



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **20TH DAY OF DECEMBER, 2017** AT 9:30 A.M.

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

Commissioner Eudaly arrived at 9:50 a.m. and left at 12:05 p.m.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Heidi Brown, Senior Deputy City Attorney; and Nicholas Livingston and John Paolazzi, Sergeants at Arms.

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

The meeting recessed at 12:05 p.m. and reconvened at 12:10 p.m.

PORTLAND CITY COUNCIL AGENDA City Hall - 1221 SW Fourth Avenue <u>WEDNESDAY, 9:30 AM, DECEMBER 20, 2017</u>		Disposition:
THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fish, and Fritz, 4. Commissioner Eudaly arrived at 9:50 a.m. and left at 12:10 p.m.		
COMMUNICATIONS		
1354	Request of Diane Sussman to address Council regarding ways to help residents cope with extreme heat (Communication)	PLACED ON FILE
1355	Request of Stan Herman to address Council regarding why the City should have investigated my hit and run (Communication)	PLACED ON FILE
1356	Request of Brian Quinn to address Council regarding reinserting Portland's sidewalk stamps when replacing curbs and sidewalks (Communication)	PLACED ON FILE
1357	Request of Doug Peterson to address Council regarding concern for future of Petersons in the 10th and Yamhill Parking Garage (Communication)	PLACED ON FILE
1358	Request of Jill Heimensen to address Council regarding please allow Petersons to stay (Communication)	PLACED ON FILE
TIMES CERTAIN		

*1359	TIME CERTAIN: 9:45 AM – Authorize agreements with Peregrine Sports, LLC for the expansion and operation of Providence Park Stadium (Ordinance introduced by Mayor Wheeler; amend Contract No. 30001832) 15 minutes requested (Y-4)	188740
*1360	TIME CERTAIN: 10:00 AM – Authorize an Intergovernmental Agreement with the State of Oregon, Port of Portland and Multnomah County for a Portland Harbor Fish Consumption Advisory Outreach Program (Ordinance introduced by Commissioner Fish) 45 minutes requested (Y-4)	188741
1361	TIME CERTAIN: 10:45 AM – Accept the year two Bond Oversight Committee Report on the \$68,000,000 Parks 2017 General Obligation Bond (Report introduced by Commissioner Fritz) 15 minutes requested Motion to accept report: Moved by Fritz and seconded by Fish. (Y-4)	ACCEPTED
CONSENT AGENDA – NO DISCUSSION		
Mayor Ted Wheeler		
Bureau of Planning & Sustainability		
*1362	Authorize an Intergovernmental Agreement with Portland State University to provide funding not to exceed \$15,000 for a Graduate Research Assistant (Ordinance) (Y-4)	188727
City Attorney		
*1363	Amend contract with Speer Hoyt LLC in amount of \$75,000 for outside legal counsel services in the interest arbitration with Portland Fire Fighters Association (Ordinance; amend Contract No. 30005844) (Y-4)	188728
City Budget Office		
1364	Adopt the Budget Calendar for FY 2018-19 (Resolution) (Y-4)	37338
Office of Management and Finance		
*1365	Pay claim of Jaroslav Pylypczak in the sum of \$28,328 involving the Portland Water Bureau (Ordinance)	188729
*1366	Pay claim of Farhad Roshanaie in the sum of \$51,500 involving Portland Parks and Recreation (Ordinance) (Y-4)	188730
Commissioner Amanda Fritz		
Portland Parks & Recreation		

*1367	<p>Authorize grant agreement with a selected service provider to support increasing capacity building for street level gang outreach program that provides gang intervention services while principally deployed for service within Bureau of Parks and Recreation facilities and properties, in an amount not to exceed \$207,684 for calendar years 2018 and 2019 (Ordinance)</p> <p>(Y-4)</p>	188731
*1368	<p>Increase grant agreement with Portland Opportunities Industrialization Center Inc. in the amount of \$207,684 for gang outreach and intervention services, and extend the term to December 31, 2019 (Ordinance; amend Contract No. 30004949)</p> <p>(Y-4)</p>	188732
<p>Commissioner Nick Fish</p> <p>Bureau of Environmental Services</p>		<p>PASSED TO SECOND READING JANUARY 3, 2018 AT 9:30 AM</p>
1369	<p>Authorize a no-cost agreement with Jackson Towers Partners to implement the sewer pipe rehabilitation project SW Yamhill/Morrison–SW 1st/13th Project No. E10886 (Ordinance)</p>	
<p>Commissioner Dan Saltzman</p> <p>Bureau of Transportation</p>		<p>188733</p>
*1370	<p>Authorize a subrecipient grant agreement to the Asian Pacific American Network of Oregon in the amount of \$20,302 for FY 2017/18, FY 18/19 and FY 19/20 for the SmartTrips, Smart Cities Transportation Demand Management program (Ordinance)</p> <p>(Y-4)</p>	
*1371	<p>Authorize a subrecipient grant agreement to the Community Cycling Center in the amount of \$20,302 for FY 2017/18, FY 18/19 and FY 19/20 for the SmartTrips, Smart Cities Transportation Demand Management program (Ordinance)</p> <p>(Y-4)</p>	<p>188734</p>
*1372	<p>Authorize a subrecipient grant agreement to Oregon Walks in the amount of \$23,524 for FY 2017/18, FY 18/19 and FY 19/20 for the SmartTrips, Smart Cities Transportation Demand Management program (Ordinance)</p> <p>(Y-4)</p>	<p>188735</p>
*1373	<p>Authorize a subrecipient grant agreement to the Organizing People/Activating Leaders in the amount of \$20,302 for FY 2017/18, FY 18/19 and FY 19/20 for the SmartTrips, Smart Cities Transportation Demand Management program (Ordinance)</p> <p>(Y-4)</p>	<p>188736</p>
*1374	<p>Authorize an Intergovernmental Agreement with the U.S. Department of Agriculture for Wildlife Damage and Conflict Management not to exceed \$25,000 (Ordinance)</p> <p>(Y-4)</p>	<p>188737</p>
*1375	<p>Amend contract with Axiom Event Productions, LLC for volunteer and course management services through the Portland Sunday Parkways program for an amount not to exceed \$149,500 (Ordinance; amend Contract No. 30003708)</p> <p>(Y-4)</p>	<p>188738</p>

*1376	<p>Authorize a competitive solicitation and contract with the lowest responsible bidder for construction of the SE 122nd Ave: Johnson Creek Bridge Replacement Project for an estimated \$2,057,748 (Ordinance) (Y-4)</p>	188739
1377	<p>Amend Intergovernmental Agreement with Oregon Department of Transportation to undertake the N/NE Columbia Intelligent Transportation System Project (Ordinance)</p>	PASSED TO SECOND READING JANUARY 3, 2018 AT 9:30 AM
1378	<p>Amend Intergovernmental Agreement with Oregon Department of Transportation to undertake the N Going to Swan Island Intelligent Transportation System Project (Ordinance; amend Contract No. 30005928)</p>	PASSED TO SECOND READING JANUARY 3, 2018 AT 9:30 AM
REGULAR AGENDA		
1379	<p>Reappoint Jonath Colón to the Portland Parks & Recreation Bond Oversight Committee for a term to expire December 31, 2020 (Report introduced by Mayor Wheeler and Commissioner Fritz) Motion to accept report: Moved by Fish and seconded by Fritz. (Y-4)</p>	CONFIRMED
Mayor Ted Wheeler		
Bureau of Police		
*1380	<p>Amend contract with Alsea Geospatial to add \$339,584 to upgrade the existing software interface for the Electronic Citation Project for a new total contract amount of \$719,244 (Ordinance; amend Contract No. 30002025) 15 minutes requested (Y-4)</p>	188742
Commissioner Amanda Fritz		
Portland Parks & Recreation		
1381	<p>Accept the 2017 Title 11 Trees Trust Funds report (Report) 10 minutes requested Motion to accept report: Moved by Fish and seconded by Fritz. (Y-4)</p>	ACCEPTED
Commissioner Nick Fish		
*1382	<p>Authorize settlement in the sum of \$10 million in the <i>Anderson, et al. v. City of Portland</i> lawsuit in regards to certain expenditures from the water and sewer funds (Ordinance) 15 minutes requested (Y-4)</p>	188743
Bureau of Environmental Services		
1383	<p>Authorize a competitive solicitation for Price Agreements for construction services at Columbia Boulevard Wastewater Treatment Plant, Tryon Creek Wastewater Treatment Plant, and associated pump stations for an estimated \$6,000,000 (Second Reading Agenda 1346) (Y-3; Eudaly absent)</p>	188744

1384	Authorize a competitive solicitation and contract with the lowest responsible bidder for construction on Montavilla North Sewer Rehabilitation Project No. E10385 for an estimated cost of \$6,225,000 (Second Reading Agenda 1347) (Y-3; Eudaly absent)	188745
1385	Authorize a competitive solicitation and contract with the lowest responsible bidder for construction of Montavilla South Sewer Rehabilitation Projects No. E10386 for an estimated cost of \$4,000,000 (Second Reading Agenda 1348) (Y-3; Eudaly absent)	188746
Commissioner Dan Saltzman Bureau of Transportation		PASSED TO SECOND READING JANUARY 3, 2018 AT 9:30 AM
1386	Assess benefited properties for street, sidewalk and stormwater improvements in the SE 86th Ct and Steele St Local Improvement District (Ordinance; C-10051) 10 minutes requested	

At 12:12 p.m., Council adjourned.

MARY HULL CABALLERO
 Auditor of the City of Portland



By Susan Parsons
 Acting Clerk of the Council

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

<p><u>2:00 PM, DECEMBER 20-21, 2017</u></p> <p>DUE TO LACK OF AGENDA THERE WERE NO AFTERNOON SESSIONS WEDNESDAY OR THURSDAY</p>	
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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.

December 20, 2017

9:30 AM

Wheeler: Good morning, this is the december 20, 2017 meeting of the Portland city council. We are now in session. Sue, please call the roll. [roll taken]

Wheeler: The purpose of council meetings is to do the city's business including hearing from the issues of concern, in order for us to hear and give consideration we must preserve order and decorum in these meetings, I will not read the rest of it. I think you know what it is. You will hear differences opinion at the microphone. Please be respectful of people's testimony, do not interrupt the testimony or interrupt the council deliberations. Let's hear what everybody has to say. If you do interrupt you will be asked to stop, if you don't stop, you will be asked to leave, if you are asked to leave and you don't leave you are subject to arrest for trespass. Nobody wants that to happen. Let's instead just listen to what everybody has to say. If you are intending testify today you will have three minutes on first readings of ordinances and resolutions. You can sign up here with the council clerk, sue or there are sign up sheets probably still outside the council chamber. When you have 30 seconds left to Testify you will see a yellow light, and after that the red light comes on and your time is up. If you are a lobbyist please disclose that per council rules, and if you are here representing an organization, that's helpful, too. So thank you. Thank you for that, the first item today is communications, and if you could, sue, please read the communications for the first individual.

Item 1354.

Wheeler: Good morning.

*****: Good morning.

Diane Sussman: I am diane sussman. I am here representing all of the smelly, sweaty masses, the 60% of us who don't have air-conditioning, cope with the excessive heat and fog emergencies becoming more commonplace in this temperate city. To reverse game of thrones, summer is coming. Number one I would like to see the city work harder to protect the grid for everybody. A few things are more galling to those of us without air-conditioning than walking past the retailers with their air-conditioning cranked to the refrigerator temperatures, and their doors wide open in 100 plus degree heat, I would like to see the city pass an ordinance requiring retailers to keep their doors closed if the temperature is projected to rise 90 degrees or above, or pass a law similar to new york city which requires retailers and restaurants to keep their doors closed any time that air-conditioning is running Independent of temperature. Give the ordinance teeth, by creating an app or calling a number the citizens can use to report or initiate fines. Number two air quality is more than just firefighter suppression, and more needs to be done to combat the air quality emergencies, than telling people to stay indoors with air-conditioning and not breathe. It's time for the city to follow california's lead and declare the official spirit of the air days, spare the air days make air quality collective, not just individual or firefighters responsibility. That means you drivers and barbecuers and I would add maybe [inaudible], on spare the air days make public transportation and the orange bikes free. Make them pay for loss of transit revenue by adding a dollar surcharge on all parking meters, and with apologies to out of sight barbecue places, prohibit all outdoor fires and barbecues. And finally, set up a text-based alert system for residents with asthma and other respiratory ailments so they can get to the air-conditioned spaces like anthropology and other retailers before the

smoke hits the fan. Number three, hold a campout. On select nights in July and August, when there is excessive heat warning and a full moon or close to it, hold hot poetry nights. You open poet speech for swimming and it was an out of sight terrific experience. Let residents bring their sleeping bags and flashlights And poems to the banks of the willamette for a night of poetry and river breezes. No campfires or smoking, of course, just cooler air and hot recitation. Thank you.

