been warned and disrupted twice, then you are subject to arrest for trespassing, but we don't like that to happen so let's make sure it doesn't happen. I think that's it. Let's jump right in. Commissioner Fish, please.

Fish: I'm technically on my staycation this week, but I'm here today because of the importance of the issues. I did want to just say publicly, express my deep gratitude for the kindness of my colleagues, coworkers, and members of the public. My office is filled with beautiful flowers and gifts and cards. I start chemotherapy tomorrow and I can't think of a better way than to spend a couple of hours reading the cards and doing my thank you notes so from my heart and my family's heart I want to thank everybody for lifting us up during this challenging time and I am deeply grateful.

Wheeler: We're glad you're here, although we question your judgment about how to use your staycation. Have any of the consent items been withdrawn or pulled?

Moore-Love: I've had no requests.

Wheeler: Please call the roll.

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

Wheeler: Aye the consent agenda is adopted. First regular item, please.

Item 942.

Wheeler: Very good and I understand we have officer burns here to discuss -- he's in the hallway. That teaches me to start a meeting on time. Greetings. Welcome. You're on. How are you today?

Gregory Burns, Portland Police Bureau: Doing well.

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

Burns: Gregory Burns I'm a police officer with the city of Portland traffic division.

Wheeler: Please have a seat, thank you, sir.

Burns: On our agenda right now we're looking to get permission to accept a grant from Oregon department of transportation, specifically to work and inspect commercial motor vehicles within the city of Portland on our public highways. Commercial motor vehicles in Oregon are vehicles that are over 10,001 pounds or designed to carry over 15 passengers. Commercial motor vehicles are generally, obviously, larger in size and can create a lot of damage when involved in a traffic crash. This grant specifically looks for driving behavior. It doesn't just look for equipment but actually looks for vehicles that are being driven unsafely within the city of Portland. This grant has been written to accept approximately

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\$68,250 for the use of doing these commercial motor vehicle inspections outside normal work hours to help. Last year when we did this grant we were able to have 10 level-two truck inspectors do 297 truck inspections that would have probably not been able to get done without the grant that we used to last year so these are 297 trucks that were stopped for unsafe driving behavior and allowed the officers to inspect the vehicles, inspect the driver and make sure that the driver's behavior changes and that odot is at least aware of the situation.

Wheeler: Very good. And I have just a couple of questions. It's my understanding this does not require a local match; is that correct?

Burns: That's correct. There's no local match.

Wheeler: So are we acting as an agent of the state in this capacity or what's the arrangement within the iga?

Burns: Oregon department of transportation has -- we have a total of 12 truck inspectors, 10 that are level two truck inspectors which are basically looking over the vehicle, the driver, the log books and we have two level one truck inspectors with the traffic division, the truck inspectors get a little more down and dirty with the vehicle, actually get underneath, checking brake operations underneath, so there's no requirement from the state to do the match time, but all the training that we received, odot provides as the truck inspector. A police officer in Oregon can enforce the law across the state of Oregon, but we're working to assist Oregon department of transportation to make sure these truck inspections get done specifically within our city boundaries.

Wheeler: Very good and you're saying truck, but it sounds from your description, trucks and buses?

Burns: Commercial motor vehicles in general and that's over 10,001 pounds or more or holds over 15 passengers.

Wheeler: Very good. Colleagues, any questions.

Saltzman: The 12 inspectors are in the traffic division? Are they sworn officers?

Burns: They're all police officers and they're all traffic officers, that's correct.

Saltzman: And of those 200 or so inspections that were done last time, how many resulted in trucks being taken out of service?

Burns: The exact number I don't know, but I could definitely get back to you. We do what's called an out of service and there are certain criteria -- and this isn't just odot, this is federal motor carrier set rules to look for certain items that do make a vehicle or a driver out of service and the exact number I don't know and fortunately, it is a smaller percentage of the 297, it's a smaller percentage and some of them again are driver related and some of them are vehicle related.

Saltzman: Thank you.

Wheeler: Very good, is there any public testimony on this item?

Moore-Love: No one's signed up.

Wheeler: Very good, please call the roll.

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

Fritz: I remember this before and thank you we are very glad you are doing it again. Aye.

Fish: Aye.

Wheeler: Thank you, officer burns. I appreciate this. Obviously, this is a tip of the hat to safety. It's obviously a great thing and I'm glad we're doing it. I vote aye, the iga is adopted.

Burns: Thank you all very much.

Wheeler: Thanks for being here today. Next item, please.

Item 943.

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Wheeler: Colleagues, is the city responding to the urgency of the housing crisis with unprecedented affordable housing production. In the past two years we've worked to triple our pipeline of affordable housing units. Now with 2200 units currently under development. One of these 72 foster is expected to break ground in the Lents neighborhood next month. It's an innovative project that leverages the combined strengths of three valued nonprofit partners. Reach, the Asian health and services center, and hacienda cdc to create culturally responsive affordable housing that will serve a diverse mix of households and help prevent the displacement of minority communities here in Portland. Conceived as an intergenerational mixed use development, 72 foster will provide more than 100 units for low-income households within the most concentrated Asian American population in the entire state of Oregon. Just across the street, the Portland Mercado offers a variety of food options and provides incubator space, training and support for new Latino businesses. If you haven't been there, I highly recommend it, 72nd and foster. Reach will coordinate leasing efforts with hacienda and Asian health and family center to support the success of the neighboring Portland Mercado, advance the multicultural character of Lents and other aspects. Projects like this exemplify how housing is more than a roof over our head or a place to live. When housing development is thoughtful and intentional and inclusive by design, it is the cornerstone of a community. Commissioner Saltzman selected this project for funding in the spring of 2016. I want to thank you commissioner Saltzman, I don't know if you had anything you wanted to add?

Saltzman: No.

Wheeler: Very good, director Creager, come on up.

Kurt Creager, Director, Portland Housing Bureau: Thank you, mayor wheeler, members of the council. The request today before you is to approve \$5,766,360 to reach cdc. This funding is from tax increment financing, originated from the Lents urban renewal area, and it's also approval to lease a site to reach to support the 101 unit project. The site itself is valued at \$1,140,000. Phb paid prosper \$1,014,101. So we have essentially done an inter bureau transfer between prosper and cdc. The other thing I would like to mention to you, this is 101 units in total, 21 of which are affordable to people with incomes between zero and 30%, made possible through the allocation of project based rental assistance from home forward. It's also important that you know that 72 foster apartments is part of a larger effort to transform Lents and we look collectively at the allocations made by the city, we have \$118.5 million under way in Lents with that combined 364 total units. So when you go to Lents, you start to see the difference that this level of effort has made and it's been a concerted level of effort between prosper and the housing bureau and our local partners. It's important that you know that the target for women, minority, disadvantaged fall business for this project is 38%. They are exceeding 38% participation. It's especially important to note that with the designs, subconsultants and professional services, they're getting up to 90% small business participation with women and minority owned firms. With me today is Can Valliere executive director of reach, Jessica woodruff, the director of development and Lucy Corbett the project manager. I would be happy to answer any questions that you might have before they speak or afterwards.

Fish: I have a question. Can you tell us a little bit about the commercial spaces and how the deal has been structured to provide for community benefits through the commercial spaces?

Creager: Yes and Dan and Jessica might wanna expound on this, but it's my understanding that they are taking responsibility, they, reach cdc, are taking responsibility for the tenant improvements and will be leasing those spaces on a basis. They don't have any presigned tenants. It's the hope that with the success of the Mercado next door that some of the small businesses that have become incubated at the Mercado will become

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stores at some point in their economic life and so it provides an outlet for successful entrepreneurs at the Mercado to graduate into a real storefront. It's also important to note that Asian health and service center is providing resident services as well as multilingual services. So there will be a very robust suite of services provided in mandarin, Cantonese and Korean. Given the preponderance of Asian businesses in the area I think you'll see a mix. They can describe their approach, but they're taking responsibility for the ground floor commercial.

Fish: Thank you.

Wheeler: Commissioner Fritz.

Fritz: Obviously, this is a great project. I'm wondering about the parking situation. Where are people who live in these apartments going to park and in particular I understand the site currently is used for parking for the Mercado so what's the capacity of the nearby streets?

Creager: I'll let Lucy and Jessica speak to the parking issue.

Fritz: Thank you.

Wheeler: Very good, why don't we move to the invited testimony, please. Come on up. Good afternoon, thanks for being here.

Dan Valliere: Good afternoon. Thanks for having us and for considering this on the agenda. Dan Valliere, ceo at reach, community development. Good background there and just one other sort of acknowledgment that this is part of the largest single funding round phb had ever done in late 2015 so we wouldn't be here, but for amazing work that commissioner Saltzman and the director Creager initiated back then and I remember the director Creager's words he called it a stress test meaning that we're going to test our system on how fast can we develop housing and how much? So a lot is going to come before you in the coming weeks, too, I know so thank you for taking leadership like that. You already had a good background on the project. I think I'll add that this really goes back to 2014, when we drove around the neighborhood with Paul Leung director of Asian health and service center. At that time, they had a dream of a new center they're currently on Powell near 33rd and Powell. They had a vision for moving to a new location in southeast that would be bigger and designed for what they do. They currently rent space and they had a vision of having housing nearby that they could be part of advising or be even providing services in. So we didn't know where it was going to be. We were driving around and that was when they honed in on Lents, and now are developing their new center, which is already under construction so the Asian health service center is separate from this project. I'm not saying it's linked, we're not developing it so, I just wanted to point that out their center is under construction at Lents town center. It's very exciting and this project really was part of that vision. We're developing this and they're going to be the resident service provider as you heard in the building. So again, this is kind of a dream come true for both organizations, that we're able to make this happen in the Lents area. I think it's also worth saying that Asian health and service center has helped us better understand the ways in which cultural communities may sometimes feel shut out of traditional affordable housing especially if we don't take into account different languages, traditions, or sense of mistrust that sometimes people have with institutions. So thinking about how we can develop and design a building and manage it with a community in mind is important and we're all together working on that so this has been a good process that we've been doing collaboratively with the center both involving the community in the design and insight on how we should manage the building. It will be open to all, of course, we will not discriminate. It will be a very diverse building, but given the concentration of Asian communities in southeast Portland, we are going to extra efforts to make sure the building is welcoming and managed in a way that's friendly to the communities. With that I think we

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have some questions that we need to answer. Parking for one and I don't know if Jessica you also have a couple of comments on the financing that you might want to add so we'll get to parking.

Jessica Woodruff: Yes I'm Jessica Woodruff the director of development at reach, and I just wanted to give a little bit of context of how excited we are to be here today. Dan gave the background of how much we had worked and how long we worked with the Asian health service center on this vision and the time of the 2016 election, you know, the federal tax credits are the main way that we finance affordable housing nationwide and right after the election, this project, as every other project in the nation, faced a budget shortage. So it was a really stressful time when we looked at the need in Portland and what was happening with tax credit pricing and in talking with our peers nationwide about how we were going to face that, I have to say I feel very fortunate on this project in particular that we started working and the strong public-private partnership with Oregon housing community services, Portland housing bureau, key bank and reach all to come together. We all put additional resources into the deal to keep it on track and that is something that we're not seeing nationwide the same way that we're seeing in the pacific northwest. So we're just very grateful to be here today. We did receive permit approval today so with the city's approval, we will be able to close and begin construction next month. So very happy to be here today.

Wheeler: Thank you.

Valliere: So do you want to add anything to that?

Fish: Can I start with the question I posed about the commercial space? So are you going to own the commercial space?

Woodruff: Yes, I can answer this one.

Fish: Will it be like a condominium? How will that work?

Woodruff: It is not a condominium. We structured it as a single finance deal. It was more financially beneficial to the project that way. What needed to happen for us to pull that off was reach is master leasing the entire commercial space so that is all on reach. We take all the risk to do that to allow the affordable housing financing partners in the project to know that their portion of the project is protected. So that gives us more flexibility to work with our community partners but also with leasing agents to try to meet that vision that both Kurt and Dan talked about to lease it the way in which we want. So that's how. So we will own it. We do intend to lease it up to small businesses and we will take that risk if it's slow. It's not publicly financed, that portion of the project.

Fish: Dan, is this similar or dissimilar to the approach you took at gray's landing?

Valliere: It's different from gray's landing. Gray's landing, there's commercial space. Reach moved its offices there and bought a sense it was condo though so it was a different structure, we essentially bought some of the commercial space and then run our offices there. So there's transaction reach paid for that space. There's then other commercial space that's for local business but pdc was involved in that so again, it was very different from this because reach didn't have all the risk. It was shared to some level with the Portland development commission. That was a different era and there was different thinking about how the role pdc would play in those commercial deals. So it's quite different. This one is pretty much reach by itself on the commercial space.

Fish: We've had this conversation before, but there are times in this job you wish you could go back in time 10 or 20 years and kind of know then what you know now about opportunity and it's been my impression that the undervalued part of a lot of these deals has been the commercial space and typically, we've asked nonprofit operators that have one set of skills to also manage the commercial stuff and because of the locations, because of the people being served, because of the economy, it's been challenging for

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some of our nonprofit partners, but if you think back 20 years ago and you look at it differently and said we're about to create a portfolio of very attractive commercial spaces spread around the city that someday are going to be very attractive. Now what we have is something quite different and as that part of the city where you're going to be building builds out as gray's landing, that part of south waterfront developing, it's a different story. So one of the things that I hope we can consider is how more holistically we can use the commercial space to drive public benefit. You're going to be looking at it as the owner and you've done this in order -- you've taken on the risk here and you've got skin in the game and you're to be applauded. It makes it pencil out, but you've got a resource that's a great community resource, and I think the larger question is how does pdc or prosper Portland going forward and the city help you be successful in really leveraging that space? Because that space there and another nonprofit affordable housing development throughout the city I think increasingly is going to become a more valuable asset.

Valliere: Right and maybe one way to think about it is instead of pre-committing to it we're willing to take that risk now, but if there were potential public users or public benefit uses there, that others have in mind, that we could negotiate and talk with and also find some resources to help support that, then that would work great, right? We would clearly love that. We have had a number of discussions with potential partners, including hacienda, of course.

Fish: but others, also about mercy corps.

Valliere: Yup so we had some conversations that to date haven't resulted in, but we'll continue to have them and clearly, reach has an interest, too, in having some public benefit there. We need to make sure it will financially work for us.

Fish: I'll close by saying help us crack the code on this and I also think the city through prosper Portland and through other pots, we have an interest in seeing you be successful here.

Valliere: Thank you.

Fish: We just haven't -- it's never been the primary focus, how to leverage the commercial space and yet -- and yet if we can -- if we can maintain that as entry level space, affordable space and make it connected to the community in which we serve, that space is really important. So we have a shared I think commitment to make that happen.

Valliere: It's a good point. We're happy to be part of that conversation and prosper Portland has been very clear, which is a good thing about some of their priorities right now, so it would have to align with that or have discussion about what their priorities are for commercial subsidy, but it's a good topic, thank you.

Fritz: Could somebody address the challenge of parking for both the residents and for the Mercado?

Woodruff: It's one of the first things we talked with hacienda about as we started to develop this. They were clearly aware that it was temporary parking arrangement. They as an organization were prepared for that change. We also talked to the neighborhood about it in multiple neighborhood meetings so they understood. We did get helpful feedback from the neighborhood that they love the Mercado so they only want to see things that support the Mercado, but they did see our project as doing that and they felt like there was ample street parking and with that said I'll turn it to Lucy to remind everybody what the exact parking arrangement we have is.

Lucy Corbett: Sure. There will be 35 parking spaces for 101 units and there's also several high frequency bus lines that run right in front of the project so we expect that residents will also utilize the bus.

Fritz: So it's 35 units actually in the project, in the building.

Corbett: Correct.

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Fritz: Great that's helpful. I suppose when we made our parking changes to allow shared parking with nearby businesses in off-peak hours, that might be helpful. So there's the possibility for some other cooperative arrangements moving forward because I think we all agree it's a great project and we want to continue to support the Mercado. Thank you.

Valliere: Thank you.

Wheeler: Very good. Why don't we see if there's any public testimony.

Moore-Love: No one signed up.

Fish: Could I ask Kurt one final question?

Wheeler: Please, commissioner Fish.

Fish: Mr. Director, I appreciate very much the community impact statement, and listing the units in 20 units at 30% or below mfi is a good number and I'm delighted to see that. What this doesn't say, though, is whether there's the possibility of any of these units being permanent supportive housing units. They are heavily subsidized with section 8 voucher, which is amazing, so could you address that?

Creager: I think it will turn on the affirmative fair marketing efforts that Asian health and service center and reach undertake together as to how many of those have service needs, but I'll let Daniel and Jessica fill that in.

Valliere: I think our approach since there wasn't an official permanent supportive housing goal in the original competition, we don't have a formal commitment to that, but we do have like you've pointed out the subsidized units. So it's affordable, people are very low income or zero income potentially, so it will be open and available potentially to people coming out of homelessness. With Asian health service center this will be the first time that they have been providing residence services in an affordable housing building like this so it's a new partnership. So the other thing we're going to be doing here is learning so I think we're also being cautious about how many formal commitments we make on the service side upfront, but clearly, they and they would tell you very clearly that homelessness in the Asian communities they serve is often invisible. They're not always counted. They're often staying with people in circumstances that aren't visible and so they see this as a huge opportunity to provide housing and services to people that are extremely vulnerable and homeless. So I believe that the partnership we have with them is going to serve the intent of the commitment to permanent supportive housing, even though you don't see that as a formal agreement per se. Thank you.

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

Saltzman: Well, thank you housing bureau and reach for doing some great work here and the Asian health and service center, as well. This sounds like a great partnership and this is very well needed and will be well utilized in a great location. Aye.

Eudaly: Aye.

Fritz: Thank you very much for your presentation and for this work. It's a great project. I think one of the most exciting things is what commissioner Fish and you have talked about in terms of the partnership with Asian family health center and to me one of the most discouraging pieces in your writeup where over three quarters of a million dollars is not coming from the federal government that we were expecting just last year and so we are fortunate that the Lents town center urban renewal area has the capacity to provide that \$766,360. On the other hand that's over three quarters of a million dollars, that's not going to be going to other purposes that we were expecting to be able to use it for within the Lents urban renewal district. So if people think that's what's happening in Washington, d.c. doesn't affect us directly here, it certainly does. Thank you for triumphing over despite that. Aye.

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Fish: Well, I want to thank commissioner Saltzman and director Creager who brought this home. I want to acknowledge if you put reach, Asian health and family center and hacienda together, that's an all-star team. It's fantastic. The last time that reach had a gnarly project that I recall was similar was gray's landing and the tax credit market collapsed. Every possible path forward to financing that project hit a dead end and it took remarkable creativity and Margaret Van Vleet deserves a bow for the work that she did then to make it happen and a similar work-around here to make this work. I believe and I may be wrong, but I believe this land was purchased when Sam Adams was mayor and it was long before people really thought that foster, this section of foster was going to be a focal point of our affordable housing strategy, but a little pdc money and a little housing money went I believe to purchase the property, which is not in great property and I say that because these projects take time to incubate and marinate, but it was worth waiting for because this is a outstanding partnership. So congratulations to all aye.

Wheeler: I think this is a great partnership. I applaud you all and commissioner Saltzman I think this is a very visionary step for the Portland housing bureau under your leadership. Commissioner Fish, thank you for reminding us also of the history of these projects. As you know, there's a lot of urgency to getting affordable housing stock into the community and even with the financial resources ready and available it has still taken years to get to this point. So it's a good illustration that we have the right players, we have the right funding resources, we have the right visions, but none of this comes easily and none of it comes quickly, but this I think is a particularly visionary project, and it's one I've followed with great interest and I'm really glad to see it finally be at the phase where we're close to shovels in the ground. Very exciting. Thank you all for your community leadership. Aye. The ordinance is adopted. Next item, please.

