



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **15TH DAY OF NOVEMBER, 2017** AT 9:30 A.M.

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

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

		Disposition:
DUE TO THE ABSENCE OF TWO COUNCIL MEMBERS EMERGENCY ORDINANCES WERE NOT CONSIDERED AND ITEMS WERE NOT HEARD UNDER A CONSENT AGENDA		
COMMUNICATIONS		
1223	Request of Larry Cwik to address Council regarding an emergency public health and safety matter in the Goose Hollow neighborhood (Communication)	PLACED ON FILE
1224	Request of Donna Cohen to address Council regarding timing of the Fessenden/St Louis pedestrian signals in the St Johns Truck Strategy, Phase II, Plan (Communication)	PLACED ON FILE
1225	Request of Star Stauffer to address Council regarding conduct unbecoming of a publicly elected official, and police accountability (Communication)	PLACED ON FILE
1226	Request of Katherine Smith to address Council regarding more information/evidence of ongoing issues with the police (Communication)	PLACED ON FILE
1227	Request of Stephen Green to address Council regarding PitchBlack event and ongoing support for Black Entrepreneurs in Portland (Communication)	PLACED ON FILE
CONSENT AGENDA – NO DISCUSSION Mayor Ted Wheeler Bureau of Planning & Sustainability		

1228	Delay effective date of Portland's 2035 Comprehensive Plan and implementing measures from January 1, 2018 to May 23, 2018 to allow more time for State review and approval (Ordinance)	RESCHEDULED TO NOVEMBER 29, 2017 AT 9:30 AM
Commissioner Dan Saltzman		
Bureau of Transportation		
*1229	Accept a grant in the amount of \$669,209 and authorize an Intergovernmental Grant Agreement with Metro for Regional Transportation Options SmartTrips, Smart Cities Transportation Demand Management programs (Ordinance)	RESCHEDULED TO NOVEMBER 29, 2017 AT 9:30 AM
1230	Amend contract with Central Parking System of Washington, Inc. to extend contract term through March 31, 2019 and replace the contract incentive fee with a management fee for parking garage management service (Ordinance; amend Contract No. 30001972)	RESCHEDULED TO NOVEMBER 29, 2017 AT 9:30 AM
City Auditor Mary Hull Caballero		
1231	Approve Council Minutes for July-December 2016 (Report)	RESCHEDULED TO NOVEMBER 29, 2017 AT 9:30 AM
REGULAR AGENDA		
Mayor Ted Wheeler		
1232	Reappoint Lisa Faust to the Open Signal Board of Directors for term to expire November 30, 2019 (Report) Motion to accept the report: Moved by Fish and seconded by Saltzman. (Y-3)	CONFIRMED
Bureau of Police		
*1233	Authorize disposal of surplus Taser X26 Electronic Control Weapons, holsters, cartridges and batteries and authorize the Portland Police Bureau to proceed with donation and/or sale of the property (Ordinance)	RESCHEDULED TO NOVEMBER 29, 2017 AT 9:30 AM
Office of Management and Finance		
*1234	Authorize general obligation refunding bonds through December 31, 2019 (Ordinance)	RESCHEDULED TO NOVEMBER 29, 2017 AT 9:30 AM
Commissioner Nick Fish		
Bureau of Environmental Services		
1235	Authorize a competitive solicitation and contract with the lowest responsible bidder for construction of St John's Cathedral Park Sewer Rehabilitation Project No. E10330 for an estimated cost of \$7,740,000 (Second Reading Agenda 1217)	188679

Commissioner Dan Saltzman		
Bureau of Transportation		
1236	Amend Public Improvements Code sections on penalty for violation, permits required and permit revocation terms in support of the Bureau of Transportation right-of-way use enforcement program (Previous Agenda 1219; amend Code Sections 17.100.050, 17.23.050, 17.24.016) 10 minutes requested	PASSED TO SECOND READING NOVEMBER 29, 2017 AT 9:30 AM
Portland Fire & Rescue		
1237	Accept a grant in the amount of \$103,471 and authorize an agreement with the Mt Hood Cable Regulatory Commission to increase network capabilities for fire stations (Ordinance) Motion to remove the emergency clause: Moved by Saltzman and seconded by Fish. (Y-3)	PASSED TO SECOND READING AS AMENDED NOVEMBER 29, 2017 AT 9:30 AM

At 10:25 a.m., Council adjourned.

<u>2:00 PM, NOVEMBER 15-16, 2017</u>	
DUE TO LACK OF AGENDA THERE WERE NO WEDNESDAY OR THURSDAY 2:00PM MEETINGS	

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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Key: *** means unidentified speaker.**

November 15, 2018 9:30 AM

Fritz: Good morning everybody this is the November 15th meeting of the Portland city council. Please call the roll.

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

Fritz: Mayor Wheeler and commissioner Eudaly filed absences and due to their absences, we will not be able to vote on emergency ordinances or the consent agenda today. We will be able to hear communications, reports, non-emergency ordinances, and second readings on the regular agenda. Before communications, let me sort out some of the things that are going back to places, will be held over, item 1228. Do you need to read the title of it, please?