Fish: Can I ask you a quick question? Do you have is a position on gas powered leaf blowers?

Sussman: I don't understand why those guys don't get rakes.

Fish: We'll have to call the smithsonian. But they are noisy. They use gas, and I am told that they are big polluters.

Sussman: Make them get rakes.

Wheeler: Next item, sue.

Item 1355.

Wheeler: Good morning.

Stan Herman: Good morning. Hopefully this will be my last trip, see if we can get something settled here. My name is stan herman. I've been in front of you for over a year now, and no progress. I have testified at the city council meeting november 2, 2016. You are not going to give me an answer to my question so I will give you the answer. On January 20, 2017 I hand-delivered to your office the Oregon state statue reporting an enforcement law. [inaudible] the sheriff of each county and peace officers will be responsible for enforcement of the chapter [inaudible]. Emphasis peace officers, including the member of the Oregon state police, a sheriff or a deputy sheriff or a city police officer. Ors [inaudible] thus for the hit and run, unsafe operation and reckless operation crimes, and violations discussed above, the state police, Multnomah county sheriff, Portland city police department, are all responsible for the enforcement. The first offered to respond to this hit and run is responsible for the investigation. The first peace officer responding to this hit and run was officer jeff myers, required by law to start an investigation. Mr. Mayor you are wrong when you gave me the answer that the issues of the Multnomah county responsibility, no, the first responding police officer's responsible, it was the Multnomah county's response that why is the Portland city police investigating the fire that broke down the same warehouse. Whoever gave you that information or advice, are making you look bad. The ross island hit and run and the city of Portland on your watch, allow vague rance roaming with a total loss of a burned down 1890 historic building. Your vagrants covered millions of dollars. Let's make some lemonade out of this. In front of you are pictures of what we can do for the city and the communities around the metro area. The policy for la stands for lower albina, protect the lower albina working environment, support river dependent uses. What I can do, what I need the city, I need the city government's help. I don't need to go into the Details but the visitors that come to the city of Portland will have a great education display and tourist attraction at this site, and when people visit, and board the world war ii ships. Conditional use allows for three soccer fields designed to fit on this deck, and the site will have food carts on it and a great view of downtown Portland. What more, what Portland wants is more river activity, canoes and kayaks for kids operating by nonprofit groups to fill the need for education water safety, storage, small boats and the willamette river. If one of you set of leaders wants to hear how to make this a great project for the community, please have one of your staff reach out to me. Thank you and if you have any questions?

Wheeler: Thank you sir, appreciate it. Next person, please.

Item 1356.

Wheeler: Is brian quinn here today? Next person, please.

Item 1357 and 1358.

Wheeler: You can come up together. Yeah.

Jill Heimensen: I am Petersen's lobbyist, I am Jill Heimensen. I have a few small things that I would like to bring up today, first of all so the tenant selection process for the building that Mr. Peterson is in, it's the downtown retail council are the people who are going to be selecting the people in the community, that are going to be selecting the tenants for the building, but the problem that we're having is we don't feel like it's fair because Prosper Portland and the Portland Business Alliance are going to be selecting the people on the committee selecting the tenants who are the same people that tried to kick them out ten years ago. And so what we're wondering if there is a way that we could get a downtown representative, somebody who lives in the area or some kind of fair process for them, to select the tenants for the building. So that's the first thing. So the second thing is we're wondering if, if the change of rules so they are not deliberately exclusionary for Mr. Peterson, the rules were, basically, you can't sell alcohol on the premises for people to take with them, and the thing where you can only have three stores, and Mr. Peterson has four, and it feels like they are exclusionary so if there is a way to change those. And I am going to give Mr. Peterson the rest of my time.

Doug Peterson: Thank you for hearing us again. These petitions, I just made one set today, there is over 3,500 people that have signed the petition. We are very close to our customers. The customers really do like Peterson's, and we have 900 customers a day on average. We're open all hours of the Tri-Met runs, and we developed our business around the mass transit. That's why I picked that location to begin with. We are very much geared to that. We are very close to our customers in that we can add things when people want something that is in demand, we can add it to our stores, very quickly, unlike the corporate stores that have to go through the types of processes to get new items in, and we can do it right away. We can adjust, at one time, we had a large selection of greeting cards. That business went away so we adjusted and brought in more soft drinks and that type of product. One time we had 3,500 titles of magazines. The internet kind of cleared out that so we don't have magazines at all anymore, and we have more and more of what people want, juices, drinks, food. And we're very quick. Golly, we've been there 33 years, and we're very successful, and I look at downtown, and downtown is kind of going to be getting a little sick, the hotel business is very good. But when you look at retail, you know, Macy's went out. There is concern about Nordstrom's. There is a lot of other stores that have gone out. And we've been successful all the way through, and golly, I think we need some assurance that somehow was grandfathered in that as long as we're willing to pay the market rate for rent, which I don't see is a problem, somehow, I feel like we should be grandfathered in, and yes, the rules they set up on the program through Prosper Portland, we can't sell alcohol. That's part of our business. It's 10% of our business. But what we are selling is the craft beers, microbrews, and local, lots of local of that, and lots of local wines, not table wines or junk wine, and we never carried the problem of alcohol. And to me that's just a rule written to keep us out. They also -- 1,000 square feet. Well, I can't operate 1,000 square feet. 2,000 square feet is but the size that I need. But they have drawn it up that way. So I just think there should be assurances that we can come back. The other thing that we would like to see hope as long as we can, it looks like it will be a while before, because they have to go through the architectural approval and building permits, not going to happen until sometime in February, at the earliest. The delay, because of, you know, the terrible accident where the concrete fell down onto the Tri-Met stop, that could have been very disastrous, and the whole building is built that way. The earthquake, you know, a whole lot of those areas could come down, and that needs to be remedied, and they need to -- they will probably have to have time to do that.

Fish: Mr. Peterson could I respond to one thing you just said?

Peterson: Sure.

Fish: You've been coming regularly and effectively making your case so I applaud you for that. If we had a year end award you would be the top of the list.

Peterson: Sorry about that.

Fish: Don't be sorry, it's called democracy, and I am complimenting you for the way that you are going about in a respectful way making a case, but you did say something earlier about downtown and retail being sick. I want to share something because I met with travel Portland yesterday and a property owner, in the last four years we have seen 100% increase in the number of people coming here and staying here in motels, and that's why we're building the downtown hotels because people want to come. Number two apparently we have a retail environment, particularly neighborhood-based, that's the envy of the country and going to keep getting better. Number three there are a whole bunch of really interesting companies thinking about opening downtown. Of all the factors that they list as risk factors and, you know, you can think of, your mind can come up with most of them, the number one thing that is causing uncertainty in the marketplace is the future retail. The future of retail is not a function of, you know, what we do on one corner or another corner. It's a function of what happens with amazon. And changing habits. I took the pledge this year to buy local for christmas. All my christmas presents I bought local so 70 cents of every dollar stays here but the trend is going the other way, and people are increasingly using the internet and other things and big box retail. So those are all the factors, but it turns out that we have one of the healthiest retail environments in the country. What's different is it is smaller. That's our brand. But otherwise I appreciate your advocacy.

Peterson: We are local.

Heimensen: And his businesses, it's local business and people who are going downtown and shopping in your retail, they have to go and get drinks. And they have to get snacks. So they seem like petersons would fit nicely in there.

Fish: Thank you.

Wheeler: And I want to thank you and wish you both happy holidays. I want to second what commissioner Fish just said. There was a survey that came out the other day that shows traffic and retail activity have increased in the downtown core, and what nick just said is correct, half the retail growth in the united states during the last year was attributable to one company, amazon. A large chunk of the other half of retail growth was also online retailers that were not amazon. We seem to be defying the odds here so those who are shoveling dirt on the downtown retail District and saying it's dead, are actually out of step with the reality. The reality is Portland has a thriving retail core. And I heard somebody, a retailer downtown talking about their expectations for next year. They think with the number of new retail sightings expected over the course of the next year, next year's holiday season will be more robust than this. So thank you.

Peterson: We would like to be part of it.

Heimensen: And amazon is not going to replace this store.

Wheeler: Not a chance. Thank you. Very good. Thank you. So let me get to the consent agenda quickly. Have any items been pulled off the consent agenda? Please call the roll.

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

Wheeler: Aye. The consent agenda is adopted. Could you please read the first time certain item.

Item 1359.

Wheeler: Very good, colleagues, I am pleased to bring this ordinance to the council today. This action approves the continued construction and operation of a 50 million privately funded expansion of the city's stadium providence park. The project will add 4,000 seats to the stadium and help both the Portland timbers and the thorns continue their amazing success stories as more fans can get to the games. The legal documents, the legal documents this ordinance allows me to sign are the culmination of many months of hard

work by the city's team and representatives from peregrine sports, the parent company of the teams. These documents implement the basic deal terms that the council approved by resolution in June of this year. Here to present are Tom Rinehart, the chief operating officer, administrative officer, actually, and Deana Alexander, the outside counsel, with Radler White Parks and the president of the business for peregrine sports. Good morning. Tom, did you want to kick this off?

Tom Rinehart, Chief Administrative Officer: Good morning Mayor and Council. I am Tom Rinehart, the chief administrative officer, and I am proud to represent the team on this important item. The agreement before you in these documents is consistent with the terms approved by Council in June. Just to reiterate, peregrine sports is paying for the entire design and construction cost of the project, estimated at 50 million as well as any cost overruns associated with the project that may occur. As a reminder and a link to what you heard last week, this project is a great example of a beneficial impact on the city's net position that the chief financial officer Ken Rust discussed with you in his presentation. The city gains a physical asset without increasing the debt. While the city is exempting payment of certain tax revenue to help offset the cost, the value of those exemptions is projected to be less than the increased revenue the city will collect after the exemption period ends. The combined value of the exemptions over the life of the agreement as a reminder to Council is estimated to be 3.7 million and 5.1 million. And factoring in our other expenses, the net positive for the spectator venues and visitor activities fund is between 2 and 5 million. Our direct costs related to the expansion are for legal counsel and oversight, at 700,000. Today the ordinance before you is an emergency ordinance because construction is well underway after counsel granted approval to proceed on limited construction activities in September. As we all know, it's important to move forward quickly to keep the project on schedule. While the ordinance finalizes the business deal, other related items will return to you in the coming months, and let me give you a sneak preview. Peregrine and the city are working with the stadium oversight committee including representatives from the Goose Hollow Foothills League and the Northwest District Association to update the Good Neighbor Agreement and the Comprehensive Transportation Management Plan. The ordinance addresses the potential impacts due to this project. These documents, which are required by our zoning code, will be brought to you for adoption before the expansion opens. Before Mike gets us all excited again about this terrific expansion to our stadium and the benefits for the city, I am going to invite Dina Alexander, our excellent outside legal counsel, to briefly talk about the deal points and the associated documents before you.

Dina Alexander: Good morning Mayor and Commissioners, Dina Alexander, Radler Parks and Alexander, outside counsel on this transaction. Thomas summarized the business and key deal points so I thought that I would briefly summarize the key legal documents associated with this transaction, and there are four of them. The first is the expansion redevelopment agreement, and this expansion was technically an enhancement under the stadium operating agreement. That fact enables us to create a one-off document that was specific to and tailored to this expansion, itself. That document mirrors the 2010 redevelopment agreement but was tailored to it and things were removed from it that were inapplicable. The fundamentals of the expansion redevelopment agreement relate to the design and construction of the expansion itself, and the approvals that the city has given the design and construction as well as contractors, architects, and other consultants, and the contracts associated with those folks to the extent that their values exceed 100,000. The redevelopment agreement also covers key public goals and objectives. A few examples of which are the city's green building policies, Good Neighbor Agreement, and an amendment to the CTMP. In addition, this transaction required us to amend the existing stadium operating agreement, and that amendment was necessary primarily because of the

economic terms that tom explained related to the deal. So that amendment reflex the ticket tax exemptions that were fundamental to this deal, that amendment also covers the arcade, which is the encroachment into the southwest 18th right-of-way that came to you previously before council, and there were key terms and conditions that we negotiated related to that unique feature of the expansion. The third document is a performance and completion guarantee. This is a guarantee signed by both merritt paulson and hank paulson, and they have guaranteed the completion of the expansion or otherwise to make the city whole. This is a key legal document for the city to protect against any financial risk, again bolstering the fact that peregrine was willing to pay for the expansion, by protecting the city in a more personal way by the two paulsons. The last two document was an amendment to the exclusive use and guarantee agreement, and this agreement also is part of the 2010 transaction, and that document fundamentally ensures that the timbers in 2010 would play most of their home games in the stadium. In 2010, of course, the thorns didn't exist, and so we amended this document to add the thorns and ensure that the thorns play most of their home games in the stadium with a few limited specified exceptions, for example, if peregrine should sell the team to an unaffiliated third party, if the league should dissolve or if attendance should fall to some levels that would make it unviable to retain them in the stadium.