Item 944.

Saltzman: Thank you, mayor. This is a very exciting project and Dan Layden is going to fill us in on that.

Dan Layden, Portland Bureau of Transportation: Thanks, commissioner Saltzman. Mayor wheeler and members of the council. Here today for an ordinance that authorizes a design contract for the Sullivan's crossing project. I want to start with just a little bit of background on the project, and then a little bit about the contract. The project is a span across i-84 and it's about upr railroad tracks it's about 370 to 420 feet, there's still a couple of options that we're considering. It's mainly a pedestrian and bicycle bridge, active transportation bridge. However, it does allow for emergency vehicle access if that becomes necessary in the future which of course, we all hope it doesn't. It provides improvements at northeast seventh avenue and Lloyd boulevard to that intersection there and it's looking in a little more detail at the Sullivan's gulch connection between where the bridge would land at seventh avenue and the connection across the river and it's also a key element of the green loop. A map to kind of show you the general area. It connects on the north side to the existing seventh avenue bikeway connection and on the southside it connects to the central east side. It also provides a really critical connection to the Sullivan's gulch trail as I mentioned and connects several of the major neighborhood greenways and also is a major piece of the green loop. The project itself is a total project budget of \$13 million, \$11 million of transportation sdc's that was passed by council last year, \$2 million from the prosper Portland urban renewal area and also some funds from go Lloyd. What's in front of you today is just the design contract with kpff engineering. We did a competitive rfp process, it was a very competitive process with several well known engineering firms bidding on the project. Kpff was selected. They have 24% mwesb participation and they are a Portland based design firm. Tentative project schedule, we are having the discussion around the alignment. There's still some questions as to the

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alignment on the southern end of the project between 8th and 7th avenue that will be happening this fall. Once that is completed we'll begin the design of the project, should last for about a year to 18 months with construction scheduled for summer 2019 through summer 2020. There will be a series of open houses throughout the process. And finally, just because it's a cool looking bridge, a picture of what at least conceptually what the bridge is planning to look like. I would be happy to answer any questions that you might have.

Fish: So Sullivan's crossing connects -- does the north-south connection and we have this long-term vision for an east-west connection. Any updates on any progress in thinking through Sullivan's gulch?

Layden: I think there has been some progress, and I think this will be a pretty critical step in that project because it will provide one of the biggest questions with Sullivan's gulch has really been how do you get from seventh avenue to the existing bridge across the Willamette. So this will provide a study to look at that and get into more detail in the engineering questions with that. I think there's still a lot of work to be done on the rest of the Sullivan's gulch's trail, but this will at least put one of those pieces in place hopefully.

Fritz: If I might just follow up on that it seems to me from what you just showed us that even if the Sullivan's gulch trail never comes into being because the railroad never changes its mind, this is a good north-south connection anyway, is that fair?

Layden: This is a really critical north-south connection. Right now, the only two ways of getting across the Sullivan's gulch and the freeway in this location are grand and mlk which are both pretty much impossible for bikes with the street car tracks, and then not very wide comfortable sidewalks and then 12th avenue, which does provide a good connection, but is a bit out of the way. This really does provide a really important, direct connection from the development that's occurring in central east side into the Lloyd district. It's something go Lloyd has been advocating for a long time. We're glad to finally make it happen.

Wheeler: Is it safe to say the maintenance and upkeep of this will be the city's responsibility; is that correct?

Layden: Yeah, it will be a city owned bridge.

Wheeler: Very good and I had the opportunity to drive north to Seattle the other way and by the way, the traffic is really much worse there for what it's worth, but I noticed every overpass north of Kelso is tagged, sometimes, pretty dramatically so I assume in the design they will take that reality into account?

Layden: That is one question we're looking at very closely. Yeah, public safety is a critical issue and we have a team that's going to work on that very closely.

Wheeler: It's a long drop.

Layden: It's a really long drop.

Fritz: Councils now and for the last several years are used to the parks bureau bringing annually a list of new operations and maintenance for new facilities. That policy is about city facilities it's not just for parks or emergency management. I would expect when this bridge comes online as with the wild wood bridge when that gets done that there will be a request in the budget process for the ongoing operations and maintenance of it.

Layden: I'll suggest that to the director.

Wheeler: That'd be great thank you. Great public testimony?

Moore-Love: No one's signed up.

Wheeler: No one wants to testify on this beautiful bridge please call the roll.

Saltzman: Well, this crossing, this pedestrian-bicycle crossing and emergency vehicles is very well placed and very exciting and I'm sure it will be a heavily used addition to our

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green loop and other ways of helping people get around in our city. So very excited about it. Aye.

Eudaly: Aye.

Fritz: We often hear from residents that they're not getting any benefit from the growth that we've been seeing in population or they're questioning what's in it for their neighborhood. The lion's share of the funding for this is transportation system development charges, which is from new development. So it's really something for the inner east side that's so important and I'm very glad it's moving forward. Aye.

Fish: Great project. Thanks to pbob and Dan and the team. Aye.

Wheeler: Yeah, I'll second that. I think this is fantastic. I had the privilege of attending the Sunday parkways, which is very, very well attended and a lot of fun and my wife has some knee issues so we rented a tandem bike, we're still married, even after riding a tandem bike together. She actually had to do more of the pedaling I'm pretty sure of it, but on the way back I was looking for a crossing and boy, I would have liked that crossing to have been there then, it could have saved me. I vote aye. I think it's great. Thank you, the ordinance is adopted and we will follow it very, very closely. So colleagues, the next items regarding the police bureau are a time certain at 2:00 p.m. and so we are required to take a recess until 2:00 p.m. We will reconvene at 2:00 p.m. Which is in a little over 15 minutes.

At 1:45 p.m. council recessed.

At 2:03 p.m. council reconvened.

Wheeler: All right, good afternoon, we are back in session. Karla, could you please read items 945 and 946?

Item 945.

Item 946.

Wheeler: All right. Good afternoon, folks. Welcome back. Today, obviously, we're hearing two different ordinances. We're going to hear them at once. After opening remarks, we're going to take care of some housekeeping. We're going to take public testimony and we're going to be starting with invited testimony from pastor's bethel and Haynes. We'll have our deliberation, and then we'll take a vote. First of all, with regard to the 48-hour rule, I've been on the record in strong opposition to the 48-hour rule. Ending it has been part of my policing agenda since the day I decided to run for mayor. It continues to be. This ordinance honors the intent behind the rule's elimination. We've also made what I think are some strong improvements to the original ordinance and I would like to turn this over to commissioner Fish who, along with his office and my staff, have been working very hard on this issue. Commissioner Fish.

Fish: Thank you very much mayor and I'll be speaking directly to item number 945. I'm very pleased to cosponsor this amended ordinance. Three weeks ago in response to guidance from the district attorney, council considered a proposal to update the city's policy about compelled statements by officers following deadly use of force. The d.a., the district attorney, had cautioned that compelling a statement could jeopardize his ability to bring criminal charges against an officer. In response to that concern and under the previous proposal, we would have affirmed our right to compel statements but would not have implemented the policy until a court confirmed that it would not, in fact, compromise any criminal prosecution. In my view, the d.a.'s opinion was reasonable and there was a good argument for deferring to his guidance, but there was also a compelling argument pointing the other way. It was an argument about transparency, accountability, reform, and trust. Now, last year, as the mayor noted, we negotiated the removal of the so-called 48-hour rule, which required investigators to give officers 48 hours notice before a compelled interview after a deadly use of force. We then implemented a policy establishing that we would interview the officer within the first 48 hours and we have done so, at times,

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compelling interviews within a day. Removal of that notice requirement was important to our community. It was important to this council and important to me personally and it was the primary reason that I supported the then-labor contract. So when we began to debate whether to defer to that guidance or to stick with the hard-won reform we implemented earlier this year, I had a strong preference and so did many community stakeholders like the national lawyers guild, aclu, the Albina ministerial alliance, the naacp, long-time community advocates as well as a number of editorial boards. They argued that the city's policy was on strong legal footing and it was possible to put up a firewall in place to protect the district attorney's investigations. In testimony, the council was asked to protect its right to promptly compel interviews and to implement that policy immediately. Coming out of the first hearing, I was persuaded that we could be responsive to the d.a.'s concern while also keeping faith with the community and the reform we had fought for. After many conversations with advocates and our legal team, we elected not to move forward with the original proposal. Instead on August 9th, we directed our city attorney to finalize and return to us with a policy that affirmed our practice of interviewing officers within 48 hours. It would be effective immediately and included a firewall between the city's administrative investigation and the district attorney's criminal investigation to protect any potential prosecution. I want to mention that something came up in our last hearing. In that proposal -- excuse me, I want to mention something that came up in that hearing. In that proposal, we suggested that one way to protect criminal investigations that were likely to lead to indictment would be to give the police commissioner together with the police chief and the city attorney the discretion to wait on an interview until a criminal proceeding was concluded, but we heard eloquent testimony that the community was not comfortable giving that level of discretion to decision makers for fear that it could be misused. Mayor, someone very powerfully said once that while you might be trusted to use that discretion judiciously, this policy is likely to be in place for many years which would mean we would be proposing that the next mayor would enjoy the same trust and community members were simply not ready to sign on to that. We listened to that testimony and in particular to the suggestion that we narrow the exception to cases of incapacitation. The proposal today includes that language and is better for the testimony we heard in both the first and the second hearings. It also directs the city attorney to pursue court review of this policy to make sure we're on strong legal footing going forward. This is a complex policy question and we've been working to balance a number of different and competing needs. The mayor and I believe that a firewall can be placed between administrative and criminal investigations, as is consistent with the practice of virtually every other state in the union. We believe the policy is supported by the law and that the risk to a parallel criminal investigation is very small and we believe face proposal keeps faith and builds trust with community leaders who advocated for the reform of the 48-hour rule and expect us to protect that reform as vigorously as we can. I just want to say on a personal note I'm grateful to the people who took the time to review the various proposals, to offer their feedback, to meet with the mayor's staff and my staff and to lend their expertise to this discussion. I'm grateful to my colleagues for their full engagement and their willingness to explore alternatives and mayor I'm grateful to you for your leadership and partnership on this issue.

Wheeler: Well right back at you commissioner. I'm always impressed with the ability you have to navigating very complex legal issues and I appreciate your partnership on this, and I think your leadership and your staff's leadership has made this a much, much better ordinance so thank you for that. I would like to introduce one technical amendment to item number 945 under 1010.10, under the definitions all the way at the end, under public safety statement. I would propose colleagues that we remove the word compelled. The

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likelihood is -- the intention there was to include compelled, but we are unintentionally excluding voluntary statements from that language and I do not want to do so, so I would propose and accept a motion that we remove the word compelled.

Fish: Second.

Saltzman: So moved.

Wheeler: We have a motion from Saltzman and a second from Fish, that is now on the table and if people would bear with me for about three minutes I would like to go through the changes to the language around community engagement. These are changes made since the last public testimony that we heard. So the portion obviously of the settlement agreement that was of most importance to people related to the question of public engagement. I think everybody acknowledges that the Portland community is very exceptional in terms of both its activism and its civic engagement, not just on policing issues, but all issues and there are many community advocates, some who have decades of experience in this community whose ideas deserve to be heard and we heard from some of those folks during the last hearing of this ordinance. We know that there's a lot of work yet to be done when it comes to police reform in the Portland police bureau and there's more work that needs to be done in terms of improving the relationship between our police bureau and the public that it serves. The city I have come to the conclusion cannot do this work alone and the police bureau cannot do this work alone. It also requires active and involved community engagement in order for us to be successful. To put it bluntly, we need you. I believe we've put together a framework for an effective and credible engagement body that builds on the strengths and the successes of the former coab. A big reason for that is that we've included many of the ideas that were provided in public testimony the last time we were here together. This council heard testimony not only in the chamber, but we certainly received lots of e-mails, lots of calls, we went to various places around the community and received direct feedback. I want you to know I heard you and I appreciate the testimony that was provided here and I appreciate the many of you who took the time to meet with me or meet with my colleagues in recent weeks and recent days to have your experience heard. I want to thank all my colleagues because they worked very hard on this. Commissioner Fritz, I want to especially thank you for your work with me on the pccp. I think it would not be half as good as it is without your very active participation. We've made significant changes based on the feedback we've received. I would like to highlight some of those changes. You told us -- well, first of all, you told us you hate the name and should the board choose -- the board may change the name and call it whatever they would like to call it. We're always open to good branding suggestions. You told us that you would like pccp to have the explicit authority to quote "independently assess the assessment agreement", unquote. That language was in the original settlement agreement, people wanted that explicitly called out. That language is now explicitly included in this plan. We also added an element to allow the pccp to report to judge Simon. Pccp will have the right to make appearances before judge Simon at least in an annual status conference and through discussions with judge Simon, potentially more often than that and again that is the same -- it's similar to what co ab had. There were a couple of people that asked that the office of equity and human rights be actively engaged in this process. That is now the case and director Dante James I know he's here and he certainly welcomes that. We heard that pccp should be able to review Portland police bureau policies. It now has that explicit authority and it will be embedded in the Portland police bureau's policy review process. Pccp will also have the authority to identify policies for expedited review based on community concerns. The level of authority granted to pccp in this area has never been granted to any public body, including coab previously. We heard the call to make the majority of pccp's meetings public meetings. One monthly

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meeting must be open to the public. On balance, taking into account the quarterly town halls, round tables and community meetings, the vast majority of pccp's meetings will be public meetings. A major concern is the need to ensure adequate training. We've now added a mental health advocate to provide training on the settlement agreement in addition to amac's participation. We share a desire to ensure that the pccp is a body capable of organizational transformation. The city will contract the services of a consultant relying on their expertise in organizational transformation to establish the pccp and develop training for pccp. We heard testimony that the pccp should be capable of self-direction. I believe this is at the core of this new concept. The pccp will have broad discretion to approach their work in ways that they, those who are the members, believe are the best ways. They'll have control over the number of meetings and the kind of meetings and the subject area. We also heard concerns about this being a mayor-controlled board from application to appointment. In addition to including a selection panel of five community members, the other commissioners will now be involved in the selection process from beginning to end. Finally, the plan does not contemplate term limits for committee members. It does have length of term, but there's no limits to the number of terms that one may serve. We understand the value of stability and longevity. I would also like at this point colleagues to introduce -- commissioner Fritz, please.

Fritz: Thank you so, we have heard a lot of community input. One of the things that I read loud and clear in many people's input was the need for all of council to stay engaged and I can tell you just from what we've been doing in the past three weeks that every member of the council is engaged. In fact, speaking for myself just try to keep me away from this and that would not be easy. We've all had a part in making it better and I believe that the language we've settled on does require the council to stay engaged and so that's just one piece I want to be clear about so that we all know it's not just up to the mayor to reform the police bureau. It really is up to not only the mayor and council but also the community and thank you very much for all of your participation. It's been very helpful.

Wheeler: Commissioner Fritz would you entertain a motion to accept the pccp amendments as a package under ordinance 946?

Fritz: So moved.

Fish: Second.

Wheeler: We have a motion from commissioner Fritz and a second from commissioner Fish so that is also now on the table in addition to Saltzman one, we now have Fritz one. We'll move to invited testimony. Our list of invited testimony is very brief today. We've asked pastors bethel and Haynes if they would mind coming up and sharing their thoughts today and I see both gentlemen are here and we're very privileged to have you here, sirs. Good afternoon.

Dr Leroy Haynes: Good afternoon.

Wheeler: Thank you for being here.

T Allen Bethel: Good afternoon.

Wheeler: Good afternoon.

Bethel: Dr. T. Allen bethel for the record, senior pastor of Maranatha church, president Albina ministerial alliance and serving as cochair of the Albina ministerial alliance coalition for justice and police reform. We have sent a copy of our comments to the commission. However, they were late. I'm sorry. You're probably just receiving them now so we will highlight them as we go through. This is addressed to mayor ted wheeler and to all of the commissioners from the Albina ministerial alliance for justice and police reform. The amac wants to affirm the city for hearing the voice of the stakeholders and the citizens about their concerns and the seriousness of them. Thank you for adopting many of the ideas of the stakeholders in this new proposed Portland committee on community engaged policing

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known as pcccp and the city moving in a direction to instance community policing and engagement. The following was some areas that we still have some concerns about and we've tried to identify them by section or page that remain about the pcccp and a few suggestions we believe will improve the goals of the pcccp as we continue to work on the assessment and implementation of the settlement agreement. Under section two when we speak of goals we affirm the pcccp's goals, however we suggest not only is it to independently assess the settlement agreement, but the implementation as well will be added there, that they report on progress and progress as it relates to the settlement agreement. On page three, we talk of the scope of work and I refer to bullet point number seven, they are not numbered, but if you count those little bullet points you come to the seventh one, we recommend and the mayor has spoken to this that any other conference that shall be called by the court, we understand the pcccp has been given the ability to now report or make status conferences with the judge, but however we know that the ninth circuit decision is pending in action of resolution for that, so we would like to have included in there that the pcccp and any other conference call, status report that may be called, that they will also be able to participate and give reports and we also note that under footnote number two on page 5 the same should be changed to reflect that any other conference that might be called by the court in case that happens and section three talks about membership and reporting. While we believe that this strongly should be a committee between 11 and 15 people we would urge at minimum that there would be 11 persons and this still has as we spoke of too much mayoral control, but it would be an improvement to have the community selection panel do the initial screening and to have the community panel be made of representatives from different communities. We also would like to see the pcccp members be required to read the settlement agreement and the city should provide and we call quote "a layman" unquote interpretation for the pcccp. Yes, there is a lot of legal language in there, but if they don't have a basic understanding of what they are supposed to do, then they're not going to be able to accomplish that to a level of success. We raise again the concern of member stipends or other financial assistance to help reduce any barriers to participation as they or if they arise. Final one I want to talk about is going to be in section five, where we understand the staggering process of electing so many for two year terms and so many for a one year term. If I'm correct now in hearing that mayor wheeler has stated that there is no limit on terms in which a person can serve, that can almost makes our concern here a moot one so we understand now that the persons can serve as many terms as they choose and they are appointed to continue to serve. With that I want to conclude and dr. Haynes will pick up with the balance and add some other comments.

Wheeler: Thank you, sir, appreciate it.

