



CITY OF
PORTLAND, OREGON

**OFFICIAL
 MINUTES**

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

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Jason Loos, Deputy City Attorney; and John Paolazzi and Elia Saolele, Sergeants at Arms.

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

The meeting recessed at 10:28 a.m. and reconvened at 10:41 a.m.

COMMUNICATIONS		Disposition:
948	Request of Zero to address Council regarding phone app idea and request for information (Communication)	PLACED ON FILE
949	Request of Star Stauffer to address Council regarding concerns with Portland Police Bureau (Communication)	PLACED ON FILE
950	Request of James Ofsink to address Council regarding injustice in Portland (Communication)	PLACED ON FILE
951	Request of Lightning Super Watchdog X to address Council regarding repatriate overseas money (Communication)	PLACED ON FILE
952	Request of Laurie King to address Council regarding September 10th white nationalist event in Portland (Communication)	PLACED ON FILE
TIMES CERTAIN		
953	<p>TIME CERTAIN: 9:45 AM – Report on recent audit work from the City Auditor: Portland’s Financial Condition, Risk Management, Tree Code (Report introduced by Auditor Hull Caballero) 20 minutes requested</p> <p>Motion to accept report: Moved by Fish and seconded by Fritz. (Y-4)</p>	ACCEPTED

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<p>*954</p>	<p>TIME CERTAIN: 10:05 AM – Accept and appropriate a Metro Nature in Neighborhood Capital Grant award to Portland Parks & Recreation in the amount of \$1,000,000 for the development of Gateway Green (Ordinance introduced by Commissioner Fritz) 20 minutes requested</p> <p>Motion to add emergency clause because it is in the public interest to get money accepted as quickly as possible: Moved by Fish and seconded by Fritz. (Y-4)</p>	<p>188575 AS AMENDED</p>
<p>955</p>	<p>TIME CERTAIN: 10:35 AM – David Campbell Memorial Board Report to Council (Presentation introduced by Commissioner Saltzman) 20 minutes requested</p>	<p>PLACED ON FILE</p>
<p style="text-align: center;">CONSENT AGENDA – NO DISCUSSION</p> <p style="text-align: center;">Mayor Ted Wheeler</p> <p style="text-align: center;">Office of Management and Finance</p>		
<p>*956</p>	<p>Pay claim of CLJ Properties, LLC in the sum of \$5,357 involving the Bureau of Environmental Services (Ordinance) (Y-4)</p>	<p>188571</p>
<p>*957</p>	<p>Pay settlement of Armando Olivas bodily injury lawsuit in the sum of \$65,000 involving the Bureau of Transportation (Ordinance) (Y-4)</p>	<p>188572</p>
<p style="text-align: center;">Commissioner Dan Saltzman</p> <p style="text-align: center;">Portland Fire & Rescue</p>		
<p>958</p>	<p>Authorize contract with Burlington Water District to pay \$120,546 for fire prevention, suppression and emergency response services for FY 2017-18 (Ordinance; Contract No. 30004731)</p>	<p>PASSED TO SECOND READING SEPTEMBER 6, 2017 AT 9:30 AM</p>
<p style="text-align: center;">Commissioner Nick Fish</p> <p style="text-align: center;">Bureau of Environmental Services</p>		
<p>*959</p>	<p>Authorize Bureau of Environmental Services to enter into lease agreements with City Center Parking to store fleet vehicles during the Portland Building remodel (Ordinance) (Y-4)</p>	<p>188573</p>
<p style="text-align: center;">City Auditor Mary Hull Caballero</p>		
<p>*960</p>	<p>Create a new Nonrepresented classification of Auditor's Senior Staff Representative which is exempt from the Auditor's functional equivalent of the City's classified service, and establish a compensation range (Ordinance) (Y-4)</p>	<p>188574</p>
<p style="text-align: center;">REGULAR AGENDA</p>		

<p>Mayor Ted Wheeler</p> <p>Bureau of Police</p>		
<p>961</p>	<p>Authorize application to the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for a grant in the amount of \$385,515 for the Edward Byrne Memorial Justice Assistance Grant Program FY 2017 Local Solicitation to assist the Portland-Metropolitan area law enforcement and criminal justice community to prevent and reduce crime and violence (Ordinance) 20 minutes requested</p>	<p>PASSED TO SECOND READING SEPTEMBER 6, 2017 AT 9:30 AM</p>
<p>Commissioner Dan Saltzman</p> <p>Bureau of Transportation</p>		
<p>962</p>	<p>Create a local improvement district to construct street, sidewalk and stormwater improvements in the N Suttle Road Local Improvement District (Second Reading Agenda 928; C-10058) (Y-4)</p>	<p>188576 AS AMENDED</p>
<p>Portland Fire & Rescue</p>		
<p>963</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 (Second Reading Agenda 931) (Y-4)</p>	<p>188577</p>
<p>Commissioner Nick Fish</p> <p>Bureau of Environmental Services</p>		
<p>964</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 (Second Reading Agenda 932) (Y-4)</p>	<p>188578</p>
<p>965</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 (Second Reading Agenda 933) (Y-4)</p>	<p>188579</p>
<p>Water Bureau</p>		
<p>*966</p>	<p>Authorize a Service and Maintenance Agreement with Portland General Electric Company in the amount of \$1,000,000 for transmission maintenance services for the Portland Hydroelectric Project (Second Reading Agenda 906)</p> <p>Motion to add emergency clause because the public welfare would be harmed by delay in having the authorized agreement go into effect before existing contracts for the Portland hydroelectric project expire on September 1st: Moved by Fish and seconded by Eudaly. (Y-4) (Y-4)</p>	<p>188580 AS AMENDED</p>

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<p>*967 Authorize an Intergovernmental Agreement with Eugene Water & Electric Board in the amount of \$420,000 for scheduling services for the Portland Hydroelectric Project (Second Reading Agenda 907)</p> <p>Motion to add emergency clause because the public welfare would be harmed by delay in having the authorized agreement go into effect before existing contracts for the Portland hydroelectric project expire on September 1st: Moved by Fish and seconded by Eudaly. (Y-4) (Y-4)</p>	<p>188581 AS AMENDED</p>
<p>*968 Authorize a Power Purchase and Sales Agreement with Portland General Electric Company for the sale of hydroelectric power generated by the Portland Hydroelectric Project (Second Reading Agenda 908)</p> <p>Motion to add emergency clause because the public welfare would be harmed by delay in having the authorized agreement go into effect before existing contracts for the Portland hydroelectric project expire on September 1st: Moved by Fritz and seconded by Eudaly. (Y-4) (Y-4)</p>	<p>188582 AS AMENDED</p>

At 11:57 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **30TH DAY OF AUGUST, 2017** AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Lory Kraut, Senior Deputy City Attorney and Ben Walters, Chief Deputy City Attorney; and Jim Wood and Elia Saolele, Sergeants at Arms.

		Disposition:
969	TIME CERTAIN: 2:00 PM – Accept update on Noise Control Office (Report introduced by Commissioner Eudaly) 1 hour requested Motion to accept report: Moved by Fish and seconded by Eudaly. (Y-4)	ACCEPTED
*970	TIME CERTAIN: 3:00 PM – Ratify a collective bargaining agreement between the City and Laborers Local 483 – Portland City Laborers relating to the terms and conditions of employment of represented employees in the Portland City Laborers bargaining unit (Ordinance introduced by Mayor Wheeler) 30 minutes requested for items 970-972 Motion to amend directive d to clarify funding: Moved by Fritz and seconded by Fish. (Y-4) Motion to amend to correct year and bargaining unit in directive c: Moved by Fish and seconded by Fritz. (Y-4) (Y-4)	188583 AS AMENDED
*971	Ratify a successor collective bargaining agreement between the City and Laborers Local 483 – Recreation relating to the terms and conditions of employment of represented employees in the Recreation bargaining unit (Ordinance introduced by Mayor Wheeler) Motion to amend directive d to clarify funding: Moved by Fritz and seconded by Fish. (Y-4) (Y-4)	188584 AS AMENDED
*972	Ratify a successor collective bargaining agreement between the City and Professional & Technical Employees Local 17 relating to the terms and conditions of employment of represented employees in the bargaining unit (Ordinance introduced by Mayor Wheeler) Motion to amend directive d to clarify funding: Moved by Fritz and seconded by Fish. (Y-4) (Y-4)	188585 AS AMENDED

At 3:51p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **31ST DAY OF AUGUST, 2017** AT 3:00 P.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Linly Rees, Senior Deputy City Attorney and Jim Wood, Sergeant at Arms.

<p>973 TIME CERTAIN: 2:00 PM – Appeal of Mary Sipe against the noise variance granted to Andersen Construction to conduct up to nine concrete pours with early morning set up between July 8, 2017 through October 15, 2017 for the construction of Condominiums at Block 20 project located between NW 11th Ave and NW 12th Ave and NW Overton St to NW Quimby St (Hearing introduced by Auditor Hull Caballero) 1 hour requested</p>	<p>Disposition:</p> <p>APPEAL WITHDRAWN</p>
<p>974 TIME CERTAIN: 3:00 PM – Appeal of Landon Crowell against Design Commission’s decision of denial for design review of a new 5 to 6 story, approximately 70’ tall, 17 unit apartment building in the Central Eastside Subdistrict of the Central City Plan District, at 1122 SE Ankeny St (Previous Agenda 895; Findings introduced by Commissioner Eudaly; LU 16-184524 DZM)</p> <p>Motion to uphold the appeal and overturn Design Commission’s decision and adopt findings: Moved by Fritz and seconded by Eudaly. (Y-3)</p>	<p>FINDINGS ADOPTED</p>
<p>975 TIME CERTAIN: 3:05 PM – Appeal of the Goose Hollow Foothills League against Design Commission’s decision of approval for design review of a 3-building development on two parcels under common ownership of 1.5 blocks in the Central City, at 817 SW 17th Ave and 1621 SW Taylor St (Previous Agenda 897; Findings introduced by Commissioner Eudaly; LU 16-273094 DZM AD)</p> <p>Motion to deny the appeal and uphold Design Commission’s decision and adopt findings: Moved by Fritz and seconded by Eudaly. (Y-3)</p>	<p>FINDINGS ADOPTED</p>

At 3:06 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 30, 2017 **9:30 AM**

Wheeler: Good morning this is the August 30, 2017 meeting of the Portland City Council. Karla, please call the roll.

Saltzman: [Absent] **Eudaly:** Here **Fritz:** Here **Fish:** Here

Wheeler: Here, so, I would like to start off with an important recognition. We are blessed with a special guest this morning. I would like to introduce former selectman Peter Fish from Berkshire County, Massachusetts. [Applause] Peter, we have a commissioner Fish here, too, what a coincidence. So, this is Commissioner Nick Fish's brother. Now I don't know, who is the older brother and who is the younger brother?

Peter Fish: We're 11 months apart.

Wheeler: That did not answer the question, did it? [All laughing]

Fish: Peter's the baby.

Peter Fish: I'm younger than him.

Wheeler: All right, very good. Well, welcome. It's a pleasure to have you here. Thank you. So, the usual statement, folks, I think everybody here has heard it at least 100 times. Let's give people the opportunity to testify, give them the respect they deserve, give them the opportunity to be heard. We want this to be a safe and welcoming environment for everybody, whether you agree with what they say or whether you don't. Same goes true when the council is deliberating, we ask that people allow us to do that. There will be two opportunities for people to address the council during communications, which we'll get to in a minute, and also the first readings of reports and ordinances and resolutions. If you would like to speak, you can sign up here with the council clerk for communications. That requires an advance notification, but if you would like to testify on one of the items today, you can just sign up with Karla. Typically, depending upon how many people we have, we allow three minutes is our preference. 30 seconds before your three minutes is up, the yellow light goes on; when your time is up, a red light goes off. We would ask you to respect those time limits. Please, and if you are a lobbyist, we require you to disclose that. If you are here representing an organization that is also helpful. We don't tend to applaud. We never boo. A thumbs-up if you like something, thumbs-down if you don't like something is sufficient so register your pleasure or displeasure. So, with that, we will move into the first item which is Communications. Karla please call the first item.

Item 948.

Wheeler: Good morning!

Zero: So, I took about a week off from school ending and work starting to focus on activism, and I have never done activism in my life. Um, so I think that I might be doing it right, I am not sure. I would like to ask for a little bit more time, three minutes and 30 seconds.

Wheeler: Go for it.

Zero: All right so my name -- by the way the phone app thing, I was not sure what I needed to write on there. My name is one, zero, one, five, eight, one, four, one, two, nine, one, four, four, one, nine, five, two, five. This is my first attempt at a transmission, this is a distress signal. I am stuck. This isn't funny. I am one-in-three realities short of losing my

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mind, and about one reality short of being a genius. Let this millennial manifesto be a blinding light or a beacon to show the misguided or uneducated millennials are the most educated class in America. Thank you for the opportunity to speak today. The purpose of me being here today is to encourage other people to get involved. It is also going to serve as a stress test, and I am here to ask the tough questions. This information, this form is not a good form of communication. Nice job on the police reform thing. The consultant was a nice touch. The only hope that we have is to take good notes and to be able to replicate this in other cities. We could even ask for a donation for our services. Most people don't know that they can sign up and ask you anything. They can tell what they had for breakfast or what they did last Sunday. I had strawberry snickers. People my age say, "Government sucks." But I read this as, "How can I interact with government in a meaningful way? How can the mayor increase the agency by 15% and also increase the dynamic movement by 4%?" People are starting to wonder. You are really good at primary communication but your secondary communication skills need work. For example, is Portland prepared for a nuclear attack? Because if the city blows up, I won't be able to finish my degree and pay back my student loans. And I don't know how I am going to pass that down to my kids yet. The primary communication is to make sure that people are safe from nuclear attack and we are ready, and the secondary communication is, we take this threat seriously, and nuclear war with fire and fury has consequences. Ted, you were the disruption candidate. We saw business and finance and voted for you. Just like they voted for Trump. But nothing changed. Trump broke the normal discourse of political dialogue. You have more agency to say what you want in politics now than ever before. I am almost done. You should use your advantage when communicating. We are the biggest city in Oregon. Make plans to strengthen our city; in turn, strengthen the city's brand; in turn, strengthen the state's brand. This is how we survive the right in America to continue to say no and continue to be a sanctuary city. I just have a little bit longer, is that ok?

Wheeler: Can you start wrapping it up, please, because we have lots of other people who would like to testify. Thank you.

Zero: Yes. We need to plan for a loss of funding from the federal government for our sanctuary city status, humility is the expectation of absurdity until proven wrong scientifically or historically. Thank you.

Wheeler: Thank you. Appreciate your testimony. Next item please.

Item 949.

Wheeler: Good morning.

Star Stauffer: Good morning, Star Stauffer. Actually, I am changing up my testimony today a little bit because of an incident that occurred last week here at City Hall. The Portland Police suck. There is no question about that. They are racists and they are a bunch of white supremacist, KKK, and every time I see 'em in all their riot gear, I feel like I am at a rally and they are just wearing different colored bed sheets. However, last week when I came here with Kelly Tadlock, a woman that is disabled, who has a van that is wheelchair accessible, came here, we could not park and get her out in the front of the building because those handicapped spaces in the front of the building are not made for people with wheelchairs. Everybody that gets in a van with a wheelchair gets out on the passenger side. The curb is not on the right side when you park in front of city hall. Not only that, if I let her out in the middle of traffic, which would be the only option, she then has to roll her wheelchair all the way to the corner to go up the ramp. Not only that, once she's in the building, she has to maneuver past those ridiculously expensive turnstiles that you've put in. Not only that, if there is a fire or some kind of an emergency, she's got one exit out. And God forbid everybody in this building panic, because she cannot get out the back way. There is no equal access to this building. Equal access means that you don't

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have to do extra work in order to access the building. We had to let her out in the back of the building on 5th. We asked the security if we could park in your spot, mayor, to make it easier for her to participate in city process. We were told "No." A woman with a disability was denied a more convenient way to access her own government. Then, she had to wheel her chair all the way around. So, if you can afford to put in 200,000 dollars in turnstiles, you can afford to put a ramp in the back for your citizens that have disabilities. And you can certainly afford to update the building and its parking to make way for people with disabilities so that they can safely and conveniently participate in city processes like everybody else gets to. Right now, what you have is a wheelchair-accessible "spot," so you say, where the passenger door would open up into the middle of 4th Avenue traffic, where your cops and many other citizens in this city drive like they are on a racetrack. That's shameful. It's easier to get \$4 million dollars in bullets approved to shoot at citizens than it is to make sure that they are safe to access the building and to have equal opportunity to talk to their government and participate in city process. So, it needs to be fixed. It needs to be fixed now. And not Saltzman's way, where it's fixed when he feels like it, where he can just put everybody off. It needs to be fixed now! Because it is shameful. It's shameful. And if you don't fix it, then I'm gonna shut that side of the building down and nobody's gonna be able to use it. And we'll all stay on the sidewalk. And we'll all have our cameras out so that everybody can see how the Portland police and you feel about people with disabilities. Probably right along par with how you feel about black people.

Wheeler: Thank you. Next item please.

Item 950.

Wheeler: Good morning.

James Ofsink: Morning. I'm James Ofsink, and I am speaking on behalf of Portland's Resistance. We are one of the most organized resistance movements in the country, and work hard to bring thousands of Portlanders into active engagement with national and local issues. Hundreds of people have attended our civic meetings and candidate forums, thousands have marched with us in the streets, and each month, tens of thousands of people interact with us online. We advocate for a progressive slate of policies starting with turning around our criminal justice system. It is disingenuous to ride the winds of public opinion and rail against violent supremacists in far off cities while keeping employees like Captain Mark Krueger in a position of authority at the Portland Police Bureau. We cannot claim to be a sanctuary city on the one hand and promote the supposed security of communities of color while still racistly over-policing those same communities. Whether it's crossing the street, driving a car, or finding an inconspicuous place to sleep, our city punishes people for the color of their skin. Black Oregonians are almost twice as likely to be incarcerated as African-Americans in Washington, and more than five times as likely to be incarcerated than white Oregonians. And it's not just incarceration. It's every single level of our criminal justice system from stops to citations to arrests to mass incarceration. Every one of those interactions which are disproportionately levied against people of color invalidates the very sanctuary that we profess. Every one of those interactions is a pretext for a deportation or an opportunity lost to find a job or to secure housing. So, turns the wheel of inter-generational inequality. And this is not some problem that Donald Trump or Jeff Sessions created. We built this with decades of covert and overt systemic racism. But for exactly that reason, we don't need to wait for the federal government to step in and end it. You, the five of you, although four would be enough, we don't need Saltzman today, working today or this week or this month, can radically change the arc of justice in our system. Decriminalize the nuisance stops that are the first entry points into the police harassing communities of color and people suffering from poverty and addiction. Here are five changes each of you should go on the record, starting today, as supporting. Ending

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sweeps of houseless encampments, stop imprisoning addicts for being addicted, shutter the racist Portland gang database; ban military grade weapons; and publish police stop data. These are things that are all within your power to do, and you can start today. At Portland's resistance, we believe that resisting the heinous ideas of Donald Trump is important. We must say no to fascism, to racism, to bigotry and to hate, but even more important than opposing the terrible and anti-American rhetoric of our Embarrassment in Chief is to say "Yes" to the proactive policies that will build an inspirational alternative for other citizens. While the federal government is driven into the ground, it's up to us, up to you, and the people of Portland to demonstrate that we can be a beacon of light and build an inclusive society that is better because of our differences and truly works for the least well-off amongst us.

Wheeler: Thank you. I appreciate it. Next item please.

Item 951.

Wheeler: Folks, I didn't read the whole statement because I really didn't want to, but now I feel like we need to remind people that if you act out and disrupt either testimony or council deliberations, you will be asked to leave. And if you do not leave when you are asked to leave, you are subject to arrest for trespassing. Nobody wants it to happen, so let's all try to be respectful and let people talk. Thank you. Good morning.

Lightning: Good morning. My name is Lightning, I represent Lightning Super Watchdog X. First of all, if we are in a state of housing emergency, I want to put a moratorium on all of your salaries, your wages. When you declare a state of emergency, we need to also not give you a pay raise. We need to not pay you additional money at that time. We're in a state of emergency. Put some skin in the game. Join us. Quit getting your pay raises. Issue number two: The offshore overseas corporations that are basically hiding their money and receiving tremendous profits by doing so, we need to bring the money back. We need to have an understanding from these corporations, such as Apple, who has 230 billion overseas; Pfizer, a 197 billion; Microsoft, 124 billion; General Electric 82 billion; Nike, 10 billion; Intel, 46 billion. Bring the money back to the United States. We need to have the money brought back, and we need to create a universal basic income. We need to have an understanding that everybody in the United States does not need to be living poverty. They need to have a decent income every month. \$1,000 per month to everybody citizen in the United States. Bring your money back. Listen to Elon Musk. Listen to Mark Zuckerberg. Listen to Sam Altman, and understand that every citizen in the United States deserves a grant from the federal government, from the government for their basic living expenses. It can be done. We need to start creating ways to do it. And I am asking that we repatriate the money back. We set up a universal basic income investment fund, and we have the people running this Elon Musk, Mark Zuckerberg, and various other people to set this up and begin to understand the interest accrued will go back into the universal basic income off of this plan. It can be done. We can begin to chop away at the fossil fuel subsidies also, and again, I am putting a moratorium on all of your salaries. You are overpaid, your pensions are bloated, you are taking all the money from the citizens. Start giving it back and taking the people off of the streets and putting them into housing. Make sure they live better and quit paying yourself so much money! You are not doing your job. If we are in a state of housing emergency, put a moratorium on your salaries! Put a moratorium. We need to make some big changes here. Again, if you don't go forward on the universal basic income, I'm gonna start going after your salaries, I'm going after your pensions, and sooner or later, we're going to claim bankruptcy on this city. And guess what, you are going to have like Venezuela or all these other places, you'll have nothing at the end of the day. So, take it for what it's worth: Start taking care of all the people in this

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city. All the people in this city. Take care of all of them. Nobody needs to live in poverty. Why are they? Because you're taking the money and using it on yourselves.