Fritz: Could you explain the first of those, if they were to sell the thorns?

Alexander: Yes. So if part of the negotiation was if peregrine sells the team to a party that has no affiliation with the paulson family, they would not be required in that circumstance to necessarily keep them in the stadium, and commissioner this was a -- this was a challenging yet I think, ultimately productive negotiation in that this was not something that peregrine had, was required in the initial deal, was not something that they necessarily had to agree to at all.

Fritz: It sound like they have not agreed to much.

Alexander: They have because that team is, as you know, is arguably the most successful women sports team in the world. There is definitely incentive for peregrine to keep them and have them playing here because they are so successful and their attendance numbers are so high.

Fritz: Why did we allow them to potentially sell the thorns, which would be a big impact in terms of ticket taxes.

Alexander: We didn't feel that we had the ability, and frankly they can sell the timbers as well. We can't -- we have never tried to tie their hands in terms of forcing them to retain the ownership of either of the teams, commissioner. And it was all in all part of the negotiation to get the best deal that we could for the city related to having the thorns play most of their home games in the stadium.

Fritz: They are the most successful in the sports team in the world, and there is no way that the league would allow them to move given that they are fundamentally required for this -- that their attendance is required and nowhere else in the area that they could play with the same group, so there is that. Therefore I question why there isn't a contract that they can move the team. Maybe you could get to that when it's his turn. So go ahead. Thank you.

Alexander: So those are the four key documents, and again, an amendment to the good neighbor agreement and the ctmp will be coming back before the expansion opens, and that's, unless you have questions, that's all that I have.

Wheeler: Very good. Any public testimony on this item? I apologize. Sorry. Sorry, mike.

Mike Golub: Thank you. Good morning. Mike golub, president of the timbers and thorns. First let me thank all of you And your staffs for the immense amount of work and passion you put behind bringing this deal to fruition so expeditiously. We are deeply grateful. In our view it's an amazing example of a public and private partnership that works.

> our resources and expertise are brought to do something that would not be possible. We are proud of our five years of the thorns. We believe firmly this deal and this project will allow us to build on the success and the positive impact that we have had in the community for many years to come. We have a couple of slides that we want to share. I think that we in the past showed you some of the renderings. We have some updated ones that we thought you would find interesting. This is a, a visible from the timber's army perspective, the north end of the stadium of what the new stadium will look like, and again, three levels over the existing east side of the stadium, that's going to add 4,000 seats, and as a reminder, we sold out every game that we played and have a waiting list of 14,000 plus fans who are willing, who are wanting to get the timber season tickets so this will allow us to satisfy a portion of those and we have sold out a number of thorns games over the years, so the thorns will benefit from the stadium expansion. Here's an exterior, looking from the intersection of 18th and Morrison. Tri-Met station here to the lower left, and we think it will be just a beautiful addition to the stadium. It blends the old and new very elegantly, creates energy inside and outside, and a reminder the architect is the local architects Allied Works, very proud that we're partnering with some of the best local people in their respective fields, and lastly, and Amanda, I will be happy to address your question, but lastly, I wanted to give special thanks to Tom and Dina and Susan and Pam and Carl and Zoe, they have been terrific to work with, and we appreciate their efforts, their caffeine, their sugar and their sense of humor during the process. We think that we have gotten to a good place. Thanks. Obviously, we're proud of what we have done with the thorns. It has been a remarkable success story on every level. As Dina mentioned, there is no woman's team in the world doing what we are doing. We demonstrated our, our commitment and passion and investment to women sports repeatedly. This deal doesn't change that in any way. A reminder Commissioner Fritz that our original deal with the city and the economics were never predicated on the thorns because as Dina pointed out, the thorns were not contemplated, and what the provision that Dina referenced allows us is future flexibility should we need it. Again our intent is to keep the timber's and thorns here for many years, that's why we're doing this project to begin with. And because we felt that if we didn't invest the money it could lose its viability to host the teams so the reason that we are doing this is to ensure the clubs are here for the [inaudible], but this particular provision allows us the ability should ownership want to sell the thorns to a different entity, and with the history of uncertainty around women's sports and sports league, it's not a crazy potential scenario.

Fritz: I would not object if the league dissolves. However your point is correct, that the original deal was not predicated on the thorns. This deal in my mind was predicated on the thorns being part of it, partly for the ticket taxes and partly because this is a community that values women and sports as well as men. Obviously there is an emergency ordinance and I have no wish to spend another seven years earning my way back into the good graces of the timber's army by voting against it. And still this is really quite the disappointment to me. If it weren't for the fact that I believe the league will not allow the thorns to go elsewhere, at least for the foreseeable future. I would have -- might be willing to object more strongly, but as it is I will support it.

Fish: It does prompt one question put to Tom, which is Amanda alluded to it, if the thorns, if the league dissolved or the thorns were so, how does that impact the economics of our deal? In terms of the stadium Expansion?

Rinehart: Well, Dina can correct me if I am wrong, but my understanding of it is we do have future cash flow projections on ticket sales for the thorns in the scenario for the spectator venues fund, it would marginally decrease the upside and the positive nature of the cash flow in years to come, but it would not -- it would not send it to a negative balance in terms of the cash flow fund. I also want to address Commissioner Fritz's questions and add to what Dina and Mike said, while we did not get encumbrance on the sale, I think it's

important for me to tell you the team worked very hard to ensure that the majority of home games are played at providence park, that we worked hard on the threshold, that the tenants would have to dip under for them to have the flexibility that they wanted which was to move to another stadium, so I want to assure you from the team's perspective that we worked very hard to get as far as we could on the protections around the thorns, and I just wanted to make sure that you heard that from me on the record.

Fritz: I appreciate that. Supposing either team played a game say at autzen stadium, would the city get access from that?

Rinehart: No.

Golub: It is not played in the stadium which is why we worked hard to respond to our partners, need for some flexibility in promoting the team's brand, and far and wide but also, insuring that we have adequate revenue For the stadium.

Fritz: In response to commissioner Fish's question, what is the expected revenue from the thorns annually in this agreement?

Rinehart: I don't have that figure in front of me. Do you have off the top of your head?

Fritz: Nobody knows?

Golub: Let me add, our economic incentives are absolutely 100% aligned, right, we want to have as many events at the stadium including the thorns as do you for many of the same reasons. And we are playing timbers two games in the city, and that's something that we did not anticipate, and our non-game event business has increased, so should the league fold, which you know, there is no, there is no sign that the league is in trouble, but should the league fall there is so many other opportunities that we consider to look at, that will fulfill the event calendar and the intended revenues.

Fish: Mike let me pick up on that. First have you made a formal announcement but the timbers coach?

Golub: We have. We announced it earlier this week.

Fish: Do you want to share with us?

Golub: Sure. His name is giovanni [inaudible], a venezuelan international. He played for the mls for the new york team for many years. Has played around the world. And for the last seven years coached the new york cosmos, a Venerable soccer brand that's done very well under his watch winning several championships. He's 46, speaks four languages, fell in love with Portland, and I think you will find him passionate and engaging person in, and a terrific on-field coach so we are excited about his arrival which will be early january.

Fish: So mike I have -- my goal for next year is to, is two fold, one is to get re-elected and two is to be cancer-free and that will be a good year, and my bucket list, if I have the honor of serving another four years, is to work with the council to find a final solution for a final resolution of, for the veterans memorial coliseum. There is a happy ending there some day, but it's, I think it's within our reach is to see the day when nhl comes to Portland. I am told that our basketball arena is actually a better soccer, a better hockey arena than basketball arena, and the city would benefit greatly if we had both. I would also like to see the ncaa host their men and women's soccer champs here, my question for you is, what's the biggest obstacle that you foresee in the next four years of moving to grass and having the best grass field in mls, and I believe the mls finals were played on grass, the championship game. What is the greatest impediment of moving to grass and having that field.

Golub: We desperately want the ncaa championship soccer champions at providence park and along with the sports authority in Portland, played on this [inaudible] when north carolina lost it. We did not get it, and it is an impediment to that. We are trying to overcome that.

Fish: The attendance wasn't so great at the finals. At least what I saw on tv.

Golub: True, and we know it would do extremely well here. To answer your question nick, it's challenging hosting Portland state football and soccer in our climate on grass.

Fish: Let me ask you this, if at some point Portland state and urban university decided to either move away from football or found another venue, would that make it plausible to think about options for having our grass field?

Golub: More plausible, and one other thing, a couple other notes on that, because we have turfway, a human array of community events, camps and clinics on the turf, that otherwise wouldn't have a home at the stadium to do a lot of group events and company events that turf allows, so there is some advantages. We have not ever lost an event, we have had some of the biggest soccer clubs in the world playing, and the all-star game in 2013 as you recall, and so while it's not grass like you, would prefer grass, it has not hurt us too much. So, but to answer your question, if we did not have to, and Portland state has been a great partner and tenant but it does make it difficult to consider grass.

Fish: It's on my bucket list, and I know that there is a cost and I know that there is other considerations but I am Also told that Oregon makes some of the best grass, maybe the best in the class for grass fields. And I am also -- different kind of grass. I am also told that there are some stadiums where they actually remove the grass as a compromise. It rolls out and can be rolled up and used for different purposes, but I look forward to the day where there is a field, a grass field that is as nice as the one at merlot field used exclusively for soccer, and that in turn you get those events that we don't get now because of the turf field. It becomes amazing. So this is my own view. I think that I am in the minority on this but congratulations on the coaching hire.

Rinehart: I think we may have neglected to thank the city attorney's office so thanks to ken and the others that helped us and the entire team.

Wheeler: Thank you. Any questions for now? Public testimony, please, sue?

Parsons: No one signed up.

Wheeler: Come on up. One individual. The list is closed. Thanks. Good morning.

Lightning: Good morning. My name is lightning. I represent lightning super watchdog x. Again I do like the project that I am seeing here. One of the concerns that I do have, obviously, and it's a point that commissioner Fritz brought up is that I understand the flexibility of being able to sell to the thorns, and I agree with that. I like the fact that hank paulson is doing a guarantee on this. Now where I have a bit of a problem here is that if it is sold, I didn't want to see any decrease in the income. Now what I am saying is that I was hoping that there would be kind of an estimate of where the income might be, and then do a kind of a rent guarantee upon a sale. I would like to have that inserted in the language to where that could have been negotiated from the city to guarantee a certain established rent level to continue, and again to hank paulson, I am sure that you could afford it, and my position also is that they are going to be getting a certain amount of financing through their own, what is it, j.p. Morgan chase bank, and they are going for 70 million. As you know to stipulate a rent guarantee in this I think would have been very realistic due to the fact that they are already getting this financing to have it lined up. And again, hank paulson is guaranteeing this. So again I agree with the flexibility on selling the thorns. Absolutely. I don't want to see any increase, increase to the city of Portland. So the point of commissioner Fritz, I think, was right on the mark, and it's a very good point. Other than that, this project Looks great. And I wanted to have a little more emphasis, was there going to be any additional artwork added? And I didn't see anything on the overall agreement that was going to come into place. I enjoyed some of the art currently around the property itself. Are they going to add artwork throughout this facility? I did not see that. Also on any dealings with the city of Portland, on conflict of interest, no member official or employee of the city shall have any personal or economic interest direct or indirect, in this agreement. Nor shall any such member official or employee participate in any decision relating to this

agreement which affects his or her personal interests or economic interests of any corporation, partnership, or association in which he or she is directly or indirectly interested for purposes. Now let me just say this, I am going to watch on the conflict of interest on this, because the city of Portland owns this property, and I will watch very closely on how this deal is handled throughout to understand there will be no conflicts of interest. Thank you.

Wheeler: Thank you. Please call the roll.

Eudaly: Well, I would like to quickly thank everyone at pds&p for their efforts to get this project permitted specifically kurt krueger from pbot and david from bds. Aye.

Fritz: Every everybody worked hard, thank you for your work and diligence. It is generally the case you never get anything you want, one side or the other so thank you for this and congratulations on the thorns winning their second championship, and I look forward to, when is it -- when is it march, can it come quicker, please, aye.

Fish: Thank you for the presentation. My congratulations on all the success of both franchises and thanks to our team, you are a-team for putting this deal together. Aye.

Wheeler: Thank you to serve who worked hard on this, on all sides, thank you tom Rinehart, I know you have put a lot of time and energy into this. Mike I know on behalf of peregrine i've been very, very actively involved in this. I think that at the end of the day this is a very solid deal. There is no question the asset that we're improving here can only benefit the city, so I am very appreciative of this and very excited but the potential. Thank you. I vote aye. The ordinance is adopted. Next item, please.

Item 1360.

Wheeler: Commissioner Fish.