Haynes: Thank you very much mayor. To honorable mayor ted wheeler and distinguished members of the city council, and the Albina ministerial alliance coalition for justice and police reform would like to commend the mayor and the commissioner for hearing the voices of stakeholders, citizens, organizations, advocates for police reform by going back to the drawing board and coming back with a revised ordinance that reflects many of the concerns that were voiced at the city council hearing. We especially give special accolades to commissioner nick Fish for adding his legal skills to help the council in drafting and would like him to know that our prayers are with him and his battle against cancer as well as all of the houses of faith throughout this city. The Portland committee on community engagement and policing, pcccp, revised version and original state is a better proposal than other drafts yet it still needs some tweaking and I would only add to what dr. Bethel has stated with a few recommendations in this. Under section seven, city responsibilities, there's a need for a person on this staff to be designated and compensated as a

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community organizer that does work. We do appreciate the process of providing funding and staffing in other areas but one of the things we have learned from the coab. In order to get prework done in the community, it's not enough to use the neighborhood association. There must be a staff person out there, a community organizer promoting and forming, engaging and developing both the designated leaders and what we called neighborhood influential leaders in a neighborhood. So we feel that a community organizer will make pcccp more effective in community engagement and page six, the paragraph before the section, the mayor also shall publish on the city website an annual report. We recommend adding status, progress or non-progress of community policing and a full summary presentation to the city council highlighting major items of progress and non-progress. We note the request in section nine, deliverable products, that the full city council is included in the group receiving the summary report. On page seven, gathering input, we request that amac who has been working on this issue for decades, with several hundred years of collective experience, be named among the organizations and then on section nine, delivering products. We affirm that the holding of two public hearings within 180 days of pcccp members being seated and using the town hall for such a neutral and accessible space. I believe that the modification that the mayor has articulated will help respond to some of these, too. Subsection five, we ask the question how does this impact our law, input into review of directors and any outcomes and will pcccp during this one year period have a voice to raise concern about the many directives that are coming out of the bureau on an almost monthly basis? We want to know whether pcccp will have an independent assessment and implementation of this. Another question, are we to read that pcccp has one year to present the community engagement plan proposal to the Portland police bureau? This is a question that we would like to articulate. Finally, we have reached a crossroads in the struggle to bring 21st century community policing to the city of Portland and to address both the failures and the mistakes of the past. Let us begin anew with the coming of a new church, a new chief, excuse me, that embraced 21st century community policing in creating a new model, not only for Portland, but for the nation that will build respect and build trust and build accountability and justice to all citizens of Portland, as well as those who serve on the Portland police bureau. Thank you very much.

Wheeler: Thank you, gentlemen.

Fritz: That was beautiful dr. Haynes, thank you both for all of your work over decades on this issue. We wouldn't be where we are now without your leadership and I truly appreciate it. I wanted to just address a couple of things in your request and I'm actually hoping mayor that several of them seem to be things that we should be able to accommodate so hopefully, by the end of the hearing your staff will have a recommendation with us for that. It seems to me, for example, that since we already had nine to 11 members, why not just make it 11 members? So that's really clear that we need that many. I think the thinking was not to have too many so that then it's harder to make a quorum and harder to get people together, so that was that. I asked a lot about the stipends issue and you've raised the community organizer. The challenge is that the settlement agreement says that the oversight cannot be by city employees for this part of it and my understanding from the attorneys is that should we give financial benefit, then they are perhaps deemed city employees, but again, we'll hear back from the city attorney about that. We've Cristine Nueves on my staff who as you know has attended lots of meetings we realized that with the first community oversight advisory board, one of the big mistakes we made was putting deadlines in. So it was not possible to do the trainings for example or all of the work had to be done before the first public meeting for example so we've deliberately taken a lot out of the timeline, trusting the community people that they're going to work diligently in wanting to be getting their thoughts out as quickly as possible. The deadline we kept in was that

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the police bureau has to respond within a certain amount of time, but we want to trust the new committee to take the time it needs to learn the rules, find out about the settlement agreement, hear from the community, without putting an artificial deadline of 180 days or anything on it so that was the thinking behind that and yes, much of the others are great suggestions and thank you very much for your leadership and partnership.

Allen Bethel: Thank you.

Wheeler: If I could just add to that. Some of these I need to get some further feedback from legal counsel and others, but some of these are definitely, you know, the section two goal, the implementation is definitely implied, that we could be more explicit about that. The conferences called by the court, if I can just understand the intent, the intent is that somebody from the pccp be present during all conferences where the parties are called, do I have that correct? I want to make sure I understand the intention there.

Allen Bethel: In the previous, whenever the coab and I will always refer to it as coab 1, when there was a status conference call there was a representative from the coab who was able to report to the court or the judge what they were doing and so we're asking since this new pccp is going to have the abilities when given the ability to speak and you used the term at least at the annual status conference understanding that the ninth court appeal is still pending for resolution one way or the other, if it goes one way and the court can call status conferences more than once a year, we want to make sure that pccp is also empowered to speak at those conferences.

Wheeler: I'm certainly -- that would absolutely be my intention and I would certainly be happy to do that, if we need to tighten that up, legal counsel can advise me. I'm with commissioner Fritz, in terms of the number of people on the committee. I'm agnostic, nine, 11. I think we can quickly come to an agreement on that one. Section five, I agree that has been addressed through the new -- through the amendment, there are -- we're not putting term limits on. I like the idea of the community organizer. I hear commissioner Fritz's concern, but maybe there's a different way we could do that.

haynes: May I say this, mayor wheeler. I think even there ways either directly or indirectly of paying for that. It could come from a foundation, it can come from also a group of friends, the city and community policing, but we can achieve that goal. I think it would be more effective and engaging the community.

Wheeler: Okay very good. And I'm not clear on page seven why amac was not included amongst the listed organizations. As you know, you're two go-to guys for me. I would be delighted to have that input. I forgot to mention the neutral space. I meant to mention that in my initial remarks and I've had good conversations with other people of finding locations other than city properties where the pccp meetings could be held and I agree with that, and I think there's some tremendous opportunities. This council goes out into the community from time to time. We had a meeting not too long ago at irco, the immigrant and refugee center and there are other opportunities like that that are accessible to the community and what's really interesting is they bring different audiences to the table that might not otherwise want to come to city hall or go to the north precinct or wherever. So I think that's actually a really important statement to provide neutrality and I don't have all the answers under section nine, subsection five so that might be a question for legal counsel just to make sure I don't give you misinformation.

Haynes: I had one more thing. Under the section of goals, we think it should read, as far as pccp independently assessed the implementation, the word implementation of the settlement agreement.

Fritz: And it does talk about the new group reviewing directives and giving feedback on it. So that's a clear expectation.

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Wheeler: Yeah, the language that was used in the coab was independently assessed the settlement agreement so we cut and pasted it. Old legal trick, but I believe the totality including the implementation is implied in that, but we can ask legal counsel. I know Tracy is here somewhere. She's hiding in the back today. We can ask her opinion on that if we need clarification, we can certainly provide that. Gentlemen, thank you. We always appreciate your testimony. So I've had a request from a member of the community that we take a brief recess at this point. Why don't we take a 10-minute recess? Everybody can use the restroom or go grab some coffee and we will reconvene at 2:45. How many people signed up?

Moore-Love: 14.

Wheeler: So we'll reconvene at 2:45. Is that good? Okay great. We're in recess until 2:45.

At 2:38 p.m. council recessed.

At 2:51 p.m. council reconvened.

Wheeler: Alright we are back in session, so colleagues, I have some quick answers on the proposals that were made by pastors Bethel and Haynes. I would like to get this out there prior to public testimony so if people have comments. Number one, the section 2 goal to affirm the pcccp members show implementation shall be added to the assessment. That is implied, that was both the intention and that is implied. So we see that as already in the agreement and I'm stating so on the record. With regard to page 3, scope of work, this was the question of participation by pcccp at all judicial conferences. We agree to that, the city will support pcccp being any conference before the judge. I'm stating that on the record, but I have also been asked to make it very clear that we don't get to make that decision. That is ultimately the decision of the judge, that we will support pcccp in that effort. With regard to membership and reporting, this is something that would be developed by the committee itself with regard to its own bylaws, so we support the language. The number of committee members being -- currently is between nine and 11. I will state on the record that I will appoint 11. Section 5 is no longer relevant because there are no term limits. With regard to the hiring of the community organizer, apparently I'm not the first person to say it's a good idea. The city has already said that they like that idea. There will be a program manager and administrative support. There will be community organizing capacity, in order to bring forward a specific community organizer that would have to be offered by the committee. You can do that through me as mayor or through one of my commissioners in the ordinary budget process and that position would have to be funded. Page 6 with regard to publishing information, unfortunately we are not able to do that, that would make the body a public body. However, it is our understanding that pcccp would provide written reports, written updates, pcccp would provide written reports and written updates. That would be sent to me in letter form it would be posted online. I would certainly post it on social media and I would assume that people would help us post that information through social media as well. It cannot actually be posted on the city's official website. Did I get that right, Tracy?

Tracy Reeve, City Attorney: It can't be a report to council. It can be posted on the website.

Wheeler: But it can be a letter to me?

Fritz: And it can be posted on the city website.

Wheeler: Ok, yes.

Fritz: One of the changes I just realized that we haven't given a strike through underlined version. So folks may have missed that we've now have a directive within the plan. The mayor or mayor's delegates and Portland police bureau chief or the chief's delegate shall endeavor to attend all public meetings of pcccp unless pcccp request otherwise. Other commissioners or their delegates are encouraged to attend unless pcccp request

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otherwise. The purpose of such attendance is to listen, to understand, provide information either at the meeting or at the follow-up and learn from pcccp members and public testimony. So we've got in there there's a clear expectation that there will be ongoing engagement by all of the council.

Wheeler: Thank you, commissioner. Page 7 where it says gather input from, and the request was that amac be explicitly listed. We agree and that will require an amendment, so colleagues I would like to put forward an amendment that on page 7 the sentence starting with gathering input from it includes amac.

Fritz: Second.

Wheeler: We have a motion and a second from commissioner Fritz. We'll call that wheeler 1. Section 9 the deliverable product, we agree to that and that is on the record.

Fritz: Not with the timeline, right? We took out the 180 days.

Wheeler: I have lost Tracy again. Tracy would you mind coming closer so -- I can't find you back there. Sorry.

Fritz: You have to speak into the microphone, otherwise you can't get captioned.

Reeve: It's now one year.

Wheeler: Thank you. That's Tracy reeves, legal counsel. Section 9, subsection 5, we believe this is already included. The consultant has been hired to help the committee with this so we believe that's already implied, staffed and ready to go through the consultancy process. That's my quick and dirty interpretation working with legal counsel on those issues. So without further ado, we'll get into public testimony. Could you remind me how many people?

Moore-Love: We have 14.

Wheeler: 14. Great. We're making good time. Folks, testimony is three minutes. There's a little box. It lights up yellow when you have about 30 seconds left and goes to red and beeps when your time is up. All you need to do is state your name for the record. You don't need to give your address or anything like that. If you're a paid lobbyist need to know that under council rules. If you're representing an organization that's helpful too. As always we just ask people not to interrupt other people's testimony. Let's be respectful whether you like what they are saying or not. Thumbs up, thumbs down is sufficient. Thank you and we'll get to the first three. Dan, would you like to start us off?

Dan Handelman: Yes. Mayor wheeler, members of council, I'm Dan handelman from Portland cop watch. We appreciate the council voted unanimously on August 9 to suspend the bureau's intended implementation of the ten times 48 hour rule. While the revised directive on deadly force is much improved there are still many concerns. Many in the community would like it see involved officers interviews before the ends of their shift or 24 hours rather than 48. We appreciate the only exception is an officer incapacitated, but maybe you should better define so officers can't say their emotional state is a form of incapacitation. Appropriately clarification has been made about getting officers the Garrity warning so any of their compelled statements won't be used for criminal proceeds but failing to answer questions could get them disciplined. Also, most references to waiting approval from the district attorney has been struck. The previous version proposed by the mayor split up tasks based on whether a shooting was fatal or not. The new 48-hour rule splits tasks up between on-scene responsibilities and follow-up responsibilities following departure from the incident scene. This creates a few problems

Wheeler: I'm sorry, dan I'm going to cut people extra slack on the time. I would ask people to read slower because we have a translation under way.

Handelman: Okay. Thank you. The problem by splitting up between the on-scene responsibilities and follow-up after departure include homicide detectives can ask the involved officer for a voluntary interview and conduct one on scene but they can also ask

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one afterwards so it should be clear with the second request is if the officer declines the on-scene if it's a follow-up or if it's both. This is also true for witness members in the new directive. The civilian witness do not get interviewed until after ppb leaves the scene the way this is written now. Witness officers are told they must submit to an audio recorded interview before going off shift but that didn't appear until the following departure from the scene section. Also even though bureau standards are more restrictive then constitutional policing the psd captain is asked to decide whether to conduct further interviews after the voluntary homicide investigation. Homicide will not be asking the same questions as administrative reviewer. It would be unusual that ia would not have more questions for an officer than what criminal investigators ask. This being an option was not in the previous draft which also allowed psd to ask for a voluntary statement from the involved officer. It would be good to reinstate that option so compelled testimony would not be an issue at all. The requirement for interviews to be audio recorded has been removed or made optional in a few places and we have details in our written testimony. There are two sections still have professional standards filling out the use of force report instead of the officer. If the city believes the officers required to fill out that form violates their fifth amendment rights and or is concerned the officers words will be used in criminal investigation if they fill out the report nothing in the current draft prevents psd from sharing that report with detectives even though that was in the old version. Witness members are no longer required to fill out use of force reports and we're concerned that officers under criminal investigation may stay on paid administrative leave even if they admit to wrong doing during I.a. interview. I.a is not supposed share findings until after all criminal proceedings are over including police review board. That means they can't share it until after the criminal proceedings. The criminal investigations directive is constructed so an assistant would not be involved in the criminal process who sit on the prb to prevent leaking information between I.a. and homicide. The city should consider implementing this in the deadly force cases too as well. Some paragraphs were cut to prevent duplication but there are places where things should be cross referenced so everybody understands what their responsibilities are so if you're the professional standards director and you go to that section there's nothing about compelling testimony or protecting information that is compelled that's spread out throughout the rest of the document. So it would be good to have also c section blah blah blah for your other duties just so it's clear.

Wheeler: Thank you. Good afternoon.

Juan Chavez: Good afternoon.

Wheeler: Be kind to the translator, please.

Chavez: I'll do my best. Good afternoon mayor Wheeler and council my name is Juan Chavez I'm here testifying on behalf of the national lawyers guild Portland chapter. First would like to thank the mayor and city council for continuing to listen to the public in developing its deadly force directives. The proposal before you is a great improvement that just needs a few amendments. First the nlg's greatest concern centering around interviews of involved members and witnesses. The city has provided why no involved members are not required to submit to and interview promptly after a deadly force incident. The community has asked for compelled testimony by the end of the shift or at the very least within 24 hours, but the directive still allows up to 48 hours for involved member interviews. The directive does not provide an outer time limit for when witness members must be interviewed. Lastly the directive allows discretion in some circumstances to not audio record interviews with witnesses and witness members. Prompt recorded interviews are necessary we recommend you take a look at the US department of justice's report titled standards and guidelines for internal affairs recommendations from a community practice which is available online and I believe we all supplied the link in our written testimony. It

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says the process of investigating agencies members use of lethal force requires extraordinary degree of attention to capturing and recording the statements of each participant and witness independently, accurately and as soon as conditions allow. It recommends officers be compelled to submit to comprehensive electronically recorded interviews as soon as practical and reasonable after and opportunity to consult for a reasonable amount of time with attorney or a labor representative. It defines a reasonable amount of time to be three to five hours or more. The guideline states all interviews with officers should be recorded when discussing on-scene walk-through the guidelines note the practices of some investigators to conduct unrecorded pre interviews of officers or witnesses prior to formal electronically recorded interviews should be discouraged. According to these guidelines 24 hours is plenty of time to reasonably and practically interview an officer and all interviewees including on-scene walk-through and these should be recorded. With respect to the proposed amendments of the settlement agreement and to the pcep plan the nlg defers to the seasoned judge and expertise of the ama coalition. We encourage the city to adopt those amendments. Thank you.

Wheeler: Thank you, sir. Good afternoon.

Lisa Wright: Good afternoon my name is Lisa wright. I am the co-chair of the political action committee for the naacp Portland branch and I'll be reading our statement, the letter from joAnn hardesty today. The naacp Portland branch appreciates council's giving such serious consideration to the rules of investigating deadly force incidents and community involvement in the administration of the settlement agreement. We really do. It's clear you guys are dedicated to making sure this is a good outcome. While we appreciate the city's efforts to approve the proposed amendments we continue to have grave concerns about two key issue. First the timing of administrative interviews in the case of post incident interviews in use of force cases, second elimination of the community over side advisory board, the coab. First on the proposed changes to the post deadly force procedures for the police bureau we are pleased that the city has incorporated guidance of the aclu and national lawyers guild to ensure separate administrative investigations with compelled testimony from involved officer. However we agree with residents bethel and Haynes who testified on August 3rd for the amac that the time period should be within 24 hours if not by the end of shift. It's in the best interests of the community and the investigation to receive a statement as soon as possible. Second regarding section 9 of the settlement agreement we're disappointed that the city continues to pursue the pcep and elimination of the coab. This change has been opposed by the naacp, amac, the Oregonian editorial board, Portland cop watch and Katherine Saadat the former cocle in addition to hours of testimony by Portland residents. Although it's evident the city has attempted to incorporate feedback from the community it's failed to articulate its case for elimination of the coab instead of repairing the structural and leadership problems from the city and police bureau. The proposed ordinance goes to great lengths to outline timelines and combability and the details of negotiation, but fails to address the conclusion that the community should no longer have independent oversight of the settlement agreement. None of the findings in that ordinance outlined justify this change. In short you have not made your case. The naacp Portland branch asserts as we did on on august 3 that the proper course of action is for the city to implement necessary fixes for the coab --

Fritz: Can you slow down a little bit, please.

Wright: Apologies. I'm told I talk fast. The naacp Portland branch asserts as we did on august 3 that the proper course of action for the city is to implement the necessary fixes for the coab trading administrative and budgetary support showing up the requirements for participation by the city and the ppb and making it easier to appoint and dismiss board members. That is what is required to repair the damage that the city caused by failing to

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support the coab sufficiently to begin with and then letting it wither. Given the proposed structure the pccp is a pale substitute for what was originally promised in the settlements agreement. We did outline some specific concerns about the pccp document there's one in particular I will mention and you have the rest in written form for the sake of time. On page 2 there's mention of available tools and resources which are to provide the mechanism for pccp to independently assess the settlement agreement. This section appears to be missing or it's not clearly labeled in the document, but it appears it should appear between city's responsibilities and members' responsibilities. I could not find it. There are two other things that I would like -- well, let me fix that. We urge city council members to reject the creation of the pccp given the errors and omissions in the current draft we also encourage city council to withhold a vote until the document can be further amended and distributed with adequate time for review and there are just a couple of things I would like to address that you've talked about in your comments today/

Wheeler: Can you do it relatively quickly?

Wright: Yes. The word implied and optional. Implied there's implied -- you all are not always going to be here. So your optional participation in the forming of the board is of concern because you are not always going to be the ones motivated to participate and then I think there's a lot more that needs to be explicit in the proposal.

Wheeler: I will ask legal counsel about that later because I believe by putting it on the record we're giving legislative intent but I'll clarify that later. I have committed a faux pau. Ordinarily we ask if we have more than a few people signed up if there are people with children or disabilities who would like to come up. If you would, thank you all for your testimony. We appreciate it. It's always -- I want to give preference to folks who may have small children or disabilities.

Fritz: Or elder care responsibilities too.

Wheeler: Yes. Very well said. Thank you. Good afternoon.