Wheeler: Thank you. Appreciate it. Thank you for your testimony. Next item please. Good morning.

Item 952.

Laurie King: Good morning Mayor Wheeler and city council members. Thanks for this time to speak. I am Laurie King, a jobs for justice and climate jobs activist. On September 10th, Portland is slated yet again to be the site of a white supremacist event. Joey Gibson is mobilizing a Portland "freedom march" featuring a prominent confederate monument defender. I believe, and many would agree, probably you too, that as the people who are elected to be in charge of the city of Portland, you have an ethical obligation to clearly and definitively demonstrate that you are against white supremacy. In the August 16th message from elected leaders in the Portland area, it is great that you all say that each of us can take a stand against racism. Two clear ways for you to take a stand against racism on September 10th are to, one: Join the Portland Stands United Against Hate rally and march at Terry Shrunken Plaza at one o'clock. And two: Publicly encourage Portland residents to be at this protest, to come out in their thousands. Get on the media. 67 racist rallies were recently canceled, not because people stayed home or marched on a different day or marched far away, but because people came out and in overwhelming numbers and were visible to the white supremacists. I believe that it's critical for you all to show by your public actions which side you are on. Because at this point Joey Gibson and otherwise supremacists feel all too comfortable here in Portland. Just a few of the things that I am sure that they have noticed: On May 25th, the night before the racial assaults and murders on the max by Jeremy Christian, an African-American woman was attacked by Christian. The police officer who arrived at the scene did not apprehend him. Imagine if this woman were white and Christian were black. On May 26th, after having stabbed two heroes to death, police officers let Christian keep ranting and drinking a beer before arresting him. Again, imagine if things were reversed racially. The double standards are all too clear. On May Day on June 4th, peaceful participants were met by militarized police in riot gear with concussion grenades and more. Hundreds of May Day participants had their free speech curtailed in collective punishment. On June 4, anti-white supremacists were rounded up and forced to have their IDs recorded before they could leave Chapman Square while nothing like this happened to white supremacists whose free speech was protected. On the positive side, many of us noticed that at the August 18 Eclipse Hate rally and march, it was not met by militarized police, and it worked well. Will you join the Portland Stands United Against Hate rally that is endorsed by more than 35 groups and a growing number of groups, including the Portland Association of Teachers, SEIU503E board, SEIU49, the Main Street Alliance, and Ecumenical Ministries of Oregon. Will you use your bully pulpit to help make Portland like Boston? We all can and must do our parts. We really hope that you do this. And I just would like to ask if people agree with me please raise their hand or stand. And I just thought of this last week to come to you. So, thank you very much. And I'm leaving some...

Wheeler: Appreciate it. Glad you are here. Thank you for your testimony. Let's see. With that, what time do we have there? Why don't we move to. Well first of all, on the Consent Agenda, have any items been withdrawn, Karla?

Karla: No, I do not have any.

Wheeler: Please call the roll.

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

Wheeler: Aye. Consent Agenda is adopted. First Times Certain item please, 953.

Item 953.

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Wheeler: Auditor Mary Hull Caballero is here today to introduce the report. Good morning.

Mary Hull Caballero, Auditor: Good morning mayor and commissioners. I am City Auditor Mary Hull Caballero, and I am here today with senior management auditors Kristine Adams-Adams-Wannberg, Kari Guy, and Martha Prinz.

Wheeler: Welcome.

Fish: Madame Auditor, can I ask you a question? Is this the first time, under this mayor, where you have come forward with a comprehensive suite of presentations on audits?

Hull Caballero: Yes, and I was going to address why. [Laughs]

Fish: Oh. Okey-doke. Well, I wanted to applaud you for doing so, but I don't want to steal your thunder. [Laughter]

Hull Caballero: [Laughter] It has not been the practice of the auditor's office to speak to council as a group about our audit findings and recommendations. And this presentation changes that. My hope is that commissioners in charge of bureaus that are the subject of our audits take our results in the spirit in which we intend them, which is for the city to become more effective, efficient, and equitable. We also hope to use these opportunities to highlight themes across audits that can apply to operations and programs whether or not they are the subject of any particular audit. And we have the results from three audits to present today. We're going to talk about the city's financial condition, risk management, and the implementation of the tree code. And we're going to begin with the financial condition audit.

Kristine Adams-Wannberg, City Auditor's Office: Good morning. For the record, my name is Kristine Adams-Wannberg, and I am with the Audit Services Division of the elected city auditor's office. I want to cover a couple things about the city's financial condition report. This is a report that we typically do every two years, basically it's a high-level report to look at trends and citywide indicators. It's essentially trying to take our CAFR document, which is this thick, and to turn it into something like this, which is kind of fun. There are other jurisdictions that do this type of report, so it's really common in our area. The information comes from the city's audited CAFR. It's really intended for a broad audience. In this particular one, we did not have recommendations. Sometimes, we produce recommends in them, sometimes we don't. So, a couple things that I wanted to highlight in terms of things that we saw that were really good for the city in terms of our financial indicators: We have diverse revenue sources which is excellent for the city; we have very good bond ratings; and our liquidity is in very good shape as you will see from the information on the slides. Over the last couple of years, our property taxes grew 8%, now these were the property taxes that actually came to the city. This is not all the property taxes that go to the county and all the other jurisdictions. But they grew from 8% between 2012 and 2016, but one of the things that we noted is: For the money that is coming to us, the property tax dollars, for each property tax dollar, less than half of that is actually going to the general fund now. That's the same as it was five years ago but we have noticed over a ten-year time trend that it's actually shrinking. Another thing that I wanted to highlight - and this is something that has been brought up to you at various other times - is: If you look at the condition of our city's assets, our utility assets, our water and sewer, are really in pretty good shape, about 69% are deemed in good shape. But our transportation assets tend to be failing. Now please note the information that we put in this document was actually before the new gas tax went in, so we are hoping in two years, when we come back to you with the next report, that we'll see an impact of that, that the transportation assets are in better condition. The last thing that I wanted to highlight is our net position. Now net position is essentially everything you own minus everything that you owe. So, all the assets, minus all the liabilities. And what we like to see in this is that your net position is basically increasing over time. And that's what we're seeing for basically our utility net

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position. We're investing in our infrastructure, and our net position is going up due to that investment in our capital assets. The general government net position - so this would be for services such as transportation, parks, police administration - those are going down, and this is primarily because of our FPD and our liability. One thing we did want to note is: We have seen some encouraging changes from the Office of Management and Finance. In our previous report, we had asked them to do more information provision to you, to give you more information with a popular annual financial report, as well as coming to you every year to give you an update on what is going with the city's financial position, and they have been doing that. So, we are encouraged by that. And with that, I would like to turn it over for the risk audit. Thanks.

*****: Thank you.

Kari Guy, City Auditor's Office: Next up, City Risk, I am Kari Guy with the auditor's office.

Wheeler: Morning.

Guy: Morning. So, City Risk is a division of the Office of Management and Finance and they are charged with - they monitor and coordinate citywide safety programs; they also manage all worker's comp claims and general liability claims for the city; and they purchase insurance for the city. We audited two of those programs: Their Safety and Loss Prevention and their Liability Claims Management. The city auditor has suggested that reports are not always the most readable, and so this is our first attempt at a video to explain our audit results.

AUDIT RESULTS VIDEO: Our audit found that the city needs a more proactive approach to Safety and Loss Prevention, but that Claim Management usually works well. Portland's Risk Management Division spends almost 16 million dollars each year to help city bureaus reduce the injuries and loss and to manage and pay claims against the city if an incident occurs. This audit found that Risk Management does not follow the City Loss Prevention requirements to establish safety goals and benchmarks, develop a model loss prevention plan, and to help bureaus develop plans that address the safety issues, provide information on injury and accident trends, or report to council on loss prevention activities and results. At the same time, worker injuries at the city of Portland increased 15% from 2012 to 2016. Without a central focus from risk management, city council and bureaus may not have the information that they need to develop safety programs and to budget for and prioritize emerging risks. When an incident occurs, and a claim is filed against the city, Risk Management usually manages those claims well, but lacks a consistent approach. Most people who filed claims with Risk Management in the past two years were positive about the service that they received, but some reported long delays and unclear decisions. Risk Management recently implemented a new information system, and better use of the system features, like scheduled tasks, could help ensure claims are resolved consistently and on-time. We recommend Risk Management establish a proactive citywide approach to loss prevention and update its claims management procedures. To view the full report go to Portlandoregon.gov/auditservices .

Guy: So, there are a few issues that may require sort of council decisions or more attention that we did not cover in the video, so I want to highlight a few things. One: You saw in the video that the city does have adopted code and policy around how to manage, how to have this sort of centralized risk management function. And a lot of that has kind of fallen by the wayside, and Risk no longer follows that code. Our recommendation to them was either to follow the code, or to come back to you with what their preferred approach is, and they said that they will come back to you with the code changes. So, keep an eye out.

Wheeler: Could you add a couple sentences of why we fell away from what was established code?

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Guy: I am not sure. There was staffing changes, it has been -- I think it has been a long time. There are still some bureaus who sort of actively do the planning required, but not all, and Risk Management does not.

Wheeler: And what is their time frame for coming back to the City Council with an alternative code?

Guy: They did not tell us in the management letter. The second issue is around their information system. Risk Management purchased a new information system in 2013. It was implemented in 2013, and one of the primary goals of that system was to provide access to data to all the bureau safety managers. So, for Water Bureau, Parks... So that they could get access to injury data and safety, like general liability claims. Risk Management has not provided that access, and we recommend that they do.

Wheeler: [inaudible-mic off]

Guy: What the bureau managers tell us is that they would like to be able to identify trends for their bureaus, they would like to be able to build business cases if they need safety improvements to be able to look at the costs of the injuries. It was pretty consistent from all the bureaus we talked to that they would all -- they believe it would improve their internal safety programs if they had access to this data.

Wheeler: [inaudible-mic off]

Guy: Risk is concerned that they want the data to be perfect before they share it. And they are learning a new system. The argument, I think, for sharing now is that probably Environmental Services is the best one to know if Environmental Services' data is correct, and having more eyes on it sooner.

Wheeler: [inaudible-mic off]

Guy: Well, so, we got access to the system to do our review, and they are able to constrain what we are able to see in terms of personally identifiable information. I think they could qualify the data that they share.

Wheeler: Okay. Thank you.

Guy: Third up --

Fish: Can we switch out, maybe...?

Moore-Love: She just did.

Fish: I'm sorry, I am having trouble hearing you.

Wheeler: Could you swap that mic because those are better, I agree with Nick. Those little ones, they're a little flimsier.

Guy: Third up is the 5,000-dollar limit.

Wheeler: Is that better? Ok everybody says yes.

Guy: Okay. The city charter requires that Council approve all claims over 5,000 dollars by ordinance. That sounds really loud. Ok. When we reviewed liability claim files, we saw some cases that were over 5,000 that did not come to Council. And there are two situations where this happened: One was in a car accident, so, say a city truck hits a car, Risk would pay up to 5,000 dollars for the medical costs, and up to 5,000 dollars for the damage to the vehicle. So, you could have a payment up to 10,000, and it's not coming to City Council. Similarly, if it's a jointly owned property, there is damage to a home, say, damage up to 10,000 dollars, that will pay 5,000 to each of the homeowners. So again 10,000 is not coming from Council. We talked to Risk and they said this has been the practice as long as they can remember. But it is not written down anywhere. So, our recommendation to them was that they sort of get your approval for this approach. If this is the right approach, so that the scope of claims that are covered that come before Council is clear. And, I guess lastly, that 5,000-dollar limit was set in 1976, I think, in charter, and it's not indexed to inflation. So, over time, you are just going to see more and more claims.

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It's in charter, but it might be an issue for our future charter review to look at: if 5,000 dollars is still the right level, and if it should be indexed for inflation.

Eudaly: I could use more clarity on how it is supposed to work. So, if there is a claim of more than 5,000 dollars, and they rule against the claimant, does that come to City Council?

Guy: No. You only see the ones where they pay claims.

Eudaly: Is it supposed to be heard by a committee or a commission?

Guy: No. Risk management has the authority to respond to claims. There is one example that came out, I think this week, from the ombudsman around fair and moral claims. And in that case, those are supposed to be heard by a committee, and that has not been done.

Eudaly: Do you know why or when that practice fell by the wayside?

Guy: I do not.

Eudaly: Okay. I would like to know.

Adams-Wannberg: I would just add that I think that that is another example of where internal practice inside Risk Management has kind of superseded code and charter provisions and what the ombudsman was trying to bring to our attention is that that was done without some sort of affirmative acknowledgment by council and that it really is just to create awareness for the people who would sit on that committee, and I would be one of those people that we do have this option to address some of those issues.

Eudaly: And what claims would rise to that? Being heard by that committee?

Guy: You know, I am not an expert on the fair and moral claims, so I am hesitant to say much more.

Eudaly: Okay. Well I won't take up everyone's time here, but I would like to know more about it, I guess I will contact...

Adams-Wannberg: I would be happy to talk to you about that.

Eudaly: Okay.

Adams-Wannberg: Thanks.

Eudaly: Thank you.

Martha Prinz, City Auditor's Office: Good morning. My name is Martha Prinz, for the record, and I am an auditor.

Fish: Excuse me one sec. Can we stay on Risk Management for a minute?

Prinz: Sure. I'm sorry, I thought you were done.

Fish: Auditor, I have a couple questions I want to ask you. And the first question is going to seem incredibly obvious, but I have learned that I need to ask this question in order to make sure that we are on the same page: Who is the client? When Risk Management does its work, who is the client?

Adams-Wannberg: I view Risk Management, when it comes to the claims part of their responsibilities, as operating like an insurance company in a way. That they, like, a claim comes in and they do an assessment of whether it should be paid or not, and if it's over 5,000 dollars, that information comes to you. If it's denied, that information, it's my understanding, does not come to you either, as you've asked, Commissioner Eudaly. And so, the city is the client.

Fish: And because, in your summary, there is a reference to the fact that our system is somewhat inconsistent, and that, I think, that at least in part, has to do with our form of government. Do you believe that greater bureau oversight of Risk Management on a bureau by bureau basis has the potential to address some of these structural problems, or does it have the risk of exacerbating those problems?

Adams-Wannberg: You know, I think that this is another example, and I had said in my introduction, that there are themes across the audits. This strikes me as a theme that we see over and over again where a centralized bureau will have great responsibility and little

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authority to ask bureaus to do certain things, and this may fall into one of those kinds of situations where there needs to be some thoughts around how much authority should Risk Management have over bureaus, and how much of it should actually be decentralized, where the bureaus are making those decisions, and Risk is a support system to their decision-making.

Fish: And I appreciate the way you framed that, because with my bureaus, the utilities, we've been struggling with what is that balance. On the one hand, we want the utilities to be accountable. So, monitoring Risk, managing Risk in a thoughtful way, you know, using taxpayer dollars wisely. At the same time Risk Management has a set of prescribed responsibilities. And it's not completely apparent how you harmonize those two. And I think that one of the virtues of this audit is: At a very high level, you sort of tease that out. And I think that it does require further conversations through OMF in particular, to see how do we find that sweet spot.

Adams-Wannberg: I agree, and I think that that is part of our decision to start bringing our audit results to Council, is because we tend to focus on the commissioner in charge of a particular, or whoever the auditee is, the commissioner in charge. We don't often have the opportunity to speak to all of you as a group about these things, and I am hoping that this is the kind of conversation that can raise these issues up to your level, and that you all can decide how you want that balance to be struck.

Fish: Yeah, and auditor, because the mayor was not here for another variation of this a couple of years ago, I also hope that we, from time to time, schedule work sessions. With an audit. Because I think that while this is enormously helpful, and this broadcasts to the broader public, and gets out the sort of thematics, we've have had some hugely successful work sessions where we have drilled down on a particular problem, and you have framed the problem through either a spectacular audit of an issue or a theme. And I actually think that we would benefit from doing that more frequently.

Adams-Wannberg: Okay. We would be happy to do that.

Wheeler: And with regard to, while we're on the risk management piece, at least tangentially, the fair and moral claims piece, the chief administrative officer is actually waiting for direction from the council on that, so that is a conversation I think that we need to continue.

Adams-Wannberg: Ok.

Wheeler: Good.

Fritz: Will the chief administrative officer be coming around to ask us each our opinion?

Wheeler: I will make sure that happens.

Prinz: Ok. Ready for trees? [laughter] So I'll start again. My name is Martha Prinz, and I am an auditor in the auditor's office and I was the auditor in charge of this particular audit, and this presentation is a bit of a teaser for you because the audit has not actually been released yet, but knowing that we had this session planned, we thought that we would go ahead and put it on the agenda and speak about it. And just so you know, it's scheduled to be released next Wednesday, which is September 6th. As you know, the Tree Code was adopted in 2011, but implementation was delayed until January of 2015 due to budget constraints. So, it's really just been two years that we have had the Tree Code. It's really the city's first comprehensive set of rules about trees, consolidated in one place. And it applies to more trees than previous regulations did. Parks, specifically, the Urban Forestry Division and the Bureau of Development Services were the auditees because they are the primary bureaus implementing the code, although the code affects all the bureaus and everybody in the city, but that's where our focus was. And for this audit, we focused on trees on private property and street trees. So, just moving to the results, I want to again caution you that there is only two years of data, so these should not be considered

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definitive results or the final word on the Tree Code. And more time will be needed to fully assess how well the code is working. It's also worth noting that there was not a lot of data for the pre-Tree Code years for us to compare to. So here in this first graph, we compared data from 2015 to data from 2016, and although we did not look at everything, we generally found improved tree protection and development from one year to the next, as seen here. So, for example, this particular graph shows more trees were preserved in residential demolitions in 2016 than in 2015, and that a smaller percentage of demolitions involve someone paying fees instead of preserving trees as required. And in the second graph here on the right, we see a non-development example which generally, in non-development, we saw somewhat less positive results, so for example here, we see that for every nine trees planted, ten trees were removed in both 2015 and 2016 in non-development.

Wheeler: Could you give examples of non-development situations?

Prinz: Sure. So, non-development, the best example, just to simplify, is something you do at your house, which doesn't involve ground disturbance. So, you could be, let's see, expanding your kitchen, but not, not disturbing the ground. And that might trigger something in the Tree Code just for non-development. You might be doing - or might want to remove a tree, and it's over a certain size, generally 12 inches, and that's non-development, and you are not removing the tree because you are going to add an A.D.U., you just would like more light and space in your house, in your yard. So, things like that.

Wheeler: That's helpful. Thanks. Okay. Thank you.

Prinz: Sure. So, both Development Services and Parks Urban Forestry are facing increased workloads, and it's worth noting that that's not just because of the Tree Code. Development permits of all types, not just those that trigger the tree related requirements, are up. And so here, what we see is non-development permit applications which involved urban forestry, which is the green line there on the graph, increased by 51% from 2014 to 2016. And then in the blue line, we see development permit reviews by urban forestry increased by 64% from 2014 to 2016. And so, in this one case, we're obviously seeing, you know, we have one year of data which is before the Tree Code went into effect. And an example of the impact of the workload issue is: Urban forestry doesn't routinely check for compliance that street trees were planted in non-development situations, and they also don't routinely check for compliance with street tree planting rules in the case of smaller development projects. They do respond to complaints, but they're not routinely going out and making sure that what happened with street tree planting took place. So, Development Services has a pretty outdated permitting software known as Trax, and it's been an ongoing challenge to get that upgraded. And it affects the Tree Code in a number of ways. And just one example of a problem with the current permitting system is that real-time information about trees or development projects isn't available in the field. And that would be very useful to have when you are out there and you want to see the history. So, it's an efficiency issue in that case. So, this past year, Development Services and the Bureau of Technology Services relaunched stalled efforts to upgrade the system. And even though it's a permitting system, it's worth noting that Urban Forestry would like the new system to include some kind of asset management component so that they are able to track individual trees as assets. As you know as council members, the city has many plans and priorities. For example: Housing affordability, equity... And the Tree Code should work in concert with those efforts. To give you a few examples, it's hard to see, but the map on the left shows that the tree canopy isn't equitably distributed and that there are some aspects of the Tree Code which help to perpetuate that. The Tree Code can also be expensive for homeowners to comply with, and there are many other things that we could discuss, but

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just letting you know, there are some issues with the Tree Code that may be in conflict with other things that the council is trying to achieve.

Fish: I want to say thank you for calling that out, because there is really a tension, particularly as we go farther east, where we want to make new investments in our tree canopy. But when we go to some homeowners and say, "Would you like a tree in the right-of-way?", they are also taking on a potential liability, and we are going to have to crack that nut, if we are going to make progress on equity, because it just does not seem fair that we would put the tree in and then tag someone down the road with repairing their sidewalk or whatever the fallout.

Prinz: Right, and they may have more pressing concerns. So, it's, it's just something to think about. And the document on the right has been described to us by Urban Forestry as the city's vision for trees and the mission statement for trees. It's called the Urban Forestry Management Plan and it's due for an update since it was last updated in 2004, and is meant to be updated every ten years. Obviously, a lot has changed in the city since 2004 as far as development pressures and other issues and other priorities, so we think that the plan should be updated before any substantial changes are made to the tree Code. Finally, here's some considerations for you going forward as elected officials. And these are reflected in our audit recommendations: We think that you should continue to use bureau-provided data and analysis to continue to assess the effectiveness of the Tree Code and inform your decision-making as you go forward; address workload challenges as appropriate; determine the funding level for the new permitting system; and finally, ensure that the Tree Code and other city plans and priorities are in alignment with each other. And again, the audit will be out next week, and will provide you with more information as well as more detailed analysis and recommendations. Thank you.

Wheeler: Thank you.