Fish: We would like to invite annie and our team forward. I have a few opening remarks, but I do want to put this in context, mayor and colleagues. We are about to take on a number of superfund related items at council, and my hope is that we have broken a logjam and you are going to see more work. Last week albert kelly, special assistant to the administrator of the environmental protection agency was here. The mayor's office, chief of staff, and I and other leaders met with him. Our clear message to mr. Kelly and to mr. Pruitt was we want to move and implement the record but we want to make sure that this is a transparent process, and that everyone is at the table. We got specific assurances from the epa about how they are going to implement it. Yesterday the department of environmental quality, that governors offers issued a joint statement. Recommitting to a very robust partnership. Deq and epa are the two players, deq is in the water, excuse me, epa is in the water and deq is upland and they have to work together. And I view the, I viewed the announcement yesterday as encouraging in terms of a renewed commitment to partnership and working together. And the city of Portland in early january will come forward with seeking counsel support to move forward on the river model 11, which is a major milestone, and we'll, I think, respond to What we're hearing from the community, which is they want to see us starting to take action. There will be other items, so we may be hitting a period where we are going to see more action. Strong partnerships locally and at the state and federal level. What's been critically important to the mayor and to me is a transparent process. We cannot forfeit with the trust and the good will and the community by having deals struck behind closed doors. The ordinance we are bringing today is a proposed intergovernmental agreement with the state of Portland, excuse me, the state. -- the state of Portland. [laughter] we think very highly of ourselves here. With the city of Portland, state of Oregon, the port of Portland and Multnomah county to establish a Fish consumption advisory outreach program over the next two years. Epa would provide the data, the Oregon health authority would develop the advisory, and the Multnomah county health department would conduct local outreach. The cost of the program is, as annie will explain is 345,000 over two years. Which would be equally funded by the state support

and the city of Portland. The greatest risk faced by people in our community is from eating resident fish like carp, bass, and catfish, with the risk disproportionately impacting the minority communities, vulnerable populations. And the current fish advisories are inadequate, and better coordination between the government agencies is needed to educate the public, and with that in mind, would you take it away.

Annie von Burg, Bureau of Environmental Services: Thank you commissioner Fish. Thank you mayor, good morning. I am Annie von Burg, the program manager for the superfund, bds. I am here with our partners to request approval to enter into a governmental agreement that would create a community outreach program as commissioner Fish said, targeted around Fish advisories. Here with me today is the director Jay Douglas, Multnomah county's environmental health services along with parallel program manager Andrea Hamberg, and we have Jessica Hamilton, director of harbor environmental program at the port of Portland, and Jim McKenna, advisor to Governor Brown, in the governor's natural resource office.

Fish: We should just acknowledge that Jim has been a terrific partner. He accompanied Annie and me and others on a trip to D.C. Where we met with senior folks, he's been extremely accessible on behalf of the governor's office and is a pleasure to work with so thanks for being here.

Von Burg: All right, and I will just briefly go over what we're proposing today. So as you all know, the Portland harbor is approximately ten miles of a stretch of the lower Willamette that goes from Sauvie Island to but the Broadway bridge. The superfund has reached many milestones this year, one of the largest being the final plan released from EPA after 17 years of analysis and study. And just to remind you of the making today of the cleanup, EPA estimates this will be 13 years of active construction, followed by 17 years of active monitoring for a total of 30 years. And given the, just the size of the site and the complexity, there is a good chance that that's, that time scale will move farther than that. The contamination is primarily at the river bottom after decades of industrial use. EPA through the analysis phase evaluated the risk to people in wildlife and determined that the greatest health risk to humans is eating resident fish in the superfund site like carp and bass and catfish. The communities that are most impacted by this health risk, the larger vulnerable communities, Fishers, including Native Americans, and minority communities, and immigrant refugees, and along with low and no income residents. Throughout a variety of outreach efforts over the last couple of years we heard loud and clear from the community that current fish advisories are not working, and there is confusion about what the risks are of consuming fish from the site. We also heard that the community involvement, specifically to those most impacted, needs to be increased, and that better coordination amongst the involved government agencies to help create those clear messages and consistent messages were needed. We look at this partnership as a first step in addressing the community concerns, and this is just a quick illustration of what typically the process looks like for developing a fish advisory and a superfund site, EPA through the analysis phase provides the data, the state health authority then develops the advisory, and the local health authority and in this case Multnomah county health department then takes the lead in outreach to the public. And it's important to note, beyond just the superfund advisories Oregon health authority is scheduled to be releasing statewide fish advisories early this next year, and so this adds to the timeliness of this effort to address any potential confusion with statewide advisories and advisories specific to this superfund by creating the common messages and coordination between the government agencies. This slide shows the proposed partnership, which is the state of Oregon, the port of Portland and the city of Portland creating the funds to create the program. Multnomah county health department would then administer and design the program, and then the EPA and the Oregon health authority would guide the program by

actually creating the content of those advisories. It's worth noting that the funding parties here will not play a role in creating the content of those advisories, but rather contribute to the tools to get the information out to the public. And I will hand it over to miss hamberg to go over the main Components, miss hamberg for their role in this outreach.

Andrea Hamberg, Multnomah County: Thank you commissioners and mayor. So the health department's main function is to promote healthy choices and to protect the health of the county residents to promote health and health equity. And as commissioner Fish said and annie echoed the largest concern during this cleanup effort is the consumption of Fish from the cleanup site. And we are concerned that the traditional communications strategies won't be effective. We will spend this two-year project period working with community partners and other agency partners to develop really our -- the best evidence-based communication strategies that are culturally and community specific. We will work with our community partners to identify the best messages and also the best messengers will do that through the small grants and other partnerships yet to be defined. At the end of the project period, we will have a group of materials that can be relied on during the cleanup project and also strong relationships to support that communication efforts. Moving onto the budget and time line, as commissioner Fish mentioned, this is a two-year effort to establish the program and start the outreach. That's to fill a gap and tell the, until the epa creates a long-term funding plan for this. The program cost is \$345,000, that will be split equally amongst the three parties Totally 115,000 each over the course of two years. The recruitment for the dedicated health educator is slated to start in mid january, pending the approval of the iga. So with that, I invite any questions that you may have and thank you for your time today.

Wheeler: Is that the end of the presentation?

Von Burg: Yes.

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

Parsons: We had two people sign up.

Wheeler: Thank you for your presentation.

Shedrick Wilkins: I am shedrick wilkins, and I have decided really that we in Portland are surrounded by two rivers, the willamette river and the columbia river, and I am a strong supporter right now of the columbia river. It has major hydroelectric dams, and I just talked to them yesterday but the fact that I see no problem with drinking, columbia river well water. In may of 2015 there was a big three-hour radon chanting here, and they had to shut down the city hall, and however, you know, radon, in your house or whether it's in liquefied in the wells or a radon, the Fish, that swim in radon, maybe you should not drink water from the columbia river or the willamette river. Maybe it has -- the willamette river has natural radon in it. Maybe your body can take natural radon. I like to ask these questions, but I feel that in world war ii there was just, and subsequently too much industrial activity in the willamette river. I would certainly rather drink the columbia river water than ever even try to drink water from the willamette river. You are a very brave mayor for trying to swim across the willamette river. Ok. My daughter said I hope that he did not drink the water, you know. And she -- I wish that she would come today but she's kind of shy. But anyway I am a strong believer, and I like the mount hood community college area, the dam on the columbia and maybe some day that kind of energy could be used to clean up the willamette river but I am columbia river-based. I want to say one final thing, I have -- I respect mark hatfield. He was a governor senator, and in his book against the grain, in the year 2000 he has a picture of him from the vista view columbia river thing, in the background. And not the willamette river where actually he was a governor. He went to willamette university. He started in salem, was a governor but he considers himself I think mark hatfield as a federal senator bridging the dams and the columbia river, and that's why he wanted to make a statement that he, at the end of his life, as the Oregon

politician, a great Oregon politician, was centered around the Columbia River. Good morning.

Cassie Cohen: Good morning, I am Cassie Cohen, the coordinator of the Portland Harbor Community Coalition, and thank you. I am surprised I don't have other folks with me, although not so much because most of the folks working on Portland Harbor, community members are volunteers. So they are stretched, and I do want to -- so I am here primarily to express my support, and I believe that this intergovernmental agreement is definitely an alignment with what our coalition's goals are to continue to engage all communities, especially those most disproportionately impacted by Portland Harbor pollution. In the cleanup process and beyond as we heard it will take 30 years including monitoring. And the Fish -- so you know, we're excited about this new pilot to begin to coordinate intergovernmental efforts, and that the county is taking the lead even though immersed in this subject matter, just two days ago I became aware for the first time ever that cancer is not considered as part of the health advisory for the state of Oregon for Fish consumption. To me that's unbelievable. So, and in doing a bit of reading, of other resources, well, I can send follow-up data.

Fish: Would you send that?

Cohen: Absolutely, it's the positions committee for responsible medicine was the sort of alternative source that I just began to read up on, which argues the opposite. That cancer should be considered as part of, you know, communicating to the public the risks, and that there are alternative proteins these days that can be considered to, you know, to integrate for people's health and their diets. But the point being here is that our communities are being burdened chronically around the consumption of Fish here. And as you heard from our guests earlier, it's the most vulnerable communities, and we're hearing these stories constantly and it's not only folks living right near the river, folks are traveling. I have family that traveled from Hubbard, Oregon, to Fish in Portland Harbor, and other rivers, as well. So we hope to continue to work with you to have transparency not only for the government and stakeholders, but also for the committee stakeholders, and to kind of co-design what that transparency can look like so the communities, stakeholders can continue to be at the decision-making table. It could be more, actually more integrated to the decision-making and the design of the health advisory and outreach and education looks like long-term with the EPA as well. Thank you.

Wheeler: Thank you for your testimony. Commissioner Fritz.

Fritz: Thank you for your long-time leadership on this, and I am encouraged to hear you support the approach. I would assume that you and your coalition will be involved. What are the health risks, if not cancer? What are we talking about?

Cohen: Well that's a good question. I think that we're still waiting to hear the outcome of what the Fish advisory will be from Oregon Health Authority and how that -- I think that hypothetically speaking what if the health advisory that is released at the new year is different from what the EPA's health advisory is, and what if it reduces the advisory levels, so it allows for people to be exposed more. So there is just, and what does that do to the context given the politics of the EPA right now, and the, you know, the opportunity for some of the responsible parties to, you know, to budge on their liability or their scope of responsibility for cleanup.

Fritz: Ok. I was very glad to see in the ordinance that it was the county health department that was going to be heading that up. It gives me more confidence that we can do the right thing here. I mentioned most of the people in your coalition are volunteers. Are you a paid staff person?

Cohen: You know, I have temporary, you know, committed funds, but we are looking to our government partners hopefully to talk about options for Portland Harbor Community Coalition to be sponsored, to continue our work long-term.

Fritz: You have earned the right to be at the table, and I appreciate the volunteer time regardless of this temporary funding. I hope that we can find a way so that coalition, your coalition and others are institutionalized into this process.

Cohen: Thank you.

Fritz: We don't expect people to have to work on weekends.

Cohen: We appreciate that.

Wheeler: Good morning.

Lightning: I am lightning and I represent lightning super watchdog x. And my main concern again is making sure that we monitor the treaties very closely, and take care of the native americans on this issue, and if compensation is needed at this time, because they don't feel that the Fish are, are appropriate to put on an open market, or be utilized in any way. We need to compensate them for that. Another recommendation of mine is that, all boaters that license their boats should be given a pamphlet and sign that they are aware of the situation to where the superfund site is. We need to make it clear that it is not recommended to eat any Fish in the superfund site let me say this again to you, I have talked to various people from the epa. I asked them the question. Should I ever swim where the superfund site is, and in the room they began to laugh, which I am familiar with at council meetings, and I looked back and I said why are you laughing at me, and they said are you kidding me to ask such a foolish question, to swim in a superfund site? And I said I already your answer before you could say it so I agree with you, some other people for whatever reason think it's appropriate to swim, so anyway, I am in agreement with the epa. Again I am in disagreement with governor brown, and I have a complete issue with you, this has been stalled out for so many years. I am going to point the finger at you, governor brown and say you know what, on this agreement here, which I do agree with, we have the port always involved. In my mind the port should be doing a maintenance dredging, every year, instead are just talking about it in the last 17 years, which I am appalled at. It could easily be set up, funds could come in from certain property owners to fund the dredge, to fund the maintenance dredging, and I can assure you the epa would agree with that because every year you dredge, certain amount of the sediment, things change, if we have a high water level, things wash in, and things wash out. It needs to be done consistently, year after year after year after year, and show you are getting something done instead of a lot of talk. And this analysis over 30 years, I am appalled at those numbers, and let me tell you this. Go back to the treaties and listen to the native americans, and understand, maintenance dredging, year after year needs to be done. Show we are doing something, get something done, stop your talking, and stop your stalling, and in this agreement you even say, at the discretion -- if I can meet my obligations -- guess what, you have not met any obligation on this cleanup, so I don't think that you will fund this. Enjoy your retirement governor Brown. Mr. Buehler for governor, thank you.