Joe Walsh: Good afternoon. My name is Joe Walsh, for the record I represent individuals for justice. One of the things that we're concerned about as we read through 946 was all of the may's could be's, recommendations, you're creating a committee that has no power. Why would you do that? You're going to replace the coab, who actually was the only one in the whole system that was created that was doing their job. They offered 100 recommendations to you and the department of justice and how many did you have respond to? One. How can you blame the coab? There's something else wrong. Here's one of the things that were wrong. You had a chair person being paid \$100,000 and you had coab volunteers working 40, 60 hours a week with no stipend. Nothing. They couldn't even get reimbursed. You worked their butts off. It was worse than a full-time job and you're creating the same thing here. You're giving so much for them to do and to recommend it to you who ignored it last time. You and the justice department and god we have a justice department now that's not going to push this. You know that. It's up to you. We have to trust you who ignored it. It's outrageous. Absolutely outrageous that you would do this. Why not keep the coab and you had eight to ten people on there that struggled for years and I was part of the protest against it. I wanted to disband it because you would not listen to them. They had no power and just like the ipa, let me say something about the 48 hours. The lawyers guild came up with a great suggestion and none of you have mentioned it. I was a chief union steward in the federal sector. They ran investigations all the time. Every time we represented somebody we had a criminal investigation that went up to a point. Sometimes they threw it out. Sometimes they didn't. It's the law that is important. You cannot exchange information. If you let the police department do the administrative investigation and the criminal, you're asking for trouble. Think about this. They go to parties, they go to social, they talk about their cases and if they exchange

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information and it goes to trial, the d.a. is right, out it goes. You have to figure out a wall and lawyers guild has given you a choice. It's a good choice. Give it to the auditor it's completely separate from you guys. Let them do the administrative and let the cops do the criminal. You have to learn our trust. First. You haven't learned that. You keep doing all these things thinking that we will trust you and we don't. You have to earn it. You have to learn it. Then you have taken the person with disabilities. I like the idea of Amanda also with the children have to remind you a lot about that. I don't know how we do this maybe I have a sign I'm disabled let me go because it's a serious concern with me about the level of oxygen. If I'm here for a long time and I want to testify, there are times that I had to leave. There are people in wheelchairs that are in pain. There are people that are on crutches that are in pain. They shouldn't have to sit here for hours. I acknowledge that you finally acknowledge it, that I had to go through your system to get the word to you. I don't understand what is this confusion of not doing it. If it's more than ten people, do it. Thank you very much.

Wheeler: Thank you, Mr. Walsh and please accept my apology. I did neglect to do that and it was an oversight on my part.

Wheeler: Good afternoon.

*******:** Good afternoon.

Wheeler: Thank you for being here.

Debbie Aiona: I'm Debbi Aiona representing the league of women voters of Portland. Thank you for the opportunity to comment on the pcccp. The league strongly recommends that all pcccp meetings be open to the public. We agree with open Oregon, a statewide freedom of information coalition, that citizens benefit by "having access to the process of deliberation and government officials gain credibility by permitting the public to observe their information gathering and decision making processes. Officials who keep their deliberations hidden from public scrutiny create cynicism and erode public trust". In light of the high degree of community concern about policing in Portland, greater transparency and participation are essential. We encourage clarifying the language around pcccp terms. It currently appears that committee members will serve only one two-year term. Ms. Grant explained in her email to me earlier today that's not the case because the pcccp will be dealing with complex issues and its members will require extensive training, we were pleased to learn members can apply to renew if they wish. We think it is important to tailor term limits policies to each volunteer committee's function and responsibilities. The community will look to this pcccp to assess the city's compliance with the settlement agreement including implementation. The city will build trust and confidence because pcccp has the authority to offer evaluation of the city's progress and report to the court at status conferences. We support including pcccp in the universal directive review process and over the years have recommended consultation with the citizens review committee as well. The crc through appeals of police misconduct cases experiences firsthand how directives are applied to interactions between the police and community members. The bureau would benefit from including crc's perspective in the review process. Furthermore the pcccp should be given the authority to recommend to the mayor off schedule review of directives in the settlement agreement when necessary. Finally we appreciate the efforts commissioner Fish and the mayor's office devoted to the 48-hour rule. Keep in mind, however, that oir, the independent experts that review Portland's police shootings, recommends interviewing involved officers contemporaneously. In other words they should be interviewed the very day or evening the shooting occurred. The city should be striving to adhere to best practices and post-shooting administrative investigations. Thank you for listening to the community and you have been just -- I was gone for the first round and I have just been so impressed to see how responsive you've been to the concerns you've

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heard from the community.

Wheeler: Thank you for your testimony. Good afternoon.

Regina Hannon: Good afternoon. Mayor, members of the council, my name is Regina Hannon with Portland cop watch. We want to note up front that council was able to make some changes to the settlement agreement apparently without push-back from the doj, but we have asked repeatedly that two items in the definitions section of the agreement be removed to make it easier for the city to improve its oversight system. One is paragraph 61, which defines supported by the evidence by restating the crc differential reasonable persons standard of review. Cop watch understands council is not ready to change that standard today but removing the definition will free the city up to make that change without involving the federal government and the court. The other is paragraph 43, which prohibits appeals on deadly force cases. We still have serious concerns about the reworking of the coab including the word oversight is being dropped from the proposed name. The only change being made to the name is changing the word commission to the word committee. It seems the commission would have more authority than a committee, so this minor change indicates further disempowering of the coab. While the new draft is far better than the original proposal, the continuation of encouraging behind closed doors meetings, lack of broad community input into the membership and unclear mandates mean this is still not an adequate replacement. Our key concern is the deliverable number 6 that says pccp will spend the first year gathering information from the public and compiling recommendations for the bureau's community engagement plan. If this means it's the pccp's only charge for that first year, this is not something Portland cop watch would support. The mayor's office assured us that the plan would only be one part of pccp's first year of work but we would like to see this in writing so there is no confusion. New language says pccp will independently assess the settlement agreement, which taken literally means they may not be able to comment on the implementation of the agreement, which was the number one charge for coab as written in the agreement paragraph 141. If the intent is for the committee to assess how the bureau is implementing the agreement in a way that meets community expectations, this founding document should say so clearly. Similar unclear language appears in a footnote suggesting once the agreement is over they will be no cocl anymore. Pccp should make recommendations about progress generally and on community engagement. It should specify progress towards stated goals of the agreement and enacting pccp's recommendation. Only one of pccp's two monthly meetings is required to be public even though Portland cop watch and many others believe all the meetings should be public. At most an executive committee that sets agendas might meet out of the public eye but should be required to report on all the deliberations at the public meetings. Thank you.

Wheeler: Thank you. Appreciate it. Commissioner Fritz.

Fritz: Thank you. At the end mayor I am interested in the question of should we take delete standard of evidence from the definitions, is it necessary to have it in there that was a very good point. The other comment I have for both of you is these are going to be Portlanders who are going to be appointed to this committee and so I think they will share your desire for open public meetings as much as possible. The way we have it worded now it really means they can occasionally have a retreat or something that they would just discuss within themselves.

Hannon: I think there have been too many behind closed doors meetings going on in the city for a number of years, and I think that's very serious mistake that needs to be rectified.

Wheeler: Very good. Couple of things. What my office stated earlier today is correct, that is not the only thing we expect the committee to do in the first year and I will ask legal counsel if we need to clarify that. I'm certainly happy to do that if that's necessary. I will

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also ask the same question commissioner Fritz asked, which is the question about the language about the reasonable standard and I don't have a problem with that. It sounds like you're probably finding a pathway for us that we want to go towards anyway and whether or not we need to clarify the term limits statement. It seems a lot of people are tripping over it and I want to make sure what we have written in plain English is easy for people to understand. So I appreciate that and the intention obviously with regard to the public meetings is we do believe it's reasonable for a group to have time to strategize and think about how they want to plan public meetings without the public necessarily being there for that strategic session. If my colleagues say no that's fine. Keep in mind there's a balance there in terms of also attracting people who want to participate in the process. We're trying to find a good balance that with the community meetings, with the quarterly forums, with the monthly meetings and the discretion they have if they want to have all their meetings be in public we think we have reached a reasonable place. That's just so you know where we're coming from. Good afternoon.

Barbara Bochinski: Good afternoon. Mayor, council members, My name is Barbara Bochinski with Portland cop watch. The new plan explicitly calls for pccp to review bureau directives and make recommendations as well as requiring the bureau to tailor its policy reviews to allow pccp to have meaningful input. Pcw supports this change, but we are concerned that the new language makes it seem as if the recommendations about standard operating procedures, training, bureau culture or other aspects not captured by the directives will not be allowed and I personally consider that very important. The new document also allows --

Wheeler: Could we stop the time? I'm not sure I followed that could you restate that? This isn't taking your time. I just want to make sure I understand.

Bochinski: Yeah. The idea is that we want to make sure that any recommendations about standard operating procedures, training, bureau culture or other aspects that are not captured by the directives will not be allowed. I have been thinking about this myself. Well, it's all well and good to find out what happens after somebody gets shot but what can we do on the preventive --

Wheeler: Thank you for that clarification. I appreciate it.

Bochinski: The new document also allows pccp to kick a directive up for review outside it's normal review schedule, but only if it's not part of the agreement scope. In other words, had pccp found the deadly force directive was allowing involved officers to wait until after the grand jury to speak to investigators after that policy had been adopted they would have had to wait two years to ask for it to be fixed. Pcw appreciates the example of the crowd control directive which moved up in importance because of the on-ground clashes between police and the public. However any existing directive or need to create a new one should be included in this authority. Pcw strongly supports the council will hold a hearing on the community outreach plan and order amendments if needed. Instead of just three people picked by the mayor, the interview panel for prospective pccp members will be made up of five people picked by all five council members. While this is an improvement bear in mind the original proposal to pick members of the coab in the agreement was to have community meetings where people voted. There must be some way to have broader community involvement in doing outreach for and selecting members. The document states that selection may begin before the judge approves the agreement and holds a fairness hearing. This makes sense in terms of wanting to speed things up but if for some reason the process is not found to fit the agreement the city will have to unselect everyone and start yet again. Obviously this would not be as much of an issue if the pccp were simply called the coab in which case it would mostly still be within the agreement.

Wheeler: Thank you. Thanks all three of you. We appreciate it.

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Mr. W G Barnett: Good afternoon, mayor and city council people. I'm Mr. Barnett. Member of cop watch and I'll read a statement I understand has already been provided from cop watch. It's not clear that the problem – sorry of only dealing with certain classes of Portlanders is fixed by changing the requirement to participate in neighborhood association meetings. To consult with the office of neighborhood involvement and/or district coalitions, coalition of communities of color, and oni's diverse civic leadership partners. There are no organizations of houseless persons on that list or even advocates. Next, the desired effect of the pcep making informed recommendations would be better served by requiring meetings with members of the bodies now outlined in deliverable number 7 as optional. Bhuac, tac, crc, prb, pcep, is required in the new documenter to meet with the human rights commission, the Portland commission on disabilities, and the new Portlander policy commission. Third, we raised a question about the requirement for officers to attend roundtables and town halls. The new document clarifies that the Portland police bureau presence is required at quarterly town halls. However, this leaves a lot of questions including will officers be in uniform. Could this language be interpreted as police bureau acting as security at such meetings rather than attending to listen and answer questions if called upon. Fourth, Portland cop watch appreciates several minor but important changes such as swapping out the desired outcome of policing which exceeds the constitutional requirements ahead of meaningful community engagement and adding improved outcomes to the list of goals. Similarly, the purpose of community engagement is now defined as “leading to bias-free policing and community trust”. It is appropriate given the cocl's disconnect with the community for pcep to coordinate the cocl's town hall meetings. Thank you.

Wheeler: Thank you, sir.

Lightning: My name is lightning I represent lightning super watchdog x. I almost feel I should be a legal scholar to be discussing some of these issues, so I'll just make representations that I'm not an attorney. My position is that I believe that d.a. Underhill, his position that he is taking, is the appropriate direction to take. I believe that we should not compel statements from officers who have used deadly force until after the d.a. has concluded the criminal investigation. I believe that you cannot create that firewall between administrative investigations and also criminal investigations. There's too much risk pertaining to the Soriano case. There's too much risk to the d.a. let the d.a. proceed forward in the direction he wants to go and understand if everything begins to fall apart, we'll be pointing and electing a new prosecutor. If everything begins to fall apart with what you're proposing from your side I'll be pointing at the police commissioner, the mayor, and the commissioners. If you look in Chicago now, in the Quinn McDonald case we're talking possibly up to six to ten officers will be fired. Police chiefs are going to be fired. They want the mayor removed and if you look at the compelled statements understand it's the same thing we're discussing here. D.a. Underhill wanted to put this up in front of a grand jury. He wanted to transcribe the testimony and make that witness testimony transparent to the public and the reality is that I think you're going against somebody that knows what he's doing, and it's going to jeopardize the overall outcome. In my opinion, for you to put in a policy where you don't have nearly the experience that he does or the knowledge, and act like you do, as a police commissioner going against the prosecutor, I think that's a conflict of interest and I'm going to ask you to recuse yourself on this vote. The reason why I think you should do that is if these cases do begin to fall apart like other cases have shown, you've stepped back and there are still four votes and they can vote it in then each and every one of you will be not voted for on your reelection. That's something you should take into consideration and also on this pay increase. If we go in the direction of d.a. Underhill, that's \$6.8 million should not be paid to the Portland police. We should look at that close

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and understand we're not removing the 48 hour rule if we go with d.a. Underhill. I'm asking to go with d.a. Underhill, I'm asking you to recuse yourself and I'm asking for that pay increase to be null and void, taken away. Thank you.

Philip J Wolfe(Interpreter): Hi my name is Philip wolf I'm representing coab. I would like to thank commissioners for inviting me here for this testimony but I also want to make sure you're awake and aware. Hello. Not nodding off during my testimony. Okay. First I would like to say that I want to recognize the efforts that you've included in trying to improve the document I have seen all the work you've put into it. It's not perfect as we know, but there's a lot of effort and I want to be aware of recognizing that. Also there's a few things I would like to address related to the police and the 48 hour rule that I'm impressed that that's going to be removed or that's the intention. I think after a use of deadly force and after they finish the response at the end of their shift they should have within 24 hours of that conversation I don't know that's the best recommendation. I try to envision that in terms of suppose it was me and I did deadly force and I still have to continue working for another 24 hours. That I feel would be something that could have an impact on me moving forward in my activities and it's a risk for community safety. I feel if immediately deadly force happens that person should be given a break, suspended, taken home I feel that needs to be a very quick action. Related with reporting to the use of deadly force I don't know if it applies specifically and if it doesn't apply I still feel that when people look at it there's a concern about using deadly force. Suppose a person experiences a horrible experience, tragic, and the police -- needs to be documented as quickly as possible by police, it has to be put down this was done. Not suicide. Thank you. I just wanted to say I don't know if it's possible to apply this to the 48 hour rule but I wanted to emphasize my concern about how that might be happening when there's a use of deadly force how that could create a suicide situation. Plus also we already yesterday I think we had a discussion during a meeting where I felt like the goal for police reform is on the right path but I do have some still concerns and doubts about how that path is going and I feel like we need to be able to work together so we can come to agreement to follow the appropriate path. One thing I would like to say is I would want to make sure that there are accommodations that are provided. There's nothing in here that mentions anything about accommodations in this document in the budget and how that would be budgeted. Related with the selection process for the new committee I have a question sort of a general question. How are the people who are going to be responsible for the selection who is going to pick those specific people making the selections for the new committee? I think I agree where pretty much everything everyone else has commented about relating to that process previous to my testimony. That's all I have to say today.

Wheeler: Thank you Philip and it is currently police bureau policy that if an officer is involved in a shooting they will be put on vacation or administrative leave.

Wolf(interpreter): There was one thing I forgot to add.

Wheeler: Sure.

Wolf(interpreter): It was connected with the deadly force and the shooting. I'm curious how you can make sure you can divide the criminal investigation, separate it from the administrative investigation, so I'm curious what's already in place now to make sure that happens and I would think that needs to be documented in the proposed document.

Wheeler: Thank you.

*****: Thank you.

Fritz: That's a really good point, isn't it? The 48 hours is a number, but right now there has to be separation between administrative process and the criminal one. That's got to be possible.

Wheeler: To those of you waiting for item 947, an historic landmarks commission decision,

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I apologize. We're obviously running a little bit over on a different matter. I would ask for your patience. We will get to you I promise. Good afternoon.

Pat Adams: Good afternoon. Thanks for this opportunity. I followed coab for a few years and I went to the meetings – my name is pat Adams. Thanks. I attended the accountability subcommittee and the mental health. These are my observations, my advice if you will, for the committee going forward. First of all there's no natural conflict between the police and the community. The community needs the police and the police are part of the community. So if there is a conflict, it comes from outside of that natural relationship. Secondly, we can't make the community safer by making the police less safe. Any solution must improve safety for both. We cannot be seeking increased police accountability without also seeking increased community accountability. Our concern about racism in the police department cannot be our only focus, after all racism in the police department is also mirror for racism in the community. I doubt that there has ever been an officer who never abused his or her power. Police like all people bring their prejudices, their stresses and their humanness to work every day. There must be a restorative justice process to heal both real and imagined transgressions against community members. Punishment is not justice and getting rid of bad apples is a tactic, not a strategy. Lastly, officers must have a forum for their own stories of abuse at the hands of community members. For witnessing the endless abuses of the community against itself. Thank you.

Wheeler: Thank you, sir. Good afternoon.

Thomas Etienne: Good afternoon. Mayor, city council, thanks for having us again. I'm glad I made it this time. I was almost not able to but my name is Thomas Etienne. I spoke on august 3, came back to the city military veteran, former officer. I was able to tap away and thank you to Stacy Brewster in your office and I forget who from Ms. Eudaly's office, I got something from your iPhone, Mr. Mayor, saying I appreciate that being received. I'll just reiterate one portion of what I wrote paragraph number 6. With regards to the proposal to amend the role of the existing coab in favor of a more independent pcccp but with less authority, I argue that constructing yet another government designed intervention that extends no meaningful power to an engaged community will likely fail. This view is informed not only by my past military experience but with due awareness and appreciation for the political landscape of America in 2017 irrespective of party affiliation the systemic crisis of our domestic politics is being extensively fueled by the entrenchment of public and private institutions that are failing to deliver functional services and protections for a growing number of Americans. I believe this pattern has evolved over several decades, so it's not on the shoulders of everyone in this room but we do have some responsibility, but we're also at a point where citizens are justifiably correct in demanding reforms that specifically in code accountability mechanisms into their processes. So by my understanding the now dormant coab did include a meaningful degree of accountability in the form of having authority to report Portland residents' evaluations of police reform that was being implemented under the settlement agreement. It still appears that the proposed pcccp will diminish that specific oversight capacity from the only component under the settlements agreement that guaranteed a degree of accountability to the community. So other than that, I really include a few questions and the thing that brought me back here specifically when I thought about it was like to just consider what was the risk that you had perceived that motivated you -- all right. We have to change from coab to pcccp. What was the risk to the city for justifying that. I tried to think, I didn't really hear a convincing or persuasive explanation on that part. In my own world I would also ask what risk do you perceive for the city if the community loses faith in police reform. That's all I have. Thank you.

Wheeler: Thank you, appreciate it. Thank you, sir. Good afternoon.

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Myrlaviani Perez-Rivier: Good afternoon, mayor, commissioners Saltzman, Fritz and Eudaly. So glad you're there. Thank you for your service. I was fortunate, blessed and honored to be part of the coab process for the full term and what was so exciting about it is that I was born and raised in Portland, I'm a Portlander through and through. I just want to say first of all to Amanda Fritz, because of you and your humanity it allowed me to remain on the coab when it was difficult. I appreciate you. I appreciate your leadership. It's what compelled me to be a part of the disability leadership academy, which was a transformative experience for me in terms of my trust with local government and that means something deeply to me. When I was on the coab, I got a little bit of push-back but that's okay because I love Portland. I'm going to be here until the day I die. During that process, I was able to go up to the old Columbia villa and talk to people who have been leaders in their own neighborhoods since the '80s. They have seen a lot of things happen. I collected over 8 full on boxes -- I felt like a lawyer after a while, how they store their stuff. Oh, my gosh, I have to do something with this, but today I come not as the chair of the accountability subcommittee or a community leader or anything like that. I come to say thank you. This pcccp or whatever you call it --

Wheeler: Something else.