Fritz: I particularly appreciate the finding in the tree audit that the staff in Urban Forestry have been working really hard and need more support. So, that obviously becomes a council discussion as both fees and also general fund allocations, whereas Development Services can use permit fees. So, that was particularly helpful piece of your audit. Commissioner, you'd remember we're going to, later, in a few months, come back - the work group that we established between the bureaus has been working on the issue of street trees, so my position has been: Whatever the council wants to do to work on first, I am more than happy to do it. And we do need to do the amendments, list dozens of them, and we have got the open forestry management plans, outdated, we agree with that, and then also, we thought, when we had the discussion earlier this year, that starting with the street tree piece for the very reason that commissioner Fish pointed out, might be a way to bite off a manageable piece. I am not sure it will turn out that way, because if the responsibility were to shift to the government, that would be very expensive, and we'd have to figure out a way to do that. So, thank you very much, it was a very helpful audit.

Prinz: You're welcome. Thank you.

Wheeler: Very good. Is that, does that complete the formal presentation?

Prinz: That concludes our presentation.

Wheeler: Uh, we lost the council clerk.

Eudaly: Well I have a few questions, Mayor.

Wheeler: Yeah. Please. Why don't you do that.

Eudaly: And I'm actually not certain this is the best time to raise them. I think I might need to speak to staff as well, but um... First of all, thank you for these reports. I find them really helpful, and even though one of my bureaus got called out, I don't mind at all! 'cause I am really excited to talk to them about adding an Asset Management component to our new permitting system, which is somewhere near launching. I tried to confirm that on the fly, but

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couldn't. So, I am worried about this conflict between affordable housing and the urban canopy. And there are many points in the report where that is called out. Do you have anything additional to say about that? Because it certainly, if there is a conflict, and I don't think that it is an either-or question, that's something that we need to resolve, because chances are, where we're building affordable housing, we have a deficient urban canopy to begin with. And any thoughts on that?

Adams-Wannberg: Commissioner, we would consider that a policy decision. And that is in your lane, and I think that we'll stay in our accountability lane on that. And just acknowledge that it's a very difficult conflict, that will take some additional research and thinking from a policy perspective to resolve it.

Eudaly: Okay. Yes. So, the purposes of this report, you are not going to advise on any kind of technical or policy change? You are just simply letting us know how it's working, and if we are complying with the existing code?

Adams-Wannberg: Correct. We wanted to look at how implementation was going and report back to you so that you could take some action if needed.

Eudaly: Okay. Well I think all these questions are more along those lines, so I guess that I will save them for a future conversation. Thanks.

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

Moore-Love: Yes, we have four people signed up.

Wheeler: Very good.

Moore-Love: The first three are Mimi German, Star Stauffer, and Joe Walsh.

Wheeler: Good morning Mr. Walsh, would you like to start?

Joe Walsh: No, I am going to defer.

Mimi German: My name is Mimi German. I am so tired of being here, I'm so tired of the City that Pretends to Work that Doesn't Work. Audits. We have audits. What are we talking about today? We are talking about handicapped accessibility - we are, the people. We are talking about Nazi cops, we are talking about cops and elementary schools. We are talking about risk management, uh, Nick Fish, you wanted to know more about risk management. I am going to share some things that I feel about risk management and what needs to be audited. It was not spoken about today, and maybe you guys could ask the auditors about that. Risk management auditing. This is a terrible picture because I don't ever a lot of money to buy a new printer. This is a Portland Police cop with two kids from elementary school with this program that cops should be in elementary school, scaring kids into liking cops who come after them to hurt them. They put these two kids in riot gear. The kids are holding a billy club, this is the Portland [bleep] Police Department.

Wheeler: Okay, I would have to ask again, this is televised and we have an FCC license, please keep it clean.

German: This is the Portland Police Department,

Wheeler: Thank you.

German: dealing with kids, scaring children into liking them. Where's the accountability here for the deaths in Portland by police? Where is the accountability regarding Krueger, Nazi Cop Krueger, not being fired? Where's the audit on the bullets before the 4 million went to the cops again? Where was that audit? I asked for that audit back in - I got thrown out for it, too. I asked for that audit when we were over in the Portland Building before anybody gave money for more bullets, when that cop who came in to ask for 2 to 4 million dollars said, "We ran out early." Where's the audit on that? Where is the outrage on that? Where is the outrage on this when you talk about risk management? What kind of risk management is this? I am serious. What kind of risk management is this? Where is the management of risk? We talk about loss prevention. Let's talk about Quatrice Hayes. Where's the loss prevention from that life lost by cops? All of this ties in. We are the only

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ones talking about it who come here. People come here and we use the words resist. I am tired of resisting! I've been resisting a long fricking time. It's time to turn these tables over. And fix this stuff. It's time to stand up and say we're not going to tolerate this anymore because this is not risk management. This is risk. This is creating risk in neighborhoods that are poor. This is creating risk in neighborhoods that have black and brown kids in them. And we sit here and talk about trees. I love trees. I want trees planted! I love the whole idea of...

Wheeler: Thank you. Good morning. Excuse me your time is up. Please sit down.

German: No! You know what? It's time for you to listen! You know, Ted, I want you to speak to this.

Wheeler: You are interrupting testimony. You are interrupting testimony.

German: Get that out of my face.

*****: Let her speak. Let her speak.

Wheeler: We are in recess.

at 10:28 a.m. council recessed.

at 10:41 a.m. council reconvened.

Wheeler: We only have one more testimony, and that's Dee, and I know she was here. can you go out in the hallway and see if Dee is standing outside, please? Dee White. Do you know Dee?

*****: She's just right in the corner. Just as you exit.

Wheeler: And the list is closed on this item. So, Dee will be our last public testimony. I'm sorry? You too as well? Okay, very good. Okay, fair enough. Why don't you come up, and be ready to go? And then we'll uh... In fact, why don't you start, and then we'll have Dee. Oh, there she is. Very good. Sorry, Dee.

Dee White: Oh, it's okay.

Wheeler: Okay, we are back in session. I apologize for the momentary disruption and delay, we are back on track.

White: [inaudible]

Wheeler: She'll presumably be watching on TV.

White: Oh. Alright. Well I just talked to Christine so my name is Dee white and I wanted to testify a little bit about the auditor's report, but first I wanted to thank the auditor and thank the citizens of Portland for voting to give the auditor more independence because I really -- it's critical, I mean it was a critical thing, and I thank y'all for passing it unanimously to put it on the ballot. When I heard the auditor say - the main thing that I am testifying today about is about the Water Bureau, I just wanted to encourage the auditor to audit the Water Bureau, and that's what I was asking Christine about, when you say the water assets are in good shape, and you say, and I saw the chart at 69%, and I said "Where do you get that information from? Did you do an audit yourself?" And they said, "No, we take the information from the city budget office and what happens is the Water Bureau engineers go out and do an assessment of their assets, and report to the budget office and the auditor combines it." Well I know for a fact that the assets in the Water Bureau as far as the pipes go, there was an audit report back in 2004 that gave an abysmal, abysmal audit. Thousands of hours in deferred maintenance with the Water Bureau with the pipes. This past year, and during the winter, a record number of mains broke, and the Water Bureau blamed it on the weather. That's impossible. The mains - we have had much colder weather. They are just -- they have not been maintained. They have not been replaced. You are pouring all of your money into new assets where the biggest, the biggest chunk of assets in the Water Bureau is our pipes. And the distribution system, all of the money that we are paying, the rate payers are paying right now, are going into new assets. So, I just want to ask the auditor to please audit the Water Bureau and correct, I mean, to depend

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on the Water Bureau engineers when we know that trust is a really big issue with our Water Bureau, trust among the citizens is a very, very big issue. And Commissioner Fish should know that. I would like to please ask the auditor to audit the Water Bureau and correct this false statement, I believe, that Water Bureau assets are in good shape. Thank you.

Wheeler: Very good, thank you for your testimony. Good morning.

Lightning: Good morning. My name is Lightning, I represent Lightning Super Watchdog X. City manages assets valued at \$36 billion dollars. That's a lot of money. That is a lot of money. \$36 billion. Why are there so many homeless people out on the sidewalks? Obviously, we have in these numbers, too, that your bloated pensions and salaries are part of the reason. But I am not going after those as I have stated. I am going after the fact of Commissioner Fritz so busy going through her purse right now instead of listening to the public communicating.

Wheeler: Let's keep it to the report, please.

Lightning: This is my public communication. Please don't interrupt me during my communication. Issue number two: We basically make... Since you interrupted me, I'm gonna ask for another 30 seconds. You have thrown my speech off. Remember public communication...

Wheeler: I will give You 30 seconds but keep it to the report. Thank you.

Lightning: Fair enough. I agree with that. Total revenues for the city in 2016 were 1.9 billion. Total expenses, of course, more. 2 billion. It's always going to be that way. "No matter how much money you make, we're going to spend it. You make money, we spend it." You have miscalculated the cost. Stop giving away real estate. Stop giving your salaries these increases. Stop this bloated pension situation, which is beginning to sink this city. And understand, if we have 2,000 people currently outside, calculate that in. Calculate that in to the numbers when you create new income! Calculate that in before you start giving your little special project grants away. Calculate that in before you start doing that, and I find it interesting: Your general fund revenue, your biggest source from property tax went up 8%. Well, we have had more building, and buildings being built in the history of Portland than we ever have. So, these are not put on the tax rolls yet? When are they going to roll on the tax rolls? There is a lot of money coming into this wonderful city. And it's all going to be spent by you up here, not taking care of the people of this city. It's "Them, us. Make sure that we get our salaries and make sure that we get our pensions and make sure that we get our house payments, and make sure that we get to our car payments. And make sure that we get other good health insurance. And the public, you are in second place." Not anymore. Elon Musk, Mark Zuckerberg have spoken. It's time to listen to them. And mayor, if I may say to you, it's 15 minutes to drive out to Elon Musk solar company out there. It takes 15 minutes to introduce yourself, walk through their plant, and set up a meeting with Elon Musk when he comes into town. 15 minutes.

Wheeler: I would be thrilled to meet him.

Lightning: I am counting on and you this is a big decision.

Wheeler: Thank you.

Lightning: Do not underestimate these people. Thank you.

Wheeler: Thank you. I appreciate it. I will entertain a motion. We have a motion from commissioner Fish, second from commissioner Fritz. Please call the roll.

Fritz: Thank you to the auditor and the team, aye.

Fish: I think commissioner Fritz and I have served with three different elected auditors. And there is a natural tension in the relationship between the council and an elected auditor, because the auditor is charged with doing audits and doing oversight. I want to just call out the fact that the hallmark of this auditor has been leveraging her audits and

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engaging the council in problem solving. And that, after all, is the hallmark of a great auditor, and I am very appreciative of that. By the way, I sound much worse than I am. I apologize. [Laughter] I am in this phase of where the cure is worse than the disease. So, I apologize for my voice, but I actually feel better than I sound. Mayor, I hope that we continue this pattern that's been established under your leadership. Whether we like or not the findings of an audit, the council accepts them in a formal way and has a public forum in which we can discuss them and then hold ourselves accountable because there is no purpose in issuing audits if they are going to collect dust somewhere. And finally, I just want to call out the symmetry and the serendipity here: Yesterday, the mayor led a work session on Build Portland. And the idea is to capture the long-promised value of urban renewal to deal with significant structural deficits that we have in transportation and in parks. And the audit, the financial condition audit, clearly points out that we have work to do there. But unlike the utilities, we don't have a dedicated revenue source. So, the mayor has put a bold idea on the table to capture the value of the maturing urban renewal districts to address that deficit and in the last budget, the council embraced a ten-year plan to take the utilities to as close as we can to 100% pay-as-you-go. That is to fully sustainability Infrastructure. If we can do both, if we can leverage urban renewal around transportation and parks, and if we can, in a responsible way, continue to get to as close to 100% as possible of our utility assets in good condition, we will actually have done something noteworthy. And it's one of the more exciting, albeit dry, things that we are doing with this body and I am proud to be part of it. Thank you to the auditor for all three reports, and I thought this year's financial condition report was the best of the suite that we received, the best in class of these that we received. It is the clearest, it is the easiest to read, it calls out the fact that we have debt and for a reason, and I think that it's ultimately the most balanced, so I appreciate it. Aye.

Eudaly: Aye.

Wheeler: So, I want to also acknowledge the good work of the auditor. There is two things that caught my attention. Commissioner Fish noted one: 25% of the total outlay that was not going to the general fund was actually going into the urban renewal areas and the Build Portland mechanism actually recaptures general fund to invest in the maintenance of assets that we already own. The second issue is what the ombudsman raised around fair and moral claims. And one of the reasons that I like the audit function is, it gets into the nitty-gritty weeds of all of these bureaus in ways that commissioners maybe cannot. And so, this fair and moral claims committee, for example, that's a committee that I am very interested in, and I know that as I mentioned, the chief administrative officer is very interested in hearing our views on that, and how to re-engage that process and to commissioner Fritz's point, I will make sure that the CEO actually goes from office to office and gives us a deeper presentation and gets some feedback on that from all of us so that we can give guidance to that group. And I am very interested in hearing answers from Risk Management to the questions that I asked of the audit team that they could not answer with regard to risk management. I think, you know, I need to know the answers to those questions, and I think that the council at large needs to know the answers to those questions. So, I will push for that, and I don't know if that's a work session environment or a report or something else, but I will make sure that we are all on the same page with regard to that information. So, aye. Thank you. The report is accepted. Next item 954 please.

Item 954.

Wheeler: Commissioner Fritz.

Fritz: Thank you, Mayor. This is a very exciting project which I know everybody is going to be happy to talk about and listen to. We know that in most of the city of Portland, 4 out of 5

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families live within a ten-minute walk of a developed park or natural area. Whereas in east Portland, particularly east of I-205, only 3 of 5 families live within this ten-minute walk. So that's something that I have been working on since I became Parks Commissioner in 2013. In fact, since then, I have announced over \$48 million dollars investments in parks and infrastructure in east Portland, some of it being at Gateway Green. Which is a particularly challenging site because it's right by the highway and there's a physical, and perhaps a mental barrier, delineating where the access exists. So, I am very excited for you to be here today. I see Ted Gilbert in the audience as well, Linda Robinson, you've just been amazing community champions for this project, I've been happy to be part of it. So, I will turn it over to Ross Swanson, and/or whoever of you want to start. And welcome Councilor Stacey, also.

Ross Swanson, Portland Parks and Recreation: Thank you commissioner. My name is Ross Swanson, I'm a capital project manager with Portland Parks and Recreation. With me is Linda Robinson of the chair of Friends of Gateway Green, which is the nonprofit partner that we've been working with for a number of years. And then Bob Stacey with Metro, the public-sector partner in spirit and as well financially, when we are done here today. So, Gateway Green is that 24-acre space at the confluence of I-205 and I-84. For years, most of us just drove by not really thinking much about it, with the exception of Linda Robinson and Ted Gilbert. It's connected to the public through a regional trail system of I-205, Metro's recent estimate about 250,000 people come by every year on bike or foot, so it is connected to the city. Recently, we transformed back in... July or June? It's always a rush. June. Back in June, we opened a beta version of the park. And this is to see how the public would react to such a unique space, and how we could get a symbiotic relationship with the off-road cycling community. Although Portland is known for the vibrant cycling community, we have fallen behind in the area off-road cycling and we are using Gateway Green as a tool to get lessons learned as BPS works on its off-road cycling plan, and we develop our park. The park has been very successful so far in the last couple of months, and we have continued to have strong users participate. The fully developed Gateway Green park will be a regional destination park. It offers basic amenities and restored habitat. All this will provide a unique recreational opportunity for the metro area. And for this reason, the business district has championed Gateway Green Park as a regional destination and compose a neighborhood identity out of it. In true Portland Spirit, the Gateway Green was brought to life through grassroots effort, it's a community-led project involving both public and private partners, and as the commissioner mentioned, the successful launch of the project began over a group of dedicated community advocates. I am proud to turn the microphone over to Linda Robinson, the chair of Gateway Green, and then, following up will be Metro councilor Bob Stacey.

Linda Robinson: Thanks for giving me the opportunity to tell you more about the background and the history of the project and the time line. I don't normally read my testimony, but there is a lot to put in a short time, so I will be reading this summary. On behalf of friends of Gateway Green also known as FOGG, we are grateful to be part of this project which is an extraordinary example of how public/private partnerships can work. The idea of a park at this location was suggested in late 2005 by Ted Gilbert, a property owner in the Gateway area and member of the citizen committee affiliated with the urban renewal area. Ted is in the audience today. The suggestion came in response to an awareness that the area needed something unique to draw people, to draw development. And an awareness that the area was extremely park deficient. When he suggested a park, I agreed to help. So, for the next two years, Ted and I gathered information, we met one-on-one with key decision-makers to assess the viability of the idea. And in late 2007, we secured permission from ODOT, the property owner, to lead a public visioning process for

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the property. On a very cold, snowy day in February 2008, more than 40 people gathered for a charrette, and that's where the idea of a bike park and other, came out of that effort. It produced a vision plan which was published in May of 2008. Friends of Gateway Green was formed in March 2009 to advocate for the acquisition of the property and the development of the park. A partnership agreement between PP&R and FOGG was signed, which indicated that FOGG would take the lead on public outreach and fundraising for the park. Then, in the fall of 2009, Gateway Green became an Oregon Solutions project. This process brought together a group of key stakeholders to examine the feasibility of the park, identify a lead agency, and establish a process for the acquisition and development. The process included numerous stakeholder meetings, a property survey, a property appraisal, and culminated more than a year later in the Declaration of Cooperation, signed by more than 20 groups who agreed to help make the park a reality. In this document, signed on December 10, 2010, the Parks Bureau agreed to be the lead agency and acquire the property. When the document was updated in 2012, as a major capital campaign was launched, the document was signed, that time, by more than 40 organizations. FOGG did a crowd fund campaign in 2013, that raised more than 100,000 dollars. With more than 750 donors. This funded the next level of planning for the park. And then in October 2014, Parks Bureau acquired approximately 25 of the 38 acres between the two freeways. A couple of months later, FOGG applied for a Metro Nature in Neighborhoods capital grant. The \$100 million request was awarded, subject to raising a \$2 million match. So, for the next two years, FOGG focused on raising the match, wrapping up that effort with a second crowd-fund campaign in the fall of 2016, which again, raised more than 100,000 dollars. Statistically, crowd funding success at this level, not just once, but twice, is unprecedented. We also thank Portland Parks for kicking in enough system development charge funds to reach and exceed the required \$2 million-dollar match. Construction of the off-road bicycle features started in October of 2016 using grant moneys and crowd funding moneys raised by FOGG, and then more than 1,000 people came out on an extremely hot day in June 2017, to celebrate the completion of this portion of the park. Together, Portland Parks and Friends of Gateway Green request approval to officially accept the one-million-dollar award from Metro's Nature in Neighborhoods capital grant program. This generous award will help transform a long-neglected strip of freeway remnant into a public park. And thank you, Metro, for seeing the value in the project, and investing in the east Portland community.

Wheeler: Thank you. Good morning.

Bob Stacey: Good morning, Mr. Mayor, members of the commission. I'm Bob Stacey, Metro councilor for District 6, I don't think my district fully includes the Gateway Green site anymore. Sam Chase now has it, but I have the entrance on the south. And I'm very proud to be here on behalf of Metro. As a point of privilege, I'd like to acknowledge two folks from Metro who are with me today: Mary Rose Navarro, who many of you have worked with from Parks and Nature, and our brand-new director of Parks and Nature, John Bleischer, who is here in the audience, and if he can stand or wave. We're very excited to have him onboard, you're gonna be seeing more of him as he takes the reigns and works with all our regional partners. Very exciting to be here. Ted Gilbert and Linda Robinson have been working for, as you pointed out, more than a decade, and I'd known about Gateway Green since the first time I decided I was running for Metro office in 2009. I went to see my old colleague in public service, Linda, to talk about my campaign, and she talked to me about her campaign. [Laughter] So, from that day forward, I have been a strong supporter of the vision that she and Ted have made for this place. It is making it so valuable to east Portland communities and of course to everyone who aspires to ride off-road single track and otherwise. We are in this business, the \$1 million-dollar business, as a consequence of the Nature in Neighborhoods program, which was a grant program funded in the 2006

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Regional Parks and Nature bond measure. A major portion of that resource from voters of this region will go to acquisitions of new land, protection of natural habitat and water quality, and a portion of the Nature in Neighborhoods grant program to communities for increasing access to existing parks and nature, and enhancing the ecological and natural resource habitat and water quality value of those lands. It's a competitive process. But when Gateway Greens' application came forward in 2014, the review committee was really blown away and allocated this \$1 million-dollar grant to Friends of Gateway Green. It will go to making those improvements to habitat, the oak savannah that once and still does, to some extent, occupy that land. Other forested areas, restoration work, and also, key additions to the access to the property and other facilities. It's all been programmed expertly by Parks and Nature, by your parks department, to coordinate with other resources that Linda identified. This is an investment by the voters of all of the region in a very special part of the region. I think we're all very excited to be a part of it, and I wish I had a great big cardboard check, but I think we already handed the real check over.

[Laughter]

Wheeler: That's much better.

Stacey: Yeah! Indeed. Unless you have questions, I'll stop.

Wheeler: Commissioner Fish.

Fish: Colleagues, I just have one question: Linda is here wearing many hats and also is an advocate. So, Linda, you referenced June of this summer when we gathered and it was unbelievably hot. But what was also made clear was some of the challenges we have in gaining access to Gateway Green. So, put on your queen for a day hat and just tell us what is the priority for gaining a better access to the site?

Robinson: Well, we desperately need better access for large vehicles for maintenance and construction purposes. We have a couple of options. I think the best one is to use a bridge that was built by ODOT for the railroad to access the Union Pacific track. That bridge right now is difficult to use because it brings you within inches of the rail with a very sharp right turn. With a modification of that bridge with a new ramp off of it, we could come down on to ODOT property, avoid the right of way, the railroad right of way altogether. Right now, whenever we need a large vehicle to come in we have to pay a Union Pacific flagger to come, which is expensive, and they have to drive down the railroad, cross the tracks twice. There's lots of danger and risk involved in that. So, funds to put the new ramp on the bridge would help a great deal.

Fish: Thank you.