Item 1228.

Fritz: Thank you, mayor wheeler has requested this be pulled back to his office, it will be heard on November 29th. Let's see, items 1233 and 1234 are rescheduled to November 29th, could you read those please?

Item 1233.

Item 1234.

Fritz: Thank you, those will be rescheduled to November 29th, and then finally item 1237 is rescheduled to December 6th. Please read that one.

Item 1237.

Fritz: Thank you and then due to the lack of a quorum next week there will be no meeting on November 22nd. We hope everybody has a lovely thanksgiving and the next meeting will be on November 29th and 30th. If we are all keeping score at home, I believe that's what we have.

Fritz: Commissioner can I say one thing.

Fritz: Commissioner Fish.

Fish: Just to be clear 1229 and 1230 and 1231 will also be heard on consent on November 29th. They are all -- my understanding is they have been moved to the consent agenda on the 29th.

Fritz: You are right commissioner Fish, thank you for catching that. Do you need to read those as well?

Moore-Love: No. We're we are rescheduling the balance of the consent to November 29th.

Fish: Ok.

Fritz: All right. I think that's it and thank you very much for your patience, please read the first communications item.

Item 1223.

Fritz: Mr. Cwik? Maybe if he comes in before we get done. Next one, please.

Item 1224.

Fritz: Welcome, thank you for being here, just need your name, don't need your address and you have three minutes.

Donna Cohen: Donna Cohen, I live in St. John's. So, my compatriots on the stakeholder committee are not here for various and sundry reasons today but we are all still awaiting a letter from Leah treat, the head of pbot confirming that we will have all of the pedestrian

signals installed next year along with the rest of the project items from that plan. The only reason that we are still here talking about this right now is because of the complete failure of a public involvement process, and a lot of this, are my personal opinions. Pbot staff dragged the community of St. John's through a 23-month and counting process, 17 months initially and now five or so since we were first told that the plan would be changed. I am convinced that the pbot staff never had any interest in truly hearing the community. Why? Because from the outset the freight part of the plan was paramount as shown by the fact that the pbot employees consisted of a project manager and the freight coordinator of pbot, but pbot was required to make some improvements to Fessenden St. Louis. Pbot staff basically came in and told us what they were going to do at the beginning, that was, that was the approach and then they fought most of the elements the community saw a need for, for the next 17 months. Pbot never wanted to get the freight trucks off the corridor. They always spoke in terms of "mitigation". That was the term they used, consistently, and even in the application.

Fish: Can you pull back just a little bit from the mic? It's diffusing your voice. You turned it off. Hit the button again. If you are really close it muffles your voice.

Cohen: How is that? So pbot never wanted to get the freight trucks that's talked about mitigation and even in the funding plan that they wrote they wrote quote, "improvements for this project will reduce the incentive for using the local street system for non-local freight use so that was not even a priority for them and this is street runs down the center of a 15,000-person community. There was a disagreement as to where the pedestrian signal on the west side of the curb should go. These are examples of how we were not listened to. The community thought one street Seneca, pbot thought another street although they gave us no reasons, I said let the community decide the upcoming open house. People would be using post-it notes to tag problem locations along the corridor, we got the raw data from the event. I counted up all mentions of smith versus Seneca, twice as many people said that the street that I had indicated should have the signal, yet the program manager questioned my count. Why? Who knows, but he clearly had not analyzed the data. So, these are just examples of how we were not routinely listened to. So, the public involvement process in my opinion just was corrupted. We had a rally with 50 people on October, am I ok?

Fritz: Yeah, keep going because you had an interruption.

Cohen: We had a rally with 50 people on October 20th, a woman came up to me to say how she lost trust in the city even when we get the signals. In many ways the community and the city have lost what should have been a six-month process took almost two years and counting, wasted time wasted energy, wasted money, and a huge loss of trust in the city by people in St. John's. We are still waiting for the letter and I tacked onto this material some examples of how the process did not go well and also justification for and a request for an investigation into this process in developing this plan.

Fritz: Thank you.

Cohen: Thank you.

Fritz: Next item, please.

Item 1225.

Mimi German: Where is Chloe? Where is Chloe?

Fritz: I forgot to read the warning at the beginning, but if there is disruption, audible things during somebody else speaking, except for your three minutes, then I will have to give you a warning and then you will have to leave. So, thank you very much Ms. Stauffer for being here. Please go ahead.

Star Stauffer: Good morning, star Stauffer. Considering Chloe is not here I am still going to address her directly because this is what she is about. Allow me to get straight to the

point. It is my assertion as well as others that you have and continue to engage in conduct unbecoming that of a publicly elected official.

Fritz: Excuse me Ms. Stauffer could you stand farther back, that's it.