Perez-Rivier: It really captures fair process. Right out of -- what that means. It really captures that and I appreciate everybody's team that was involved in that and the vision that it took to do that. I'm sure the guff that some of you have taken from who knows how many sides because that's the deal in living in a community, there's a spectrum of people that live there. I'm so glad that this new council is moving forward with a cornerstone of accountability, transparency, and vision. Thank you so much.

Wheeler: Thank you. Appreciate it.

Fritz: I have to say thank you for all you taught me and for you and your mum for your stick ability. It was very difficult at times and you have been along with Philip wolf and others dedicated to the long term that we need to get at least a police force that everybody can trust, a police-community partnership. Your diligence in showing up and your ability to represent various communities in a community was very valuable and is valuable. Thank you for coming today.

Perez-Rivier: Thank you so much.

Wheeler: Thanks to all three of you. There's two more?

*****: Correct.

Kenner Swain: Good afternoon, Kenner Swain, Portland resident.

Wheeler: Good afternoon.

Swain: I'm not a lifelong Portlander, but I'll do my best to say a couple things. I'll be brief in any case. So I agree that -- well I should say first I think you all have made a good faith effort to step forward toward the 21st century maybe into the 21st century. You do take a lot of guff and maybe don't get paid enough. I hope that this is a step forward. I agree with the ordinance 1, 2 and 3, trust, procedural justice, effective and transparent accountability, and I agree with the united states and the city of Portland recognizing the vast majority of the city's police officers are honorable, law enforcement professionals who risk their physical safety and well-being for the public good. I was never a police officer I did teach in Chicago teachers union for four years, as close as I got. I also agree it's not in the ordinance that Reinhold neighbors said the only empirical verifiable doctrine of the Christian faith is original sin. [laughter] I just have -- I don't want to quibble with anything that you are doing. Except one thing. Procedural justice. I think really the goal is the substance of justice, which is not to disparage procedural justice, or procedural due process, but having said that, I haven't lived here long enough to -- I just don't know the answer to this question but I know that file-a-math and other places have police body

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cameras. I hope that the first thing you do once you get through with -- I assume you're going to pass something, once you've passed something, the next step, you know, carthage was not destroyed as soon as the guy started saying carthage must be destroyed, had to be said over and over and over to get to the point. So there are pros and cons I will say Portland does not have to suffer under the first mover mistakes and the first mover stumbles. Portland is not first to do body cameras for better or worse. Just as a citizen who maybe has some privilege but trying to stay out of trouble, but in any case, really for everybody whom you're acting on behalf of think about body cameras.

Wheeler: For the record we have committed to those. This year's budget actually had the first outlay to begin that process.

Swain: The first outlay to do what?

Wheeler: To begin the process of implementing body cams. They will be worn by police officers here in the city of Portland.

Swain: I have read a little bit. Maybe not enough to know --

Wheeler: The good news is I don't write the news.

Fritz: What we've heard is it's a lot more complicated than you might think cause there's privacy issues that people in the public do not want that used as surveillance. So it's a big issue.

Swain: It's a big issue and it's going to get worse and the master and servant act is the way this society is going too.

Wheeler: Lots of work to do here sir you bet. Thank you. Last but not least --

Pastor J W Matt Hennessee: About that original sin -- [laughter] Mr. Mayor, members of city commission, I'm for the record pastor j.w. Matt Hennessee, pastor of the historic Vancouver avenue Baptist church in Portland. I also serve as a convener for the interfaith peace and action collaborative which meets every other Friday bringing police and community and faith leaders together. So today my remarks are specifically talking about the changes that are recommended rather to you about the committee on community engaged policing. My formal remarks are before you. I'll try to get through this in the time that I have left. It's always an honor and a pleasure to come before you to give input and voice to matters that you are grappling with in the public square. As a person who has lived here for 28 years I respect the grist it takes to create innovative, sustainable results for one of America's greatest cities. I'm convinced the community engagement was birthed in Portland and have had a great many opportunities myself to be so involved. As I talk about changes before you it's important that I say from the bottom of my heart how much I respect and appreciate the great work of this community and each of you, the ama, and several other civil and human rights organizations, the Portland police bureau and every citizen who has lent their name and time to help us comply with the department of justice's settlement agreement. As a result of my years in public administration, I have been on the side of administering and creating success for a consent decree from the department of justice in Saginaw, Michigan, when I was the assistant city manager of police and fire, and in that regard I was dealing with the very difficult stuff as it relates to race and hiring and the need or the consent for everyone white firefighter for nonwhites have to be hired. I also served as a settlement agreement monitor for the eeoc, overseeing the implementation of policies and practices of the Thomaston auto group. For eight years of my life I have done this kind of work and I respect how very difficult it is to do. It's against that backdrop that I acknowledge the work of the coab and Kathleen sadaat and all who worked with her. I salute the great work of Nicole grant and those working with her and the changes that you are considering today and in the weeks to come. Specifically I'm grateful to see the onboarding efforts made for those who will serve on the committee, the terms of office, ability to meet and work with the public present as well as opportunities to meet with

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privately for considerations that are so important which lend itself to thoughtful and reflective discussion. I'm also grateful for the recommendations of the input into the directive considered by the Portland police bureau and of course their input in the progress meetings before honorable federal judge Mike Simon. What I go on to say is to remind you that I think it's important that they meet with the council, that they also make time to meet with the various community groups so that work that they are doing can also be done not just when they are meeting but also in ways that they might have intimate conversation and understand together as well. The rest of that is in my testimony.

Wheeler: Thank you for your leadership, pastor. We appreciate it. Should we invite staff back up? Tracy, could we get you to come up, and Nicole you're hiding here somewhere. There she is. Great. Colleagues, we currently have three amendments on the table, the one around the removal of the word compelled in the first ordinance 945. We have the one around the pcep amendments on 946. We have added amac to the list on page 7 under 946. I had a couple of questions that I will just quickly jump into while we're organizing here. Do we need to clarify the term limits?

Tracy Reeve, City Attorney: I looked -- Mr. Mayor, Tracy Reeves, city attorney. I looked at the language in the exhibit 4-1 as has been presented with some amendments and I do not believe it's legally necessary. I see perhaps some of the confusion is that it says some members will serve a two-year maximum term, and people may be reading that as a maximum of two terms, but it's just specifying the longevity term is a two-year term and there's one-year terms. It's not imposing a term limit.

Wheeler: Does the word maximum need to be in that sentence? I assume it's the word maximum that's tripping people up.

Reeve: I think it would be fine to say a two-year term.

Wheeler: Is that a scrivener's error?

Nicole Grant, Mayors Office: I think it would be fine to add language that simply says there's no term limit.

Wheeler: Why didn't I think of that? You're so good. [laughter] I would entertain a motion --

Fish: So moved.

Wheeler: Good.

Eudaly: Second.

Wheeler: Commissioner Fish moves, commissioner Eudaly seconds. We'll call that Fish 1 and that's adding the sentence around term limits. Philip had mention the question of accommodations and that was not explicitly called out. Should that be explicitly called out? Obviously we want accommodations.

Reeve: Mr. Mayor, I know we have not been perfect in our implementation, but we have a legal obligation to provide accommodations and we strive to provide accommodations and we under title 6 and under the ADA, we have an obligation to do that in all of our public activities and boards and commissions. I do not believe it's legally necessary to specifically call that out.

Wheeler: Is that requirement in code or is that a state or federal requirement?

Reeve: It is certainly federal law requirements there are also state analogs.

Wheeler: Commissioner Fritz.

Fritz: Thanks mayor, sorry to butt in. As we have in the past it's really a funding issue, a budget issue. There have been various proposals on how to fund accommodations city-wide as well as on this particular body. Since you're proposing the budget that's one way to make sure that it gets done.

Wheeler: Very good. The question was raised around the CRC and what would happen if we simply removed the CRC from the document.

Reeve: So I would really urge -- I understand council would like to have further --

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Wheeler: Commissioner Fritz thinks I may have misinterpreted that.

Fritz: What I heard was to remove paragraph 61 which is on page 15 of the settlement agreement. It wasn't removing the crc, it was removing a definition supported by the evidence as the standard of review.

Reeve: Right and I guess what I would say is I understand there's a desire to address that. That is something I would -- all of the proposed amendments before you we have worked extensively over a very lengthy period of time with the department of justice, Portland police association, the amac, to a lesser extent, and I would -- that is not something that my office has had the opportunity to look at let alone to talk with our partners about, and I would urge you not to make additional amendments to the settlement agreement that we have had no opportunity to collaborate or to have discussions on. Certainly you could direct staff to explore how to look at and to come back to you and to report on the appropriate standard for the crc, but I think it's an issue that merits thoughtful consideration on its own and I would urge you not to make substantive amendments to the settlement agreement language that we have not had any discussions with our partners about.

Fritz: The point was just removing that definition so in the future we can have that -- I understand it's in the police contract so it's maybe a bargaining issue. May not be able to do it right away but why do we have to have the definition in the settlement agreement?

Reeve: Because it's a definition we negotiated with the department of justice in the first place that governs our accountability system and so we have not had any discussions with them about whether they have any objections or see any further problems. I'll be honest, today is the first time that I have heard that raised. I have not had any time to look at it or consider it. I don't know what the materiality is to the department of justice is to other areas but I would -- it would be substantive change to the settlement agreement of the definition that was negotiated back in 2011, 2012, and we have had no discussions with them about that.

Wheeler: Then with regard to there was some confusion about whether we were limiting the work of the committee during its first year based on the comments that were made.

Reeve: I understand. I have heard the testimony. I do not believe there's anything in the plan that limits the work to that. It is one element of the work but it is not limited to that and nicole I think could speak better to the policy intention.

Grant: To clarify items 1 through --

Wheeler: Nicole could you state your name for the record?

Grant: Nicole grant, senior policy advisor for the mayor. To clarify items 1 through 7 on pages 9 and 10 of the pcep plan specifically lay out the steps that pcep is to take in making recommendations on the community engagement plan for the bureau and that's one element, that's one charge. Nothing in that section precludes work on any of the other items laid out in this document.

Fritz: If I might add to that we had a lot of discussion at the first hearing about they should do this, we should do that and we had a number of things they were going to put in there. When Christine Nieves, one of my policy advisors, tried to calendar it out what would these volunteers be able to do it was way more than even 20 hours a week. It was a full-time job and even then we didn't think they would get it done. That's why it's permissive. Right? There's a few things have to happen, but not giving these volunteers so much that nobody will volunteer to do it.

Grant: The one year time frame was expanded from what was discussed on august 3 and the intention was to give pcep the ability to actually get this work done. In hiring a consultant an organizational development consultant, we hope to have assistance in developing that work plan.

Fritz: Am I to understand that responds to Katherine sadaats suggestion there's going to

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be an internal police organizational evaluation with the new chief?

Grant: The strategic plan or --

Fritz: Just how to create organizational changes. That was one of Ms. Sadaat's recommendations.

Grant: Right and that's separate from in the settlement agreement and pcept plan but as I understand there has been substantial community outreach by the bureau with respect to the development of a strategic plan. Contracting with I believe actually don't know if that's been determined, contracting with a company to help the bureau do that.

Fritz: Thank you. So similarly then this doesn't say everything that we're doing with regards to police. There's other things that don't need to be in the settlement agreement.

Grant: Right.

Wheeler: Commissioner Saltzman.

Saltzman: I was struck by the testimony of Dan handelman of cop watch about the need to better define incapacitation as a reason not to give testimony within 48 hours of the officer-involved shooting. I do think we should add definition and I would propose it on section 2.2.51, where it reads that a captain or designee shall ensure the involved member provides a compelled statement as soon as practicable but no later than within 48 hours of the event unless the member is incapacitated and unable to provide a statement. I would add a sentence after that the emotional state of the officer after a shooting does not constitute incapacitation. That would be my amendment. I'm concerned that and would support removing the exception to the 48 hour rule because I think the exception becomes the rule, I do think having sort of this blanket incapacitation standard without saying the emotional trauma of a shooting does not constitute incapacitation of itself. Otherwise I think we're creating another potential loophole.

Reeve: Commissioner, I think incapacitation probably would have a legal definition that would be something more than the normal expected upset. I would have some concern about on the fly adding a definition that says emotional -- could you -- I'm sorry could repeat your language.

Saltzman: Emotional trauma in of itself discuss not constitute incapaci -- emotional trauma from the shooting does not in and of itself constitute incapacitation.

Reeve: As we all sit here that sounds fine, but there might be situations where an actual medical provider would believe that someone was actually incapacitated as a result of that. My concern again is that as we're making those kinds of amendments here without the benefit of reviewing any of that kind of information and without the benefit of hearing what the Portland police association has to say about it, that we might do something that could cause difficulties or that might contravene. I don't know that it would --

Saltzman: In defense of myself here we're sitting here tossing amendments back and forth, why does this one suddenly upset the apple cart so much?

Reeve: It's just one that I see potentially having -- I'm not a medical --

Saltzman: I would say the Portland police association should be in the loop to review --

Reeve: Well, excuse me. I didn't mean to interrupt. The Portland police association has been part of the review process throughout. That is the way it works with the department of justice settlement agreement amendments, we're in a process. They are party to the process, we have meetings where they participate as well.

Saltzman: I get it.

Reeve: It's no greater role but they are a party and do participate at the table. I guess my hesitation is I have a gut check that that could be a medical situation that -- I don't know the line of where that -- wherein capacity takes would be judged by, say, a medical provider and if we put in -- perhaps if it said something like normal trauma. I guess my concern is just what if we put a definition like that in there and someone truly is

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incapacitated, they are not physically incapacitated but --

Saltzman: I would suggest the reason I suggested we remove and commissioner Fish and the mayor put this in their revised amendment to do away with practically all exceptions to the 48-hour rule is if it's clear in the minds of the interrogators and the investigators that this person is truly incapacitated, then all they have to do is ask the person's name and rank and serial number is. Then they can say that's it. You met the 48-hour requirement. We'll talk to you later. I would say the same would apply in this situation as well. You know, I'm concerned about it --

*******:** May I make a comment? I don't feel comfortable taking the advice of the city attorney on this one and the police.

Wheeler: Philip, that's our judgment to make. Thank you. Commissioner Fritz, then I have a comment.

Fritz: May I make a friendly suggestion commissioner Saltzman. How about saying physically incapacitated instead of having another definition about what incapacitated is with mental just have it - unless the officer is physically incapacitated.

Eudaly: That would be my suggestion. Could we say physically incapacitated and unable to provide oral or written statement.

Fritz: Physical incapacitation could include something like being so traumatized it becomes catatonic. I think actually --

Fish: I would be comfortable with physical incapacitation. I also think we have a robust record here of the intent of the council.

Saltzman: I could modify the amendment to insert the word physical in front of incapacitated. Physically incapacitated.

Fish: I'll second that amendment.

Wheeler: Commissioner Saltzman moves, commissioner Fish seconds that amendment. We're obviously voting on ordinance 945 today and its amendments and it's my understanding we'll be voting on the amendments for 946 then moving that to second reading. So there's actually more time for discussion of these issues or no?

Reeve: The one that -- I'm sorry. I have lost which --

Wheeler: 945 is an emergency ordinance. 946 appears not to be. My understanding is we'll be taking the vote on 45 but not 46.

Reeve: 945 is 101010?

Wheeler: Correct. [speaking simultaneously]

Fritz: If we agree we could add an emergency clause.

Wheeler: Does somebody want to propose that?

Fish: Well mayor let's find out if we have any more amendments. If not I would urge us to go through the amendments to vote and see if there's a proposal to slap an emergency clause on 946 and then take them both up.

Wheeler: Great suggestion. Any further amendments to those? Very good. So why don't we do this. Why don't we first vote on the amendments to 945 then take the votes on the amendments to 946 then we'll see if somebody wants to make a motion on 946. First of all, Saltzman 1 with regard to compelled. Please call the roll. This is amendment 1 commissioner Saltzman with regard to ordinance 945.

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

Wheeler: Aye. The amendment is adopted. Please call the roll on Saltzman 2, which relates to the definition of incapacitation.

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

Wheeler: Aye. Amendment 2 is adopted with regard to ordinance 946, Fritz amendment number 1 relating to the package of amendments related to pcccep. Please call the roll.

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

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Wheeler: Aye. The amendment is adopted. Wheeler number 1, which refers to adding amac to the list of organizations on page 7. Please call the roll.

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

Wheeler: Aye. The amendment is adopted. Fish number 1, amendment number one, which relates to term limits. Please call the roll.

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

Wheeler: Aye. Colleagues, I'll entertain a motion on item 946 for an emergency clause.

Fritz: So moved.

Eudaly: Second.

Wheeler: Commissioner Fritz moves, commissioner Eudaly seconds. Please call the roll.

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

Fritz: The reason for the emergency clause is because it's in the public benefit to be sending this to the department of justice and the judge as quickly as possible. Aye.

Fish: Aye.

Wheeler: Aye. The amendment is adopted. Colleagues, any further discussion before I call the main motions on these ordinances? Please call the roll on item 945.

Saltzman: Well, I'm very pleased to support this ordinance as amended. I want to thank commissioner Fish and mayor wheeler for providing some changes to further almost remove the 48 hour rule exceptions. I really was concerned about any exceptions to that rule because that often becomes the norm, the exceptions become the norm. I think we have a tighter ordinance 101010 and I think the changes in the hearings and what we heard today even make it better. Pleased to support it. Aye.

Eudaly: I would also like to thank commissioner Fish and the mayor's office for moving on this. This is one of our primary concerns with this ordinance, and I'm pleased with the results. Aye.

Fritz: Mayor hales and commissioner Fish and I got a lot of grief for supporting the police contract last year. This is one of the reasons we were paying for and I salute mayor wheeler for meaning what you said during the campaign, making sure it happens, and commissioner Fish for giving your legal expertise to getting the details right. Thank you to the entire community also. Aye.

Fish: Today we're taking decisive action to protect the hard fought reform, elimination of the 48-hour rule. We are not picking a fight with the district attorney. We have a respectful disagreement. We believe we can maintain that firewall and protect constitutional rights while also ensuring that we act in a timely manner as an employer to enforce our rules. Mayor, I want to thank you for your partnership in working on this. I want to thank the community for really thoughtful testimony that helped guide this process including the amendments offered today. I actually think this has gotten stronger with each hearing and I'm proud to vote aye.

Wheeler: So this has been better than a college education and a master's and ph.d all wrapped into one. I thank first and foremost people in the community who took the time and many, many hours to participate in hearings, discussions, meetings. Those who took the time to write us, call us, send us flowers. I'm very appreciative of that and I believe it has greatly strengthened this ordinance. I want to thank my colleagues, commissioner Fish, again, I really appreciate the hard work you and your team did on the 48-hour rule issue. That was very, very complicated but it's important that we get it right. Commissioner Fritz, thank you for your tireless work on the pcep. Soon I hope to be renamed. I just want to thank my colleagues. I'm appreciative of this I vote aye. The ordinance is adopted as amended. Please call the roll on item 946.