Fritz: We're not quite done with our presentation yet.

Stacey: Yeah. So, on June 24th, we did do the opening. We hosted – Parks and Rec and Friends of Gateway Green hosted what we called The Gathering at the Gateway Green. This is the opening of the Dirt Lab Project. The Dirt Lab was the project that was largely funded by the crowdfunding campaign of the last September and October, but then also supplemented with system development charge from Parks and Rec. This, again, was the beta version of what we plan on doing. Once we accept the money with Metro, we're moving forward on the finished product of what Gateway Green will be. We hope to see that out there in 18 months to 24 months.

Fritz: Could you make that picture bigger? 'Cause this was 100 degrees. I thought, "Oh, people are just going to be..." I mean, look at all the – some people are in the shade, but then, it was absolutely packed! And doing wheelies, and goodness knows what else. It was fabulous.

Stacey: We estimated we were well over a thousand people on that day. Again, it was a hundred-degree day, there was plenty of other things on an early summer Saturday. The top one is the actual day that they were out there. But if you do show up there on a mild

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80-degree Saturday in the summer, it does look like that today as well. What we did when we built the Dirt Lab, and if you'll look at the bottom, we did this on purpose, you'll see the youngster, the younger person making progress on the pump track, which is an off-road cycling device, and then finally, to the right is an individual doing the dirt jumps. We geared the design of this for progression. In other words, we weren't just going to build a mountain bike park for the typical mountain biker. We geared it towards progression. And when we worked with the design team and northwest rail lines, this is not uncommon. This is what the off-road cycling community is looking for. But moving forward! So, we have the Dirt Lab out there now. Moving forward with the Metro's Nature in Neighborhoods grant as well as the SDC we hope to improve habitat and plant restoration. We're gonna continue to remove invasive plants and trees. What we realized with this is we need a more formalized entrance, we need to make this look like a park as you enter the park. And we're gonna probably need gathering spaces, as what we learned on that day was, this is a popular gathering space! We can have some real programmed events out here. And in addition, most people don't think about this with parks, but we need all the utilities that would be traditional with any development, we need to get water, and we need to get sanitary out there. Right now, the park doesn't have it. It does create an issue as far as maintenance on the park. So, with this grant, and the SDC, we'll move forward to getting that within two years. The park does have its challenges as Commissioner Fish pointed out. We do have access alternatives that we're looking at, and as Linda pointed out, commissioner Saltzman isn't here, but we are working with P-Bot as well. Linda mentioned the one at the north end. But there's a south end opportunity, and P-Bot has a project called the T-Hop. And I couldn't tell you what that acronym means right now. Uh, Tillamook-Halsey... something. And that's going to be coming online. It's federally funded, it will come online in 2021. We're working with them about how to make their path under the I-205 big enough for our maintenance needs and emergency vehicle needs. So, with that, the three of us – well, I'll take questions, but – well, no, let's have the partners -- this has been a completely partner-driven project. We'll let Northwest Trail Lines and Community Cycling Center come up and give their – and then we'll answer questions as a group, if that's okay.

Wheeler: Good morning.

Chris Rotvik: Good morning. For the record, my name is Chris Rotvik, I'm the current president of the Northwest Trail Alliance. Excuse me, I'm going to end up reading it because I'm a little bit less comfortable in just speaking. So, at the Northwest Trail Alliance, we're advocates for trail access. Our all-volunteer, nonprofit organization responsibly builds and maintains many of the finest mountain biking trails in the Pacific Northwest. We're delighted to have helped create what could be called Portland's finest and first bike park, and a prototype of how Portland's off-road cycling master plan will benefit the city. Gateway Green represents progression, progression in the sport of mountain biking of course, as Ross mentioned, but also the progression of new park being used, and modes of outdoor recreation throughout Portland. And, environmental progression. We all know outdoor recreation reduces crime rates, improves educational outcomes, and improves health. We know it's a powerful economic engine. But are we aware that outdoor recreation also creates conservation advocates which progress society in terms of environmental, positive environmental change? The potential for this positive change is why we at the Northwest Trail Alliance are very excited about the next phase of development at Gateway Green. In perhaps a year, the city will have created a showcase natural habitat that's completely intertwined with progressive recreation. Both of those promote conservation. And that's a good that extends well beyond the city limits. Thank you.

Wheeler: Thank you. Appreciate your being here today. Good morning.

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Kasandra Griffin: Hi mayor and commissioners, my name is Kasandra Griffin, I'm here today in my capacity as the new executive director of the Community Cycling Center. We are a well-established Portland institution that has been working for 23 years now to broaden access to bicycling. We believe all Portlanders regardless of income and background should have the opportunity to experience the joy, freedom and health benefits of bicycling, and of course the health benefits that accrue to all of us from less pollution and climate change. We provide a range of programs primarily serving residents of north northeast and outer east Portland. I'm happy to share our story of being a community partner working on this park and in this park. One of the biggest things we do in the Community Cycling Center is we teach summer bike camps. We usually reach about 700 kids per summer. We're teaching those kids how to bike safely, how to read maps, how to get from one part of town to another part of town, what we do mostly is ride around and enjoy our wonderful parks system. So kids go from the starting point to a park, and they get off their bikes and they run around and play, then they get on their bikes and ride to another park, and they get off and run around and play games. Sometimes there are popsicles as an extra benefit. We increasingly offer scholarships to the bike camps to ensure that all kids have access to these fun, educational summer programs. In the summer of 2017, we offered eight bike camps, week-long bike camps, out of five different east Portland schools, all on a full scholarship basis, thanks to a different funding stream from the city of Portland through the Special Appropriations program. We loved these camps. We hope to offer them again in 2018 and beyond. Thank you. The list of schools: Prescott, Shaver, Sacramento, Cherry Park elementary schools, and the Park Rose and Douglas school districts and Helens View Alternative School, which is operated by Multnomah Education Service District. So, we were having kids meet there, and going from there, out. And for older kids this summer we went to Gateway Green, and let them ride around on dirt bikes at that new park. The exciting thing we discovered was that the jumps in that park and the exciting skills gave different kids an opportunity to shine. So, the kids who talked a lot and loved the group and wanted to be in charge, normally riding on the streets, were not the ones who were brave on the jumps. The kids who had been quiet and who didn't have the opportunity to be leaders in their age/peer cohort were the ones who, all of a sudden, were like "I'm going to go first! I'm gonna go again! I'm going to do it bigger and better!" And it gave those kids an opportunity to become leaders, and to gain more respect from their peers, and have another opportunity, and that's just an example of something like this, giving kids an exciting opportunity to do something different in their neighborhood and have a different role in their peer group. As you know, some of the neighborhoods in east Portland are park deficient. Obviously, we talk about that all the time. One impact of that is that kids have fewer places to ride a bike. So, getting this park in there and giving kids a destination place to ride a bike is one step towards solving the problem. The Community Cycling Center is excited to continue to partner with the city, Friends of Gateway Green, Sun Community Schools, the Trails Alliance, and others, to continue offering these programs and to keep doing great stuff in the park and for the underserved residents of east Portland. In closing, two funny coincidences: Number one: One of our mechanics in our bike shop in North Alberta is on the board of Friends of Gateway Green. So, we have that relationship. Number two: Ten years ago, I was collecting SDCs for the City of Portland Parks Department, so I touched some of the money that went into this park previously. And Linda, of course, was on the SDC committee for the Parks Department at the time. 'Cause we just all move around. Thank you all.

Wheeler: Great. Thank you! Appreciate it. Commissioner Fritz, is that the end of that formal presentation?

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Fritz: That's the end of the presentation.

Wheeler: Do we have public testimony on this item?

Moore-Love: I have one person signed up.

Wheeler: Very good.

Moore-Love: Terry parker.

Wheeler: Mr. Parker, please come on up please. Anyone else want to testify? Very good. We'll close the list after Mary. Did you want to testify as well? Close the list, please. Good morning.

Terry Parker: Good morning. My name is Terry Parker. I don't have anything prepared. I was actually downtown for another project and decided I would come over. I want to talk about sustainability and equity. I'm going to start with something that happened in my neighborhood long before my time. In the 1920's a racetrack that was a former horse track, car track, motorcycle track, was turned into a golf course, it's called Rose City Golf Course. If I go and play at Rose City Golf Course today, I pay a fee. It was a community-led drive to put the golf course into place, and yet I go out and pay a fee to do it. If you reserve a ballfield, if you use a city swimming pool, if you want a concert in the park, you pay a fee. That's called sustainability of the project. At Metro you pay a fee I think, for Blue Lake Park. I haven't been there in years, and I know you pay a fee for Glendoveer Golf Course. So, why, if you're going to build a special park for a special type of infrastructure, for bicycles, why is there not some sort of a fee attached to it, a user fee, for sustainability? The second half of that is equity. If I have to pay a fee to play golf or use a ballfield or to have a concert in a park, or to use a swimming pool, and the bicycling community doesn't have to pay a fee to use something that's specially built for them, that's not equity. It seems like every time the word bicycle comes up the word free comes up and it trumps equity. Thank you.

Wheeler: Thank you, sir. Good morning.

Mary Sipe: Good morning. Mary Sipe. I just want to thank commissioner Fritz and everybody who has worked on this project. You know, when you think about it, who would have thought of that piece of land, that you could use it for something like that? And while I acknowledge some of what you're saying about assessing fees, I also think this is a really important thing because this is an activity that all somebody needs is a bike. It's funny, I didn't have a bike growing up, and every bike I have had as an adult has been stolen. So, I have given it up. [Laughter] But I think that as this evolves, you probably will have some ideas about whether or not there should be some minimal fees or something like that, but I just think this is incredible. I was sitting here thinking about this and thinking about my son and daughter-in-law are very much into biking, and in fact I realized tomorrow is their 25th wedding anniversary. And they met because she had a bike for sale. And that just connected with me as I was sitting here, that that's what brought them together, and after 25 years, they are biking, and she does free clinics for cycle cross and things, actually in a park during the summers. And I just think that, you know, with everything that's going on in our world, that we need not to lose sight of the basic things that we can provide in our community to help everyone enjoy their life. And learn. Because there is a lot to learn when you're involved with something like biking. And I just think this is some incredible, incredible thing. I can't thank everyone enough for bringing this to fruition. I mean, who would have thought in their wildest dreams that that piece of land could be used like this. So, thank you.

Wheeler: Well said. Thank you. Colleagues, anything else before we move this? Very good. This is a first reading of a nonemergency ordinance.

Fritz: Oh, can we say some nice things then?

Wheeler: Yeah! Please!

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Fish: Mayor, can I make a motion to add an emergency clause?

Fritz: Second.

Wheeler: So, we have a motion from commissioner Fish, a second from commissioner Fritz, to add an emergency clause. Any further discussion?

Fritz: And the reason for that, it's in the public interest to get this money accepted as quickly as possible.

Wheeler: Call the roll on the amendment.

Eudaly: Well thanks, everyone, for the presentation. It's always exciting to add a new park. I'm going to restrain from commenting on the testimony and just vote aye.

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

Wheeler: I think this is great. And it's a fantastic example of how the public can help us lead in really interesting and positive ways. Aye. The amendment is adopted.

Eudaly: Wait, no, that was the emergency ordinance.

Wheeler: I'm sorry. Correct. The amendment to make it an emergency ordinance. Correct. So now we'll call the roll on the main motion as amended.

Eudaly: Aye.

Fritz: Well, thank you to everybody who has been involved, Ted Gilbert and Linda Robinson, indeed, have shepherded this through the process for a very long time. Linda actually helped me on my first election campaign. So, we've both been in it for quite some time. We worked on the city-wide parks group together, too. And pulled ivy on this very spot, one of the dirtiest and wettest I ever got, pulling ivy. And that's one of the reasons that we need the Nature in the Neighborhoods grants. Thank you, councilor Stacey, thank you, Mary Rose Navarro, who has also been in this for a very long time. It was interesting to hear Kasandra talk about where she has been, because Mary Rose used to be in our parks department, is now serving at Metro. So, it all kind of comes together. And that's what parks do. Parks bring a lot of different kinds of people together and good stuff happens when there are people who are willing to work at it. Because it's not been easy by any stretch of the imagination. I have to admit it made my heart feel very good when the Northwest Trail Alliance said that this is the first and finest bicycle facility in the city of Portland. I have been proud to be part of it. And actually, what I said on that 100-degree day was, A: I was happy everyone was wearing a helmet, there's a culture that everybody wears a helmet, so in terms of wanting to ride a bicycle, I'm not there, but I would probably pay to watch because it was so interesting and exciting, and just happiness coming through. And secondly, I was a bit reluctant to put this on the agenda with a major presentation because now east Portland has got this, I think everybody else is going to want one as well. And so, it's wonderful that we do have this facility east of 205 that will hopefully make more people realize it really is not that hard to get to Gateway, and you should try it more often. Aye.

Fish: I want to also add my thanks to commissioner Fritz for her stalwart support of this development. And to Ted and Linda, for reminding us that we can continue to think and dream big in our community. And boy, do we need that now more than ever. Thank you both. Aye.

Wheeler: Thanks, commissioner. Thanks, everybody. This is great. The ordinance is adopted as amended. Next item.

Item 955.

Wheeler: Commissioner Fish.

Fish: Thank you very much, mayor. We're going to have our honored guests come up here. They have been with us for a while. They are going to shake out their cobwebs a little bit. Gentlemen, please. It's a singular honor for me, mayor and colleagues, to make the opening remarks on this in commissioner Saltzman's stead. Today we honor firefighter

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Bret Kimple with a bronze medal of valor for his outstanding efforts during the Northwest Glisan gas explosion last October. Firefighter Kimple protected Lieutenant St. John with his own body, even though he was hurt during the blast. He rendered initial care and took over as the lead paramedic. Once lieutenant St. John was transported to the hospital, firefighter Kimple received care but returned to the scene to administer additional treatment to other injured citizens. Now this type of exceptional bravery needs to be recognized and celebrated. Today we pay honor to firefighter Bret Kimple, a true hero. Colleagues, we know that public service is a calling, but it's also hard, and often includes personal sacrifice. Our firefighters are on the front lines of very dangerous work and they risk their lives every day to protect the community they serve. The sacrifices these firefighters make must not go unnoticed. Today, we salute one of the bravest who serves the public with great honor. And I would like to hand the presentation over to fire marshal Nate Takara, to take it over from there. Thank you, sir.

Nate Takara, Portland Fire & Rescue: Good morning, thank you very much mayor, commissioners. My name is Nate Takara, I'm the fire marshal of Portland fire and rescue. Unfortunately, Chief Meyers was not able to make it today, he sends his regrets. With me is trustee Paul Corah as well as the honored firefighter Bret Kimple. Thank you for allowing us time to recognize firefighter Bret Kimple. Presenting the award here will trustee Paul Corah, if he looks familiar, he's a retired firefighter. He served the City of Portland for 31 years and he retired in 2012 and currently holds a position as trustee on the David Campbell Memorial which he has served for 30 years. Trustee Corah.

Paul Corah, Portland Fire & Rescue: Mayor, commissioners, thanks for having us. Commissioner, thanks for reading that. I had a statement but I think you covered every single bit of it. I have been part of the David Campbell Memorial Committee for over 30 years, and this is only the third time we have actually handed out this medal. I'm honored and privileged and taken aback by what firefighter Bret Kimple did. And with that I would like to hand out the medal to him.

Fish: Can we do that together, mayor?

Corah: Absolutely. From the David Campbell Memorial, here is the bronze medal of valor. Congratulations.

Bret Kimple, Portland Fire & Rescue: Thank you very much. [Applause & snapping of photos]

Wheeler: Commissioner Fritz, we have some language about the honoree today. Would you do us the honor of reading that, please?

Fritz: Thank you, mayor. Yeah, I know folks watching at home, including my parents would really like to know the details here. What commissioner Fish said, it was about the Northwest Glisan gas exposure. Although firefighter Bret Kimple was hurt during the blast, and bleeding from the head, he rendered initial care and took over as lead paramedic for lieutenant St. John, who was severely injured in the explosion. And firefighter Kimple did not relinquish lead paramedic duties until lieutenant St. John was on a stretcher to be transported to the hospital. He protected lieutenant St. John with his own body and knelt at his feet, feeling that his SCBA, which presumably is a protection thing, would protect both of them should another blast occur. Once lieutenant St. John was transported to the hospital, firefighter Kimple received care for himself, and then talked his way out of being on the first ambulance in order to return to the scene. He continued administering additional treatment for other injured patients. He was then forced into being transported to the hospital so that he could receive his own treatment. That is exemplary of the kind of dedication that so many public servants put in day in and day out. So, I just wanted to give the full details of what exceptional service this was. And again, thank you so much.

Wheeler: Firefighter Kimple, would you like to say a few words?

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Kimble: Just thank you for the opportunity to serve. I have a great job and am grateful every day to be a part of a great organization. My family and I thank the citizens of Portland for the opportunity.

Wheeler: We're honored to have you. Thank you. [Applause]

Wheeler: Next item, please.

Item 961.

Wheeler: And I think we have Bob Del Gizzi here. Yes. Very good. Come on down. Good morning.

Bob Del Gizzi, Portland Police Bureau: Good morning, Mr. Mayor. Commissioners. I'm Bob Del Gizzi, business operations manager for the Portland Police Bureau. The item we have before us is the Edward Byrne Memorial Justice Assistance Grant for the fiscal year 2017 application. On September 5th, the city of Portland will submit an application to the U.S. Department of Justice Office of Justice Programs Bureau of Justice Assistance for the Edward Byrne Memorial Justice Assistance Grant, also known as JAG, the program for fiscal year 2017, local solicitation. Edward "Eddie" R. Byrne, a New York City police officer, was killed while on duty in 1988. The Edward Byrne Memorial Justice Assistance Grant Program was established by the Department of Justice, which directs funding to local law enforcement agencies with the primary concept being to enhance officer safety. The equipment, technology and training. The 2017 JAG funds will be under disparate certification to the city of Portland and the city of Gresham. The JAG solicitation requires the city to submit a joint application for the aggregate eligible allocation to all disparate municipalities and to also act as fiscal agent for the grant. Intergovernmental agreement will be executed with the city of Gresham in order to obligate agency roles and responsibilities at the time of the grant award. The grant agreement will be executed with Lifeworks Northwest in order to obligate agency roles and responsibilities at the time of the grant award. Department of Justice has notified the city has it will award a grant in the amount of \$385,515 dollars with no match requirement. The award is allocated based on a statutory formula provided by the Bureau of Justice Statistics. The city of Portland will receive \$296,723 dollars. The city of Gresham will receive \$88,792 dollars. The police bureau will utilize their JAG funding for the following three items: To hire one full-time equivalent training and development analyst for approximately 24 months. This position will be pivotal in development and implementation of the police bureau's equity training plan. A contract with Lifeworks Northwest to coordinate treatment, temporary housing, counseling, and training opportunities for individuals involved in prostitution related offenses at a cost of \$110,000 for the New Options for Women program for approximately 11 months. The bureau's Youth Services Division will host a regional training for 45 school resource officers at the bureau's training facility and send new bureau SRO personnel to the National Leadership Summit, presented by the National Association of School Resource Officers. The city of Gresham police department will use their allocated portion of JAG funding to purchase nonfixed solid metal fencing, security gate, and a camera system for the patrol vehicle parking lot. It will also fund officer overtime for their Every 15 Minutes program for area high schools. As part of the required solicitation review process, the police bureau posted the grant solicitation and bureau contact information on the city's police bureau web page on August 8, 2017. Visitors to the site were able to view a description of the grant program, the solicitation, and fiscal services contact information. The solicitation will be removed and the application posted on September 5th, 2017. Visitors to the site will be encouraged to contact fiscal services if they have any questions or concerns about the application or about the application process. This public governing body review of the draft application document provides an opportunity for public comment and involvement which satisfies a requirement of the Justice Assistance Grant solicitation

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process. At this time, do you have any questions regarding the grant application?

Wheeler: Colleagues, any questions? Very good. Any public testimony on this item?

Moore-Love: They left.

Wheeler: Thank you. Good morning.

Lightning: Good morning. My name is Lightning, I represent Lightning Super Watchdog X. Again, I like the Lifeworks program. I agree they should have this funding, and I hope they get additional funding in the future. I think it's a great program. Another issue I have is that on the Gresham – and I hate to say this on using the money for fencing and various things like that, just in my own position, in my own opinion, I question the use of that money for fencing around a parking lot and different things like that. I would much rather see this type of funding going toward such as Lifeworks and utilizing the current program they have, where this funding goes to, and just have Gresham come in and use their general fund for infrastructure on parking lots. That's my opinion, whether people want to agree with me or not, but it's kind of where certain money goes, and this is a special program to go in certain directions. Another issue I have on this is: I understand Multnomah County elected not to participate on this grant application. I wasn't quite sure why they would not want to participate with you on this. Did they receive funding in the past already from this program? So just in the information, it just said Multnomah county at this time elected not to participate. And again, I think it's a great program. Definitely approve the grants. One thing I did have a little bit of an understanding is: When we were looking at the total amount of the grant, and then it appeared to say it was over, like, if I'm correct, a three to four-year time frame, was that money going to be implemented in certain amounts? Or am I kind of looking at that wrong? Is there going to be more money coming down the line in the years from this program? I was a little unclear on that. And like I say, if you look at the dates, it goes out quite a ways on the dates. So, I was a little unclear on that, on how they were going to fund the actual grant money and when it would be delivered to these different programs. Thank you.

Wheeler: Thank you. Did we have any sense of that? How the funds actually get allocated? Should we be extended the grant?

Del Gizzi: The allocation of the funding is up to the participating agencies. So, the city of Gresham and the county are listed as disparate agencies, and should they choose to apply for the grant, we would come up with an agreed upon amount. This is a successor grant to the local law enforcement block grant, so, as such, we have essentially been receiving funding from this and its predecessor program for 20 years. And the proportion at which it has been shared with the disparate agencies has been relatively constant on a percentage basis.

Wheeler: So, do they issue us a lump sum, and then, we determine locally how to allocate it between the partners?