Stauffer: Our questions and concerns are as follows. Why do you frequently threaten to take litigious actions as a tool it deters constituents from pursuing questions relative to conduct unbecoming of your elected status? Why do you engage in both bullying and cyber bullying tactics against citizens on both public and private to social media platforms? Why do you attack and defame constituents and journalists and use your public position to marshal supporters to also engage in similar behavior? Shame. Have you engaged, have you engaged and properly reported all public business with known lobbyists through the use of public or personal social media? Have you assisted known lobbyist in conducting personal financial transactions? What was the nature of your relationship both personally and professionally with the white supremacist Jim gode beyond your platforming his propaganda, redneck manifesto at your store, reading frenzy? Did you read any part of redneck manifesto before inviting Jim gode as a guest reader to the store? You were not aware of his use of the -- were you not aware of his use of the n word repeatedly in his book 27 times and counting? Why is platforming a white supremacist not a big deal to you, Chloe? Were there not several men of color that showed up sitting in the front show to protest the platforming of this racist propaganda? And did you truly believe that platforming a white supremacist was not a big deal to the community at large? Shame on you. Did you in your and your then partner personally fund the commissary account of known white supremacist Jim gode when he was incarcerated for assault? Oh, and while we're at it, please explain why you let Michael Moynihan, a man, recognized by the splc as a white supremacist to also read at your store, and Chloe, where are your income tax returns? Chloe, your seemingly unshakeable support for the Portland police regardless of their actions and continued clear targeting of people of color, houseless, undocumented, and those with disabilities leaves us wondering what it would take, how many have to die, how many have to suffer before it is enough for you? And all of these questions and all of this time and winter is here again, with no real plan for the houseless neighbors. So, what exactly are you doing besides supporting clear and present dangers to a community that you were elected to serve? We want answers because I say shame. No kkk, no fascist usa means no corridor for racist, no corridor for brutal and killer cops and no corridor for dangerous politicians. Shame on Chloe Eudaly. Shame on Chloe Eudaly. Shame.

Fritz: Thank you very much, I really appreciate how everybody showed their support with thumbs up, that was very helpful and thank you Ms. Stauffer for your testimony. Next one, please.

Item 1226.

Fritz: Good morning Ms. Smith welcome.

Katherine Smith: Good morning. Hello, my name is Katherine smith. The mayor is not here today, and I was expecting him to be and he's a police commissioner, so I probably will only read the first paragraph or so and save the rest for later, ok.

Fritz: Thank you.

Smith: I am testifying again because those Tigard cops who I have talked about before here are still stalking, threatening, shooting me remotely every day with those microwave and ultrasound weapons mainly. They say that every day to me, they still shoot my son with these daily especially when he's sleeping to give him cancer. People might wonder why do I keep testifying here trying to have the mayor talk to the police chief? So, she'll transfer my case, but that's all I am going to say today because I really want him to hear that. Although it's important for you all to hear it, too, he's a police commissioner that's why so I will wait until the next time. So, I'll wait until the next time and I will probably send him an email or something.

Fritz: That sounds good thank you very much. Last one please.

Item 1227.

Fritz: Good morning Mr. Green, just need your name and you have three minutes.

Stephen Green: Yes. Good morning commissioner, Stephen green, Portland native, recovering banker and entrepreneur here in Portland. I run an event called pitch black. Started three years ago, and it brings the mainstream entrepreneurship eco-system here in Portland. That's growing and thriving together with another group of entrepreneurs, and that's black founders. As of 2007 Portland's home to just a little over 2,000 black businesses. As of 2012 according to the census Portland is now home to more than 4,200 black entrepreneurs. This event brings together people in the community to come and have a celebration and hear from these businesses. So far in the first three years we have heard from 27 entrepreneurs who have gone on to win amazing awards nationally and locally and to raise more than \$15 million for their companies all over the country. Unfortunately, those companies haven't raised much money here locally in Oregon, and I think that the opportunity exists right now to take what is important and turn it into what is urgent. Last week commissioner Fish and I attended an amazing event that was all about minority makers and celebrating them. It was a great event, great to see Portland show up for the folks. Unfortunately there is an opportunity there for them, as well as more than half of the businesses that were represented don't even have websites, so I think a lot of great work happening right now is really around anti-poverty, and talking about affordable housing, but we have not quite jumped into investing more and creating wealth, the wealth gap for African-Americans is growing each year, and we're missing out on opportunities to support them, so I am looking forward to continuing to work with the city and the county and the state to champion these entrepreneurs, they are doing amazing things, they're changing the world every day, and I appreciate this time to come and talk to the council.

Fish: Stephen can I ask you a couple of questions?

Green: Yes sir.

Fish: You have a minute left, and you took the time to join us and thank you. When you and I were at the People's market last week, at the red, and we got to meet minority entrepreneurs who are chasing a dream, it struck me that everybody had a different story and a different set of barriers, they were overcoming. What in your judgment is the number one barrier that the folks that we met are facing in terms of taking their dreams and turning it into a reality?

Green: I think the number one barrier is social capital. I have worked with entrepreneurs and been an entrepreneur for the last 20 years. I think that one of the realities of being an entrepreneur is you don't know what you don't know. The best entrepreneur kind of straddles a line of being smart enough to know something is a good idea but dumb enough not to say no and so you know, I know a lot of these entrepreneurs are chasing, you know, the next paycheck, or the next investment check or the next loan, but unfortunately they don't oftentimes have the social capital to be really asking themselves the right questions, validating new markets and thinking about how they can scale their ideas to grow their margins and grow their business.