Saltzman: Well I think the pcep or whatever we call it certainly has some challenges, but I do believe we need to try something different than the coab model. I think that there's no

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getting it right, everybody is going to have different opinions on various aspects of involvement, community involvement, public involvement. So I think this is an evolutionary process. I think we've got something here that does represent an improvement. I do thank the mayor for taking this on and we will see and we can always revisit this issue if we have to, but I do think that this is a definite improvement over what we had. Regardless of whose fault it was the city, the community or whatever. It's an improvement. Pleased to support it. Aye.

Eudaly: First and foremost I want to thank the community for hanging in with us on this conversation continuing to be engaged and involved. On August 3 I came to council and introduced five amendments that were a direct response to the input that we got my office received from the community. They were specifically about wanting oversight of pcccep by the full council, the size of the committee, transparency and accountability and community engagement, however, primarily based on public testimony on the 3rd by the ends of that hearing I had really lost confidence in the plan as it was written and I could not have supported it as is. So with that said I want to thank the mayor and commissioner Fritz and all of my colleagues and their staff for continuing to work on this and to take into account feedback from the community. I really think we have a much stronger plan and as has been acknowledged there may still be some fine tuning it's essential we move forward with this. Aye.

Fritz: This what is happens when you have good community engagement and I'm thinking back to when mayor Adams negotiated the settlement agreement with the city attorney and with u.s. Marshal -- u.s. Attorney Amanda marshal. In that we weren't allowed to have a community conversation because it was all legalese and we weren't allowed to talk about it so I have some input into it on some parts of it, not into others. I think everybody did the best they could with what we put forward and there was some huge successes as mayor wheeler mentioned at the last hearing that the community oversight advisory board worked diligently far harder than anyone had a right to expect them to, came up with some very, very good products and also had their fair share of anger directed at them by other community members who wanted to see more changes quicker. So I want to start by thanking Barbara bueno and Nicole Grant in the mayor's office and Cristine Nieves in mine because it's there part of the village too that has helped make us better. I'm thankful Ellen Osoinach and Judy prosper and Tracy reeves from the city attorney's office who have gone above and beyond. I can't count the number of times someone has come into my office saying, what about this? Then we would get community input and mayor wheeler, I so honor you for allowing the process to unfold, engaging with people, listening to everybody inside city hall and outside. Again, we have picked the best we can for now. I don't think anyone claims this is going to be perfect, but it's been a good process. There does seem to have been through allowing this process to happen there's more confidence than before in our police's ability to keep everybody in our community safe. I want to particularly thank advocates in the mental health communities who have sometimes not been the loudest voices and that I am mindful that that continues to be part of my role to make sure that we remember that the settlement agreement is about a lot of different things including mental illness and the disproportionate impact of police actions on people experiencing mental health crises. There's more we have to do in that regard and I'm pleased with the progress so far and I know we have more to do and I'm very committed to doing it. Aye.

Fish: I just have a few things to add to my colleagues' eloquent remarks. I want to thank Amira Streeter and Sonya Schmanski on my team who have done great work. I want to acknowledge as my colleagues have the great work of the city attorney's office. We really have a fantastic city attorney's office, highly principled and dedicated folks who guide us.

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Tracy, to you and your team, thank you. I want to thank my colleagues and the staff people that they have had involved in this thing. I also want to thank dr. Haynes and dr. Bethel. They have been talking about this with me since 2002. They still come here and they still advocate and when necessary they pray and we are just grateful for their steadfast leadership. I want to say something about our new mayor. Everyone knows that ted wheeler ran for mayor and staked his mayoralty on this issue. So we have no confusion about that. He said judge me on the kind of progress I make on police reform and accountability. He came forward with a proposal that got mixed reviews to put it politely. So one of the things that I want -- I just acknowledge --

Wheeler: That was very charitable, commissioner Fish.

Fish: One thing I want to acknowledge about ted's leadership is the word humility. I have served with four different mayors and when you put a proposal forward and you get a lot of push-back there's a lot of ways you can respond. The way he responded was to step back, recast his proposal, and engage the community and engage his colleagues. That is why he is poised to get a 5-0 vote on yet another really complex issue that's come before this council. While there's lore around here that you only need three votes to get anything done I think it's a mark of a different kind of leadership that you can bring the whole council along and this is a very independent minded council, we have exceptionally bright group of people here and we disagree on lots of things. This is the third or fourth major issue in the last month where the mayor has got to five and has worked it until he's gotten consensus. To me that's a hallmark of being a good leader.

Wheeler: Thanks, nick.

Fish: I also want to acknowledge that we have some momentum. For people that are looking at this more broadly, Philip wolfe said, you know, he used the term we're heading in the right path. How do we know that? He didn't say we're heading down the perfect path. He didn't say anything here is perfect. He said the right path. Perhaps what he meant was we have a new police chief who has been selected following a national search and the mayor has -- and this young woman have made a big commitment to what they are going to bring here in terms of 21st century policing. We have reaffirmed our commitment to eliminating the 48-hour rule and maintaining our prerogative as an employer to enforce our rules in a timely manner and today we're adopting a new approach to oversight that while it has its critics in this room, I think as Dan said, the old approach did not work very well and we need to try something different. Time will tell whether this approach is a better approach but I think the mayor is entitled to benefit of the doubt. I'm very proud to work with my colleagues in this manner in a public setting to move important public policy and on this I'm pleased to vote aye.

Wheeler: I can't even begin to follow that. Thank you, commissioner Fish. I appreciate it. Tracy, thank you. Nicole, thank you. Barbara, I know you're here somewhere. There you are. Thank you. Michael who we asked to explain everything, thank you. Sometimes you have to explain the inexplicable and you're pretty good at that too. I want to thank my colleagues again. It's been interesting. It's been fun. This finishes the easy part. Now the hard work begins. I vote aye. The ordinance is adopted as amended. Thank you. For those of you who have been waiting patiently for 947, we're going to take a five-minute break and we'll be right back. Thank you for your patience on that. So we're taking a recess, five minutes.

At 4:27 p.m. council recessed.

At 4:36 p.m. council reconvened.

Wheeler: Alright we are back in session, Karla, please read the item.

Item 947.

Wheeler: Well, first of all, I want to thank everybody for their patience. We're an hour and

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a half late and you're sitting here very patiently and I want to acknowledge that and thank you for that and I want to personally apologize. We just had a lot of public input and interest in the last item. Our first order of business today is for the city attorney to give us some information and make some announcements about today's hearing.

Lauren King, Deputy City Attorney: Good afternoon. This is an on-the-record hearing. This means you must limit your testimony to the material and issues in the record. We will begin with a staff report by the bureau of development services staff for approximately 10 minutes. There are two appellants of the landmark commission's decision so following the staff report the city council will hear from interested persons in the following order. Appellant one, which is Erica Ceder with the DLR group will go first and will have 10 minutes to present her case. Appellant two, Peter Meijer, architect, will go next and we'll have 10 minutes to present his case. Following the appellants council will hear public testimony each person will have three minutes. After public testimony each appellant will have 10 minutes to respond to the testimony with appellant one going first and then appellant two finally each appellant will then have five minutes to rebut the presentation of the other appellant with appellant one going first and then appellant two. The council may then close the hearing, deliberate and take a vote on the appeal. If the vote is a tentative vote, council will set a future date for the adoption of the findings and a final vote on the appeal. If the council takes the vote today, that will conclude the matter before the council. For on the record hearings I'd like to announce several guidelines for those who will be addressing city council today. The evidentiary record is closed. This hearing is to decide if the landmarks commission made the correct decision based on the evidence that was presented to it. This means you must limit your testimony to remarks to arguments based on the record compiled by the landmarks commission. You may refer to evidence previously submitted to the landmarks commission you may not submit new evidence today that was not submitted to the landmarks commission. If your arguments includes new evidence or issues, you may be interrupted and reminded that you must limit your testimony to the record. The council will not consider the new information and it will be rejected in the city council's final decision. If you believe a person who has addressed city council today improperly presented new evidence or presented a legal argument that relies on evidence that is not in the record you may object to that argument. Finally, under state law, only issues that were raised before the landmarks commission may be raised in this appeal to city council. If you believe a person has raised issues today that were not raised before the landmarks commission, you may object to the city council consideration of that issue. Lastly the applicant must identify any constitutional challenges to conditions of approval. If the applicant fails to raise constitutional or other issues related to the proposed condition of approval with enough specificity to allow the council to respond, the applicant will be precluded from bringing action for damages in circuit court.

Wheeler: Do any members of the council wish to declare a conflict of interest. No member of the council has declared a conflict of interest. Do any members of the council have an ex parte contact to declare information gathered outside of this hearing that they'd like to disclose?

Saltzman: I've had many meetings about the Portland building there was one meeting where there was a discussion of some of the issues related to the design, with staff of city of Portland and their consultant.

Wheeler: Very good. Commissioner Eudaly, did you have anything?

Eudaly: Similarly I was briefed on the Portland building, prior to them passing the budget. I meet with Tom Rinehart regularly, but we have not further discussed this issue and I work next to the Portland building obviously, but have not seen or taken action on anything related to this matter.

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Wheeler: And I have certainly been briefed particularly -- not so much on the design elements. It's more in my nature to be concerned about the fiscal aspects of the project so I've spent a considerable amount of time digging into the financial details of this project.
Commissioner Fritz

Fritz: I have been briefed by staff, obviously been to the building hundreds of times see it on a daily basis, but nothing pertinent to the these appeals.

Wheeler: Very good. Do any members -- does anybody in the council chambers, present today, wish to ask any of the commissioners about their ex parte contacts or information that any of us have disclosed? Nobody is looking to ask questions. And I realize, I'm stating the obvious this is a formal process. Have any members of the council made any visits to the site involved in this matter? I will take it that all of us are a yes to that. Does anyone present wish to ask any of the commissioners about any observations on this site? It appears that nobody is interested in that. Do council have any other matters that needs to be discussed before we weigh in on this particular hearing.

Fritz: The one thing that comes to mind, I understand that part of the appeal is about the hvac. I did have a conversation a while ago about the ventilation system with respect to the restaurant areas that are currently on the ground floor and whether or not that would be put into a new building I don't know whether that pertinent or not I just wanted to put that on the record.

Wheeler: Does anybody wish to ask commissioner Fritz about her knowledge of the hvac system as it pertains to this hearing? It does not look like it very good. Then, it's time for testimony. We'll take the staff report, approximately 10 minutes and again if everyone can state their name for the record we'd appreciate it thank you.

Hillary Adam, Bureau of Development Services: Thank you, mayor, commissioners, Hillary Adam bureau of development services. I'm going to try to go through this as quickly as I can but it is pretty dense because of the two separate appeals. So, this is a staff presentation and at the bottom, you can see how it will be laid out and each of those sections will be highlighted so you can see where we are in the process of the presentation. Regarding the regulatory framework I want to call your attention to the approval criteria. I asked the council clerk to pass that out in written form so you could have it in front of you at all times. There have been questions about what is and is not the approval criteria. This is the list of the approval criteria and so that is in front of you. So, it is section 33.846.060g, other approval criteria of the Portland zoning code. The central city fundamental and design guidelines, modification criteria found in 33.846.070 of the Portland zoning code. And adjustment approval criteria 33.805.040 in the zoning code. Some background on the history of this project. We had our first design advice request with the historic landmark commission in January of 2016. That was the first point where the commission got some good information about the state of the building envelope at the Portland building and its failure. Commission recognized the challenges of post-modern buildings at the time. A lot of them were being built with new, untested materials, which have often failed. Because of that, they indicated an openness to an idea that was floated at the time of wrapping the building in a new skin a rain screen system. I'll get into that a little bit later. They were also open to changes to the windows, replacement tile, partial enclosure at the north and south ends, at the ground floor, and they were strongly in favor of removing the parking entrance on the fourth avenue side. We had a second dar in December 2016. They affirmed their previous direction and there was general support for the rain screen strategy at that time. They noted the quality of the materials was critical to their ultimate approval of that proposal. They also indicated support for new storefront glazing at the ground level. We had a pre-application conference in November of 2016, that's a required step before a type 3 historic resource review can be submitted. And then

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or first hearing was held on June 26 of this year. There was general support for some further treatment, the rain screen treatment. But there was concern about the cumulative effect of the changes that I'll get into a little bit. One just the idea of a rain screen system is something that's not really done in the preservation world so that, in combination with some proposed modifications of that system, such as enlarging the size of the tiles at the ground level and at the upper levels, that and rooftop mechanical, those three things, in combination, were noted as concerns. The commission requested more information and some revisions. Public testimony was taken at that hearing, there was concerns noted about the changes in the material and the potential future delisting from the national register of historic places due to the proposed treatment. The record was requested to be held open by a member of the public and we returned about four weeks later on July 24. On that day, the commission voted for nothing to support -- or to approve with conditions. The decision was issued a few days later and then two appeals came in. The first, by Erica ceder on behalf of Kristen wells at the office of management and finance. And the second from peter Meijer. So, this is the building in context you've seen it I won't dwell on the context. But this is the proposal it is a rehabilitation of the existing building that includes the following items on the right I will read them a new exterior rain screen at the upper levels, that material will be metal. At the lower levels, it will be terracotta currently its concrete at the upper levels and ceramic tile. Replacement of existing formed decorative elements at upper levels with new those would be made of metal. Replacement of all dark windows with clear enclosure of the two loggia bays I mentioned. Reconfiguration of ground level storefront footprints and revision of floor to ceiling glazing. Removal of the existing vehicle area on the east and an enclosure with a large curtain wall and replacement of the existing mechanical systems at the second floor and roof with new rooftop mechanical. They're requesting two modifications one is to reduce the amount of ground floor windows on the north facade and east façade and to reduce the depth of ground floor active uses at the loggia from the required 25 foot depth to approximately 16 to 20 feet those two modifications are requested because this is considered a major remodel. Anytime you have a building, that's undergoing a major remodel, they have to meet these two standards. So, they're requesting to not have to meet them because it may have required significant changes to the outside of the building in terms of their openings in the ground floor spaces. They're also requesting an adjustment to reduce the number of required loading spaces to zero by removing the two existing substandard loading spaces on site in the basement for the purpose of closing off that entrance on 4th avenue. So, this, here, is what a rain screen system, just in case you don't know. This is what the existing building is here its a concrete skin. All of this beige color and these red columns are concrete. They're proposing to basically put an outside layer of metal rain screen on the outside with insulation in between and that is for the purpose of protecting it from water infiltration. These formed elements, they're proposing to replace these with metal so they would be integrated with the rain screen system. And then all of these windows that are currently essentially black glass here and here, those would be replaced with clear. The mirrored glass here is a character defining element so it won't stay as mirrored. Here is where the two loggia bays on the north and south will be infilled with floor area. And then the images at the bottom show how the ground floor storefronts are proposed to change, with existing on the left. This image speaks to the closure of this parking entrance here and this is what it would look like behind this glazing here. It would be some community seating areas that offer views out to the park. This area is -- this line right here is basically a floor line so everything below it would be back of house or basement level so that would be obscured by -- they're proposing a fitted glass. And then also, here on this slide -- well, this also speaks to the adjustment. If they are enclosing a space with habitable area you have to

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remove the loading spaces so that's what they're requesting to do. This image on the bottom speaks to the mechanical systems that they're proposing. This is what's existing now, at the roof level. They're proposing the number of more mechanical units here and two large air handling units on the west. This slide speaks to the modifications for your information, this blue line -- I don't know how well you can read it, but basically we count ground floor windows starting if they have a cell that is four feet or lower, between zero and four feet from the sidewalk. If the sill is not between that area, it doesn't get counted at all. So, even if you have windows -- I'm really running over time. Even if you have windows that --

Wheeler: So I do want to be clear, you can run over time and we'll give the -- do we give the appellants the same amount or how does that work?

King: No, you do not need to.

Wheeler: She can go over 10.

King: She is the staff, yes.

Adam: I apologize.

Wheeler: No worries.

Adam: If the windows do not start below the blue line, you cannot count them toward the required window area because none of the windows start below that blue line, the modification is to 0%. Here for our ground floor active use, in order to -- the ground floor active use has to start from the exterior building wall, which is the outside of the blue pedestal wall, back. So, either you meet that 25 feet with infilled floor area or consider the loggia floor area. They are modifying the location of that wall and requesting a modification to be less than 25. So, the zoning for the site is central commercial with a design in historic resource protection overlay. They are meeting the f.a.r. and height requirements. Some quick background history, it was initiated through a design competition city picked this proposal a big part of that was the budget. It is fairly well-known that the budget for this building was relatively low, which has participated in part of the issues that we're experiencing today. The image on the bottom-left, that is building basically without any make-up or clothing on and you can see how the concrete walls, which are its skin and structure, kind of contribute to the darkness that you often hear about on the inside of the building on the right, that is the finished product when it was built. These are some images of some of the water infiltration issues, water basically seeps through the concrete walls and also comes in through the window sealants. That's constant maintenance issues and repairs that the city is hoping to address with this proposal. So the decision with the landmark commission was approve with conditions. I abridged the conditions that were part of that decision here, but I highlighted condition g, which is verbatim, because it is the condition most at-issue with appellant number one and it is the proposed air handling units located at the interior building or be significantly meeting at least 50% reduce in scale and not increased in number. I also wanted to highlight condition l, which is the city offered to place a covenant on the building that would require a demolition review if demolition by some future owner or the city itself someday desired and that local landmark listing would be pursued if the national register status were to be removed. So, appellant number one's issue, as I highlighted, they are concerned with condition g and they request it be stricken from the approval, they state that all approval criteria are met without condition g and that there is no viable alternative. The landmarks commission felt that condition -- or, central city guideline c-11 was not met by the proposal noting concerns with the size of the units and their visibility from the street. This is a site line study which shows across the street, you won't see it, but from about a block away or two blocks away, you will see it particularly from the south. Appellant two has a number -- a lot more issues that I want to go through for you. Appellant two is requesting that city council reverse the decision of the

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historic landmark commission they note that approval criteria are not met by the proposal. They have highlighted these criteria that they believe are not met, at the top. And also noted some other issues and I'm going to address those other issues first. They state that the comprehensive plan 2035 policies are not met. I would note that comprehensive plan 2035 is not yet in effect so those policies are not applicable to this project. They state that the project goals regarding interior spaces are not met. The project goals were determined before the land use application was submitted and they are not applicable approval criteria, either. The proposed encroachment was not reviewed via standard methods and it's not necessary. This is also not relevant to the criteria that pbob's response to the land use review noted and approved, and encroachment permits are reviewed through a separate process. Curt Krueger from pbob is here if you have pbob related questions. The proposed over cladding design is overly expensive, the cost is only a matter of consideration in determining the proper land use procedure type and project cost is not an approval criterion and the new design does not meet the standards of preservation. This is not a typical preservation treatment for a historic building but the commission recognized that the proposed treatment was reasonable to ensure the continued life of the building while retaining Michael graves vision. So, I'll go back to the approval criteria that are applicable regarding appellant two's concerns. I'll try to do these quickly with regard to 060-g, number one, historic character, the commission felt that the general failure of the building envelope and removal of original materials was unavoidable in order to ensure this building would be able to function in a practical and humane way. The approach was reasonable in order to ensure graves vision. Again, the new skin will serve as an allegory of the building's time, 1982, as well as this time. And will serve to tell a story of how this project -- how the building first came to be, its challenges and what the response was. And the commission added a condition that interpretive materials should be installed and historic tiles at the entry should remain so visitors to the building would be able to easily understand the changes from the historic condition to the proposed condition. Historic changes the commission stated that there have been alterations to the building since its construction but none of those have acquired significance. Historic features I want to read this one, just because it is the overarching idea behind how the commission got to, yes. Due to the extensive deterioration of the existing building envelope and repeated past attempts to address these issues, the commission acknowledged that a traditional restoration of the building where by existing materials are preserved to the greatest extent possible it is not practical. Therefore the commission finds that the proposed rain screen system is the proper approach to ensure the building longevity, preserving some original building materials and integrating them into the new system is relative and practical and would lead to additional maintenance issues in the future. The commission finds that the proposed replacement of all major features of the building is warranted in order to rehabilitate the building as a unified whole. Historic materials, no chemical or physical treatments such as sandblasting would be used. Seven, the proposed treatment will be differentiated from the old, that will be plainly clear, I believe. Architectural compatibility and hierarchy of compatibility While the exterior of the building will be completely new, the applicant has made significant effort to match the design as much as possible and to follow his design principles. Central city fundamental design guidelines the proposal will result in the building encroaching into the right-of-way five inches on the north and south and seven inches into the right of way on the east this is because of the rain screen system building is essentially at the property line now so you add that rain screen system its going to encroach. However because is set back so far on the left the relative ratio of building to open space is relatively negligible. Demolition was considered by city council previously and this proposal seeks to rehabilitate the building before a-6 is met. Promote quality and

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permanence, c-2. This is the quality rain screen system; the proposed materials are high-quality materials and they will permanently resolve the water infiltration issues respect to architectural integrity. Again, with the -- with the proposed design, the applicant has made significant efforts to replicate graves vision. Compliment the context of existing buildings, the Portland building will continue to complement its neighbors. Design for coherency the proposed rain screen will be composed of interlocking parts, therefore it is intrinsically coherent and it will replicate the original designed. Sorry, I know you're getting tired so am I. The proposed encroachments will slightly reduce the sidewalk. However, the materials at the sidewalk level will be higher quality than they currently are. So, that will enhance the pedestrian environment. Integrate roofs and use rooftops, c-11 again this is where condition g was added because the commission felt that the proposed units on the west side were too large. Lastly with modification to ground floor windows the modification approval criteria allows for modification to be granted if meeting the standard would destroy the historic character, where you find that the historic character's more important than meeting the standard. You can approve that modification. So, last slide these are your options. You can deny the appeals and uphold the historic landmark commission's decision to approve as written. Two, you can grant appellant number one appeal, striking condition g, that would uphold the decision, but remove condition g related to rooftop mechanical equipment. Three you can grant appellant two's appeal, overturning the historic landmark commission's decision that would deny the project. I'm sorry for taking so long.