Del Gizzi: It can be managed both ways. The way we treat this is as a reimbursement grant when we have gone and established a set of expenditures that match the application process or any revisions that take place over time, we would submit that for reimbursement, as is the case with most grants.

Wheeler: Is this a one-year grant? Or how does it work?

Del Gizzi: This is over a three-year period.

Wheeler: Three-year period. Okay. And so, we set the pace, presumably, over three years based on expenditures, as we've chosen to divide them, with the city of Gresham and these nonprofits.

Del Gizzi: Yes. That's correct.

Wheeler: Okay. That's helpful for me too. Very good. Colleagues, any further questions before we move this one? This is a first reading of a nonemergency ordinance. It moves to

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second reading. Thank you. Colleagues, we have a long slew of second readings. And just for the viewing public, these are items that have already been heard by the council, public testimony has been taken on these items, they were previously moved to second reading, and now we take the formal votes. So, if you could read the next item, please. 962.

Item 962

Wheeler: Colleagues, any further questions, comments? Please call the roll.

Fritz: So, I am actually going to make some comments here. It's not often that we have a local improvement district where a lot of the property owners feel like the expense is too much. It's an even less common that we approve the local improvement district anyway. And I'm doing so purely on the basis of trusting Andrew Abbey, who said, at the hearing, that he would be looking into how to make the final be more like 4 million rather than 8 million. My understanding from the testimony was that people did want the improvement done, but they were concerned about the cost. So, knowing that all of us read our emails and also that Andrew would let us know if he's not able to do it, I'm giving it an unusual aye.

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

Wheeler: Aye. The local improvement district is approved. Next item, please.

Item 963.

Wheeler: Any further questions or comments? Please call the roll.

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

Wheeler: Aye. The ordinance is adopted. Next item, please.

Item 964.

Wheeler: Colleagues, any further issues here? Please call the roll.

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

Wheeler: Aye. The competitive solicitation contract is authorized. Next item, please.

Item 965.

Wheeler: Please call the roll.

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

Wheeler: Aye. The competitive solicitation contract is authorized. Next item, please.

Item 966.

Fish: Mayor? I would like to propose that we place emergency clauses on 966, 967 and 968 so we can meet a deadline of uh --

Eudaly: Oh, second.

Fish: Plus, a second reading, but it would still go 30 days.

Wheeler: That's correct. It gets rid of the 30-day limitation.

Fish: I would ask that we suspend the rules and adopt an emergency clause on these three.

Wheeler: Okay, why don't we do this: Could you please read all three items? We'll take the vote on that amendment, which has been – the motion is by commissioner Fish, the second is by commissioner Fritz. So, let's read all three items: 966, 967, 968.

Item 966.

Item 967.

Item 968.

Wheeler: And to be clear, the emergency ordinance that we're about to vote on will apply to 966, 967 and 968. Please call the roll.

Eudaly: What was the reason for the emergency?

Fish: So, we can have the contracts in place effective as of September 1st.

Fritz: 'Cause the previous funds are expiring.

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

Wheeler: Aye. The amendment is adopted for all three ordinances back to 966. Any

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further discussion? Please call the roll.

Eudaly: Aye.

Fritz: This is another example of where someone has earned my trust, and therefore I'm happy to support this. Thank you, commissioner Fish. You and your team have definitely earned my trust. Aye.

Fish: Thank you very much. Mayor, if I can, I'd just give my comments to this item and then I'll just vote.

Wheeler: Very good.

Fish: We're joined today by a number of people from the Water Bureau family I want to acknowledge. One is Mike Store, the director, one is Teresa Elliott, our chief engineer. One is Karen Moynahan, our great lawyer. And Todd Lofgren, who is my liaison to all of the utilities. We have other members of the legal team here, representatives of the Pub and the Cub, and mayor, I think it's worth since this is the last item, just to take a quick moment and put this into context. Because in all the years that I have had the honor of being the commissioner in charge of the utilities, I don't think we have had a year quite like this. And it may turn out I haven't quite had a year like this for myself personally, as well. And, you know, we don't take the time, because of the rush of business, just to pause and reflect on the work that public servants do to advance really hard work in our city. And I want to commend the professionals that I have the honor of working with. And they have had a difficult year. We could start with the easy part, which is, the auditor's survey came out, and we got high marks, about two-thirds of our customers give water services favorable ratings. That may sound strange, given all the background noise that these kinds of projects kick up, but I think it reflects a basic set of confidence that people have in the services they receive, and the fact that I think people instinctively understand they get good value for what we offer. And remember, we deliver about two gallons of water for a penny. And if you want to just put that in context, go to the grocery store and find out how far a penny goes if you want to buy water. We also, in the auditor's report today, and the financial condition report, I think we got another validation in terms of the progress we're making as a council in insisting that we invest in modernizing our system. And mayor, watching the tragedy unfold in the gulf coast, watching reservoirs come under enormous stress, watching basic infrastructure across the country erode because it's being neglected, I'm proud to live in a city where we have said "We are going to invest in a modern infrastructure, not just for today, but for future generations." But this year was a year unlike any other that I can think of at the Water Bureau. And as you know, it started with a community-wide conversation about lead in the water, and we don't have lead in our water or in our distribution system, but we do serve high risk homes and buildings that have lead, and we have a role to play in helping to do risk mitigation, and we're working with our regulators to take prudent steps in that regard. But we also learned this year that we lost a one-of-a-kind variance, the only city in the country that received a variance from that portion of LT2 that required us – that gave us a pass from having to treat our pristine Bull Run water. And we can argue about the circumstances that led to the revocation, but I think it became clear to the community, the question was not whether we're going to put our heads in the sand and hope it goes away, but "How are we going to respond?" I could not be prouder of the public conversation that the Water Bureau and our oversight bodies helped to broker. And I will tell you in all candor, I had very little confidence about where that conversation was going to end up. And I think that's the highest compliment that I can bestow on my team. I should also acknowledge our chief financial officer. I regret not mentioning Ken, 'cause Ken has been a full partner in all this. Ken Rust. But because the process was structured as an honest inquiry in looking at difficult options, I could not, up until the final moment of the final vote, have a clear sense of where the council was going,

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but I was particularly proud of the quality of the conversation we had at the community, the voices of our partners at the county and community health, our oversight bodies, our wholesale customers, editorial boards, ordinary citizens, critics, supporters, people coming in and offering different visions of how we proceed. I think it is a great credit to this body that, faced with some very tough choices, we chose to look at a 100-year vision for how we can not only protect water quality, but our cherished Bull Run watershed. And it will come at a cost, and we will work as a council to manage that cost, but it is not typical of every city that they think 100 years. And we heard that from the auditor, and we've heard that from some of our partners about the tendency, increasingly in government, to think about one year, or the next challenge, and not a generation or two. In the midst of all this, we had some very difficult choices to make about hydropower. And just when you think you've got your eye on all the various moving pieces, along comes hydropower. And I think we were all struck, at least I was struck, and I think you were, colleagues, at what a complicated question this was, again with no clear best answer, but one that we learned early on required a deeper dive. And when it first came to council, I found some of the moving pieces hard to follow, and so we hit reset. And I will say that I believe it was you, mayor, who told me, following our first work session, that you felt that Karen Moynahan's legal presentation when she gave the soup-to-nuts summary of how we got here, all the moving pieces, was the model of what you would like to see in future proceedings like that to really bring the council up to speed. It was not an advocacy document, it was designed to inform. And it was comprehensive, and we ended up circulating it to each office because it was so well done. Well, in the course of this conversation, we had a very stark choice. We had lost a sweetheart contract that we had had for many years with PGE that all parties acknowledged was a "heads, we win; tails, they lose" contract, the kind of contract we wish we had more of. But we did not control our fate. We could moth ball hydropower and, in a sense, turn our back on \$55 million dollars of public investment to bring us to this point, or we could take a calculated risk based on the advice we received from a blue-chip roster of professional consultants that we hired to guide us in the negotiations and see whether we could continue to provide clean energy and value for our community. And remember, what we're talking about is enough clean energy to power over 8,000 homes. So, it's not an insignificant amount of value. I think reasonable people, on this one as with many other things we have talked about this year, could land differently. But what made me especially proud of my bureau is: In a very complicated arena, easy to caricature, easy to people getting some of the facts wrong, they put the facts on the table, answered the concerns raised by the oversight bodies and my colleagues, and ultimately brought us to this moment. Let me be very clear. Following the work session, the council session, numerous briefings with our oversight bodies and individual briefings, we have not, at any time, said we can eliminate risk in this deal. And were we to do so, that would be the height of irresponsibility. There is some risk. But a risk. But it is a risk that the chief financial officer has determined is very small. But mayor, you and I, in assessing that risk, believed that we needed an additional measure of protection for our taxpayers because this is an enterprise that impacts our taxpayers, not our ratepayers; it is, in effect, a general fund bureau that is managed through an old agreement by the Water Bureau, but the burden of the risk falls on our taxpayers, not our ratepayers. And so, what we agreed to do, and I think it was especially prudent, is to adopt an amendment that says that for the time being, any positive revenue generated from our hydropower business will stay at the hydroelectric bureau until such time as the chief financial officer and our budget office are comfortable that we have the reserves so that there's very little risk to the general fund, and then we can return some of that positive net flow to the general fund. I think that is a prudent thing to do, and it essentially eliminates over the life of this deal any risk to the general fund as

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much as humanly possible. I don't know whether, in the long term, we should be in the hydropower business, but we have a lot of water in the Bull Run, and we have chance to generate clean energy, and this is an honorable deal. And finally, just one word about an issue that I think got kind of bent out of shape in some of the public conversation. We, like many other utilities, have agreed to enter into a confidentiality agreement on the price and we are not like a number of other peer organizations who have done so, and the reason is: We were able to get above-market rates for the people we serve. And because we're a market participant, we needed to keep those rates confidential. Not from each of you, the decision makers - you had access to that; not to professionals at the city, but it is not to be published, and it's exempt, clearly exempt, from public records. No one has questioned that. Time will tell whether that is the right approach, but it is the approach which was used by other utilities, public utilities, that were also seeking to gain an advantage for their ratepayers. So, the idea somehow that we have taken an approach which works against our ratepayers is Orwellian. This is how we got a better return, and it is a function of the fact we are a market participant that we think this confidentiality was in the public interest. Time will tell. And I'm not here to either oversell or undersell this deal. I'm here to simply say I think this is the best deal we could cobble together under the circumstances. I appreciate the thoughtful consideration of my colleagues, the cub, the pub, and everyone who has weighed in and today I'm pleased to vote aye.

Wheeler: Thank you, commissioner. I cannot top that. Commissioner Fish has stated the case eloquently. He has clearly stated the trade-offs, and commissioner Fish, I want to personally thank you and your team and the professional staff for being exceptional in terms of organization, in terms of presentation, in terms of working with me, working with my team, to ensure that the myriads of questions that I asked, some very good and insightful, some completely irrelevant, but without judgment, each and every one of those questions and concerns which were raised were addressed to well beyond my satisfaction. I appreciate it. And I appreciate your personal leadership. I think it's been exemplary on this issue. I vote aye. The ordinance is adopted as amended. Next item, please.

Moore-Love: Roll call on 967?

Wheeler: Correct. Call the roll.

Item 967.

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

Wheeler: Aye. The ordinance is adopted as amended. Next item. Please call the roll.

Item 968.

Eudaly: Aye.

Fritz: Well this one is the purchase agreement and sales agreement with Portland General Electric. And just have to say that I think it's fiscally responsible to keep using a \$50 million-dollar investment to generate power. It's a moral responsibility to keep using renewable power and so I appreciate your skill in bringing this to us, commissioner Fish. Aye.

Fish: Aye.

Wheeler: Aye. The ordinance is adopted as amended. We're adjourned until 2:00 p.m.

At 11:57 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 30, 2017 2:00 PM

Wheeler: This the Wednesday August 30 afternoon session of the Portland City Council. Please call the roll.

[roll call taken]

Wheeler: Go ahead and call the first item. Not going to waste my breath on the rest.

Item 969.

Eudaly: Thank you, mayor. Well, I'm pleased to have Paul Van Orden present this report on the current state of the Noise Office. No changes are suggested at this time. As the commissioner and ONI's new director explore the needs of the city. Our Noise Office – here are some scintillating facts about our Noise Office, not to make fun. I love our Noise Office. And thank you for wearing a bow tie today, by the way. It's the oldest comprehensive Noise Office in the United States. It's our own innovative city of Portland Noise Office. It celebrated its 40th anniversary in 2016. I'm sorry that I wasn't here to plan that party. As a city we need to find ways to support our Noise Office. With the current level of 3.5 FTE, it's one of the only enforcement programs with less staff than at inception in 1976 when we had four, a whopping four FTE, and as we all know, noise challenges are only increasing as our city grows. That's something we'll be looking at. I'm also seeking ways to empower our nationally recognized program in its efforts to innovate ways to mediate and address growing environmental, health and livability issues of urban noise pollution. After 18 or more location moves of the staff and the Noise Office over the last 21 years, we also need to stabilize this program's location and staffing to best serve our community and support their staff, which is another thing that we're working on, a location for the whole bureau. And I'll turn it over to Paul now.

Paul Van Orden, Office of Neighborhood Involvement: Thank you very much. Members of Portland City Council, my name is Paul Van Orden. I have had the honor of being the sworn officer as the city's noise control officer for 21 years in Portland. My presentation today is intended to be an update. We don't have any specific proposals for code changes or additional staff at this time. It is meant to just update council on the state of affairs of the Noise Office and where we might be headed in coming years. I want to start off by offering a quick overview – or not necessarily quick, but an overview of a few of the most important focus areas for our small program right now. Today we use a three-tiered priority approach for our cases. Priority 1 is obviously the highest priority, and these are cases that impact the largest number of citizens. Priority 2 are moderate concerns that we may be able to get to or may not be able to get to. And Priority 3 is kind of a holding pattern for cases that have a low enough priority with our staffing levels that they wind up hopefully being addressed in the off season in the winter, but often wind up in more of a hold pattern. This summer we have gotten to a point where we are primarily responding to just the Priority 1 cases almost exclusively and not getting to many of the priority 2 cases. Priority 1 cases are cases that both have a bigger impact on the community but also have solvability factors that mean we can be more effective with the movement of the case towards resolution. A few examples of Priority 1 cases for our office are noise cases disturbing three or more households; noise disturbances past 10:00 p.m. and before 7:00 a.m.; construction work specifically after 10:00 p.m. and before 7:00 a.m.; and mechanical

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equipment cases that can be easily documented by staff so that we can move forward with resolution. I will talk later about Priority 2 and 3 cases in my update. This summer, with support from our interim director Dave Austin, we have explored using informal problem-solving approaches whenever possible, to move more cases to resolution when we have the cooperation of the noise maker and the complainant. In my presentation I'm going to highlight a few examples of how that's been helpful to move back towards a process of informal problem resolution and not always moving to formal cases and enforcement types of approaches. On the topic of noise variances, which I'll be talking about today, we process approximately 650 noise variances in the city annually. This is a more than fourfold increase from when I started in 1996. Variances give us an opportunity to temporarily change code and allow cultural events and construction work to occur in the city. Variances are a unique way for our office to get ahead of noise issues and to work to place limitations on a given project, and to require notification to the community. Our rapport with the cultural movers and shakers and the folks in the building trade that are focusing on capital projects and infrastructure improvements are vital to the livability of the city. The variances according to our first noise control officer, Dr. Paul Herman are a vital way to educate noisemakers about ways they can be respectful to our community. And they also help to keep more cases from turning into complex, often, enforcement cases. I want to just mention that under the past leadership of commissioner Fritz's office, we have been focusing on taking basic noise permits off the plate and moving -- I'm sorry, basic noise permits in parks off the plate and moving those to assistance with the Parks Bureau. That's helping take a body of work off the plate of the Noise Office and we have gone through this first year of that process. It's working very well. I would expect that, moving into future years, that we'll see more cooperation with the Parks Bureau and economies of scale for Parks Bureau, since they are already working on parks, to have the Noise Office potentially less involved, which frees us up to work on other cases. So, that's been a great partnership with Parks. We're still working through some of the fiscal mechanisms of how they collect the money, and right now they are moving it to the Noise Office. That could potentially change down the road, but it's been a great success in the last year.

Wheeler: Hey Paul, just for my own understanding, is that for concerts and such? Is that what that's focused on?

Van Orden: Yes, it's primarily smaller events so that a nontechnical expert in parks can easily facilitate that approach. So, it's for small events. Probably the Noise Office can't really get out to them, so it's putting some of the weight and onus on park staff to deal with them already, so it's just smaller events that occur in parks. Not the bigger events that would still come to the Noise Office.

Wheeler: Thank you.

Van Orden: Yeah. And then I want to mention, after our move from the Bureau of Development services a few years ago into our new location at ONI, we have been able to place a new focus on issuing citations to move towards quicker resolution with our cases. And I had a recent the opportunity to have a check-in with the Bureau of Development services, and they are starting to move forward with more citation work, especially with the short-term rental situation, and discovered that there are several opportunities for us to further improve our citation process as we become more stabilized in our current location here at ONI. So that's a notable benefit, because the citations, as we have been more proactive in issuing citations, have really moved cases to resolution a lot quicker. One major concern that I do have as the noise control officer is exploring ways to increase the number of field contacts. In recent years we have moved from a past practice of having multiple field inspectors when we were at BDS to just one primary field person, which is our noise inspector. During this time period, we have actually decreased our number of

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visits into the field. The noise in the city is clearly not getting any quieter. I believe this is going to be one of our more important factors to address as we move forward with our new director at ONI. We'll need to explore cooperation with a long list of partners and especially with our colleagues in the Portland Police Bureau on these cases. This year started off with 3.5 staff members in our office, divided in two locations. We were actually having two of our staff, our administrative staff, were operating out of City Hall, and myself and our noise inspector were out at 4747 East Burnside. And the summer fortunately turned into a stabilizing opportunity for our noise team as the interim director, Dave Austen moved the four of us back together at City Hall. Stability, as I've mentioned, will be an important factor to maximize efficiencies in the Noise Office. In the last 21 years as Commissioner Eudaly mentioned, the physical location of our office has moved more than 18 times. So, combined with a fairly frequent change in our staffing, as we either have gone up or down in staffing numbers, or we have actually had the physical person take a different job, and so, we have changed the person doing the job, we have definitely lost some ability to be as effective as we could for the city of Portland. We hope we can stabilize those challenges.

Fish: Paul, when you mentioned that you used to have two people at 47th and East Burnside, it occurs to me that the parking is a little easier there and you're also out in the field. So -- Thank you very much. So, in terms of getting to priority sites, whereas if all four of you are downtown, then you've got the challenges of parking and congestion. In a perfect world how do you balance that?

Van Orden: The interesting thing is there are some benefits - 'cause at one point, we actually did have - there was a short period of time when the inspector was the only one out at 4747 East Burnside. There are some benefits to it, because that position could potentially hit more things to the east side. That would become beneficial having a person out there if we had multiple field staff. The biggest challenge is our communication as a team together has increased our effectiveness so much that having a person out remote is not necessarily effective. If we had more inspectors, it would be wonderful. Like, we experimented years ago commissioner Leonard, having multiple locations with staff, and we actually had somebody out at the Kenton Firehouse for a little while, helping us with noise out of that location. So that could be beneficial, but with just one person, it turns out to be more effective having us downtown.

Fish: Gotcha. Thank you.

Van Orden: We'll be looking forward to opportunities to stabilize noise control and make adjustments with our staffing to better adapt to a rapidly growing city. I want to offer a couple of quick notes on the background for the Noise Office. The commissioner has touched on many of these. In summer of 1976, Portland established the first comprehensive Urban Noise Office. Dr. Paul Herman was our first noise control officer. And interestingly enough, I have mentioned this before at council: Our code was written over several years with funding from the United States Department of Housing and Urban Development as well as Environmental Protection Agency, so we have a long history of doing good work in the country and trying to innovate in the work that we do. We also have a very unique situation which the council is fairly well-versed in, which is: We have a city Noise Review Board which to the best of my knowledge is the only city in the country that actually has a board of citizens primarily – in this case, we have five individuals, three are citizens: One is a construction industry representative and one is from the acoustical industry – that represent our needs on higher level permits that impact the community and then also focus on code change recommendations to council much like the planning commission would. We chatted a little bit in several different ways about the staffing. So currently, we have 3.5 FTE to serve the community. The noise control officer position I'm in is a sworn officer position with all the duties and authorities of a police officer with the

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focus being on enforcement of Title 18. We have been fortunate that we have been doing this so long that we are recognized as national experts in acoustics and noise and are regularly approached by other cities for advice on how we do our work. The administrative side of our office is covered by two folks, one person is .5 FTE, the other .5 is focused on liquor needs for ONI, and that position is an assistant program specialist. Our assistant program specialist focuses primarily on the Noise Review Board needs of the program, construction noise variances, and analyzing data and helping me with the data side of the equation. Our OSS2 is primarily focused on intake of complaints through the different methodologies that we take complaints in: Electronically, via our hotline, via agency references, and then also focuses on the intake of our noise permits aside from construction permits and Noise Review Board permits. He also helps sign out noise meters. So, we have a program we have done at least 20 years, if not more than that, where we sign out basic noise meters to the public so they can actually screen their own community issues, and get a sense of: Is it in violation? Do I want to move a case forward? Do I want to just talk informally with our neighbor? And so, we had slowed down a little bit with that for a while, and we're back to signing out noise meters through our office. And then finally, we have our noise inspector, and that person's obvious primary focus is our field work out in the field, except for the more technical cases which I would cover, and in the summer, we try each summer to take some of the workload off the field inspector, and we try and have the noise control officer position cover things closer to the core of the city and have the noise inspector focus on things outside the core of the city. That person is also in many meetings with stakeholders to try to resolve complaints, and sits in on a number of different meetings with the city, with our city partners such as with our liquor licensing process. So, we have chatted about three primary components of the Noise Office, so, just to go back through them real quick, we have the variances which are a primary component for the Noise Office, we have the complaint response, and we have the city's Noise Review Board. I'm going to talk a little bit about all those. As a general overview of noise variances in the city, we have our minor permits which I started to mention, which are block parties, weddings, small grand openings for businesses, community events, and those are usually things that have 100, 150 people and generally don't have a very big impact on the community. And so those events occur both in parks and outside parks. The concept I mentioned earlier, the minor permits that occur in parks are the ones that we see a potential for moving those more to the Parks Bureau's control and oversight. The high impact community cultural and entertainment events are events that we would expect at least 250 people to attend, and that would raise the decibel level in the community by 15 decibels or more. And so, from a layperson's perspective, any time you increase the decibel level by 10 decibels or more, you're doubling the experience of sound. So, you would expect these are events that would at least have a big enough impact on the community that they are clearly noticed by the community and have an impact that we need to put more time into reviewing their event, the duration, the location, how they are set up, and the next classification is construction. Historically, that's represented about 10% to 12% of our work. Interestingly, I'm going to point out a few notable changes recently with the construction boom. The variances over the last several years have been, as I mentioned earlier, about 650 variances. So, you can see a quick breakdown in 14-15 and 15-16, demonstrate that the bigger classification of our permits are those minor events. There have been times in the discussions with the city that we said, "Does it make sense to still do minor permits?" And interestingly, the benefit, as I mentioned earlier, to addressing issues at the front end, meeting with applicants, winds up being paramount to resolving community concerns before we even have to move to a noise case.