Wheeler: Please call the roll.

Eudaly: Aye.

Fritz: Really pleased to see this commissioner Fish. Thank you very much for your work on this and I am reminded that commissioner novick kept asking about this as a first choice, and I am glad to see it's not an either-or that we need to correct the problem so in the future we don't have to teach people not to Fish. In the meantime we're going to be protecting them so thank you very much for your work. Aye.

Fish: Well thank you for the presentation. We have a really terrific team at the city led by annie von berg, and we have lots of bureaus involved. We have community partners that are deeply engaged that we meet with, and I think that an evidence of how this new relationship is working is the impact of the uproar that occurred when we were all advised, the epa was having back door meetings with some of the potentially responsible parties

with the goal towards undermining the record decision, and potentially setting us back. That has lasting consequences, not just a reversal of the approach, and a number of those prps dropping out of the process but it prompted one of the two or three most important people in the country from Washington working on this to come out and spend a day doing fact-finding. Leading to this announcement between deq and the epa which is promising, and look, I am the first, and everyone on this panel is the first to criticize the epa for a host 6 things that they are doing or not doing under this administration. One bright light is that the administrator pruit did say he wanted to bring a sense of urgency to the superfund sites, and in addition to making sure that we bring the community along, and that we get in the river and do some work and show a sense of urgency, the other piece of this is that we put into our agenda, is making sure that the region 10 and the partners have the resources that they need because if they don't that will add to more delay that we cannot afford. Thank you all for your good work and I am pleased to vote aye.

Wheeler: I very much appreciate this work, and commissioner Fish, I appreciate in particular your passion for the subject and your continued attention to the details. Continuing to work with our partners on this process. It is a daunting as you heard today, 17 years, just for the cleanup phase, I think it was, 30 total, including the monitoring, so we're in this for the long hall but this definitely helps the community to navigate some of the realities of the superfund site. It can only be a positive. I vote aye. The ordinance is adopted. We cannot quite start the next item.

Fritz: It's 10:45.

Wheeler: That's very True. I was running a little slow, thank you. So we're going to do 1361 followed up quickly by 1379 as they are related but we will read them separately and then we will get to, I know there is a couple of gentlemen here waiting for 1380 and we will get to that right after. So if we could please start with 1361.

Item 1361.

Fritz: Thank you mayor, I am grateful on going to the voters for approving the parks bonds, the 68 million in 2014. And as part of the bond measure we promised full transparency and accountability for the use. The taxpayers' money, and to fix some of the most egregious problems in our parks. Of course we know that there are many more maintenance activities that needed to happen. [inaudible] we have the 68 million. So we have an independent volunteer, bond committee, that monitors the process, and they ask the tough questions to make sure the parks bureau did this and in the ways that the voters approved. The committee has been reporting annually to council as we promised, and the community regarding the performance and progress towards the goals, so please, welcome with me the bonds committee chair dion jordan to provide the committee's annual report and thank you for being here.

Dion Jordan, Chair, Bond Oversight Committee: Thank you, and good morning to the commissioners and the mayor. Good morning to you. As I stated before I am dion and I am the committee chair of the Portland bond oversight committee. Portland parks bond oversight committee. I believe that you have before you a copy of our annual report. Therefore I will not go over it in its entirety but instead share with you a summary of the report and I hope that you now have a copy of the power point. As you know this committee was charged with the evaluating the bond measure efforts of Portland parks and recreation for three major objectives in mind. These objectives are to adhere to the language of the bond, to maintain fiscal accountability, and to be transparent with the community in our efforts. So here's a quick overview of the second year status of these objectives. The first one adhering to the language of the bond. In other words doing what we said that we would do. The committee belief that the deliverables were met based on the promises contained in the language of the voters' pamphlet by close, by the close of the second fiscal year, all 34 phase 1 projects were underway with eight projects complete,

19 projects on or ahead of schedule, and only seven behind schedule as of June 30 of this year. The second year also marked the establishment of phase 2 project list. The second objective maintaining fiscal accountability, the committee believed that bond dollars have been clearly and separately traced and ensured that the integrity and accuracy of the financial statements were met. Portland parks remains fiscally accountable of bond dollars with a separate program track accessible to all staff and within 10% of the budget. And the budgets are on target, and in all categories, except for the pools. Portland parks and recreation is confident that the bond contingency fund and program dollars will cover the cost of overruns, if you will remember the oversight committee's recommendation last year for the Portland city council and Portland parks was to establish, was the establishment of a contingency fund to ensure that the projects were completed. The committee is pleased with their establishment of a 2 million contingency fund, and this ensures that the commitments through the Portlanders will be fulfilled and improvements to the safety will be equitable and also a priority. Then number three, the third objective, be transparent with the community in our efforts. The committee believes that Portland parks and recreation have acted in a way that promotes equity and participation and accountability. Portland parks have shown that they value the community input, and outreach, and participation by diverse members of the community have helped to build the trust in the 68 million program. Public input, included two town halls, six neighborhood coalition sessions, and a new Portlanders' youth ambassador's meeting, and two park board meetings, and 40 public meetings, and signage at 136 locations, and over 77,000 website visits to Portland bond project sites. Last year, the oversight committee recommended that Portland parks and recreation establish metrics that illustrate the efforts and the success of those efforts. The Portland parks is working on some targeted surveying strategies, as we speak, and ideally these efforts should gauge if members of the public through the process being open and transparent, whether they feel welcomed to participate. Additional funds will be spent on this effort and serve as a guide of outreach efforts in the upcoming years. Because of these efforts, two new projects were added to the list of bond phase 2. One at Fernhill Park to address the lead water supply removal, and the other at the east Portland community center to address accessibility improvements. So in conclusion the oversight bond committee feels Portland parks and recreation has completed objectives and promises made to the voters. Thank you.

Fritz: Thank you very much.

Wheeler: Appreciate it.

Fritz: We don't usually take the testimony on the reports, but given this is an oversight body, if anybody just wants to have a brief comment, I would be open to that.

Wheeler: I would allow it.

Fritz: Ok. Wanted to make the option available, and thank you for your leadership on the committee and also your service on the parks board, and various other challenges that we ask you to step up to, and you certainly have them, thank you very much.

Jordan: Thank you.

Wheeler: I will accept a motion to accept the report.

Fritz: So moved.

Fritz: Why this is where you say second, commissioner Fish.

Fish: Second. I always do what I am told.

Wheeler: Do we have a second to accept this report? Thank you for your service. Please call the roll.

Eudaly: Thank you for the report. Aye.

Fish: Thanks again to Dion Jordan and the other members of the oversight committee, Ken Richardson and Gary, Jonas, and Karen, I am very proud of this project and thank you. Aye.

Fish: If anyone wants to know what a model report looks like annual or otherwise I would just have you look at what parks produces and it's beautiful. Beautifully laid out and easy to read. Congratulations commissioner Fritz for the communication, also I just want to say why Dion is here. Some day I will look back on the honor that I had to be in public service, but in my bucket list, the day that we spent with your dad honoring him when we named the community center for him, has to be one of the highlights. When you talked about that cliché about big shoes to fill, when Nike made a pair of shoes, we realized how big his feet really were. Those treats it were those were on display. With you as his son continues to honor that legacy with your service so thank you. Aye.

Wheeler: Well I would like to thank everybody for their hard efforts on this commissioner Fritz, in particular, thank you for taking the lead on the half, on behalf of the city council, I vote yea. The report is accepted. Commissioner Fritz.

Fritz: As well as to Mike Spencer and Mike Abbaté, your work has been exemplary, and it's very wonderful now that we get to keep going to do some openings, or reopenings as they all are so thank you for your work.

Wheeler: 1379, please.

Item 1379.

Wheeler: Colleagues today we have the pleasure of announcing a reappointment for one of the members of the Portland Parks and Recreation 2014 Parks Replacement Bond Oversight Committee. We have just heard the report of that committee. The bond oversight committee is composed of five distinguished community members, each selected by a member of the council. In making our selections we looked for skill sets in finance, construction, and community involvement, budgeting, and parks services. The bond oversight committee members are serving multi-year terms. Commissioner Fritz will talk about the charge of the oversight committee.

Fritz: Thank you for your partnership and for your adjusting the agenda items I appreciate that. We are taking this opportunity to reappoint another bond oversight committee member, Jonath Colon. Mr. Colon was appointed by Commissioner Novick and Commissioner Eudaly has chosen to reappoint him so it's a three person partnership, and I introduced Lauren McGuire the parks development manager.

Lauren McGuire, Portland Parks and Recreation: Thank you members of the Council. We are fortunate to have the five outstanding community members serving on the bond oversight committee, and as Commissioner Fritz said we appreciate their active volunteer service and it's important endeavor to assess the performance of parks in executing the bond. Dion Jordan, the chair who you just heard from, is currently working for human resources in Multnomah County, but he's nationally known as a speaker, strategist, author and also was a parks board member. Ken Richardson is the current superintendent of the David Douglas School District, and Karen Loper is a long-time park staff member, who served in several capacities, including volunteer coordination, outreach, and communications manager, and assistant director to Portland Parks and Recreation. Zari Santner is also a member, former director of Portland Parks and Recreation, and a landscape architect who oversaw it, and in fact, the last 1994 Parks bond so we have a lot of experience on the committee. Jonath Colon is a former business development coordinator for the Hispanic Chamber and his appointment is the purpose of our agenda item today. I don't think that he made it. But I will let you take it from there.

Wheeler: Very good. Any further comments? I will accept a motion.

Fish: So moved.

Eudaly: Second.

Wheeler: A motion and a second to accept the report, please call the roll.

Eudaly: Well, we were very happy to reappoint Jonath. Everyone was pleased with his service. Aye.

Fritz: Well he has provided a variety of services in bilingual, bicultural manner and showed success reaching out to the underserved latino and minority communities with the hispanic chamber. He has stated that being a member of the parks bond oversight committee has fulfilled personal and professional life goals, and it's provided him with an opportunity to impact the community and help by being involved in significant projects that changed, improved, and protected the landscape of the city, while enhancing the parks and gathering places for friends and families. What we did not know, in all of these projects, we are looking to reach out to the minority contractors and other people so the money that is being paid by taxpayers in our community is reinvested in the businesses in our community, and so I appreciate jonath's work on that regard and I am very pleased that commissioner eudaly decided to reappoint him. Aye.

Fish: Aye.

Wheeler: Aye. The report is accepted. Thank you. Appreciate it. Item 1380 please.

Item 380.

Wheeler: Colleagues, our current software and hardware are outdated, leaving us vulnerable to security issues, our current devices are only capable of using 3g cellular service, the service provider has announced an end of availability and support for mobile 3g services by july 2019, and the bureau of technology services telecom engineering and support has requested the Portland police bureau replace these devices as soon as possible. The new software is compatible with smart phones that have been deployed with all police officers and we believe this will allow the bureau to decommission the current hand-held devices saving cost, support time, and increasing the network security, which of course, is of increasing importance. The software will allow the Portland police bureau to utilize more mobile technical features, reducing the time to develop an e citation allowing the officer to spend more time with the resident and reduce the amount of time that the officers are required to be on the road thus increasing the officer Safety, as well. Today we have captain mike crebs here to start us off.

Captain Mike Crebs, Portland Police Bureau: Captain mike crebs, Portland police bureau traffic division. I'm here to request your support to purchase a new e-citation platform. As the mayor just said our platform is old. It was first instituted in 2006 so it's about 11 years old. It's unpredictable and sometimes inefficient. It is as the mayor said a couple things. When we stop people for a traffic stop, we don't want to detain them any longer than we have to. It's kind of uncomfortable. People want to get on their way. So I believe this new system will allow us to be quicker on the roadside which will also increase officer safety. Right now our traffic division uses the e-citation platform and we issue about 70% of all the citations city-wide for the Portland police bureau. So even though we're only purchasing a small amount of the platforms, it will have a large impact on the number of people we contact and how the contact is carried out. So right now I want to turn it over to chad loveland, our leader from i.t. Searching for this new platform and working with my officers to find a reasonable replacement. Chad?