Fritz: Thank you.

Fritz: Thank you that's really interesting. Thank you for being here.

Green: Thank you for having me.

Fritz: Did Larry cwik arrive? No. And then balance of the consent is going over to November 29th. All right.

Moore-Love: Correct.

Saltzman: Madame president.

Fritz: Yes.

Saltzman: I am just wondering if we could do the ordinance 1237. It has an emergency clause on it. Is it possible to remove that and have the presentation?

Fritz: 1237?

Saltzman: That's why you are here, right? Julie? Are you here for 1237?

Julie Omelchuk, Office of Community Technology: Yes, I am.

Saltzman: Oh, I am sorry.

Fritz: I am looking for the city attorney. Can we hear it if we don't vote on it?

Lauren King, Deputy City Attorney: So, are you looking to amend to remove the emergency clause?

Saltzman: Yes, I guess so we can have, make this a first reading.

King: Can I look into that and then get back to you in a minute?

Fish: I think we know the answer, we can always take an emergency clause off, the question is can we do it by three votes?

King: Yes, and that's the question I want to check really quick,

Fritz: all right.

Saltzman: Ok.

King: So yeah, it's at the end of the agenda, so can I just look into it really quickly and then get back to you really quickly I just want to check?

Saltzman: That's fine.

Fritz: So, we are all clear, just making it a bit clearer.

Fish: Can I just -- ben Walters last week reminded me that the presiding officer can actually do almost anything without objection. So, if she moves.

Joe Walsh: No, no, no.

Fish: We are talking about stripping an emergency clause off. We are talking about stripping an emergency clause, and I believe under Roberts rules that can be done without objection.

Fritz: Let's have the city attorney check that and so my understanding we're not going to be hearing the two non-emergency consent items, just because the sponsors prefer to have it on the 29th?

Moore-Love: I'm sorry which item are we talking about?

Fritz: 1230 and 1231. Those are on the consent.

Moore-Love: Right, we checked with staff and they were -- they want those on.

Fritz: All right. Otherwise I think commissioner Fish you are also correct that we could have decided to hear them. Right. I think that we are at 1232.

Item 1232.

Fritz: Welcome and mayor wheeler is not here, but we have people from the office of the community technologies. Welcome Julie.

Julie Omelchuk, Office of Community Technology: Thank you, Lisa was not able to make it to council this morning because of a prior work engagement, but she did send a statement, if you would like me to quickly read that.

Fritz: Yes, if you could quickly put your name into the record, please.

Omelchuk: Oh, sorry. Julie omelchuck and I am a program manager with the office for community technology.

Fritz: Thank you.

Omelchuk: Dear mayor wheeler and commissioners, I am pleased to continue to be your appointed representative on the board of open signal a Portland community media center. We have seen tremendous improvement and growth at open signal over the past year and a half. This has been under the leadership of Justin Harn as executive director. With a robust staff and board, we continue to make progress, and I am proud to be part of this team. Sincerely, Lisa Faust.

Fritz: Thank you very much. Any questions? Would anybody like to testify on this?

Joe Walsh: Yes.

Fritz: Thank you very much and please come on up if you'd like to speak. Welcome.

Fish: Joe can I say something before you start.

Walsh: Pardon?

Fish: Can I acknowledge we got an email from you a day or two ago with your comments about the David Douglas event, and I want to thank you for sending the email and say I completely agree with you about the benefits of bringing council meetings to people and to -- where they are, and many of the people there were people that could not really get out of work or family commitments 9:00 to 5:00 on a Wednesday so it's wonderful to see a turnout in someone's backyard and to have a council meeting so I appreciated your email highlighting that.

Walsh: Individuals for justice has been fighting for you guys to do this for ten years and our argument was exactly what you said, the people that work have a right to see their council operating and can't, they can't because they have to work. So, if you do it at 6:00 and you do it in different parts of the city they get an opportunity to do it and see you, and one of the things David, in communications, with Chloe, is stressing is you guys don't get the positive word out. That's true, that would be something that you would want to do. You would want to go to different parts of the city and say this is what we're doing, folks. You don't do that enough, we don't know what you are doing, and we feel like there is no transparency so what you did the other night when you went to David Douglas was outstanding and the school supplied the food, everybody was involved in it. Everybody was happy, it was about three parks, how could you go upset over that? So, whoever designed it, and I think it was Amanda that was the catalyst in this whole thing, should be congratulated and the council itself, what I said in the email, you should be congratulated. Even though today I will probably seriously criticize you. When you do something really well, you should be honored. You know. This is not personal stuff. These are issues, lightning and I just had a discussion about this. We don't go after personalities, and when we do, we screw it up.

Fritz: Thank you very much. I would like to recognize Pooja Bhat and Goldann Salazar on my staff who did most of the work on that event. Anyway, we're back to this.

Walsh: We're back to the agenda. Our objection is only --

Fritz: You forgot to state your name for the record.