Wheeler: No problem. It was very well-done. Thank you. So, that is the staff report. Any immediate questions for staff? Then, let's move to appellant number one. The office of management and finance. You have 10 minutes.

*****: Sorry, they all look alike. Good afternoon.

Wheeler: Afternoon.

Erica Ceder: Mayor, commissioners. My name is Erica ceder I'm an architect with dlr group and I'm going to figure out how to get this into presentation mode. One minute. Thank you. Sorry. There we go.

Wheeler: What was it control+m?

Ceder: It was alt+7, 9, 8. No, control+l. I'm here on behalf of the office of management and finance to present our appeal requesting that you uphold the historic landmark commission's approval of the proposed modifications to the Portland building and to remove g relating to rooftop mechanical equipment. The Portland building is an iconic part of downtown Portland and an important piece of architectural history. However during its initial construction many decisions were made that favored low-cost over other considerations such as performance, durability, or the realization of Michael Grave's original vision. As a result, the building has been plagued with issues including water infiltration that began soon after its completion. After 30 years of repairs, that failed to remedy the existing envelope, the city selected dlr group and Howard s. Wright to lead a design build team. One of the primary charges to this team was to develop a holistic solution the existing façade that would respect the historic design. Our team has developed a proposal that balances the many programmatic, technical and aspirational goals for the city and provides for the Portland building a lasting high performance enclosure, a better interior environment, improved daylight and thermal comfort and improved interaction with the pedestrian experience. I would like to take a moment to recognize the efforts of bds staff and the historic landmark commission. We are grateful for their willingness to listen and work with us throughout the process. Through two design advice requests and two hearings, we were able to discuss the challenges and possible solutions and demonstrate how much thought and diligence went into developing the final

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proposal. Ultimately, the commission unanimously approved the proposal with a list of conditions. All of these proposed conditions can be met without compromising the project with the exception of condition g. Hillary had this in her presentation, but condition g states the proposed air handling units shall either be located on the interior or be reduced by 50%. The two units in question are outlined in red and located on the left side of the plan that you see there. Unfortunately, there's no viable technical solution that meets the conditions stated without creating significant negative impacts to the project. I want to very quickly explain that air handlers are the part of an hvac system that tempers and circulates air through the building. In order to function these units need to take in fresh air and the best source for quality outside air is at the roof level. Drawing air from lower elevations would result in reduced air quality for the building occupants and would require large louvers to be placed somewhere within the historic façade. The addition of these louvers would not only disrupt the historic design, but would potentially reduce valuable existing window area. Drawing area from the roof to air handlers located in the basement would require significant structural changes in order to accommodate new vertical shafts would significantly reduce the usable square footage of floor area and would result in significant drop in the efficiency and lifespan of the air handling equipment. The scenario would add significant cost to the project. Reducing the equipment size by 50% is not feasible the Portland building is a 15-story building. Reducing the equipment size would result in insufficient air distribution for the building occupants and would not meet code or the city's green building policy. The approval criteria that is the basis of the condition is from the central city fundamental guidelines, item c-11, we intend to show how we meet the condition as follows. The first part of that condition says integrate roof function, shape surface materials with the buildings original design concept. The roof is primarily occupied by mechanical units. It has been since the building was built. And the proposal maintains the existing function. The equipment is rectilinear and symmetrical and ties in well with the building's overall design concept and finally, the area handling units are proposed to be covered with a housing that provides a clean, uncluttered appearance so no fans or pipes or anything everywhere they look like very plain beige boxes. This part of the criteria relates to the size and placement of rooftop mechanical to minimize views. As I've already stated, the mechanical units have been sized appropriately to the building. The placement of the mechanical units has been done in a way to make them symmetrical and clean and as far away from the roof edge as possible to minimize visibility. In terms of you, as Hillary noted, we provided what are called sight line diagrams which are diagrams that the little arrows point from a person of average height standing on the sidewalk and what they would be able to see from that vantage point. We have provided these sight line diagrams that prove that from any location around the building's adjacent sidewalks or in this one, even across the street and across chapman park, in front of the justice center, you would not be able to see any of the proposed mechanical units. The final portion of the guideline deals with developing rooftop terraces and promotes using landscape roof areas. The Portland building currently has an Eco roof on the main roof of the tower and the roof of the penthouse that functions as one of the building's primary storm water management tools and that is proposed to remain. For the reasons stated, we believe the proposed mechanical equipment meets the intent of the c-11 guideline and we request you uphold the landmark commission's decision, but remove item g from the conditions of approval.

Wheeler: Very good.

Fritz: How is the building ventilated now?

Ceder: I'm going to go back to an exterior photograph. The mechanical units take up the majority of the second floor and you can see the second floor area that -- that may look like windows, those are all louvers. So, all of the air is being taken from essentially adjacent to

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the bus mall.

Fritz: That penthouse, what's the penthouse used for?

Ceder: It currently houses mechanical equipment.

Fritz: Will it be needed for that in the future?

Ceder: It contains the machinery that runs the elevators. Some additional hvac equipment is being located inside of that penthouse. But, unfortunately, there's not enough room for these air handler units.

Fritz: And the elevator mechanical equipment can't go somewhere else?

Ceder: The elevators are not proposed to be replaced as part of this project so all of that equipment is existing to remain.

Fritz: Thank you. One final question, you mentioned a view from the other sidewalk on the opposite side of 5th avenue. What about the view from the next level up? I've seen a lot of tours, taking visitors on the first floor rather than the ground floor.

Ceder: I'm sorry, the first level up from where?

Fritz: From street level.

Ceder: Actually, this photograph you see on this screen is taken from the second floor terrace of the -- I think it's the standard insurance building kitty corner. You can't even see the penthouse at this vantage point.

Fritz: With the placement of the hvac, from the second floor of the standard building you still wouldn't be able to see it?

Ceder: You shouldn't be able to, no.

Eudaly: Can you go back to that early slide there was an illustration of the original design that had some architectural details on the roof that don't exist. Was there any conversation about adding those back to perhaps disguise the hvac?

Ceder: There were multiple conversations about this. One of the issues that we ran into is that throughout the design competition, Michael's graves office altered their proposal many, many times and this sketch sort of represents one iteration of that. So, it would be very difficult to kind of pick which iteration would be the appropriate one to go back to.

Eudaly: Sure. Okay. Thank you.

Ceder: That's all I had. [laughter]

Wheeler: Very good. I was waiting for some grand finale. We'll move on now to appellant number two. Peter, I should know how to pronounce your last name. Peter Meijer, come on up. What did we decide, it was control+I?

*****: Control+I is what I heard.

Wheeler: Okay. And, again, I'm just ask legal counsel to make sure if there's anything that isn't supposed to be introduced, you'll call that out for us or, help call that out. Good, thank you.

Peter Meijer: Mayor, commissioners, I'm peter Meijer, peter Meijer architect. One question you may have for me is why am I alone in the opposition to this project? The short answer is, I'm not. The Portland building has always been controversial and in essence, it's been the view of local versus a view of those outside of Portland on the national and international levels. Locally, at-best, the building's ignored and probably if you took a vote, most people would not like it. Outside, it's revered as a historic icon and very important, both internationally and nationally. I'm not alone, locally. You've got letter from restore Oregon, docomomo Oregon chapter and I have received calls, emails and stopped on the street for people who are supportive of a person who would stand up and say, this is a public project. Are we doing the right thing? And it takes personal and professional courage, as a previous member of the team, to step back and say, this project is going the wrong direction. I am, in essence, a whistleblower. I'm also not alone on the international letter you've received letters from doco u.s. You've received letters from historic trusts

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from national preservation and most importantly, from the national park service. I'm going to bring up an appeal document that we wrote it did go through all the relevant review criteria and we itemized the positions, but I'm going to bring up four of the proposal that I think the city isn't meeting from their own goals. Those include additional daylight on the upper floors, meeting community needs and by that, I mean the public realm the sidewalk, demonstrating fiscal responsibility and maintaining the historic and iconic status of this building. Undoubtedly, you have heard the number one complaint of those who work in this building is the lack of sufficient daylight. So much so, that the primary signs of success for your project team are light, light, light, and more light. So, as an architect, looking at a proposal that essentially would put a new wall in front of the building, up to 11 inches away, we had to ask our question, was a such a small existing window, would you really get more light? So, we ran those daylight studies on the 11th floor. We could have easily picked the 10th, the 11th, the 12th, the 13th or the 14th floor that coincided with the small punched openings in the concrete that you saw that won't be changed. We're not asking you to understand the software that goes into this. You can step back and ask yourself, if you have a window and you're putting a new -- and you're essentially making the depth of that ten inches further away, are you really getting more light? The reason this is into the negative, the one feature you are gaining is you're going from a dark glass to a light glass. Otherwise, this would show a reduced amount of light. We also don't think the proposal enhances the public realm. The city has a zero tolerance for encroachment. And in fact, you can't put a door swing of an inch, two inches, three inches and certainly, seven inches, into the public right-of-way. The city goes further and tells the building owners, if you have a previous encroachment, perhaps it was a utility company, you, the owner, have to remove that previous encroachment and repair sidewalks that used to be driveways. The city has a zero tolerance level. The Portland buildings encroachment doesn't meet the policy for encroachment and we think this raises serious, substantive and procedural due process. Graphic on the left, existing building, two inches. Graphic on the right, new proposal, seven inches at the sidewalk level. The project is also bad urban design. Two criteria you often hear on the 4th avenue side is a garage opening on to the parkway. And the second one is a lack of pedestrian friendliness. This project does neither to improve that and the urban design panel has written a letter in that regard. The project moves from substandard window openings, as shown by staff, to 0%. It goes the wrong way in regards to the public realm. The proposal's design is fiscally irresponsible. By that relevant criteria what is the responsibility of a public agency? I'm not asking you to prioritize preservation over other social equity issues. I'm asking you to weigh in on houselessness vs preservation. I'm asking you to look at the total project dollars associated with this and ask if there are other ways to approach this project, fix what's broken and save money so that it can go elsewhere. You can also look at the other city-owned properties of a historic landmarks process veteran's memorial coliseum, pittock mansion, this building that could benefit from even some savings on a renovation project. The city, early on, rejected \$250,000 for this project from the getty foundation. Whoever turns down \$250,000? What jurisdiction turned down the getty foundation. I have a question for that who turns down \$250,000 of money? And what jurisdiction would ever turn down the getty foundation? These are highly-competitive that is unheard of and I get it this project is a line of credit. But at some point, those banks are going to be asking for that money to be repaid and that repayment is coming out of public funds. So, I'm raising the issue of full faith and credit, plus bonded indebtedness as being subject to voter approval. The Portland building's own community oversight raised the issue on the budget particularly on one item alone that over and above the stated \$195 million. There's a \$3.5 million increase by the skin alone of this building and this project certainly fails on meeting the basic standards of preservation.

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We have zoning codes, we explained to the public, we tell other properties owners, we deny them demolition rights on their historic resource committee and we go at length to explain this. On this project those standards aren't even met. There's only two ways to remove it from the national register listing. One, by god meaning earthquake, flood, fire and the other is manmade. And manmade is do such egregious changes or you demolish it. In essence, this project is demolishing its own historic resource. The city trivializes itself in an argument by saying it's not the built work but the design intent of Michael Graves. It also goes forward by undermining historic significance and deviating from the original means and methods of construction by complaining about it instead of fixing. There are numerous professionals in this city that will tell you how to fix the problems and, sadly, the Portland historic landmark commission failed to evaluate the project on these basic guidelines and we believe the Oregon supreme court will uphold these basic tenets of preservation. In closing I'm asking city council, as I'm sure the rest of the public is asking for transparency, for accountability and to uphold our own city codes. So, I am asking you to reverse the landmark commission's approval, but also to have the courage to go back to your design team and have them start over because this is the wrong approach to this project. Thank you.

Wheeler: Thank you, sir and, legal counsel, could I get a clarification, when you have a second? So, ordinarily when we just have one appellant, we take testimony in support and testimony in opposition in this case because we have two separate appellants and a staff report, we can open it up to testimony and it would be helpful if people could say if they're responding specifically to one of the appellants, to say so. And to clarify whether you support or are in opposition just so we understand where you are in regard to this hearing. If you'd like to sign up, you can do so with Karla, over there, she has the sign-up list. How many do we have currently signed up?

Moore-Love: Five.

Wheeler: We have five people three minutes each. State your name for the record if you're a paid lobbyist for council rule or is council rule suspended for a hearing? Council rules typically dictate that paid lobbyist need to tell us if they're a lobbyist. Is this separate?

King: No, they should still do that.

Wheeler: Thank you, I appreciate that. Please call the first three. Come on up. Thank you for being here. And, thank you, again, for your patience. Why don't we start down on this end?

Bob Mathisen: Good evening, I'm bob mathisen, I'm a senior superintendent for Howard s. Wright the contractor leading the design build team for the Portland building. I'm here to read a letter from troy Dickson, the Oregon manager who's unable to be here today. One of the most important decisions facing Howard S. wright and DLR group during the design phase of the Portland building was how to meet the primary objective of solving the ongoing weathering problems associated with the building enclosure. Much of the enclosure is cast and placed concrete, which is a category of enclosure technology referred to as a face seal system. This type of enclosure is used when budget is a primary driver, not quality face seal systems are not resilient and require significant maintenance and renewal to perform. The renewal -- to renew the existing system and to put new paint on the building would not be an improvement of systems, but rather a maintenance activity. Which would require continuous maintenance to address concrete cracking for the life of the building. There are additional measures that are technical attempts to address the technical issues with face seal systems, however, each has limitations and do not solve the underlying problems. Howard S. Wright and dlr group has studied many options to solve the weathering issues associated with the concrete enclosure and have elected to use a rain screen design to ensure the long-term weathering performance of the Portland

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building. The rain screen unitized curtain wall is the best overall solution for the project for the following reasons. Performance the rain screen design is the highest-performance system technology available. Warranty the owner will get a manufacturer's warranty on the overall system five years. Additionally the owner will get all extended warranties from the component manufactures which is 10 to 20 years. Quality the unitized curtain wall will be built in a factory under controlled environmental conditions with a in house quality assurance team to inspect and sign off on all components on applications and sealants and coatings. Cost certainty the unitized curtain wall will have fewer variabilities on installation thereby creating an instillation with less risk and more cost certainty. The paint sealant and flashings enclosing system is more difficult to install in the field and does not have a second line of moisture intrusion engineered into the system it is an assembly of parts and not an overall engineered system. With that, you have a warranty that is one to two years from the installers, which would be multiple trades. You would also have a warranty from the manufacturer on the paint and sealants, usually five to 10 years this is on the material only. Maintenance, the concrete and paint requires continual inspection and maintenance there's a condensation risk the concrete solution has an inherent risk of condensation. Constructability issues, you'd have to remove the existing paint to perform the application on the new paint.

Wheeler: Thank you. Could I just get real clarification here? Where are you in terms of support or not support?

Mathisen: I'm in favor.

Wheeler: Very good.

Fritz: It wasn't the appeal -- you support the appeal or you -- there's two appeals.

Mathisen: I support the appeal one. And the removal of the condition of the hvac --

Wheeler: So, you agree with appellant one?

Mathisen: That is correct.

Wheeler: Thank you.

Patrick Burke: I'm speaking on support of appellant number one and I'm Patrick burke. I'm an architect and principle at Michael Graves architecture and design in Princeton, new jersey. I have been an architect for 35 years and started in early 1982, which happened to be the last year of construction for the Portland building. I am here to represent our office and what I know what Michael graves hopes. Over the years, the state of the Portland building would come up now and again and Michael would ask some of the firm's senior staff if we had any ideas for ways to improve the facades. Before his last trip to Portland in October 2014 Michael spoke with two of us and asked us, if you could do anything to the Portland building, what would you do? Michael had an idea where the facades were completely removed. He wanted to pull off the existing facades and rebuild it with a new and better performing facade system. We had to remind Michael that they were concrete and that was part of the structural system and therefore could not be removed. Other than replacing the black glass with clear glass, we had no other good, practical ideas in that conversation. My partners and all were all very impressed to see how comprehensive the current renovation proposal is for the Portland building. It provides a better-performing office buildings while respectfully following the original design intent. The original design that was built included the concept, the colors, the forms, the symbols. However the final facade materials were not intended in the design at all. Michael did not want to see it demolished and never understood having to keep the facade's concrete simply because that was what was originally built. He did not see why one had to continue to accept the penalties that resulted from a construction budget that was way too low treating poor details and executions as sacred is ridiculous. The original facade material intent was using a larger-sized glazed terracotta tile. The contractor's backed Michael into using

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concrete as a façade solution as the only solution to get within the budget. Michael was acutely aware that he would not win the design competition if he blew the budget so he conceded. The Portland building is the only building we have built with poured concrete facades. The local architect responsible for the construction phase changed the glass to black glass claiming they needed to do this for energy reasons Michael was not happy about this. When we toured the Portland building at the opening in 1982, Michael told us the black glass was a big mistake and we were never to let that happen again. The Portland building was the only building we built using black glass. The original design has large sized tiles, smaller tiles were substituted for budget reasons. We see nothing sacred in the low budget materials and details used on the Portland building facades we fully this responsible and well thought renovation proposal and I know Michael graves would have too.