Chad Loveland, Portland Police Bureau: Thank you. Chad loveland, technology project manager. I wanted to just kind of go through real quick we talked about the history, the mayor talked a little bit about the reasons why we need to do this. I want to talk a little bit about sort of the market research and kind of why we are where we're at. So for the past six months we have been conducting market research. We have had about ten companies identified as potential vendors however only three of those were planning to offer their solution on a secure apple mobile technology device. Vendor 1 required state approval before we could use it and because the state's review period is uncertain and because the estimated project costs were the highest of the three, we decided to move on to the next two. Project and ongoing costs between 2 and 3 were similar and neither have a live solution however some advantages with all c solution includes we have 11 years of

experience with all c. They have a proven record of excellent support and quality software. Officers like the use of the all c solution. Requirements for the new software could be used for the new development making testing simplified. We have had two successful implementations with all c already. Ongoing support costs are known and firm but most importantly the time required as captain crebs alluded to to write a citation was drastically less with the all csolution. In short all c was chosen because project and product risk, time to full implementation, and time to realize cost savings were all significantly less. And because citizen and officer safety has increased we believe with all c solution. Although all c currently makes the most sense we recognize the value providing an equitable opportunity for all vendors. In preparation for the current contract expiration of 2021 captain crebs, sergeant barnum and I are committed to performing another round of market research in 2020. Finally, as noted in the financial impact statement, funding for this project is included in the police bureau's current general fund budget. We're happy to take any questions.

*****: Thanks.

Wheeler: Very good. Any public testimony on this item?

Parsons: We have had two individuals sign up. Robert west and mimi german.

Wheeler: Very good. Good morning.

Mimi German: Hi. Good morning. I'm mimi german. I would like to say that I find it dangerous to keep giving and giving to the cops when what we know about the cops is that they are still doing racial profiling. They are pulling people over as quickly as they can to give them tickets or to arrest them if they find out that they are hispanic. We know this, the records are out. Racial profiling from the Portland police department is really egregious. This isn't any guesswork. And yet we keep giving. I understand that this is what it is. I understand the agenda item. I just can't sit back and not speak to the racial profiling that has not been fixed or solved. I would like to see a report on the change of racial profiling. I would like to see that it's gone down. I think we have a right to know what's been going on since that report came out. So while I would love to say that I don't think the cops should get anything more until we get that that our citizens are actually protected from the police, I know that that probably won't happen but I have to say it for the record anyway. Thank you.

Wheeler: Thank you.

Robert West: I'm robert west from the police 911. I got some serious concerns with this. First of all you guys just put in this new system not even two years ago. All of a sudden they need a new system. As far as the racial profiling goes, last monday I watched three traffic stops within 15 minutes of each other, as soon as they got done with one they went and stopped another one then stopped another one. There's three blacks that they stopped. Out of the three blacks, none of them got tickets. In fact none of them committed a traffic violation. Two of the cars were searched. The police are out there committing racial profiling. They are searching people's cars. If they stopped you guys for no reason and decided we're going to search your car we want you to stand up on the sidewalk while an officer searches your car one is going to pat you down you would be highly upset about that. It's a violation of your privacy and the police are continually doing that. As far as getting the people that get tickets or warnings or whatever I would like to see more enforcement on the speeders. I have watched people get tickets for making an improper right hand turn on side streets. Oh, well, the guy is hispanic so we'll stop him because he's got to have a warrant somewhere. Well, he doesn't have a warrant but we need a reason to stop him so he didn't pull all the way to the curb to make a right hand turn. Then I see people going down stark at 70 miles an hour. You know, i'm going 40 and I watch a dude go flying a past me faster than a lot of the police officers go by me. The question is, why are we going to be continually giving police money to go after minorities? And why are we

buying system after system after system? You know, if the system doesn't work, go back to writing the traffic tickets. The officers should be writing tickets anyway because what happens if the system crashes and you got a bunch of new officers than don't know how to write tickets. You'll have someone pulled over for a half hour, 45 minutes while the officers call someone in to get help with the tickets. You know, this technology system works for a short period of time then all of a sudden we're behind the times so we need more technology. Oh, we're behind the times so we need more technology. The police need to have more technology in saving people's lives and stuff like that. There's a joke going around amongst us cop watchers that the fire department, police department were to change jobs for 24 hours you'd have firemen chasing speeders down at 90 miles an hour down stark and you'd have police officers for their own safety not going into a school on fire to save kids. You know, I mean that's --

Wheeler: Yes, sir.

Norm Santana: I'm norm santana. I don't want to -- I want to echo what the other two speakers have said so far and I would like to add that I would like it if the police would, you know, stop harassing homeless people for the crime of not having a place to sleep, and yeah. That's it. Thank you.

Wheeler: Thank you. All three of you for your testimony. Please call the role.

Eudaly: Well, I certainly share some of the concerns expressed about disparities in stops and citations and arrests. I have said before and i'll say again that when the bureau comes to us with an ask I think we should be asking something for something in return. My hope is in this case that efficiency with software might mean we don't need -- we might need -- how do I put this? The more efficient officers can be the less officers we may need. I vote aye.

Fritz: I think it's clear this technology documents what is happening so to the extent we can get better information in regards to the consent expressed that's a good thing plus we do need our equipment to work. It has to be upgraded. Thanks for your work. Aye.

Fish: Aye.

Wheeler: We have to replace the system. It's antiquated and no longer being serviced. The question is what do we replace it with. This system will allow us to better track data people had asked about and testified in regards to today so I support it. I vote aye. The ordinance is adopted. Next item, 1381, please.

Item 1381.

Wheeler: Thanks, captain. Commissioner Fritz. I apologize. I was in the clouds.

Fritz: Multi-tasking. So challenging. Thank you, mayor. As commissioner Fish will remember we passed the tree code in 2011 due to lack of funding we were not able to implement it until january of 2015. The code -- the title 11 tree code established two new trust funds to be administered to enforce and promote the city's tree infrastructure and tree related services to residents. The code requires the status of the two funds to be reported annually to council each year so today i'm happy to introduce the second annual report so note for both this and the parks bond report it could have been put on the consent agenda and invite people to read it but I thought it was really important to have this on camera so community members know what money is coming in and what we're doing with it. So jenn cairo, the city forester, will present it.

Jenn Cairo: Thank you. Good morning, commissioners, mayor wheeler. I'm jenn cairo, the city forester and division manager for urban forestry. I'll be reporting to you today on the urban forestry trust funds for the last fiscal year, '17-18. I'll start off with information about the two title 11 code required trust funds. I'll give you information about the balances and expenditures into and from both of those accounts, and then i'll talk in more detail about what the expenditures were used for. There are two trust funds under city code 11, title 11, one called the urban forestry fund, the other the tree planting and preservation

fund. Both of these are administered by the city forester and because they are trust funds the balances are carried over into future fiscal years so they are not dependent on our annual cycle. They have different funding sources and different intended and defined uses according to code. First the urban forestry fund is generated from penalty fees from code enforcement actions regarding city or street trees. So this is a relatively limited revenue stream and examples of where the penalty fee might be incurred is if a violation of city code in regards to trees is reported to urban forestry, we follow up and find that indeed there was a violation of the code, for example someone has removed a street tree without getting the appropriate permits for that. There will be some resulting violation fines levied. Those types of funds go into this trust fund. The funds in the urban forestry fund may be used to replace, establish and maintain city and street trees, not private trees, that have been illegally removed or otherwise damaged. Also for planting and establishing and maintenance of city and street trees. It can also be used to fund education outreach, technical assistance and finally other forestry related activities or programs. So the balance as of the end of fiscal year '17, June 30th, 2017, was \$66,989. You can see at the beginning of fiscal year '17, it was an \$11,650 balance. Not a whole lot of revenue comes into this fund. We also expend our trust funds on a different schedule in terms of billing than we do for regular budget so the balance you're seeing in June may not be the same that we have today. Just so you know. Then we also have the tree planting and preservation fund. The revenue for this fund is generated from the mitigation fees that are paid under certain development and nondevelopment tree permits. Mitigation fees are a portion of the compensation for the tree that was permitted to be removed and in some cases another tree is planted or trees and in other cases payments are made. These are those payments. Also penalty fees regarding private trees, so not city and street trees. Those go to the other fund but those for private trees come into the tree planting and preservation fund and there's an opportunity for voluntary contributions to the fund. These funds can be used for planting trees on all sorts of property. City and private. Also for purchasing conservation easements related to tree protection or acquiring land related to tree protection.

Wheeler: Could I ask a question on that, please?

Cairo: Sure.

Wheeler: That's great. I'm intrigued by the ability to accept voluntary contributions. Is it a separate 501c3? How did you structure it?

Cairo: My understanding is it's structured similar to all other routine trust funds in the city. It's held aside from the budget cycle. It incurs some interest but otherwise it has no special classifications other than it doesn't -- isn't affected by the annual cycle other than reporting.

Wheeler: Let me just say I'm an enthusiastic supporter of it. I think it's great. There's a lot of people who want to be supportive and helpful and I'm grateful you're creating an entity where people can do that.

Cairo: Great. Thank you. So in the tree planting and preservation fund you can see here that the ending balance as of June 30th was just a little over \$1.5 million. You can also see at the top of the table here that beginning the fiscal year the balance was just under 1 million. Recall as commissioner Fritz said that we have just been collecting into this fund since 2015, so it's been collecting for a couple of years. I think what we learn here is there's not a rapid accumulation of a large amount of money but of course it is significantly more than the urban forestry fund.

Fritz: That's fairly large amounts of money.

Cairo: Compared to what you can do in terms of tree planting this isn't a huge amount of money. However, this is the one dedicated funding source that urban forestry has for tree planting so we're happy to have it and hopefully as the mayor indicated maybe at some point we'll get voluntary contributions and do bigger and better things with this. So another

thing to mention about the trust fund is that according to title 11, we have to track the income into this trust fund by watershed and there are four watersheds or grouped watersheds identified in code. Columbia slough, Johnson Creek, Tryon and Fanno Creek and Willamette watershed. According to code money into each of those watersheds must be expended in the same watersheds. What we have done is tracking dollar for dollar and expending dollar for dollar is not really feasible so as I reported last year to council, what we have come up with is a three-year approach where we take every three years what are the amounts coming into each of those watersheds then we expend based on those amounts. We adjust that on approximately three-year cycle.

Fritz: Why have we spent so much less than we have brought in?

Cairo: Good question, commissioner Fritz. We have been holding back, being very conservative with expenditures from this fund because we wanted to have a plan, a robust plan informed by a lot of stakeholder and community input, specifically communities of color, immigrant, refugee communities and those that are underserved by tree services in the city. So some of the expenditure has gone to a project that we have partnered with Portland State University on. We call it the city-wide tree planting strategy. We're in the final stages of wrapping that up. The product will be a plan by which we can most effectively and impactfully use these trust funds going forward so we're really excited about that project and we'll be happy to see what the results are and bring them back for you.

Fritz: We do need to return to the discussion of do we want to keep doing the allocation per watershed. The money coming in is not necessarily in the places where trees are most needed. So that is but one of many questions to be answered in the future.

Cairo: Yes. I'm sorry, I appear to be missing a slide so I'll tell you about this on the next slide. So correction. We're fine. Okay. So specifically, the funds that were expended from the tree planting appeared preservation fund include these areas. First in the past fiscal year we planted over 2,000 trees primarily on parks properties, both in developed parks and in natural areas and hybrid parks. Also we planted trees on school properties across the city. We work with five different districts at this point on a program that we call learning landscapes. Learning landscapes is specifically aimed for increasing canopy with our partner schools so planting more trees there, and engaging kids at the school in planting the trees, learning about trees and the services that they provide to the public. So that's a low number, 61 trees, however, when we did that we had 556 students participating and 128 volunteers. So there's actually a lot more impact than the 61 trees themselves indicate. The funds have also been used for watering and establishment care. When new trees are planted for them to survive our dry and increasingly hot summers we have to at least water them for two or three years and do other basic care. Also as I mentioned and commissioner Fritz asked about, we have also used some of those funds for developing the tree planting strategy with PSU. The pictures here you're seeing on the top left is at Vernon -- I'm other, Powell Butte restoration planting. The one to the upper right is one of the tree planting strategy focus groups. We had five focus groups with communities of color. We had a community advisory committee that worked with us developing the plan. On the lower right is Woodlawn elementary school kids planting trees and learning about them. So this is Ladd's addition a long time ago, looking very different. Today -- from a different direction it looks more like that. This is a great illustration of how the city has changed but also how trees have become an integral part of the city, essential infrastructure, and it helps us understand the services that they provide to residents and they are a major part of our identity now. We have this exciting new opportunity with our trust funds to be able to really expand where the canopy exists across the city, especially in places where there are underserved communities as commissioner Fritz mentioned. That is a concern we have with the watershed requirement in the tree planting and preservation fund expenditures. That concludes my report. If anyone has any questions I

would be happy to answer them.

Wheeler: Colleagues? Very good. I'll entertain a motion.

Fish: So moved.

Fritz: Second.

Wheeler: Please call the roll.

Eudaly: Thank you for the report. Aye.