Walsh: My name is Joe Walsh and I represent individuals for justice. Our objection is that if you appoint somebody to a committee or a commission, somebody that is going to have great influence on the council, they should show up. I don't care if they have other commitments. If they don't show up for this, it's an indicator that they are not going to show up for a lot of stuff cause this is important. This is their plea, if you will, to serve the city and you can't do it from your house. I keep saying please give me a raise, but I show up, you know, I don't do this from my house, usually unless I'm ill and I didn't hear that. Individuals for justice has pushed and pushed and pushed for these candidates to come before the people that are watching this, come before you, come before the audience that is here, the citizens that have taken their time to come in the rain this morning, which is really difficult and they don't show up and they send a letter. You are going to vote her in, I know that, but we're just saying, you know, it should be more important than that. We are tired of the pirate's, aye, aye, aye. We want to say, she should have shown up, let's postpone this and get her on the phone. You want this committee? Show up. And I know we don't pay them, but we don't get paid, either. So that's what we're saying, either show up or get out and let somebody else do it. That's our position.

Fritz: Mr. Walsh how does that connect with what you just said about it being difficult for people to take time off work during the day?

Walsh: Because there are certain things that should be important to you if you are going to serve on the committee, and one of them is to be resaid or reaffirmed or you know, reappointed to the committee. That should be an important thing and I think commissioner Fish can understand this. During the week a lot of times I am ill there is a lot of things wrong with me and my age is getting up there, this is a very important meeting to me, I rarely miss this. I missed three meetings last week that I wanted to go to, but they were not that important.

Fritz: I understand.

Walsh: This is important, and she should have been here.

Fritz: Thank you for explaining.

Star Stauffer: Star Stauffer I have to echo joe's concerns in regards to her absence. Whether somebody is wanting to be appointed, reappointed, elected or whatever, the issue that I have is the same as his. I understand that people have day jobs, so do I, people have lives and so do I, and everybody in this room does, but when it comes to being appointed to a position that can have an impact on the community surrounding what you are doing, you need to be there so that the people can see your face, see who you are, ask questions, hear your statements. Why should you be reappointed for two more years? If you are not going to be available or accessible even in physical form this is kind of the problem in our society in why things are not running properly. My second point is I just got word, a nod from the city attorney that it is true you can remove the emergency clause and hear agenda items and talk about them. So, I am urging the council to please remove the emergency clause for the agenda it up 1233 in regards to the bureau of police and let us discuss that today since some people are here for that, and it is something that you are able to do.

Mimi German: My name is Mimi German, and I don't know if you are aware what you do actually -- it has effects throughout all of the villages and small little communities around Portland, and St. John's, the neighborhood association, is extremely corrupt. They just had this.

Fish: Mimi can we focus on this appointment?

German: I am. When you think that it's ok or nobody chastises Chloe or whatever the word is, punishes Chloe for leaving all the time during testimony, when you vote on things like the police chief's assistant who, where the police chief was not even here to do the ask, when you vote on something where a person right now is not here for the discussion, all of these things get emulated in other smaller pieces of government, smaller than the city council. I see that. I see that in St. John's. They are emulating what happens in the city council on the board of the St. John's neighborhood association, which is not why I'm here but that is reflective of what happens by what you guys do on the council. When you allow these things to occur, when you take votes, when people are not there, when members of the commission are not here, sure, you only need to have three. I understand the rules, but the fact is that people are not here, the people giving the ask are not here. The people on the commission are not fully here when okaying that ask from the invisible people who were not here to do the ask. You see what I mean? This is not ok. People need to show up. This is not just somebody who, you know, has a second job and, you know, she's doing her laundry because it's the only time that she has to do her laundry, so she can't be here. This is a position. She should be here. It's not difficult. So, I am asking that if the rules are made to obfuscate truth, that those rules be changed so that truth can come to the table, people can show up so that truth can be made in our city. That we can pass on truth, we can be honest people with each other. Vote honestly for the things that the people of the city want, not just what a few people in the commission want. Thank you.

Fritz: Thank you.

Fish: I move the report.

Saltzman: Second.

Fritz: Thank you, it's been moved and Seconded. Please call the roll.

Fish: I appreciate the testimony, and in a perfect world the applicant would be here. I think that particularly when it's the first appointment they should be here. In this instance she has served apparently with distinction since 2012 and has been reappointed on numerous occasions. I would treat that, even though I agree that it's preferable to have the applicant, I think when they are first appointed that's the time that we should focus in on their qualifications. Please don't interrupt. In this instance she's now, I think, this will be her third or fourth term. She's well qualified and comes with a strong recommendation. Aye.

Saltzman: Aye.

Fritz: Aye. Thank you. So, commissioner Fish did you want to go back to --

Fish: No, we'll go to 1235.

Fritz: I was just wondering it seemed like there was some urgency to 1237 or can we do them in order?

Saltzman: We can do them in order.

Fish: No, we'll do them in order.

Fritz: And we're up to 1235, please.

Item 1235.

Fritz: Commissioner Fish.

Fish: Ready for a vote.

Fritz: Sorry, thank you that's a second reading please call the roll.