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Fish: Paul, what's an example of a minor noise variance in the film and tv area?

Van Orden: So interestingly, most filming operations if not all of them, we wind up classifying as a minor permit, not a major permit. We have been very accommodating of the film industry because of the positive fiscal impact it has on the community, so almost any filming operation you see, they will come in for several locations that they are filming, and they will pull a permit, and they often don't know their next locations, so they will, quite often in a season of filming in Portland, come back several times to our office and pull a basic noise permit. Interestingly, the film industry is so well-versed in community notification and working with the community – because if they create challenges they are not going to have an easy time coming back to a neighborhood – that for our purposes, the filming operations fall into that classification currently.

Fish: Is the noise we're talking about here the cameras and the generators? Or is it because they want to run a hot rod car down the street, or because they are filming a rally or something?

Van Orden: So, almost all of the filming operations we deal with, the primary source, are generators for the filming operation. And they usually spec out hospital grade generators so we call them whisper quiet generators. We tend not to get complaints on the generators. We try to look at the main things we have historically seen to cause problems in the neighborhood: Gunfights, so if they're gonna have a gun sequence; things that are notably louder, but normally, the issue of the filming operations are not usually a giant impact on the neighborhood. The one issue we have challenges with is trying to work with the film industry to make sure they are leaving or arriving in a neighborhood at a reasonable time, because as they pack out two, three, five, ten big trucks, that can be a big enough source in the neighborhood we try to make sure they wait until next morning, and don't stop at 1 in the morning and pull away and have a big impact. So, on the noise variance side, not the giant change. We have seen an increase over time. The biggest one is on the construction side of the equation, in the last two years, we saw a little bit of an uptick in '15-'16. But then in '16-'17 a notable uptick in noise variances in the construction category went from the 10 to 12% range, all the way up to 29%, so we really are, as we see some of the pressures on appeals to noise variances and just driving around town all the construction, we can see that clearly in the body of work that we're doing in the Noise Office. So, it definitely is a notable uptick. I would say from my experience with the construction industry over the last 20 years in Portland I would think this would carry through '18 then we would see it stabilize a bit in '19. The biggest question will be how much, and it's hard to predict where that's going to go in '19. Complaint response. Obviously, that's the primary factor everyone thinks of the Noise Office. They don't really realize how much focus winds up being placed in the variance side of the equation. And the complaint response is what you would expect from a normal city complaint-driven process. We have concerns conveyed from multiple methodologies. We have calls to our hotline. Calls to the hotline that are answered live. We have online intake via what we call our Track-It system, which is pretty antiquated and has some notable challenges, but still is a good source of online intake, and then we have just normal emails that come into our office, and then finally we have agency referrals from all agencies in the city, moving cases to the Noise Office when they aren't under their purview. So, we mentioned earlier that our response is broken into three different categories. We discussed the primary category we try to place focus on with our staffing. The other two categories: Priority 2 cases are cases like construction on a Sunday or construction up to 10:00 p.m. and not after 10:00 p.m. when it's waking up neighbors. We still try to address those, but it's not as high a priority as cases where they are waking someone up. Complaints regarding industrial and commercial operations that are not mechanical equipment, so, we get a lot of really unique

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delivery cases, cases that are difficult to resolve because there's not a stationary piece of equipment. And so, those would fall into a Priority 2 because of the time it would take to resolve those. Cases that would normally be a Priority 3, but citizens have taken time to document those with what we call a citizen complaint log, which is a legal affidavit of statements of facts, those would move up to Priority 2 when the community is doing community policing and helping get us information so we can move their case forward. Leaf blowers that are operated outside the legal hours in the code, we would try to address as a priority 2 case meaning someone is operating it in the middle of the night, waking neighbors up in a zone of the city when they are not supposed to. And finally, band rehearsal cases with regular documented times. So, we have a lot of band and stereo cases in our complaint body of work, and cases where we actually have an ability to potentially go out in the middle of the night or go out at 9:00, 10:00 at night and measure them because someone has documented it, are a Priority 2 for our office. And finally, just as reference for the Priority 3 cases we deal with in the office, these are intermittent noises. Some of these are intermittent noises with no pattern or regularity, so there's no doubt they impact the community in a negative fashion, but actually being able to move forward with enforcement is a challenge. Residential stereo cases where cases are being called in before 10:00 p.m., most of those tend to happen between 5:00 and 10:00 p.m. So, very difficult with our staffing situation to get out and catch them when they are happening, and the Portland Police Bureau has historically placed a focus on noise cases only after 10:00 p.m., So, they kind of fall into an area that's nebulous in terms of getting a response from the city at this time. Leaf blowers operated during legal hours. So, if someone is unhappy that someone's leaf-blowing, but it's the legal hours of the city, we place low focus on that because our first focus is to get people out of the mode of waking the community up at night. Street musicians, we used to be very responsive to street musicians, but with one noise inspector and myself as noise control officer it's pretty hard to get out and be effective on street musicians. Apartment to apartment noise: Legally when the sound does not carry over one property line to another, it's outside of our purview. So, we would not reply to apartment-to-apartment noise. That would primarily be the police bureau. The same situation happens with condo-to-condo noise where it's if it's on the same lot line, the way the noise code is written, it's written to address sound emanating from one property and being measured or impacting a neighboring property. So those issues fall into that Priority 3 classification. And finally, the more interesting one is --

Wheeler: Can I ask you a question? You may not know the answer. And as police commissioner, I certainly know who to call to get the answer, but if it's a unit-to-unit noise complaint, is that a domestic disturbance? Where does that fall on the spectrum of potential crimes?

Van Orden: Interestingly it's such a wide range of things that a lot of times that literally, an officer could address it at just disturbing the peace. They could actually, under the Police Bureau's codes, they could write it as a noise citation for noise disturbance. So, there are ways it can be addressed, but it can be very messy. So historically, in my 20 years as the city's noise officer, it's usually fallen off the radar if it's before 10:00 p.m.

Wheeler: Okay.

Van Orden: Finally, the issue of automotive related noises has become a messy one for us to be effective on, because the Department of Environmental Quality and the DMV no longer test mufflers at their air emissions stations. So, the way the noise code is written, a police officer or the noise control officer can write tickets against somebody who has, let's say, no muffler, or they have a Harley where they've put a straight pipe on it. And then what we would do is write a ticket and they would have to go to the DEQ/DMV to be tested. And someone would actually test them in an appropriate testing facility. And if they

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are in compliance, then they could actually get the – because let's say they changed the muffler, they could actually get the ticket revoked or pulled back. And if they are still in violation, then the ticket would stick, and they would have to pay the ticket. So, the challenge was several years ago, the DEQ and DMV defunded that effort, and so, we're in a nebulous point right now where, I would imagine the Noise Review Board would look to ask council for some changes to the code to have a different way to address the situation. But right now, whether it's motor vehicles, motor vehicles with excessive stereos, we're not in a very good position to effective on those issues. So, as the city grows I would definitely anticipate that we will see those issues grow, so we do have a need for the Noise Review Board to come back to council with some ways to potentially address that and see if those are amenable to council. So, a review of the noise complaints in 2006 and 2007, you'll notice that we had - and in most years, we have a very large number of complaints that are within the classification of residential music, stereo and band. So, interestingly, those are what you would imagine with a citizen blasting their stereo at their neighbors. A citizen who has a band rehearsing in the house. And these cases are fascinating because the greater majority of them, when we send a letter out, we actually can resolve them. So historically, it's been 80% or greater. At one point almost 90%, just educating someone with a warning letter solved the problem. We're getting to a point now, though, they are one of the harder cases to solve because it is very intermittent. Someone's teenager comes home at a time when mom and dad aren't home, they blast the stereo, mom, dad pull in the driveway, and they turn it down. Not enough time for an officer to get out there --

Wheeler: Ah, the memories, Paul, the memories. [Laughter]

Van Orden: Those have been one of our larger number of cases in the Noise Office percentage-wise. That hasn't changed historically. Residential mechanical equipment has stayed about the same level, about 15%. Construction has generally remained the same. We have seen a bit of an uptick, and when you look at the percentage of total cases, interestingly, by having folks pull noise variances, I would argue we haven't seen a proportional increase in construction cases for the percentage of noise variances we're processing. And I think part of that is that we're dealing with a lot of construction cases at the front end. These construction cases you see are actually primarily represented by residential single family and two-family type construction. A lot of the cases are small mom and pop operations that push the envelope until we cite them. So, with all these giant projects we have happening in town, they tend to have somebody who is in charge that we can respond to. When we go out to a construction site, there are four, five different subcontractors just within a week that it's harder to get resolution. The industrial commercial cases a bit of a shift there, of recent, downward. And motor vehicle is a bit messy because, although we try to track them a bit, we really don't have an effective way, as I mentioned, to solve those cases. And the other cases are things like doggie daycare and similar operations. So, one of the things you'll note is back in 2006, 2007, we had approximately three inspectors, it depends how you counted them, because we had other folks helping us at BDS who weren't specifically just noise inspectors. With just a single inspector, you'll see our numbers have gone down. I would not argue that the cases in the city have gone down, it's more so a factor of the things we can address with just one person and I would be hard pressed to say if there isn't potentially a factor where folks may be getting frustrated that with our staffing levels, we can't respond as quickly as they would like, so we may be seeing... potentially, kind of hard to analyze we may be seeing less folks calling as they hit a little bit of a roadblock.

Wheeler: Paul, could you give us some sense, the day of an inspector? Do you have to go out on site for each of these complaints? Do you take them over the phone? What's a usual, typical day?

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Van Orden: So, historically, for an inspector to do the job it's about 50-50. Fifty percent of the time is in the field, fifty percent of the time is the paperwork, getting things organized so you can look things up on our track system, find out the zoning history, see if Code Compliance has a case. And so, sometimes it's front loaded that you're doing that work in the beginning of the day depending on the types of cases you're chasing, sometimes it's back loaded, and you do it at the end of the day. So, for instance, if you're an inspector chasing construction, you would likely try to hit those in the morning 'cause they try to get finished around 3:00, and you'll more than likely find folks working on the site when you go by to chat with. So, you go out, you try to hit as many locations as you can. We rely very heavily these days on citizen logs, because you can imagine that one inspector can only hit so many locations effectively. And so, the inspector may hit a handful of locations. We are definitely seeing less inspections now, and I think a part of it, from my experience, is we're having major transportation challenges. I used to be able to hit probably eight locations in a day. I don't think I can do that very effectively any more. Usually your dialogue with the construction site is going to be fairly quick, maybe 20 minutes. The minute you get into something like a residential situation where there's emotion attached to the issue, it's a much longer dialogue. Neighbor-to-neighbor issues are more difficult than construction because there is often a neighbor feud going on, and so you're stepping into a social-work-like situation. And so, one of the issues we are going to have to figure out how to address is how to get out to more cases, because it's a primary tool for solving our noise cases, whether that's through innovative community policing with some of our partners in the Police Bureau or different ways to address the situation in the Noise Office. It definitely is one of our most important modes, is the inspections. I'm not sure if I answered your question.

Wheeler: You did. That was helpful. I appreciate it.

Van Orden: So, the interesting element of our construction cases is the fact that I mentioned earlier we're trying to move towards an approach of more informal process solving, and so, I'm going to just show two quick slides. This is a location called Amalgamated Sugar. It's up off North Lombard primarily, in terms of this photo was taken from Lombard. The formal address is off Columbia at 2600 Northeast Columbia. The informal problem-solving cases have become a bit more of a regular affair for us, and this is one I'm going to mention, and the second one I'm going to mention is this side of the stadium, Fred Meyer's. So, loading noise and neighboring apartments concerned. You can see the loading docks, and then, off in the distance, if you see the apartment complex, kind of in the center of the slide, just past the residential, it looks like kind of a single-family duplex type of building, next door to that. So, the informal problem-solving cases, with the case you saw with Amalgamated Sugar, it was a pretty fascinating case because our office started getting a series of complaints from all over the northeast Portland area from about a 10 to 15 block range. And no one could tell us what the noise was exactly. They just said they had this sound that was metallic, that was banging. Everyone had their own way to describe it. There was some commonality that made us think everyone was talking about the same issue, but at first, no one knew exactly what the source was. So, we tried to coordinate with the complainants and tried to coordinate with where they were map-wise, to triangulate where the source was. And interestingly enough, from an informal problem-solving perspective, what wound up being most effective was, when we chatted with complainants, we encourage them to get the word out to their neighbors, either through the neighborhood system or in my role as chair of the Northeast Coalition of Neighbors, we tried to see if we could get the word out through partners in the neighborhood. And what wound up happening was, neighbors used the Next Door app, and they actually said, "Hey, if you're hearing this, call the Noise Office. Let them know what you're hearing." And

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we wound up being able to triangulate it. But what happened concurrently as we were triangulating it is: Amalgamated Sugar helped us by – ‘cause we called every single source that was on Lombard in this vicinity and said, “Are you doing something unusual? What's happening? We're getting complaints.” The folks from Amalgamated Sugar jumped on Next Door and said “Hey, we're reading your description. We think this is us.” And so, what was great is: It wasn't a formal case, we couldn't even send a warning letter because we didn't know where the address was. And what wound up happening was, through some cooperative measures, we learned that the primary source, when our noise inspector and I visited the site, was a transportation challenge where they could no longer get the railcars that they needed to move the sugar. The railcars would carry about three times the volume that they could put in a single truck. And so, they were having trucks arrive at the site, offloading their sugar material into the trucks to transport to their locations, and what wound up happening is, they had historically used railcars that would go on to a shaker device, and it would shake the railcar to have the sugar keep falling into the vessel. And what they had to do with the trucking operation is, they had to physically come out with a mallet and slam on the tankers. [All laughing] And so, what was hilarious was, once the manager realized how big of an impact they were having on the community, they stopped doing that operation at night. He jumped all over it, he went to the corporate office, and started working as hard as he could to see if they couldn't get back to the railcars. So, they were trying to move their operations back to railcars. But it was a great example of not opening a formal case, working with the community, fairly time effective. It wasn't very time consumptive for us to do it this way, and it really worked to solve the problem. So, that was a great example. The secondary element was --

Eudaly: I would like to know where I could lodge a complaint about them taking down the historic White Satin sign. That was one of my favorite visions. The trains, the tower, the White Satin sign.

Van Orden: You know, I can see it now that you mention it, but I forgot about that.

Eudaly: Amalgamated Sugar just doesn't roll off the tongue like White Satin. Pass it along. [Laughter]

Van Orden: [Laughter] When I chat with them, I'll let them know. The other case I mentioned was Fred Meyer, stadium location. We had quite a few challenges with them as they were building out their remodel to the facility, so there were a lot of community tensions, because the construction had definitely pushed the envelope. I don't recall how many citations we issued, but we had to cite Fred Meyers a few times for that particular project. So, moving forward with the newly renovated facility, there were tensions in the community. And in this particular case, because they reoriented some of their operations, there was more loading activity pushed right up against the residential element of the community, and we started getting complaints primarily from one household, but a few others had also been vocal. And we were able to, through your office, the commissioner's office, have Fred Meyers come in, have the neighbor come in, and agree to talk through the issue and come up with an approach where the neighbor has now been calling Fred Meyers directly and saying, “Hey, the driver for the produce truck labeled such-and-such is idling too long, is impacting the neighborhood,” and through an informal process, we haven't opened a case, we haven't written a good neighbor agreement, things have been working very well. I think Fred Meyer doesn't want us to move toward enforcement, because they know, fortunately, with the enforcement tools in place, that we can move to enforcement, and the neighbors also realize, from our dialogue with them, that with one noise inspector, it will be far more effective to come to a cooperative agreement rather than the city having to go down an enforcement road. So, I primarily mention these two approaches because we may, as we reexamine where the Noise Office is headed for the

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next 20 years, find that our cultural approach as Portlanders is more amenable to an informal process while not letting go of our ability to take formal cases forward. The other element that I just wanted to mention is... Oh, I just wanted to mention briefly that with the informal problem-solving approach, or approach that doesn't require the Noise Office to resolve cases, we have been very effective when we have violators work with the Police Bureau and have a report written by the Police Bureau, and if they forward us a citation, we'll actually write the ticket right through the Noise Office. So, we take that body of work off the Police Bureau's needs and issue citations, and we have very few of those challenged. So, when we write a ticket based on a police report, it means it doesn't have to go to the D.A.'s office. The D.A.'s office tends to put noise cases so low that we wind up losing those cases, in my experience. We have the code hearings process that we can have the appeals flow through, and we tend to win those cases. So, from an informal problem solving or programmatic improvement perspective, that has been most beneficial, and I'm hopeful as we shift and make changes to the Police Bureau that we continue to improve our approach in that particular way. And so, what I wanted to kind of close things out with is just a picture for council on where we're headed in the coming year or so. And so, the city's Noise Review Board, as one of their action items, has been working to address this increase in nighttime construction to have – it's been very informal right now, but trying to have a somewhat regular meeting with the construction industry to begin to address nighttime construction noise, so what we're just starting to get a handle on is: Where is the city headed with the densification of the city, with our limited ability to block roads? That we're in a position where we're likely going to have to require more work to occur at night in the city, and so, having this construction work group through the Noise Review Board will enable us to be able to educate the public on where we're headed and to work with our partners so we can set realistic expectations for what they can and can't do at night. So that's one of the projects that started off slowly in the last 6 to 9 months, and I would expect, when we get into the winter, we'll be back and focused on that issue. The Noise Review Board, this is an important one for council will be moving forward addressing the idea that appeals to the noise control officer's decisions would be appealable to the Code Hearings Office instead of to City Council.

Fish: Hear, hear.

Van Orden: Yes. And for all – and I have just a note that that would be for all non-Noise Review Board-related variances. The Noise Review Board-related variances are big operations, and it would probably make sense for the public to have an opportunity to talk to Council, but I can't remember last time one came to Council. So, I don't know that that's going to add a body of work if we were to do things that way. It tends to be the smaller projects getting appealed. We will be revisiting the direction the Council has given the Noise Office on nighttime garbage truck noise. As you may recall in some of my presentations on our appeals to construction work and our discussions around pile driving noise, the city's Noise Review Board took a hiatus from their work plan to address garbage truck noise and focused on pile driving. And so, I would expect that we will see the board returning to a focus on night time garbage collection and bringing a report back to Council on the state of affairs for garbage collection in the city at night.

Fish: Paul, a pet peeve of mine is, since I now live in Goose Hollow, it's not just the nighttime garbage truck noise, it's also the way some of these very large rigs navigate very small roadways. And I think this is one where it would behoove us to do a, kind of, coordinated look with P-BOT and with ONI, because I think there's both a noise issue and there's a public safety issue. And what I have observed, I'm not trying to blow the whistle on anybody, is that people are very flexible about the rules of the road when they are collecting garbage. And my pet peeve is, on very narrow roads, where garbage trucks

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come downhill and just alternate on either side of the road to pick up the trash, which of course is fine, except it's completely illegal, and you're blocking, you're going against traffic. I understand from a work flow point of view, why you may want to do that, but it's creating a public safety concern, pedestrian hazards, car hazards, as well as a noise issue.

Van Orden: Okay. Copy. We will make sure we are coordinating with P-BOT on that. Chat with them.

Fish: Thank you.

Van Orden: Yeah. The next item I wanted to mention, I think most of the members of council have heard some of the perspectives of the noise review board and staff that the Pearl District is in a unique situation where it's zoned EX. The challenge for the noise code is EX is considered an industrial classification, so it allows the highest decibel level. So, I would expect that the Noise Review Board would be back to looking to address a methodology for recognizing the Pearl District as a mixed-use zone, and not as an industrial zone for the purposes of permitted decibel levels. That may get addressed in the Central City plan, but I'm not aware if there's a specific approach for that currently. So, that is just something to be aware of, because I think, as we have questions raised by our community members in the Pearl District, that is something that will probably be of interest to them. And then finally, the Noise Review Board noise staff do still plan to move, once we're out of the busy summer season, to moving forward the Noise Review Board's suggestions on pile driving and changes to the pile driving regulations for the city.

Wheeler: Mary is very happy to hear that. Very good. Excellent. Does that complete your report, Paul?

Van Orden: Yes. Thank you very much.

Wheeler: Thank you. It's a thorough report, excellent. Is there public testimony on this item?

Moore-Love: We have seven people signed up.

Wheeler: All right. Let's see how are we doing timewise?