Fritz: Thank you. There's a lot of work being done. We're just getting into the winter season where there's going to be a lot of emergency tree care. So the healthy checks and balances and the challenge of making sure they are expended appropriately. So thank you for making this very clear. I am -- seems like hardly a day goes past that somebody in the community doesn't email or five members of the council to express concern about the way the tree code is working out or not working out in their opinion so there are multiple issues in it. I appreciate the council having agreed to support the street tree task force work and the right of way project with the Portland bureau of transportation. After that is done I know we'll continue to get calls for doing updates great and small and so I hope that there will be continued willingness to do that. Aye.

Fish: Good report. Since you have highlighted policy question about investing in watersheds, since I think that falls within my jurisdiction I look forward at some point to having that conversation. Aye.

Wheeler: It's a great report. Thank you. I vote aye. The report is accepted.

Cairo: Thank you, council.

Wheeler: Next item, please, sue.

Item 1382.

Wheeler: Commissioner Fish.

Fish: Mayor, colleagues, we have invited senior attorney karen moynahan and our chief financial officer ken rust to come this morning and give us a comprehensive briefing on the matter before us, answer your questions. We'll take it from there. Let me introduce karen and also just say as someone who has spent more time than -- who has spent a lot of time on this particular issue it's been an absolute pleasure working with the city attorney's office and in particular to be guided as skillfully as we have by karen. So welcome.

Karen Moynahan, Senior Deputy City Attorney: Thank you, commissioner. Good morning. Mayor wheeler, commissioners, i'm karen moynahan, senior deputy city attorney assigned to advise the city on matters related to the Portland water bureau. I'm here today to provide you with the information that you need to decide whether to adopt the ordinance that authorizes settlement of the anderson v city of Portland litigation otherwise known as the ratepayer lawsuit. I will begin by explaining to you how this lawsuit arose and the legal issues that were brought before the court. Next I will walk you through the legal proceedings in Multnomah county circuit court that culminated in the judge's june 30, 2017 ruling. Finally, I will walk you through the nuts and bolts of the settlement agreement that is before you today. I will explain to you why the city attorney's office and the chief financial officer recommend that you approve this settlement. In december of 2011, three ratepayers and a ratepayer organization sued the city claiming that city council had improperly spent water and sewer funds on 26 programs or activities that were alleged to be unrelated to the provision of water and sewer services. Their challenges to the water bureau expenditures included the bull run cabins and house, operation of the decorative fountains, assistance to the residents of new orleans in the wake of hurricane katrina under a mutual aid agreement, and construction of powell butte amenities required by the 2003 conditional use master plan. Also upgrades to dodge park and basic amenities at city-owned water tank sites or hydro parks. Most of the challenged water bureau expenditures were first incurred between 2003 and 2005. Plaintiffs also challenged expenditures made by the bureau of environmental services such as for land acquisitions

to assist in stormwater control invasive species control and most significantly costs related to the city's investigation of the Portland harbor superfund site. The city attorney's office initially estimated the value of all the challenged expenditures to exceed \$120 million, nearly half of which was attributable to the Portland harbor superfund site. The legal issue before judge steven bushong of the Multnomah county circuit court was whether the Portland city charter authorized council's decisions to spends ratepayer funds on the challenged activities and programs. In a threshold decision of march 2014, the judge ruled that to be authorized by city charter an expenditure had to be reasonably related to the provision of water and sewer services. The city of course agrees with that portion of the decision. However, in the same opinion, the judge also ruled on what is referred to as the standard of review. Deciding that it's the court and not city council that makes determination as to whether an expenditure is reasonably related to the provision of water and sewer services. Now that standard is problematic for the city because it's city council that sits as the decision maker regarding how ratepayer funds will be expended, not the court. Council must have the ability and the confidence to review a proposed expenditure such as the proposed filtration plant and decide whether it is a sound and logical investment of ratepayer funds. Therefore, the city's position regarding the standard of review is that the court has the jurisdiction to review an expenditure ratepayer funds to determine whether city council has abused its discretion but not to make its own determination as to whether the expenditure was reasonably related to the provision of water and sewer services. That's council's job, not the court's. Between 2014 and 2016, the court issued numerous opinions regarding the challenged expenditures and the parties came to agreements regarding others. Ultimately, the court ruled in the city's favor on all but seven challenged expenditures. Public campaign financing, Portland loos, hurricane katrina aid, dodge park amenities, hydro parks, bes parks pass-through costs and certain expenditures at powell butte. Significantly, the court ruled that the city's expenditure of ratepayer funds to investigate the Portland harbor superfund site was authorized by the city charter. In june 2017, after a remedy trial on the costs of the disallowed expenditures the judge ruled that \$17 million was not authorized by the Portland city charter and ordered the city to reimburse the ratepayer funds accordingly. A final judgment has not yet been entered at the parties' request. Council is being asked today to adopt an ordinance that would authorize mayor wheeler to sign a settlement agreement with the plaintiffs. The agreement requires the city to pay plaintiffs' legal council \$3 million from general fund sources by december 29, 2017. Additionally, by september 30, 2019, the city must reimburse the water fund 5.5 million and the sewer fund 1.5 million also from general fund sources. Finally, it provides that the lawsuit will be dismissed with prejudice meaning that these plaintiffs cannot bring these claims back again before the court in the future. The city attorney's office recommends the council adopt this ordinance and approve the settlement agreement. We think it's a good, fair settlement for several reasons. First it reduces the total award from \$17 million to \$10 million. Second, it dismisses the case without a final judgment which would enshrine the judge's ruling on the standard of review. While another Multnomah county judge would likely look to the judge's decision for guidance should a similar lawsuit be filed by another party there would be no legal precedent stating that a circuit court judge not city council gets to decide whether an expenditure of repair funds is reasonably related to the position of water and sewer services. Third, the settlement brings finality. An appeal has risks to the plaintiff and the city. The \$17 million judgment would be subject to the 9% statue statutory interest rate per an up greatly increasing the city's potential liability. I would like to address the final matter that is surely weighing on your minds. The payment of attorney fees to the law firm. The city attorney's office recommends payment of \$3 million in attorneys fees because it is consistent with standard attorney fee awards. In most contingency or class action lawsuits, where

attorneys litigate a matter at substantial risk to their law firm's finances attorneys recoup at least one-third of the are court's award. An attorney who brings a case that results in payment of funds to benefit members of the public not paying for the attorney services is entitled to recoup his or her fees from the award. In this instance the court awarded \$17 million as unauthorized expenditures to be reimbursed to the water and sewer funds. We're confident that plaintiffs' attorneys would have been awarded at least this amount in fees out of the 17 million award had this matter remained before the circuit court. Therefore the city attorney's office recommends you authorize the settlement. Now i'll turn the presentation over to mr. Ken rust.

Wheeler: I just want -- I have more to say on this shortly. I want to thank you for the presentation. This has been a very complicated multi-year process. You just boiled it down into about five minutes in a manner that people can easily understand what the decision points were and why you recommended and why your office recommends what you are recommending to the council. I think you've set a good standard. I just want to call that out for future presentations on complex issues. This is a textbook example in my opinion of how to do it correctly, so thank you for that.

Moynahan: Thank you, mayor.

Ken Rust, Chief Financial Officer: Good morning, mayor, members of the city council. For the record, i'm ken rust, city chief financial officer and director of the bureau of revenue and financial services. I have been working with the city attorney's office to analyze the financial impacts and risks of various settlement options including costs and benefits of appealing the circuit court's decision. Based on this analysis it's my opinion the settlement agreement you're considering is prudent, cost effective and is in the city's best financial interests. I have also been working with andrew scott in the city budget office to develop options for making the required settlement payments. By managing general fund contingency, the cbo believes the initial 3 million payment can be made without budget disruption this fiscal year. The remaining payments to the water and sewer funds can be made in one or more installment payments by their required due date of september 30, 2019. The settlement agreement provides the city with sufficient flexibility to structure payments using one time general fund resources or borrowed funds repaid by the general fund. Cbo will develop appropriate options for your consideration during the fiscal year 2018-19 budget process. With that I would be happy to answer any questions you have about the financial aspects.

Fritz: I'll have a question regarding the one time funds being used for this purpose. I'm hoping that we would start with 50% of the one time funding being used for maintenance in transportation, parks and emergency management before and then so that the remainder of the money would come after the other half of the one time.

Fish: I would not support any change to the Fritz policy that we apply to unanticipated surpluses in our budget. In addition as the cfo alluded, one of the options is to borrow from a fund which we have done in the past. We can do interfund borrowing at extremely favorable interest rates of under 2%. That might be an option that the cfo recommends but I would not support any change to our normal budget practices. If it turns out that we really do have a down year and scarce resources are needed for other purposes, my understanding is that the cfo and budget office will give us a number of options we can consider in terms of how we meet the payments.

Fritz: That's helpful clarification. Thank you.

Wheeler: Very good. Public testimony?

Parsons: We have two people signed up. Joe walsh and shedrick wilkins.

Fish: And lightning.

Joe Walsh: My name is joe walsh. I represent individuals for justice. You guys are so funny with this money. You know, that's what it's like to you. It's funny money. This is a \$10

million screw-up from this council, who voted for all this stuff, to the city attorney, who has 40 lawyers that don't know what the hell they are doing because they took it to court and lost their butts. It's a \$10 million indictment of this council. You have to borrow it: My god: Who is being held responsible? Commissioner Fish? You weren't here. You're off there. You weren't here. You're off, eudaly. Firm but you were. Amanda, you were. I remember this. I remember us arguing this. Now you're stuck for \$10 million. \$3 million lawyer fees and that's the going rate. No wonder lawyers are millionaires: Jesus: \$3 million. I asked you, mayor, for a raise six times and you keep saying no. But you got all these millions of dollars. Commissioner Fish, let me ask you a question, mr. Fish. Commissioner Fish. On the rate -- are the rate a pairs going to be reimbursed or are you just going to use that for some other project that somebody will come along and say that's illegal. You can't do that. This council should hang their head in shame. But I swear to god you are so funny. You compliment the presentation of costing you \$10 million. Not costing you. It's the people out there. The people that are listening to this. Sooner or later they are going to rise up, mayor, and say to you, somebody has to be held responsible. I want someone's head. Symbolically on the table. Who decided this stuff? Commissioner Fish, who decided this, to do this? To use this money illegally? That's with you did. You praise the presentations. You're so funny, mayor, you make me laugh. Sometimes i'm on the bus and I think of what you say and do and I just laugh. I just say, my god: Doesn't this guy have a brain? Thank you for your time. You're so funny.

Shedrick Wilkins: I'm shedrick wilkins. My thing is I feel three months ago or something there was a thing here about water. People are very sensitive here about water. I'll say it this way, that I was surprised at scott fernandez who wanted to keep the reservoirs open was against any kind of filtration system. I think this lawsuit is a way of telling commissioner Fish not to spend a lot of money on a filtration system and just to keep the cost of the water low. Another thing I was really quite surprised but it was exciting in 2012 the council voted to fluoridate the water which I feel --

Fish: Please don't raise that issue again. [laughter]

Wilkins: Anyway: Most states fluoridate water. Practically 90% of all cities -- I talked to a lot of people that came from california that didn't like it. Los angeles fluoridated the water. We're very sensitive about water. All good intentions I actually voted for fluoridating the water but it was trounced. People don't want anything added but this is all good intentions. All the programs that you are sued for have good intentions. But people don't want to pay for it. They want the water here cheap. In fact it went to pub yesterday and found out that people want to mix water with the columbia water even though some people claim it has radon but that's not the points. If you mix it with columbia water it will still be cheap and unfiltered, and the burden of you is to drink bottled water or whatever. This is the way Oregonians, they want cheap water from the columbia river, from bull run, to water their gardens and it's up to them whether it's not pure.

Lightning: My name is lightning. I represent lightning superwatchdog x. The city charter says the fees water bureau customers pay are for water related services. Very straightforward, very simple. Somebody missed big time on this and I hate to say this to my good friends the attorneys that control the whole fourth floor, how did you ever miss this? How did you ever allow somebody to fund the loos, dodge park, to fund campaign -- all these things a judge even looked at and came back you at the very least oh about \$17 million. John di lorenzo, I know you're listening. I have friends that went to school with you and they respect you a lot so let me say this to you again. Have yourself a very happy new year, my friends. And enjoy yourself because you have earned it, my friend. \$3 million. Outstanding work for improper use of funds. Here's my problem to you, mr. Di lorenzo. You want to settle this before going out to the full 17 million. My question to you, i'll ask you since you're listening very close, how do we get eno insurance to pay for this that the

city has in place? We have to go forward. There has to be more guilt admitted. As you know in this agreement the city is not going to admit any guilt. I want to have guilt admitted. I want to look at the eno insurance. I want to have that 3 million paid to you by some insurance policy. I want that additional money paid to you, my good friend, at your high level law firm to be paid with insurance funds. I do not want anything coming out of the of the general fund. If you truly believe, mr. Di lorenzo, in taking care of the people of this city which I know you do because I know people that know you quite well, get somebody to admit guilt, focus on the eno insurance policies, go for the full 17 million and stick it to these son of bitches who ripped us off. I'm glad to get up today and am so angry at these people who think they can spend these funds improper and not go to jail and randy leonard, my friend, randy, we're coming for you. We're going to get you, randy and remember whenever. [audio not understandable] I think of you, you son of a bitch: Go to hell, leonard:

Fish: Mayor --

Lightning: I'm outta here:

Fish: Okay.