Fish: We had a good hearing last week on this matter. I am pleased that we're prioritizing replacing old pipes in places like St. John's and throughout the city. This will have an impact on both residents and businesses so we have done a robust outreach and work with the community to work out the hours in which the work will be done but we have one of our very best people continuing to work on that because I think that we're going to need to stay in close contact with the community to mitigate the negative impacts of this construction project on our friends in St. John's. Aye.

Saltzman: Aye.

Fritz: As I said last week the presentation on this is outstanding and very easy to understand. Thank you, commissioner Fish. Aye. 1236, please.

Item 1236.

Fritz: Commissioner Saltzman.

Saltzman: Thank you madam president and I will turn it over to the bureau of transportation staff.

Caitlin Reff, Portland Bureau of Transportation: Thank you and good morning city commissioners. I am Caitlin Reff I am the program development manager and the development permanent and transit group at pbot and I am here to present to you a code change that would allow for pbot to adopt a new administrative rule for right-of-way use enforcement and for some context around what we mean with right of way use enforcement, I think that many of us can relate or say that we have experienced scenarios such as a bike lane suddenly being blocked by construction vehicles or sidewalks impassible due to overflow of a cafe or something similar or delay in driving or transit travel due to unpermitted work or improperly set up traffic control. And these things happen, despite a lot of great work that various divisions and pbot do every day to write standards, develop manuals and issue permits to guide work and community use in the right-of-way. Unfortunately, when it happens they can be dangerous or cause significant delays to the traveling public, and fortunately pbot does have existing code authority to penalize noncompliance and code authority to enforce the programs and permits. Enforcement is something that we have done in various ways over years, but until now we have not had an umbrella program set up to guide us that really tells us how to consistently and

effectively conduct enforcement actions. This program really started with our goals, our safety goals and commitment to vision zero and before I go on a couple quick things to keep in mind as we talk about this program. It is not enforcement of right-of-way behavior. As we know that's something that Portland police enforce and pbob partners with on things like the sidewalk management plan and the new pedestrian plaza rules, those are separate. This also is not parking enforcement, that's handled by parking services group, that's separate. What this is an enforcement program designed to be a tool for existing staff and existing programs to utilize that support code and permit conditions for traffic control, sidewalk cafes, community use and encroachment and utility and street openings. So, I am going to go over quickly what the right-of-way enforcement program is and provide an overview of how it has been collaboratively developed and shared with the stakeholders. We started a working group in March of 2017 that was primarily internal to pbob divisions that issue permits but also consultations with the city attorney's office and inner agency collaborations specifically with the bureau of environmental services and the bureau of development services who both have well established programs for enforcement. We identified the need for a consistent approach across the city agencies, and both of these programs have been very informative. As part of education for this update we have leveraged meetings convened through the get Portland moving program, the working group, regional construction group, franchise utility group and more. We sent informational email to our list of nearly 1,400 engineers, contractors and consultants, we have an faq and enforcement website and this has now been included in the current plans examiner. We've been attaching a flyer to electronic and paper permits issued since September and we'll continue to do so, and last, we're piggy-backing education on enforcement with the launch of a new pbob traffic manual which provides the contractors and other users, enhanced guidance on safe and temporary traffic control measures. So why do we need an enforcement program? As I started there are, there is a lot more happening in the right-of-way right now. From private construction to city capital projects, livable streets initiatives like cafes and street seats and more and with that we have seen an increase in scenarios that can result in unsafe conditions or failure to accommodate the traveling public. What is our program objective? It's really to support the other complimentary efforts we have going on to keep people moving. It's also compliance and safety, we're focusing on educating those doing work in the right-of-way and how to do it with safety as the priority. Consistency and transparency in how we implement and interact with the public, and empowering staff, so as I mentioned this is a tool that will be used by existing programs and staff to drive results, to help encourage and administer compliance in a timely manner. It's worth noting in October of 2016 the city council supported and adopted a new administrative rule for safe accommodation of bicycles and pedestrians in and around the work zones, and this enforcement framework will support traffic engineers in administering that policy.

Fish: Can you hold with this picture for a second because this is a familiar site in Portland. A construction site where they have moved the fence onto the roadway, blocking the bike lane and also blocking the sidewalk, and is the point of this picture that part of your objective here is to crack down on this?

Reff: Yes.

Fish: Because what this does is forces bikes into the main lane which is unsafe, and there is a, you know, if you go through the inner east side, for example, where there is a lot of construction you run into a gauntlet where it seems like construction companies put the fences wherever they want either blocking bikes or cars or making it almost impossible for pedestrians to navigate the sidewalks, so you will be tackling that issue?

Reff: Yes. And I should say I am here with Ryan mace and I don't know if you want to speak to that in any more detail in terms of the permit conditions and how this will address?

Ryan Moore, Portland Bureau of Transportation: Yes, so I am Ryan moore, I am the utility permitting manager for the bureau of transportation. So yes the picture here that you are seeing is not in compliance with the 8.12 administrative rule which was passed by the city council last October, and so as part of our traffic control requirements and part of the rollout of our new traffic manual which we were educating the contractors on now, will be ensuring that enforcement of that manual will include sites such as this.