*****: We're gonna lose a commissioner later, Mayor.

Wheeler: So, could people try to get their testimony within two minutes, please? I'll be a little flexible on that. When you have 30 seconds left, you'll see the yellow light go off. When your time is up, it turns red. Please state your name for the record, if you're a lobbyist, we need to know that under council rules. If you're here representing an organization, we would like to hear that too. Everybody knows please do not interrupt other people's testimony. If you do so, you'll be asked to leave. If you are asked to leave and you don't, you're subject to arrest trespass. We don't want that to happen. Everybody just hear people out respectfully. Who is first?

Moore-Love: The first three are Frank Harris, Noah Kleinman, and Jim Krebbs.

Wheeler: Fantastic. Come on up. Good afternoon. Thanks for being here.

Frank Harris: Good afternoon! Thank you for having us. Mr. Mayor, council people, my name is Frank Harris, I'm vice president of construction for Hoyt Street Properties in the Pearl District. Thank you for having us here today and talking about this very worthwhile topic. I'll limit my conversation to pile driving because that's what we have recent experience of in the Pearl with the Hoyt Street, and I want to thank the City and Paul Van Orden and his staff's efforts in their excellent work working with us and our contractors to mitigate issues as they come up regarding noise on our projects. I think they are doing a great job. And I want to thank the Noise Committee Task Force for all the good work they're doing as well. I want to state that, you know, we realize we live in a community now that, this is the 16th building Hoyt Street has built in the Pearl District, and we're highly involved in that community, and we want to be good neighbors and good facilitators of that

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community. We have evidence that by some of our efforts to mitigate some of the noise that we have created with our recent construction of block 20, the Vista condominium project. That included sound blankets for the school that's nearby, and also sound attenuation on the actual pile driving mechanism itself. And Paul can attest to some of the results that we received, and proved results and lessening of noise that we receive through those efforts. So, I just wanted to voice our opinion and our thanks for having a good staff that can deal with these issues in a responsible manner.

Wheeler: Much appreciated. Thank you, sir. Good afternoon.

Noah Kleinman: Good afternoon. Mr. Mayor, commissioners, I'm Noah Kleinman, a nonprofit leader here in Portland, but I'm testifying today as a citizen who likes the way Portland sounds. I have been in Portland since 2002, and in that time, developed a certain taste for the noise level that we enjoy here. And I didn't realize that was what was happening until I visited another city and stayed there after kind of a long time of just hunkering down here in Portland. I remember the first night I visited D.C., recognizing that there was something very different about the feel of that city beyond just that it was a different city in that I saw businesses that had speakers at restaurants, speakers on the front of their business that were blasting the episodes of the Simpsons at the street, trying to get you to come in. At night, the noise level from garbage trucks and from emergency vehicles using sirens right next to where there's a hotel, which is built for sleeping, surprised me. And I learned from the Noise Office that Portland's Noise Office is fairly progressive and has a public health mission. And I learned that because during the period of time we had multiple noise investigators, the Noise Office was able to do outreach that was about public health about safe listening. And so, I would just like to call attention to that as we grow, I would like to see us having that kind of public health coverage that we have enjoyed, continuing.

Wheeler: Very good. That reminds me of a brief but funny story. I was in another city, I won't mention the name because I don't like to badmouth other people's jurisdictions, but I was sitting at a lovely outdoor cafe enjoying my pizza. Next door was a karaoke bar, and they were doing the same thing! They had a video and sound outside from a karaoke bar. And it was so awful, it was driving all the customers at the pizza place away. I thought, man, this is the basis for a real fight between those two business owners and operators. So, thank you for sharing.

Eudaly: Speak for yourself, mayor. Sounds fantastic to me. [All laughing]

Wheeler: Very good. You have a voice. I don't. [Laughter] Good afternoon!

Jim Krebbs: Good afternoon. My name is Jim Krebbs, I'm with a company called Sigicom Incorporated, we're located in Fort Collins, Colorado. And I was invited by Paul to come in and speak with you today because he wanted me to share some information about what it is we do, and how it might be able to facilitate him and his office do their work. We are in the business of providing instrumentation to do remote unattended construction site monitoring for noise, dust, vibration, a variety of parameters. I just wanted to share some information about what capabilities that represents in the event that could be helpful, again, to his office. I understand that the city of Portland is already engaged in some noise monitoring at the P.I.R, the international raceway, where they are monitoring for noise, so you're already doing some of that now. But I brought a small PowerPoint, but I'm going to skip through that quite quickly. In urban environments, we're seeing increasing construction activity involved with renovation, new projects that are next to existing structures, so it's having impact not only on those buildings, but the population at large. And as Paul mentioned, a lot of that work is being moved to nighttime efforts. Which can mitigate traffic congestion, things like that, but at night, it has more of an impact on the population, so is more of a concern. So, the technology exists to monitor remotely, and

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without any involvement by personnel, automatically monitor noise levels, record the data, and send messages – if you set a threshold level and it exceeds that threshold level, it can automatically send text messages or emails to any number of people that are stakeholders of the project, whether it be people in his office, members of the community, council members, whomever. You can set the projects to communicate however makes most sense.

Fish: Sir, each of us have bureaus where, actually, this technology would be interesting, and you said you had a PowerPoint. So, could I ask you if you wouldn't mind forwarding your PowerPoint to the clerk's office, so that she can distribute it afterwards?

Krebbs: Okay, all right. And I want to emphasize the fact that this is automatic monitoring. It really involves limited expensive labor to the project.

Wheeler: Is this what your company does? They make this product? Or am I mistaken?

Krebbs: We make the product. We're not consulting engineers. We don't do the monitoring ourselves. We simply provide the instrumentation, but given the personnel in Paul's office, the expertise is there to administer this themselves quite easily.

Wheeler: Got it.

Krebbs: And again, without increasing the FTE's accordingly. So, several goals: You can document the noise levels continuously and record the violations of those noise limits. You can make that information available to the public. You can invite them into projects where they can look at the data. And maintain your community involvement. The information is recorded, so you have actual documentation which could be particularly helpful in litigation scenarios where everything is documented and you have exact noise levels which can be quite helpful. I mentioned about the messaging, the system can automatically send messages when you have a violation. It's easy enough to use you don't necessarily need to employ a professional engineer to administer the system. And quite simply, it's also very effective that if you publicize the fact that you're doing this monitoring for construction projects to the public, it has a tendency to reduce significantly the number of nuisance calls and complaints that you get, because they are aware that you're proactively working on their behalf to minimize and mitigate that noise pollution. So, while we commonly will work with consulting engineering firms, it's not necessary with a system like ours to employ them separately as part of the construction project. Again, you're the people in your Noise Office could easily do this.

Wheeler: Very good. Thank you, sir. We appreciate you coming all this way. Thank you. Next three, please.

Moore-Love: Are Todd Mathias, Jim Mahar, and Melissa Stewart.

Wheeler: Good afternoon. Why don't you go ahead and start, sir?

Jim Mahar: Good afternoon. My name's Jim Mahar, I'm safety manager for Anderson Construction. I think I asked for probably one of the biggest noise variances this year on my project, it was like 140 days I want to say, it's a large-scale project, and to date, we have had no complaints from the neighbors regarding noise. And a lot of that is just because of the noise department that we worked with early on the forefront, helping with our liaison in between the neighborhoods and the neighborhood associations. The Northwest Neighborhood Association is quite large. So, it was very fun to work with them early on to figure out what their requirements were and what the city's were for our area. Paul mentioned it before that the zoning within the city is confusing, so what our limitations are and what our noise decibels are can become tricky, especially with a construction project and a large scale one that I'm on. But I wanted to thank the city for working with us on that because it's been a very smooth process. Other cities are not that way. So, I just wanted to say thank you to the Noise Department for that.

Wheeler: Appreciate it. Thank you. Good afternoon.

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Todd Mathias: Hi. My name is Todd Mathias, I'm an acoustical consultant in town. I have been in Portland doing this for 21 years doing this now. I was here just to speak on behalf of the Noise Officer and the Noise Office to show support. Because it's really helpful, for what I do, to have those people here in the city not only as you said for clarifying code and making things easy to understand for both complainants and people that are generating noise, but also in, I just have a respect for Paul, and I know the level of his technical competency so I can rely on that. When he says, you know, "This is what it is," I don't have to worry about it. If we had some scenario where it was left to the police officer, say, to do that, anyone can go out and kind of take a measurement and come up with a decibel level. That's not hard to do. But having some knowledge of the physical aspects of acoustics and how they work is important in terms of determining what's going on. So, I just wanted to show support to Paul and his work here and say that I'm glad he's here.

Wheeler: Wonderful! Thank you for saying so. I appreciate it. Good afternoon!

Melissa Stewart: Good afternoon. I'm Melissa Stewart, I'm the current chair of the Noise Review Board, and just a citizen at large at that, and I'm here to support the Noise Office, of course, wishing to say, that among other things, a staff of 3.5, I'm sure you understand now, having seen the PowerPoint presentation is really too small for a population of 650,000 people and the density that we're increasing day by day. The city of New York, which follows us to a certain extent in our efforts to deal with noise, has a population of 6 million with 110 Noise Officers, just to give you a clue. It seems like Portland could justify maybe five more people, four more people? But essentially, even if this gentleman who just spoke about the remote option exists, there's still an awful large part of what the Noise Office does, which is educating people about how we should behave so that everybody can have a certain amount of peace and quiet in this community. The further thing I would say is given the stress of having too few people to operate the Noise Office, Officer Van Orden has still managed to draw 30 people, I think, 30 professionals from the construction industry, of which this gentleman is one, to do a better job of codifying the conditions that we at the Noise Board have to look at when we agree on a variance or not, so that they can be done administratively which means that the construction industry spends less time in that process and often less money. So just so you know, they work really, really hard.

Wheeler: I appreciate that. Are there other members of your committee here today?

Stewart: Board members? No, they all have jobs. Yours truly has just retired.

Wheeler: Congratulations. If you could pass on our thanks to them, we sure appreciate it. Thank you for your testimony.

Moore-Love: The last person is Mary Sipe.

Wheeler: Very good! Good afternoon!

Mary Sipe: Good afternoon. I prepared written testimony and I have kind of thrown it aside and I'm going to make this as short as possible. Commissioner Eudaly, in June, when I gave some testimony about work I did on the noise variance fee schedule that was moving forward and then was abandoned, you made a statement that I want to repeat. And that was, you said, "I want to thank Mary Sipe for her testimony. This is something that really bothers me and I hope we will see less and less of. And that is when citizens put in their time, energy and expertise and have their hard work ignored and never implemented." And, as you know, for the last three years, I have been working on this pile driving initiative, and as you also know, I don't know if you know these details, but after 17 meetings with stakeholders, a noise task force, many community meetings and a great deal of research and finally successful testing of noise mitigation devices on the Block 20 project, I was out there with Paul and Rory Martindale from Anderson, taking noise meter readings with the meter borrowed from the Noise Office. And it was amazing how effective that was. And as a result of all of this work, in September, the Noise Review Board voted

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unanimously to propose an amendment to Title 18 to remove the exemption for pile driving and require a noise variance permit which would give the Noise Control Office the ability to require use of noise mitigation devices. I hope you'll let me finish.

Wheeler: Oh, yes, go ahead.

Sipe: Thanks. Uh, commissioner Eudaly, you attended that Noise Review Board meeting and you sat with me and 25 other citizens for over three hours, waiting to testify in that cramped, hot room and I want to thank you for that. The proposal, as you know, was scheduled to come to city council, I don't know if you know, on June 21st, and David Austin made the decision to pull that back because of the other pressures. I was dismayed when I met with David and he said to me, "This is just not that important." While I understand this may not be as pressing, and I know you're planning to bring it forward as other city issues, or that you're dealing with, it's low-hanging fruit. The work has been done. And, you know what happens who withdrew leave low-hanging fruit on a tree, it rots and falls off. Please don't let that happen to this. Your office indicated that because we don't see any pile driving in the foreseeable future that you'll bring this back in the fall or winter, and while we don't have any pile driving in the foreseeable future, we don't know when it's going to happen. And without this amendment it happens without any notice and then there won't be any ability to enforce the use of noise mitigation devices. Over three years, Paul and the volunteer members of Noise Review Board have been putting their time, energy, expertise into researching this, and to me, to continue to delay bringing their proposal to city council doesn't show much respect for the years of work that they have put into this, and I just want to ask, you know, in the fall or winter is not the kind of commitment I would like to see for when this will come to city council. And if you could bring this forward within, say, 60 days, it's been a year since the Noise Review Board voted to bring this proposal forward, and I would just like to ask for your support of Paul and the Noise Review Board and me and members of the community, and let's bring this forward and let's get it wrapped up and taken care of. What I passed out to you is just a shot I took at what I think this proposal might look like and I know city attorneys have to take their run at it, but I thought I would give them a little hand. [Laughter] Thank you so much for the time. I really appreciate it.

Wheeler: You bet. Thank you.

Eudaly: Alright Mary, and I want to assure you that everyone's quality of life in the city is important as I think you can imagine coming in as a new commissioner, you know, we all have limited time and resources. We have had to prioritize certain things within the bureau, but I stand by that statement and I do need to speak to Paul and our new director before I agree to your 60-day request, but I'm hopeful that we could do that.

Sipe: Thank you. And frankly, out of respect for what you're going through, I have not been knocking on your door asking to meet with you because I have all the faith and confidence that you will keep this above water. Thank you.

Eudaly: Thank you.

Wheeler: Thank you.

Fish: Mayor, I move to accept the report.

Eudaly: I'll second that.

Wheeler: Commissioner Fish moves, Commissioner Eudaly seconds. Acceptance of the report. Any further discussion? Please call the roll.

Eudaly: Thank you Paul, and everyone here from the Noise Office. Could you raise your hands? Yeah. Just want to appreciate you guys. You're in one of many offices where I feel like your typical interactions with the public are stressful because noise is a source of stress and contention, and you might not always get the appreciation that you deserve.

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And I hope that you absorbed all of it that was shared today in the session. So, thanks for your hard work. Aye.

Fritz: Aye.

Fish: Paul, superb report. Thorough, detailed, well organized, and I suspect I'm in a large cohort of people who think 3.5 FTE is a very lean operation and we need to reconsider that in due course. Thank you for your presentation and thanks to everyone who took time to testify today. Aye.

Wheeler: I think this was a fantastic report. I appreciate it. Commissioner Eudaly, thank you. And to all who testified. And frankly, I thought it was a really good thing, also, to hear some people testify in support of the Noise Office and Paul and your leadership. That's a nice thing to hear too. So, thank you to everybody who came forward. I vote aye. The report is adopted. Thank you. Colleagues, we're going to read the next three items together.

Item 970.

Item 971.

Item 972.

Wheeler: Colleagues, our bargaining team has worked hard with our labor units negotiating three successful collective bargaining agreements. They used the city values of collective bargaining to navigate through tough issues and because of the collaborative efforts by both the city and the union, we were able to reach successful outcomes where each contract reflects the city values of collective bargaining. And I just want to briefly review what those values were. First of all, providing cost effective and excellent service to the public. Second, providing a comprehensive and competitive compensation package that attracts and retains excellent employees. Third, providing affordable health care for employees and their dependents and a health care package that emphasizes wellness, prevention, and shared responsibility between the city and our employees. Fourth, reducing barriers to recruitment, retention, and promotion of persons of color, women and persons with disabilities. Fifth, creating opportunities for training and advancement for employees, and sixth, supporting the city's fiscal policies by targeting our labor dollars to achieve the greatest impact. Folks, I'll turn this over to Anna Kanwit and then, Anna, you can run the show in whatever order you would like to do.

Anna Kanwit, director, Bureau of Human Resources: Thank you, mayor. Anna Kanwit, director of the bureau of human resources. Jarrell Gaddis, our labor relations manager is here with me as well as for the next two items. Farrell Richards and Tom Collette, who were the spokespeople for the city laborers' contract and the recreation contract. However, before we get into the contract negotiations, we actually have two amendments. One impacts all three of the ordinances and it's amending section D in the council direct section. This amendment is put forth based on consultation that we had with the city budget office that the statement "The council directs the city budget office to work with the bureau of human resources and any relevant bureau to determine amount of additional resources to be added to bureau current appropriation level targets in order to fund cost increases associated with this contract," was a more transparent and complete statement of what council was authorizing with these contracts.

Fritz: So, that's a substitute D in each one of them?

Kanwit: Yes. That's substituted for each one of those. And we have a second amendment as well.

Fish: Let's do them in order. I'll second the substitute for 970, 971 and 972.

Wheeler: So, Commissioner Fritz moves, Commissioner Fish seconds the substitute amendment for 970, 971, and 972. This is an emergency ordinance, so, if we wait 30

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seconds -- look at that. Perfect timing from commissioner Eudaly. We'll go ahead and keep that on the record. The next one, please.

Kanwit: The second one is just ordinance 970, which is the agreement between the city and labor's local 483, Portland City Laborers, this is just to correct a typo, actually two under section C in the council directs section. One is: The original ordinance said the contract was from 2017 to 2020. It's actually 2021, which, it states that elsewhere in the ordinance. And then second, we misstated the bargaining unit as recreation. It's actually Portland City Laborers and ordinance 970.

Wheeler: Those are obviously substantive amendments. So, we'll take amendments, but do we need separate amendments for each of those revisions? Or can we take a collective amendment on that?

Moore-Love: I think you can take a vote on the collective amendment and then you vote on the separate agreements.

Fish: On this one, mayor, I move the amendment.

Fritz: Second.

Wheeler: So, Commissioner Fish moves the amendment with regard to Section C on 970, commissioner Fritz seconds. We'll call the first one that we just put on the table Fritz 1. We'll call the second one we just put on the table Fish 1. Very good. Continue. Thank you.

Kanwit: Thank you. So, the Portland --

Fish: May I make a suggestion?

Wheeler: Commissioner Fish.

Fish: Because these are noncontroversial, why don't we do the housekeeping now and just adopt them so people can testify?

Wheeler: Very good. Could you please call the roll on Fish 1?

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

Wheeler: Aye. The amendment is adopted. Please call the roll on Fritz 1.

Eudaly: Aye.

Fritz: So, before the language had said that the city will pay. This is very specific in saying how that gets calculated. I do want to explain to everybody at home, and others who may not be aware, that there is a cost in this fiscal year, and so the practice is that we will come in the spring budget monitoring process to request the funds that will pay for this year. And that will be worked out, also, with the city budget office. So, that's how we do these things, and that's basically what this amendment says. Aye.

Fish: Aye.

Wheeler: Aye. Amendment is adopted.

Kanwit: Great. Thank you. So, first contract I want to address is the Portland City Laborers' contract. This is our first contract with Portland city laborers. This is a bargaining unit group represented by Laborers Local 483. They elected to withdraw from DCTU last summer. We started bargaining in the fall because it was a new contract, so there was a lot of work to do, and I have to say, and I'm sure our labor partners will agree, while this wasn't an easy process, we have a very successful result because both parties while representing their interests I think very well, also were able to collaborate and come to agreement on items that furthered the values as you mentioned, Mayor Wheeler. This contract, the COLA and the other monetary factors in this are retroactive to July 1 because we reached a tentative agreement July 13th. So literally, not quite two weeks after the contract expired. This is a four-year agreement. It also contains a 2% longevity pay for employees at the ten-year mark with their city employment, and we did that in recognition of one of the points that the union had made, is: Employees had not received an across the board wage increase for some time, other than cost of living. So, this was a cost-effective way for the city to recognize that, and to also provide a monetary incentive for

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employees who otherwise, with this group, are topping out very early in their career in terms of additional wages. We also grade to a number of increases in specific classifications, again to address some of the issues around recruitment and retention that we are experiencing those specific classifications. The other piece is an elimination of the rule of two, which is promotional language in the contract that had required if two or more of the members were qualified for recruitment then one of those members had to be appointed, and although this was not an easy issue, the union did agree with us to eliminate this language recognizing some of the barriers it posed for us. The city had an interest, as well, in some restrictive language and working out of class. Because of the complexity of those issues -and again, this is an example of labor being willing to work with the city, the tentative agreement sets up a working group so that union and management, bureau management can really sit down and look at where the issues really are with working out of class. We don't always get into that level of detail when we're at the bargaining table, so we fully supported that that was the approach that we would take in order to see if we can address the issues. It's a bargaining subject. We hope that we can address the issues in the work group, but we recognize we may not be able to. But again, we're confident that we'll be able to make some progress. This agreement also implements the city's wellness incentive, which we think is hugely important, that our intended result is for employees to have a relationship with a treatment provider, and if they have the physical every other year, then they will retain the 5% premium share. Our goal is that because of that ongoing relationship, employees will share more information. We'll have a healthier work force, healthier work force besides having the obvious positive results that people will be at work, they'll be able to be engaged at work, it also keeps our rates down. And our corresponding goal with this wellness is to retain the 5% employee premium share as long as it's fiscally viable to the city. And we believe this program accomplishes that. You'll see that same agreement in all three of the contracts before you today. Assuming they are all ratified, that will mean the city population, with the exception of firefighters and the CTU employees, will be under this new plan. I would like to turn it over to Farrell.

Farrell Richards: Thank you, commissioners and mayor. I would like to thank you for your stewardship of the bureaus individually and the city as a whole. Really appreciate your work and I would like to thank director Kanwit and her entire staff for the work they did. It is a long process, you know, it's not always -- everything doesn't always go great but we have been committed to working on stuff, and some of the things she pointed out, in particular the rule of two, that's a really big give as far as contract language, but it demonstrates our members' willingness to work on the issue of diversity and to be partners in that. So that's a very tangible thing that our members put forward to show that we want to be partners in that. That's important to us as well. I want to also recognize our bargaining teams, which are comprised of Tom and myself, but also two people from each of the bureaus that worked on this team. So, the folks who are out there doing the work were the people bargaining the contract. And that's a very important value for us as well. So, when you have folks from Bureau of Environmental Services, Wastewater Treatment, where, in the best of times, their work is invisible to us, but it certainly is a quality of life issue. When you have folks in parks who, you know, something as simple you go to the parks and the garbage cans are cleaned out, or it's something as exciting as the 100-year anniversary of a rose test garden. We have horticulturists, we've got park techs, we've got utility workers who do the sweeping and cleaning up. We've got carpenters who do highly skilled work when something needs to be done on the Pittock Mansion they are in there, recreating that period work. So, we've got We have all kinds of folks. And then, we've got folks at transportation. When you talk about the Vision Zero program, they are the ones paving the streets, putting in the markings for the vehicles and the bikes, and helping us all

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stay safer. So, the Portland City Laborer's contract covers the whole city, the skeleton of the city, if you will, but really, I think, with our people, the heart of the city as well. And the fact that some of this, the longevity in particular, recognizes people, and says, "You put your career taking care of the city of Portland, we're going to move closer to taking care of you and helping your quality of life." We recognize that. We appreciate that. We're, of course, always going to be pushing for more for our folks to get them better lives, better benefits, better wages, but I feel like we're working in a spirit of partnership, and I look forward to continuing at that in the future.