Wheeler: Thank you. Perfect timing. You had two extra seconds.

Fritz: Thank you for taking the time and trouble to come all the way to tell us about that.

Burke: We care deeply about the building, it sort of was our first real important building we were pretty passionate about it. I think looking back later we were sad to see it was so poorly built because the budget was so low. We feel responsible for it, it's one of our kids.

Wheeler: Thank you. Good afternoon.

Matthew Roman: My name is Matthew roman, I'm a member of the historic landmark commission and I'm here on behalf of the commission today to defend our decision and hopefully solicit your support for that. I would agree with peter Meijer, that is an iconic building, whether Portlanders love it or not, it's internationally known. It's one of the few Portland buildings you'll find in every American history, architectural history book. So the commission did not take lightly its responsibilities and also did not look at the building as anything other than any other historic building that we would review. Even though the commission ultimately voted unanimously for the decision before you today, it was not an easy decision. We are used to looking at buildings that are at least 50 years old in most cases, closer to 100 years old. And we typically apply preservation standards that were developed to protect aesthetic value and historic fabric. In this case, the building is more about an idea. Michael graves was in a conversation with the architecture of the world at the time. This building represents a dialogue between post-modernism and modern international-style architecture. It afforded the opportunity to reintroduce decorative elements into architecture and overcome the austerity some perceived or brutal nature of some of the international buildings. That being said, I think Michael graves would acknowledge that he was taking symbolism from the past, reincorporating it into these buildings and giving it new meaning. The materials are really immaterial to what the message that was being conveyed. We didn't see the materiality of the building as being it's most character-defining feature. So, I think, you know, despite the dispute that might be perceived among preservationists, it's in part that we're grappling with the idea of modern air buildings becoming historic and the very nature of those buildings being built out of technologies that have not been around for thousands of years, like materials we're used to working with, wood, steel, stone, brick. It is a unique situation the building has been controversial from the beginning and I think it's that controversy continues on to this day. We believe the proposed approval best balances the desire to preserve the integrity of the buildings design while correcting inherent deficiencies in the building and construction type and for modern buildings, where the source of building's value is only marginally related to materials or construction method a strict adherence to historic accuracy and preservation may not be appropriate good luck.

Wheeler: Very good. Can I ask you a question, please? So, appellant number one seems to agree with the conditions, except they've also asked us to remove condition g, related to

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the hvac unit. What say you to that?

Roman: I, in preparation for the testimony today, I reread some of the history of the building and the rooftop was part of the original design program. So, consideration for views of neighboring buildings and that sort of dialogue that the Portland building would have with those buildings was an important consideration. I think some of the sketches that show the acropolis or different arrangements of smaller buildings on the roof suggest that the architect was responding to that program requirement. We were not shown a lot of mechanical system analysis and how big equipment has to be. We did feel that large of a mass on the roof would have an impact on the view of the building from a distance. I can't offer any technical expertise as to what is required from an hvac standpoint but we felt to stay true to what our goal was, to protect the integrity of the design, and that roof needed to be looked at more carefully.

Wheeler: It was focused on aesthetics and designs. Commissioner Fritz, did you have a --

Fritz: A follow-up question. If it can't be done, do you think they should go back to the beginning and start all over again?

Roman: No.

Fritz: Are we looking at an alternative condition to meet what you and the landmarks commission were going for?

Roman: Weighing the two appeals before you today, if I had to pick a side, I would certainly take the side of removing criteria g. It was not my most important element. But in defense of my fellow commissioners who did feel strongly that the overall look of the building was being significantly changed by that proposal, we agreed with the staff's recommendation, to go that route. So -- and, just to address one more item. You know, I think everyone here agrees that the -- the 35-year-old building materials have failed. Even peter Meijer's proposals -- you know -- basically replaced all the materials on the building with the exception of the concrete and a few other elements. With that came the introduction of flashings and gashings and calking and it would become unsightly and give the building a worse appearance and became a nightmare maintenance where you're constantly trying to put a band-aid on what is an inherent design flaw so we realize that this is potentially a president setting, historic preservation case and we hope for some understanding that we are, you know, not entirely -- the preservation community hasn't come to a consensus with how to deal with some of these issues, so it's before you.

Fritz: Thank you for your time on the commission and your time to come and explain today. Thank you.

Wheeler: Thank you, all three of you. We appreciate it. You said there's two more? Come on up.

Wheeler: Good afternoon, thank you for your patience.

Cindy Nichol: Good afternoon mayor and commissioners. It's great to be before you again I'm Cindy Nichol a resident of Portland and I'm chief financial officer at the port of Portland. For the past several years I've served on the oversight committee for the Portland building. In establishing the oversight committee, city council sought transparency and input from the broader Portland community. We take seriously our responsibility to meet monthly with the project team, advise on project scope, budget, schedule, sustainability and social equity and ask questions, which we ask a lot of. Report to the city's chief administrative office on the health of each of these aspects of the project. Our reports are published online and are available to you and the public. I want to speak with you today about the integrity of the Portland building reconstruction project. The oversight committee has been clear that the project must be accomplished within the \$195 million budget and by the end of 2020 and any give would need to be in project scope. The project team has been proactive at looking at best-practices elsewhere thinking deeply

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about how best to meet the project goals. As a result some of the key features include using a progressive design build approach to enhance efficiency, moving all employees to temporary locations to expedite the project and being strategic and focusing on the biggest risks of the project and taking them off the table as soon as practicable. I've been involved in many such projects in my 30 year career and this has been one of the best managed I've ever seen. Thank you.

Wheeler: Thank you. Good afternoon.

Tom Walsh: I would add only two points. In support of what you just said, this has been superbly managed. Number two, it is an incredibly difficult project. I've been in construction for 55 years and this is the most complicated project I've ever been associated with. The directions we have strongly recommended and fully support are not easy to come by. They could be easily criticized. But if somebody says we have two paramount objectives here, one is to maintain the historic building and, two for 1,600 very valuable and very critical employees of the city of Portland to make this a place where they not only want to work but can work very effectively. That is a demanding challenge if the goal was only to preserve the building, for instance, maybe create a storage facility things would be come much easier. When this is the primary working place for 1,600 critically-important city employees, things become much more complex. The combination of all those factors come together with a recommendation that I most strongly support and would hope that you would, also.

Wheeler: Thank you, Mr. Walsh. We appreciate it. All right. So, if the appellant so-chooses, they have up to 10 minutes to respond to appellant one.

Tom Rinehart, Office of Management and Finance: Mayor and commissioners, good afternoon. My name is tom Rinehart, chief administrative officer for the city of Portland. We are here to request that you deny the appeal by peter Meijer architects and uphold the historic landmark commission 4-0 decision for the Portland building reconstruction.

Wheeler: Could I ask legal counsel a question? Are they allowed to bring up new issues or is this specifically to respond to testimony?

King: This is to respond to testimony.

Wheeler: No new stuff.

King: No new evidence in the record. But the testimony includes written testimony that's been received as well.

Wheeler: Very good.

King: At the end, I'll remind you what might have been new I've been alerted to a few things.

Wheeler: Mr. Rinehart's a very cagey individual so I wanted to keep him honest. Sorry for the interruption.

Rinehart: Mayor, that's the nicest thing I've been called all day. We firmly believe the proposed design meets the historic criteria and is the best approach to long term asset management for the city. And since a lot of what I was prepared to say has been mentioned, I will spare the tired council any repetition I'm going to jump around a little bit. The office of management financed established a team of expert professionals to grapple with the best approach from a technical as well as a historic stand point I want you to know that. The team's confident that the proposal makes sure all the goals are achieved. In the historic approval criteria, the Portland zoning code including all request for modification and all the design guidelines from the central city fundamental design stuff, it was all taken into account. With the one exception that the project is appealing all the other conditions were mutually agreed upon as ways to further enhance and support the historic integrity of the building and show a commitment to support the best long term solution for the city. Mr. Meijer's appeal says we do not meet eight out of the 10 approval historic approval criteria in the central city design guidelines. Now the historic landmarks commission it's important

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to point out, it's a body of experts appointed by you the city council. Experts whose primary charge to ensure that when a historic resources are proposed for alteration that the approval criteria are met. We brought forth a project that we believe after thorough vetting, as you heard the long timeline earlier, the commission unanimously agreed with a couple of conditions today we are asking for your support. Mr. Meijer's appeal raises concerns outside of the landmark commissions purview and therefore outside of the land use review process before you today. However, as a project sponsor I want to assure you we are meeting the intent set forth by council and meeting all the goals within the project's charter. For example the project team has conducted extensive light studies using our proposed design which shows an increase in daylight within the building. These were produced in April of this year as part of our whole building energy analysis and a summary was previously submitted into the record. While the construction cost is also outside the scope of the historic landmark review and the land use case before you today, we would like to respond to Mr. Meijer's statements regarding the cost on this project. Again as the project sponsor I assure you that the team fully understands the scope and budget and is being vigilant about initial construction cost and long-term operations and maintenance which we as a city have not been historically good at as we need to. We appreciate your careful consideration of the proposal and we respectfully ask you to deny Mr. Meijer's appeal and allow the project to continue on a path that will create a building which will effectively serve our community, both at completion and well into the future. I'm here with my colleagues to answer any questions you have.

Wheeler: Thank you. Any further questions? Commissioner Fritz?

Fritz: Having heard the concerns of the landmarks commission about the rooftop system, is there any other condition of approval that could lead to minimizing the size and location - - is there anything else that you could do with that rooftop equipment, that would make it respond to their concerns?

Ceder: You know, they -- they had voiced their concerns at our initial hearing and we did as part of that look into some potential items such as screening the units and providing a visual barrier around them that would be potentially -- get more pleasing to look at. And, one of the issues that we ran into there is that it ended up with space constraints being more visible than the units themselves. So, we agreed, at our follow-up hearing, that that was actually sort of exacerbating the problem. You know, undeniable that the units are large. But as I pointed out, this is a 15-story building and we've actually made considerable efforts considering that the current mechanical equipment takes up half of the entire second floor, I think getting the mechanical air handling down to two discreet units is actually a pretty noteworthy feat. So, although it -- it might seem like we're stonewalling or not making concessions, you know, as I said previously, we put a lot of effort into presenting something that was well thought out and being an architecture team and having consultants who do historic projects all the time, we know what the issues are going to be and, therefore, we try not to put things in front of the landmarks commission, that we know are just outright unapprovable and could be done a better way.

Fritz: Is there and this is about approval I'm getting to my -- is there going to be any kind of Eco roof treatment at the top?

Ceder: I don't know if that's a potential or not. Unfortunately, we don't have our mechanical engineers present. But, the -- as I mentioned in my previous presentation, we are actually maintaining the existing Eco roof and we're using a design that's actually part of the bureau of planning and sustainability's recommendations to put our mechanical equipment on a platform which allows the Eco roof to function underneath them. And you can use low-light shaded plantings. But underneath all of that mechanical equipment you see, the Eco roof is actually able to remain in place.

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Fritz: The equipment is higher than it needs to be cause it's saving the Eco roof?

Ceder: Yes.

Fritz: Why didn't you put the Eco roof on top of that?

Ceder: I can't say if that's feasible I don't know if its feasible to put and eco roof on top of an air handler without creating additional issues.

Fritz: I was thinking about commissioner Eudaly's question earlier about the original design and one of the fastened top, which seemed like a good suggestion, but that was explain why that couldn't happen. I'm thinking in other situations where you want to mask something, you use landscaping. If you could keep thinking if there was anything else that could be done to address the issue of the rooftop treatment?

Ceder: Yes.

Fritz: Thank you.

Wheeler: Very good. Anything else? Any other questions? All right. Thank you. We appreciate it. Appellant two's response, should they wish to respond. They have two minutes. Hello, again.

Meijer: Hello. As I understand this procedure, I'm asked if I have any comments in regard to appellant one and since we are appealing the whole.

Wheeler: Or testimony. Because weirdly enough, then appellant one gets to rebut what you said and appellant two, being you -- it's like a tennis match or something. Really, this is your chance to rebut testimony. Is that -- respond to testimony.

King: Respond, yeah.

Wheeler: Very good.

Meijer: I will keep this simple for council. We have spelled out our applicable review criteria and our appeal. I find it difficult to talk about the what ifs of this project. What if there was more money? What if the original design was different? I find it difficult to project the idea of a very famous architect who is no longer with us, sadly. And I will not pretend to rebut or refute what Michael might have said to our office in the conversations we had during the national register nomination, other than to reiterate that he loved this project. Up until the controversy of this project started to hit the press, the Portland building was still on Michael graves website front and center. That should tell you how much he revered that building. His time in town was very much about the changes of the glass, but not this whole sale project that you are seeing before us. So, he was concerned about the ground floor. And how it met the pedestrian realm, mostly the arcade side. Butin no ways, did he project on to his project, a significant change that would remove it from the national register nomination. And I'm here for questions.

Wheeler: Colleagues? All right. None, so far. Thank you. Appellant number one, you have the opportunity to rebut for up to five minutes. By the way, we did not invent this process. [laughter]

Rinehart: I have a few closing comments --

Wheeler: I expect somebody to fully succeed at some point. [laughter]

Rinehart: Do I have to state my name again for the record?

Wheeler: Yes, please.

Rinehart: Tom Rinehart chief administrative officer, the Portland building is a unique and technically complicated structure as we all know and developing a strategy for it renovation has been a terrific challenge for the team and its taken over a year to find the best solution. As you've heard, the proposed solution was developed and vetted by a highly-qualified team of multiple professionals, firms and our excellent Portland building oversight committee a couple of them who've you've heard from today. Additionally, I want to restate that the team presented to landmarks commission on four separate occasions to get input, feedback and reach an agreeable resolution which was apperceived with some conditions

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on a 4-0 vote. The project team was unable to clarify the technical challenges with the mechanical issues that have been placed on the project. So today we're asking you to uphold the commission's decision to approve, deny Mr. Meijer's appeal in full and grant us a removal of condition g to allow the air handling equipment to remain as shown in the proposal. Thank you.

Wheeler: Thank you. Very good. All right. Appellant number two, you get the last word, if you so choose.

*****: Thank you. [laughter]

Wheeler: Very good. So, that brings us to council discussion.

Fritz: I have one question to ask of staff, if I may.

Wheeler: Very good. Could staff please return to the microphone? Commissioner Fritz?

Fritz: My question is if the historic review approval criteria conflicts with the central city plan design goals, which prevails?

Adam: The historic review criteria 060g1 through 10 would supersede central city.

Fritz: So to the concern about the ground floor and livening the public space, we wouldn't be able to do that because the historic nature didn't have windows on the 4th avenue side?

Adam: In theory, yes, but also the modification of approval criteria allows an even greater focus on the historic character.

Fritz: Okay.

Adam: Besides the guidelines.

Fritz: Thank you. That's my main question.

Adam: Anything else?

Fritz: Unless you can think of a good substitute for condition g?

Adam: I can't.

Wheeler: Colleagues, further questions or I'll entertain a motion.

King: Can I jump in really quick? So, just as a friendly reminder, you have in front of you a handout with the applicable criteria. There have been a number of things discussed that are not applicable criteria. I've been alerted to a couple pieces of testimony that is new evidence that council should not consider, this was not brought to the landmark's commission. That includes the getty institute grant that was not information that the landmarks commission received as well as a pbcoc report. That was also not placed before the landmarks commission and finally, a fact or a statement that the pboc has a zero tolerance approach regarding encroachment.

Wheeler: Okay. Very good. So, as they say on tv, disregard that. Commissioner Saltzman?

Saltzman: I would make a motion to uphold the landmarks commission approval with the removal of condition g.

Eudaly: Second.

Wheeler: Motion from commissioner Saltzman to uphold the landmarks commission decision, removing condition g. Seconded by commissioner Eudaly. Any further discussion? I want to remind people this is a tentative vote, correct?

king: Yes, a tentative vote today and return to adopt findings. I believe the 13th and 14th have been flagged for potential dates that would work for staff to come back with findings.

Wheeler: Do we need to specify a date here?

King: Yes.

Wheeler: Let's specify a date.

Moore-Love: You said the 13th or 14th?

King: That's my understanding.

Moore-Love: It would be 11:15 in the morning.

King: On which date?

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Moore-Love: I'm sorry. The 13th. For a time certain.

King: Thank you.

Wheeler: Very good. Any further discussion colleagues? Call the roll.

Saltzman: Well, I appreciate the discussion of all sides to this issue. And I do want to thank our oversight committee for their great work, as well. And, I vote aye.

Eudaly: I also want to appreciate and thank everyone who came to participate today. No one takes this lightly. It's expensive. It's time-consuming. I love how passionate Portlanders are about our environment. And I appreciate the comments of Mr. Burke. I grew up with this building so I take this endeavor seriously. And we -- we just can't justify this kind of investment in the building without making huge improvements to the health and humaneness of the working environment for our public employees. Some of the offices in the building feel like prison cells and it's known -- it's regarded as a sick building. I don't see any viable alternatives to the hvac system. It seems that we've really come up with the best plan possible. So, I vote aye.

Fritz: I want to acknowledge to start off with this is kind of our project so it's been challenged to act in a quasi-judicial matter since it is the city applying to do what the city wants to do and being blessed by the city's historic landmark commission. That's why it's particularly important that we know it has to go on the approval criteria. We have to see does it match the approval criteria if it didn't, as much as we might want the project to happen, we would have to vote against it. But it does meet the approval criteria. I'm one of those who love this building. I have been enamored since I got here in 86 -- Michael Graves called it the birthday cake building.

*****: It's been called that.

Fritz: That's how I described the chaperoning children downtown and having the school trips. So I actually refer to it as that and it helps people remember. I think it's a very special building. And, Mr. Meijer, I appreciate your concern for it and your concern for the public money. Many of the issues you raised may indeed be issues they're not connected with the approval criteria. I think their way be other areas to look into them I believe this project does meet the approval criteria and for that reason, I vote aye.

Wheeler: I'm one of those people who have always been critical of this building and it's a building frankly, I've loved to hate. And in that regard, I think it's been a raging success. It's like one of those artworks that sparks a lot of conversation and a lot of debate and frankly, I love listening to the tour groups that are there every single day and like hearing tour guide interpretations of what they think of the building. And in that regard, I think it's a highly-successful building. But it is in great need of being saved. And, as people know, I've spent a lot of time discussing mostly the fiscal issues of this particular projects. But I've enjoyed this hearing and frankly, I've enjoyed this process because it's great to hear from national experts and local experts and architects and the folks on the landmarks commission and historians and people who are involved in architecture and construction and all manner of this project. And it's helped me develop a deeper appreciation for the significance of this iconic building in our city. I'm not sure it's grown on me, yet. But I love the fact that it's here and I love the fact that it generates as much interest, enthusiasm, commentary, both positive and negative, as it does I think it's great. I am compelled, as well, by the testimony today that we heard. I applaud the historic landmark commission for their hard work on this. I know they deliberated this long and hard. It would be my preference that we would not have to put large hvac units on the roof but I understand why we're doing it and I think every attempt has been made to minimize the impact of that of the overall integrity and design and what Mr. Graves and his firm had intended when they came forward with their original plan. So, I support commissioner Saltzman's motion. That means it adopted. We have tentatively approved it we will make a formal vote on the --

August 23-24, 2017

Moore-Love: 13th of September at 11:15 a.m.

Wheeler: At city council chambers here at city hall for those who wish to be here. Thank you. And, we are adjourned.

At 6:08 p.m. Council adjourned.