Fish: Is it your sense that contractors really need to be educated and the fact that they cannot block a bike lane? Is it so obscure a rule that, in terms of safety or that they cannot block certain critical intersections where disabled people gain access and things like that?

Moore: I believe that in our older standards they did not, they did not reflect the need that 8.12 required, and we are one of the few jurisdictions in the state that actually has such a rule in place. So, our new traffic manual will address that situation, and so the education and outreach is letting them know what their resources are so that they can safely and appropriately place these things in the right-of-way.

Fish: Thank you.

Reff: So next just quickly how will enforcement actions be determined? This is similar to the bureau of environmental services programs that enforcement actions will be based on a classification system, class one would be the most severe or really unsafe violation to like what we were just talking about, where class 3 would then be more for encroachment violations or those that really pose no threat to the public safety. This approach does put accommodation for autos, bikes and pedestrians on equal footing and like Ryan was just saying in support of the safe accommodation administrative rule. The penalty amounts will be based on the new schedule that is annually adopted and it was adopted this last June by the council, and what is the process and who is responsible? These are the overall steps that an enforcement action would take from intake to final determination and code hearings if that's applicable. Violations will be found in one of two ways, either discovering the field via a permit inspection or drive-by or complaint which would be via pdx reporter or calling 823-safe. We are working to ensure that inspectors and traffic engineers proactively focus in areas with significant construction work and centers and corridors or on the vision zero high crash network. Inspection will be done by existing public work inspectors, traffic engineers or individual program staff to verify the issues in the field, and those completing inspection will provide information on required steps to get into compliance and reinspect as needed. Once the violation has been resolved and required time has passed to allow for either an administrative review or appeal, the final determination would be issued. So, when is the program effective, the ordinances includes a proposed effective date of January 2018 and that is the end of the presentation. So, Ryan or I are happy to answer any questions.

Fritz: Thank you, questions?

Fish: First a comment. We have a new system in place now with screens and Karla, we have our first test on the power point. It worked on our screens presumably worked for the public.

Moore-Love: Yeah, I don't think we had any, we have got YouTube problems.

Fish: That's progress.

Moore-Love: Its showing on tv.

Fish: When people take the time and trouble to do a power point, we will want to make sure that the public can see it. So, thank you Mustafa and others.

Moore-Love: Its Mustafa and bts.

Fish: And bts, everyone working on these upgrades, thank you very much.

Reff: Thank you.

Fritz: Thank you very much. Would anybody like to testify on this item? Please come forward.

Moore-Love: At least two people already signed up.

Fritz: Mr. Walsh there's another seat so you're welcome to come up.

Mary Sipe: Good morning. I will jump right in. My name is Mary sipe. I strongly support this proposal and these changes in the neighborhood where I live in the pearl district there is one street where there is so much construction that I can walk along the street on one block, and then I have to cross to the other side of the street, go up that block, cross to the other side of the street, go up that block and cross again because of all of the construction sites that are blocking the roadway. Also, another issue that we deal with is the sidewalk cafes, and in the building that I live in the income restricted building which I would say out of 200 units probably 150 of the people are disabled or elderly. We have many people in wheelchairs, scooters and walkers. The restaurant on the corner in the ground floor of the building in the summer, the tables, I have gone out with a measuring tape and I've checked the code and they are like this close to being within the parameters of meeting the code, as long as the chairs are pushed up against the tables but then once the people start sitting down and they add their Burmese mountain dog sitting beside them, it's blocked. The sidewalk is blocked, and one of the things that I would like to suggest is that they go out and they inspect before and after giving these permits because some of the things that I think don't get taken into consideration is that you might measure from the building to the corner, but there is a utility pole, so in this particular instance there is two utility poles I think for the streetcar, so you cannot get by even though they are not necessarily breaking the code, but the configuration doesn't accommodate it. And I also would like to suggest that perhaps when they go out and they measure maybe they give guidelines to the restaurant owners as to the dimensions of the tables and the chairs that would meet the requirements because the first owner of this one building restaurant, he bought tables that were way oversized, and he spent a lot of money on them. The other thing is I would like to ask how many inspectors are we going to have available to be inspecting when there are complaints and compliance issues? Because I know with the noise control office they have essentially one inspector and there is no way that they can stay on top of the codes, and is this going to be another code that we can't enforce because we don't have the staff to enforce it? And again, I think that the penalties should be sufficient to, to influence and motivate the owners and the construction companies to comply with the code. Thank you.