Kanwit: I want to turn it over to Jarrell to thank his team as well. But I did want to echo one thing that Farrell said: From the very beginning, this union has taken a very strong stance in terms of the city's efforts to diversify its work force and to be an inclusive work force. And we really appreciate that. I think it's great.

Jarrell Gaddis: First off, I want to thank council and the mayor. Going through this process, I think it's very important for us to understand without your support as council and mayor, during the executive sessions, providing us with guidance, our team and I'm going to talk about our team in a few minutes, but collaboratively together, going down this process it was a team effort. We all pitched in and did the things necessary for us to accomplish the goal that we accomplished today. So, I want to first start off with our chief spokesperson John Uto. He's been very instrumental in negotiating this contract, establishing a relationship. Yes, our negotiations can be tough, however we all have the same goal at the end, making sure that we have a positive contract for our employees and for the citizens of the city of Portland. I want to acknowledge Maureen Weber as our second chair. She was very instrumental in keeping things on track, being very organized, and making sure that we accomplished a goal of a successful contract. With that said, we have our note taker Marquis Fudge. He's been very instrumental making sure our notes are concise, complete, it's able for us to go back when there's errors, we figure things out. So, collectively from a labor relations standpoint, it's a positive result and I want to acknowledge that.

Kanwit: Questions? So, Tom and Farrell are going to hang out for this one too because the second tentative agreement before you to ratify is our agreement with the recreation bargaining unit, also represented by Labors Local 483. This has been a long process, not necessarily 'cause of the bargaining, but of course, part of the bargaining included representation of a number of previously unrepresented seasonal employees. For this agreement, we actually signed a tentative agreement July 17th. Again, very close to the expiration date of the contract. And I think again, was emblematic of the work that both sides were able to do. And this was very complicated because these members – I don't think they even came into the unit until we were part way through bargaining, right? March or something like that. Yeah. So, a lot of work was done. So, that was number one, is adding those members to the contract. We have some recruitment incentives in this contract as well. As I mentioned, the same city wellness incentive as part of our insurance program, but I think most important – and this was most important to council as well, is moving the minimum wage. So, for our seasonal recreational employees, this contract does establish a move to \$15 an hour by 2020, but we will be still moving quicker than the Portland minimum wage will be. July 1, our minimum wage will be \$12 an hour versus \$11.25 for the Portland area minimum wage. We then move to \$12.80 in year 2 versus \$12 on the Portland area. \$13.33 versus \$12.50, then \$15 an hour versus what would be \$13.25 an hour at that time. So, this was, of course, a goal for everyone, and I think it's great we were able to accomplish that. There are also additional wage increases in the contract to address some compression issues from the rec coordinators and some of the other rec leaders. Tom?

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Tom Klatt: Tom Klatt, laborers' local 483. Thank you, mayor, commissioners. Yeah, I would start by highlighting what a large step forward this will be for our recreation work force. This is a group of people that have been dealing with poverty wages for years and years. And this step forward that we see in this contract is huge. We obviously know Portland is a city that is not going to be getting any cheaper, so we know in future we're going to have to continue to work on this issue. This isn't a one-and done by any means, but this is one of the biggest steps forward I have seen in my time here at Laborers', and with the city, and that needs to be recognized. Also want to recognize the great efforts of the recreation bargaining team. I believe we had nine people on that team. Some of those are low wage workers, so that means spending time away from that second or third job that oftentimes people need, in order to do the research and come to the table. And this team came to the table very well prepared. Folks did a lot of research, looking at how their jobs looked in other municipalities, and other states, we had very substantive discussions of the bargaining table because of the preparation of the workers, and ultimately, I think the success of this bargaining was because of the work of those workers on our team, and I just would like to highlight that, you know, first, before anything else. There's another component too, that I think is really important in looking at this contract, which is pay equity. For our recreation coordinator 1's and 2's, those are groups that have a larger number of women and people of color in them than in, you know, if you compare 'em against other city bureaus, and the level of education is high, and the level of responsibility is high. But the level of pay, for a long time, has been below that of others. We've got adjustments in this contract to remedy that. And that's kind of the first time I've seen it in a bargaining environment: An opportunity to talk about pay equity, and from the union standpoint, from the bargaining perspective, to be able to make those steps forward. I know we had a really important bill go through the Oregon House earlier this year, but it's also nice to see, through collective bargaining, we can also make those gains for our members. And that's something I would really like to highlight. Obviously, you know, just like with the low-wage work, you know, this is a great step forward, it doesn't fix the problem. But it's something we want to highlight, and we hope the city will continue to honor issues like that in collective bargaining in the future. So, it's not just about the marketplace, but it is also pay equity, it's about fairness, about having that opportunity to talk about how city workers are paid in regard to their gender or race. And then, let's see. Is there anything more we want to say? Oh, you know, I think just generally, and this extends to the PCL contract as well as Rec, the major issues we were talking about at the table were housing. They were cost of living. When we talk about those issues for Portlanders in general, it's also true of the city workforce. And we've seen, you know, in our time, we've seen people moving out of the city, and having trouble maintaining their residences here, and just highlighting that that issue, you know, is something we think that will continue in the future, we've made some great steps in both contracts, and the direction of being able to help city workers afford to live in the city they're in. But, I think that's an ongoing conversation, and one that I want to highlight. Because I think often, when we think about housing, we don't think about the city's workforce as being affected by those factors, right? It tends to be something for the outside community. And we want to make sure that our workers are considered when we're thinking about housing. When we're thinking about cost of living.

Kanwit: Jarrell?

Gaddis: I don't have nothing to say.

Fritz [mic off].

Klatt: Depends on the season. [Laughter] And because it is so variable, I don't want to give any numbers on the record because I don't want to be wrong.

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Wheeler: Why didn't I learn that years ago? [Laughter] that is a very smart approach.

Fritz: We have about 3,000 on the payroll right now. And so, I think the majority of them are now covered by union contracts.

Klatt: It's gonna be a good deal less than 3000. Because the instructors – and there are a large number of instructors across the system -- aren't being brought in. That had to do with the employment relationship, and what that looks like. But if you can put a big asterisk over this, I think it's somewhere on the number of like 200 new workers on the really slim end, to maybe 500 or 600 on the high end.

Fritz: That's what I would have guessed. So, thank you. It is fantastic to know we're on our way to \$15 an hour. I very much want to compliment both of you, not only with the work that you've done with the city to get to this agreement, but for understanding the issues of equity and seniority and rewarding long-term workers as well. So, thank you, both of you, for your leadership. It's been noticed and appreciated.

Wheeler: Very good. Gentlemen, you can stick around for a few minutes.

Kanwit: Alright, thank you. And I do want to mention that John Uto also was the chief spokesperson for this contract as well. And Jeanie Komoto who is one of our business partners, was second chair for that one. Well, this one is PT17, our Professional and Technical Employees Union, formally known as the City of Portland's Professional Employees Association. We are going to be removing that from our lexicon.

Wheeler: Very good. And welcome. Could I make a request? Could you guys share the three big mikes and pretend the small one doesn't exist? Because late in the night, I'm going to come in and take it and get rid of it. [Laughter]

Kanwit: So, I'll go ahead and cover this contract. Amy Bows and Rachel Whiteside are here representing the union.

Wheeler: Very good. Thank you.

Kanwit: So, this contract, the tentative agreement was signed August 3. You will note in the ordinance you saw, at the time we filed this, it had not been ratified. But obviously, because it's before you today, the membership did ratify the contract. So, again, given how soon we were able to reach agreement with this union, the COLA increases is retroactive to July 1. This is another four-year agreement, as were the other two. And also includes the Wellness Incentive as part of our health insurance article. There were, I would say, maybe three really major issues with this particular union. One is always professional development. That has always been a very key component for this group of employees. And the city did agree to increase the current allowance of \$150,000 up to \$225,000. Second, like non-represented employees, this group, we have not done a comprehensive classification compensation review for a long time. Since the beginning of this century. And that makes it sound evening longer, but that is an accurate statement. [Laughter] And, what we agreed to in this contract is that we would do that study. Basically, the fiscal year 1920, and that we would bring the classification structure to council for adoption. But we agreed, in terms of the compensation piece, that would be bargained in the next contract. So, but this contract gets us going on the classification part, and that will be finished as part of this agreement. Second to last was increasing the planner series. That was very important to the union and to our bureaus in terms of the need to recruit and retain planners, when we're having as much construction as is going on. Last, issue around vacation accruals. Vacation carryover. This was something that was very, very important to this bargaining group. I did tell them that it was not something that I was willing to negotiate changes to for one union because all of our unions -- all of our employees, with the exception of the BOEC employees and firefighters who are not on a 40-hour workgroup, they accrue vacation at the same rate. And so, what we did agree to - and I really appreciated the PT17 going in this direction - we agreed to establish a workgroup,

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city-wide, to the extent we get participation. But we will do that workgroup, and we will look at this issue separately, and have a city-wide recommendation. So, with that, I want to turn it over to Amy, Rachel, both of you.

Amy Bowles: Thank you. Good afternoon. Thank you, commissioners. And, thank you, mayor. It's my pleasure to be here this afternoon. For the record, my name is Amy Bowles, B,O,W,L,E,S.[Laughter] I'm a union representative at PT Local 17. It's an honor to be here today, addressing you all for a couple of different reasons, namely the contract, and that we do have a vote by our members to propose it to city council for ratification. But also, I'm phasing out of my representation at the city of Portland and wanted to take this very public opportunity to thank you all for the working relationship that we've had over the last four years, and commissioner Eudaly, just over this last year. It's been an honor to work with all of you. And Rachel Whiteside will be taking my place. So, she's also at the table today. So, again, I just want to thank you all for your support and commitment to the employees and the members and the Professional and Technical Employees of Local 17. And your commitment to the work they do for the city of Portland. We are very thankful for the commitment to the planners' wage increase. As we have discussed, there was a significant disparity in the wages that the planners were receiving and so we're thankful that the city council and that our colleagues at Labor Relations and Human Resources did recognize that and are addressing the recruitment and retention issues by increasing those wages. In addition, we are also thankful for council's and HR's continued commitment to the professional development fund, by increasing the amount: \$75,000 that will allow even more of our members to be able to access that benefit. And it is something that, over the last four years, our members have continually used to the point where it runs out, actually, before the end of the fiscal year. So, at this point, again, more of our members will be able to access that and have those opportunities to further develop their professional opportunities, and then provide that to the city, the new expertise that they gain and what they learned from training. We also, as Anna mentioned, are looking forward to the classification compensation study. 'Cause it has been a while since that's been completed. So, we're thankful for City Council's financial commitment to that, and look forward to that process and partnering with HR throughout that process. And, also the vacation leave workgroup is something we believe is a step in the right direction, and look forward to further discussions on that and with HR through the workgroup and also with City Council when we get to that stage of the process. So, at this point, I'll turn it over to Rachel.

Rachel Whiteside: My name's Rachel Whiteside, and during the contract negotiations, I was a city employee of the Bureau of Development Services. And now, as Amy mentioned, I am moving on from the city, and I will be working for the union full-time. I wanted to take a quick moment to thank the council and thank the members of our bargaining team. We had an extremely dedicated and professional group of employees that represented all of our major bureaus, who came to the table weekly, who came and showed up with well-thought arguments, compelling examples from their work units, and did an amazing job of presenting to the city's team and answering thoroughly all the questions that the management team had. That included myself, Paul Cone, who is in the audience, from BTS; Jerry Burhoff from Parks, who is now retired; Sarah Spots with the Water Bureau; Priscilla Parch with the Bureau of Development Services; Andrew Newman took over for Jerry when she left; John Wilson with the Portland Bureau of Transportation; Jaime Willby, from water was an alternate, and stepped in at a moment's notice; and then also, Elliot LeVin was the PTE Local 17 research director and provided invaluable resources for our team, as well. So, I will be following-up with H.R. and commission on the -- let's see -- the leave workgroup. I can't remember the exact name we came up with. But I look forward to the following up. It was a primary concern of our members. We heard

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that before bargaining got started and multiple times throughout bargaining. It's imperative for our members, and all city employees, to have an appropriate work/life balance, it's important for quality of life of city employees. So, I look forward to working with HR on that.

Kanwit: Thank you. So, last, because Jarrell probably won't toot his own horn, Jarrell Gaddis was also instrumental in bargaining this contract, along with Patrick Ward. But he did a wonderful job, so, I want to thank him and the rest of the team for their work on this. Thank you. So, that is it for our presentation.

Wheeler: Great. Any questions? Commissioner Fish?

Fish: Just one comment, mayor. Amy, because this is your last presentation and because my office, like all my colleagues, have had the benefit on a regular basis of both you and Rachel coming in and giving us briefings and building the relationship – I understand you're going to be going back to Seattle now? Full-time?

Bowles: Yes, that's correct. Yep.

Fish: Well, thank you for the good work that you did and the spirit of partnership that your fostered in those conversations, and we're delighted that Rachel is following your footsteps.

Bowles: Thank you, commissioner.

Wheeler: Commissioner Fritz?

Fritz: I wanted to extend my thanks, Ms. Bowles, for all your work over the years. I've learned from you and I know you'll do a great job in Seattle. And Ms. Whiteside, I was initially thinking "This is terrible for the Bureau of Development Services!" [Laughter] Wonderful. Of course, congratulations. And then, I thought, "Oh, I'll get to meet with you again."

Bowles: You will. Yeah. [Laughter]

Fritz: So, I'm really looking forward to that. That's great. 'Cause I'm sure you'll be as good in your new capacity as you have been for Development Services. So, thank you very much.

Bowles: Thank you.

Wheeler: Very good. Is there any public testimony, Karla?

Moore-Love: No one's signed up.

Wheeler: Very good. So, why don't we do this: Could we please call the roll on 970? Are there any further questions, colleagues? I should have asked. Seeing none, please call the roll on 970.

Eudaly: Well, thanks for everyone's hard work. This was one of my steepest learning curves, going through this process with all of you, and I feel so much better-prepared for in next round. Thanks for the presentation, and I'm just really thrilled with the outcome that we're doing better by a lot of our city employees. Aye.

Fritz: Thanks to Laborers' 483, it's been an absolute pleasure working with you and thanks to our team too, thanks to my colleagues on the council recognizing that we do need to step up and help some of the lowest-paid city workers, and reward them. I'm especially excited about the longevity pay. I think all of our city positions should have longevity pay, so that people don't have to change position or go into management in order to do an excellent job for their community as long as they're employed by us. You asked if there are questions, mayor. I think the question is, how we're going to pay for all this? And that will be a topic for next year's budget. This one is only \$289,000 of general fund. But almost \$1.5 million for city-wide. So, by year four. So, it's the right thing to do. Aye.

Fish: Well, director Kanwit, thank you for bringing this home, and Jarrell and your team, thank you. Good work. To Tom and Farrell, I think there is -- it's fair to say that when the decision was made to pull out of the DCTU, there was some uncertainty about what actually that would mean, and how that would impact bargaining, and I think what you

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have demonstrated through that course of action is that we have established a very strong partnership with the laborers, going forward, and this agreement reflects that. And as one or both of you said, we get to bargain hard at the table, but ultimately, we find the middle ground, the common ground. And we deeply appreciate the efforts you've made to do that, and I'm very pleased to support this contract. Aye.

Wheeler: Well, I want to thank everybody, as well, who was involved in this. I appreciate the fact that we started out with the values-based approach to these negotiations, particularly providing cost-effective and excellent services to the public that we all collectively serve, and making sure that we are able to attract, retain and grow a world-class workforce. And I believe that we have done that through this contract. I want to thank the labor negotiation teams. I think everybody was tough, but very reasonable and pragmatic in their approach. And I appreciated the effort to problem-solve, to give us real-life examples of what was going on in the units, and understanding the needs of our employees. And, listening with an open ear in terms of the potential constraints that our labor management team had, as well. So, I thought it was a very productive set of negotiations and I agree that this lays a foundation for a strong partnership going forward. I'm always reminded of the fact that at the end of these discussions, we're all on the same team here, and our objectives are all the same, and we stated them on the first day in the values, and we agreed to those values, and having done so, it was really a question of, "How do we get to 'yes'?" And so, I found this a highly-important and energizing process. I learned a lot along the way about not just our labor units, but about our city, our services, the dedication of our employees, and I look forward to continuing this as we go in the years ahead. Aye. This substitute ordinance is adopted. The collective bargaining agreement is ratified. Next item, please. Call the roll.

Eudaly: Aye.

Fritz: So, this one is \$454,000 this year, the estimated cost. So, as I mentioned when we worked on the amendment, we will be asking the city to pay that in the spring budget adjustment. All of the cost of this is in the general fund, \$1.2 million by year four. And as the mayor just said, it's absolutely the right thing to do. We're finally getting where we required all our outside contractors to pay \$15 an hour, and now we're finally able to do that. We have also, in the process, established hundreds of good union jobs. I remember, when I was in charge of development services, I presided over hundreds of new union jobs as we were recovering from the recession. And now, in parks, with your partnership, with all of your partnership, we've been able to do this. As somebody who is still a dues-paying member of the Oregon Nurses Association, I think it's particularly appropriate that it's the week before Labor Day when we're approving this particular contract. Thank you so much. Aye.

Fish: All my thanks from Item 970. But one additional comment: Commissioner Fritz has been the champion on this council for raising the terms and conditions of recreation employees, and she has been constant and vigilant as the commissioner in charge of the bureau, in our executive sessions, in her one-on-ones with her colleagues and at council. And so, commissioner Fritz, thank you for the vital role that you played to bring this day forward. Aye.

Wheeler: Aye. The substituted ordinance is adopted. The successor collective bargaining agreement is ratified. Next item!

Eudaly: Aye.

Fritz: Again, thank you to both of you and to the whole team. Aye.

Fish: Well, you'll be missed, Amy. But now, when we visit in Seattle, you can take us out to lunch. [Laughter] Won't have any conflicts. Nice work, team. Aye.

Wheeler: Aye. The substitute ordinance is adopted, and the successor collective

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bargaining agreement is ratified. We are adjourned until – I understand item 973 on tomorrow's agenda has been pulled. Is that correct?

Moore-Love: Was withdrawn.

Wheeler: Okay, so the time-certain of 2:00 p.m., tomorrow, August 31st, has been withdrawn, so the city council will reconvene tomorrow, August 31, at 3:00 p.m. we are adjourned.

Fish: And mayor, my understanding is that will be about 10 minutes?

Wheeler: I hope. That'd be great. Yeah, it should be.

At 3:51 p.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.

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2:00 PM

Wheeler: Good afternoon everybody. This is the Thursday, August 31st afternoon session of the Portland City Council. Karla, please call the roll. [roll call taken]

Wheeler: I just want to make note of the fact commissioner Fish wanted to be here today. He could not be, but I know he listens to each and every one of these on television, so I would like to thank commissioner Fish and I would like to thank Jamie Dunphy on his staff, who turns out to be an amazing cartoonist, and all of my colleagues on the city council, for sending me a very, very nice birthday card. I'm very appreciative of that. I won't mention the three pints of ice cream that are waiting upstairs in the freezer. They are probably gone because I'm here and my staff is up there!

Fritz: Well we're going to reward you and honor your birthday by getting done extra fast.

Wheeler: We're going to be so fast today, people are gonna be shocked. Karla, please call the first item.

Item 974.

Wheeler: So, colleagues, if I understand the advice of legal counsel correctly, I need a motion to deny the appeal, and uphold the decision of the Design Commission and adopt the findings. Is that correct?

Linly Rees, Chief Deputy City Attorney: No, it's the other one on that page. We need to uphold the appeal, overturn – so this is the one where you're upholding the appeal.

Wheeler: Got it! I had a 50/50 chance. [All laughing] A flip of the coin and I still landed on the wrong side. That is just sad. [All laughing] So, I'll entertain that motion, colleagues.

Fritz: As stated by Linly, so moved.

Rees: So, allow me to say it: We're going to uphold the appeal, overturn the decision of the Design Commission and adopt the findings that are before you.

Wheeler: Correct. And do we have a second?

Eudaly: Second.

Wheeler: We have a motion from commissioner Fritz, a second from commissioner Eudaly. Any further discussion? Call the roll.

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

Wheeler: Aye. Motion passes. Next item, please.

Item 975.

Wheeler: Colleagues, by the process of elimination, I'm looking for a motion that the council deny the appeal, uphold the decision of the Design Commission and adopt the findings.

Rees: May I interject for a moment?

Wheeler: You may.

Rees: At that hearing for the press blocks, we had three commissioners present. And one of those present was commissioner Fish. He's not available. Commissioner Eudaly is here, and it's my understanding that she has, or is finishing the reviewing the record for that, and is prepared to cast a vote.

Eudaly: Yes.

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Rees: I just want to make sure that's clear on the record.

Wheeler: So stated for the record. Thank you.

Fritz: So moved to deny the appeal and uphold the Design Commission's decision.

Eudaly: I'll second that.

Wheeler: Any further discussion? Please call the roll.

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

Wheeler: Aye. The motion is accepted. We're done. We're adjourned. [Cheers and applause]

Fritz: Happy birthday! [Laughter]

Audience: Happy birthday!

Fritz: I didn't get to drink any of my tea!

Wheeler: This thing was even numbered, and I still got it wrong! [Laughter]

At 3:06 p.m. Council adjourned.