Joe Walsh: Good morning, again for the record my name is joe Walsh, and I represent individuals for justice. No: Just don't do this. One of the things that really makes me nervous is when the government is perpetuating rules and regulations that they can do, you can do this, and you are going to do it, probably, however, think about this. When I walk along Hawthorne and I see those little shops, their tables are outside, and I know for a fact that I would be willing to bet a mulger that the majority of them do not have permits, they just put them out there to try to make a living. That's the problem that you run into with this stuff. You know, it seems to me that if you wanted to do something you would have volunteers to go out and talk to the owners of these places and say, hey, Mr. construction guy, everybody is complaining, we cannot get past your construction, why don't we work and do something? It is unbelievable to me sometimes that I am on the side of the business alliance and in this case, I am because I also see the probability of you extending this not to table the chairs, but to the people camping on the street and I get very nervous with that one. When you start putting people in jail because you write them tickets and they cannot pay the damn things, and they get a warrant, and they go to jail. That's government overreach. That's not thinking about it, that's just thinking but the little piece of action where it inconveniences us to walk across the street and go around and

make a phone call to city hall and say do something about that and city hall say's we're going to do that and they send their volunteer down, and they say to the boss knock it off. And the city, they are going to do it because you do have the power to go after them and they know that so use it, but for god's sakes don't interrupt the business and don't hurt them. That's what I am saying. You write tickets and it hurts them. Don't do it, just send in volunteers. I will volunteer one day. Two hours.

Fritz: Thank you.

Walsh: Because I am old.

Star Stauffer: Star Stauffer. A couple of things, I am rereading this. Pbot working group, who is that? How much is that costing us? Inner agency cooperation, exactly with who and how much is that inner agency collaboration costing us? Gpm and outreach meetings, how many different working groups and meetings do we need? Permit flyers, what's that going to cost us? Website and email? Who is running that and what is the cost of running this website and email? Where are the emails and what are you discussing in the emails and exactly what's happening that's not happening in these working groups? Also, are these work groups going to be made public since this pertains directly to the public? Ongoing education about what? It seems to me that pbot may not be the best qualified to be educating the public on right-of-way's, safety standards, and such things because they cannot seem to understand that putting a wheelchair van accessible spot on a hill where there is a double hill where a person in a wheelchair would have to cross max tracks on a busy street just to participate in the city government, these don't seem like the sort of people who are on the ball enough to be educating the public about right of ways and safety. Directors team and then there is city council. How many people need to be on this so it's going to cost the city a bunch of money so in order to recoup this money to justify the ridiculous, irresponsible use of our tax dollars and the budget that you all have to work with, this -- that's what this seems like, it's like all these construction companies that get together at the end of their fiscal year and really ramp up their construction so that they can justify their budget for next year. Where's this money coming from and why is so many different collaborative groups meetings, emails, discussions and all of this need to happen if like Mr. Fish said this is not that obscure of an idea? So why do we need all this stuff to make this happen, what is with the bureaucracy here and like joe said the people that pay for this are specifically are the small business owners that cannot afford to pay fines to make up for where the city is failing them to begin with. This city and the infrastructure in this city is just not set up for the heavy population that is taking on and that is not something that these local business owners need to be taking on as a burden. And pbot is certainly not qualified to be educating the public about the proper use of right of ways and public use and how people are going to be able to get around considering they don't know the difference between not being ada compliant and being ada compliant. So, this, I would say no as well. This seems ridiculous to me and it's a terrible waste of money, time, and energy. Thank you.

Fritz: Discussion? This is a non-emergency ordinance, passes to second reading. 1237.
Item 1237.

Fritz: The city attorney, tell us what the rule is.

Lauren King, Deputy City Attorney: Yes. Thank you and I appreciated your patience. You can vote to remove the emergency ordinance and then hear the ordinance today and then it would move onto a second reading which I think would be 11/29. If you at that time you can put the emergency clause back on so that it goes into effect or you will have to wait 30 days for it to go into effect, but you can decide that then.

Fritz: Thank you that's very clear, commissioner Saltzman?

Saltzman: I would move to remove the emergency clause on item 1237.

Fish: Second.

Fritz: Please call the roll.

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

Fritz: I will do a summary at the end of what we're going to do. Aye. Commissioner Saltzman.

Saltzman: The mount hood cable regulatory commission has a great program where they take a portion of franchise fees that are paid to it by cable companies and telecommunications providers, and they have a technology fund that they make grants to nonprofit institutions, and to upgrade their technological capabilities, and so believe it or not the fire stations are not the most technology savvy pieces of hardware around, so this grant will enable us to provide high-speed cable access at all our fire stations, all 30 of them in the city of Portland. So, we're very thankful to the mount hood cable regulatory commission for this program and the receipt of this money.

Fritz: Thank you. Anybody like to testify on this? All right, since it is now a non-emergency ordinance it goes to second reading. So, let me address -- thank you very much. Let me address the question of item 1237. That was mayor wheeler's item and he wanted it taken to December 6th. I know he will want to hear your testimony, and so that's why we're going to do what we just did.

Star Stauffer: Did you mean 1233?

Fritz: Yes, 33 and 37 really. So, 1237 is on the December 6th. 1233 and 1234 are on the November 29th. This is all as clear as mud isn't it. I would suggest you visit the --

King: 1237 is the item you just heard.

Fritz: Sorry thank you, yes.

Moore-Love: So, because we have taken off the emergency clause it can probably go to the 29th.

Fritz: Thanks everybody for helping out here and if you are confused you can go to the city auditor's website. So, 1233 and 1234 are going to November 29th. We do not have any meetings next week due to a lack of a quorum and we don't have an agenda for this afternoon or tomorrow. So happy thanksgiving everybody, and we are adjourned.

At 10:25 a.m. Council adjourned.