Lightning: This is appalling to me.

Fish: Issue that's generated some passion. Can I have the city attorney come back?

Wheeler: Certainly.

Fish: Karen, can you come back for a second?

Wheeler: You had a question?

Fish: Karen, a number of questions were raised in the testimony which I think it's useful to give you a chance to respond. So one question was when did the bulk of the claims arise?

Moynahan: Certainly, commissioner. The water bureau expenditures, all the expenditures rose, most of them, between 2003 and this 2005. Some of them actually a bit earlier.

Fish: I can just -- I think stipulate for the record that no member of this body here today was serving between 2003 and 2005. That doesn't resolve any responsibility we have for addressing and resolving the problem but I thank you for that clarification. Number 2, you said in your opening remarks that the total value the claims was around 120 million. That if the plaintiffs had been successful in all of them it's my understanding that that is premised on the fact that half or more would have been related to superfund. Is that correct?

Moynahan: That's correct, commissioner.

Fish: Okay. Had this case gone on appeal, and I know there are issues that both the plaintiff's council and city attorney's office had with this, what would have been the options for review in court?

Moynahan: Commissioner, the options would have been had we appealed -- i'll back up a little bit. Had we appealed plaintiffs indicated they also would have appealed. Both parties would have been appealing the standard of review. Plaintiffs had argued early on in this case and maintained the position that the standard of review should actually be that an expenditure's primary purpose must be for the position of water and sewer services to our interpretation that means we could have spent money on a pipe. Could have spent money on treatment works. So many of the items are truly reasonably related to the provision of water and sewer services would have been in question with that standard of review. Both parties would have appealed. The options would have been that judge's decision could have been overruled is a point in his favor. I don't believe there was a great chance of that but in that scenario there would have been many more items we would have been at risk for losing. The judge's decision if it were reversed in the city's favor of course we could have had I believe if not total realistically the judge is a very well respected jurist. He's going to start as chief presiding judge in Multnomah county circuit court starting january 1st, and a decision from the judge that -- it was a recent decision, it would have been a very tough battle to have that overturned by the court of appeals. In summary, we believe

the risk would have been that the \$17 million would have been accruing per an up at 9%. Additionally the attorney's fees would have increased because opposing council would have been litigating through the corporates process.

Fish: Just to put a bow on this, both sides had something at risk if there was an appeal, and that's what then created the context for settlement.

Moynahan: Absolutely.

Fish: Colleagues, I will say that while today's not the day to cherry pick any part of the ruling and to argue the case, and as our attorney has noted, the judge will be the presiding judge of Multnomah county and is highly regarded, she did say in her prepared testimony that as a general matter the city attorney believes that it's the city council's job, not a court acting as special master, to decide under the charter how we expend money. There was one example in all the litigation that I think illustrated that. To get reasonable people can agree or disagree. I'm not rearguing the case, but one of the claims that the judge ruled in favor of plaintiffs was a program we had which was a mutual aid agreement with the city of new orleans and it was related to katrina. We have mutual aid agreements with other cities. What happens when there's an emergency is that we agree to send some of our people to go help another city, and under that mutual aid agreement they in turn agree if we're in the same situation they will send first responders to our city. It is largely funded and reimbursed by fema but there's always going to a little shortfall. It was the view of the city and people can agree or disagree, i'm not relitigating the case, that we should have those mutual aid agreements with other cities. That if we ever have an emergency we want to have water bureau professionals from other cities coming here. And we thought that the training that our employees get by being involved in those emergency situations becomes invaluable in addressing ours. Let's just saw you agree or disagree with that proposition. The point that karen made earlier is is that for council to decide or for a judge? That's a philosophical question underlying this case. On a number of these claims. I think that's important context for people to think about. I suspect people will have varying opinions on this. Thank you. That concludes our presentation.

Wheeler: Very good. We're going to call the roll. I would like to suspend the rules, commissioner Fish requested the opportunity to go first and I certainly support that unless anyone has any objections.

Fish: Thank you. Mayor, colleagues, and members of the public who are present today, I inherited both utility bureaus 5.5 years ago. I was the first commissioner since dan Saltzman to lead both of them. I think there's a logic behind this pairing since after all we sends a combined water, sewer and stormwater bill to our customer sos having one commissioner khat of bo -- in charge of both utilities I think has logic. When I took over the water bureau in particular was generating significant controversy. In my first year we witnessed a ballot measure 6156 that so the to strip the city of the utilities and create an independent water district. We witnessed continued challenges to federal regulations like It2 that had an impact on our historic reservoirs and of course there was ongoing concerns about the use of ratepayer funds. 5.5 years later, I think it's fair to say we have made significant progress. We have new leadership at both bureaus. We have sharpened our focus on basic services and spending rate ratepayer dollars wisely. The proposed water district was defeated in may of 2014 by 72% of the vote. We worked with the community on a path forward for both mt. Tabor and the Washington park reservoirs embracing community led visions. We appointed a blue rib don commission chaired by former u.s. Attorney dwight holden which led to creation of the Portland utility board, a strong, independent oversight body with dedicated staff. We forge the first ever partnership between a city and the Oregon citizens utility board adding additional oversight. Now, recently the council made an historic decision to protect the bull run watershed for the next 100 years by choosing to filter our water. Just this week the city and the Oregon health

authority entered into a binding regulatory agreement that will give us ten years to build that filtration facility. So you could say that today we close out the last chapter of the water wars. Both the city attorney and the cfo recommend that we accept the proposed settlement which represents a fraction of the original claims asserted by the plaintiffs. Significantly, because this case will be dismissed with prejudice it preserves our understanding of what the charter does and does not provide. We continue to believe that the city council and not a judge is best suited to make decisions about our utilities. But by accepting this settlement we're turning the page and moving forward. I have a number of people to thank. Sonja schmanski and todd lofgren of my team. Tracy reeve, karen moynahan and the outstanding folks who work in the city attorney's office. Ken rust, our cfo, who played an invaluable role in assessing settlement options. Mike stuhr, water bureau director, dave solmer and the many bureau staff members who worked tirelessly throughout this process. Although some may view this settlement as anti-climatic, the lawsuit has had a positive effect in refocusing city leadership on the core mission of the utilities. Today I vote aye.

Eudaly: Thank you for all your work on this. Thank you for calling the attorney back up to clarify some of the misinformation that was shared through public testimony. It's unfortunate that those people didn't stay here to get their questions answered or their beliefs corrected. Of course no one is thrilled about \$3 million going to attorneys fees but it certainly could have been a lot worse. The 7 million is going to be reinvested in our city. So glad this has come to a conclusion after however many years it's been. I vote aye.

Fritz: Congratulations and thank you, commissioner Fish, for reaching this settlement. More particularly for restoring the public trust in the utility bureaus. It's been a phenomenal turn-around. Six years ago a hearing like this would have had both the chambers packed and an overflow crowd and many of the angry people. Thanks to you as you mentioned, the water district was defeated. Thankful for community advocate visit bob sallinger who was your partner in that campaign. Again, restoring the community confidence that we work together on these difficult issues. I will also note which commissioner Fish mod modestly didn't that he was reelected in may of 2014 with a 73% of the votes. So some of those who testified said that people need to be held accountable. To me that was a resounding vote of confidence from the voters in your leadership of the utilities tilt bureaus. I think that question is answered. By reaching this settlement there is no record of decision so that restores the council's authority to determine what is the appropriate use of utility rates. There were abuses in the past, no question, by people no longer on the council. But there were also legitimate policy decisions by council on appropriate use of rights and I look forward to having those conversations in upcoming budget discussions because I think we have now gone to the other extreme, that we spend scarce general fund resources on things properly related to stormwater management, water quality and provision of fresh drinking water. So I will note that one of the reasons i'm saying so much is I was encouraged to hear that my comments when the city purchased riverview so 11.25 million including 6 million of ratepayer money, it was partly due to my comments at that hearing and emphasizing the reason it was appropriate to use ratepayer dollars was and is because of the water quality and wildlife habitat. Particularly -- riverview's 146 acres that persuaded the judge that indeed the council was within its authority and these were properly connected to rates. Sometimes it's really difficult for people to see the connections between the money that they are paying and the purpose this is put to. I encourage people to contact the commissioner in charge and ask those questions because more often than not there's a really good reason. When there isn't I know commissioner Fish does when people bring this to our attention we can address in time to take care of them. So thank you also to retired attorney terry thatcher, who has worked on this a very long time. I'm very grateful for his work as well as others in the city attorney's

office. Thanks to patti howard of my staff who was the guide for me me and many of these expenditures. Also to tim crail, my chief of staff. I'm glad this chapter is closed and we'll be able to start a new one. Aye.

Wheeler: When I took over as mayor of this city, believe it or not less than a year ago. [laughter] one of the first things I did was assign bureaus to commissioners. And commissioner Fish and I along with other commissioners had conversations about which bureaus he would like to take. He had an opportunity to express his preferences. I will tell you this. While he did not express a desire to not be the commissioner of utilities there are other bureaus that I think he would have rather had. But I didn't assign him other bureaus. I assigned him the utility bureaus. The reason I assigned him the utility bureaus was I knew he was a man of integrity. Unimpeachable integrity. He was somebody that the public could trust. I knew that I along with this council was inheriting a huge mess in the form of this lawsuit. Nick and I spent a lot of time together talking about how do we make this right. We can't go back to the early 2000s and correct some of the missteps that were made on behalf of all of us who were residents in the city of Portland that I felt that we had an obligation to extricate ourselves from this mess with the lowest cost and the highest opportunity to the people that we represent. Nick was the guy who I believed could get that job done. Amongst all of us. He's done it. So nobody is happy with the settlement. I agree with the lawyers. I think it could be worse. I think there was significant risk associated with continuing to fight this. But I have come to the conclusion as apparently have all of my colleagues that this is the lowest risk lowest cost solution that gets this mess behind us and will allow commissioner Fish or his successor commissioners to do the work that needs to be done in the bureaus. And he's already begun that process and he's already begun to rebuild that trust and reestablish the integrity that those bureaus rely on from the public that they serve. I think this is an important day, and I want to thank all of the people who spent so much time and so much energy on this particularly commissioner Fish. Nobody runs for public office so that they can sit in that seat and deal with the kind of issues that you have had to deal with on the bureaus but you've done it to great effect. I'm glad that we are where we are today. I vote aye. The ordinance is adopted.

Fish: Thank you all.

Wheeler: Could we move to 1386 because I know andrew has been waiting patiently and then we can dispose of the second readings at the ends.

Eudaly: Colleagues, i'm unwell. I'm going to excuse myself now that we have done the emergency ordinances. Happy holidays. See you next year.

Wheeler: Thanks for being here.

Item 1386.

Heidi Brown, Senior Deputy City Attorney: Excuse me, mayor. We had previously where we had only two people in the room. I think if we get to that point again we don't have a quorum.

Wheeler: Why don't we take a five-minute break.

[the meeting recessed at 12:05 p.m. and reconvened at 12:10 p.m.]

Wheeler: We're in session after a brief break. Greetings.

Andrew Aebi, Local Improvement District Administrator, PBOT: Welcome back, mayor, commissioners. I'm andrew aebi, local improvement district administrator. I understand we have a quorum. I'll be brief. We did not receive any objection to final assessment on the southeast 86 and steel lid. I just wanted to show you a few pictures here. This is a map of the area. Mayor wheeler, we were graced with your presence at the end of february when we had a grand opening for the development at 86 and steel. This is a match the lid we did here. This is what 86th court looked like before the lid in lentz. That's what it looked like when we finished the street work. Work was done just prior to that grand opening. This is what the old foster school looked like when it was a closed

school. This is what it looked like when we had the grand opening. That's all I have to share with you today. I'm happy to answer any questions you might have.

Wheeler: That was a very brief but very compelling presentation. Thank you.

Fritz: That was brilliant. Thank you for sharing the before and afters. Putting a bow on it.

Wheeler: Fabulous to see how this process improved the area. Obviously. Any public testimony on this item?

Parsons: No one signed up.

Wheeler: Please call the roll. I'm sorry, this is -- I scribbled right over the little star. This is a nonemergency first reading of an ordinance. It moves to second reading.

Aebi: Thank you.

Wheeler: We have a number of second readings. 1383, please.

Item 1383.

Wheeler: This is a second reading. This along with some of the others we'll be voting on in a minute have already been presented. There's been public testimony. We're now calling the roll on the second reading.

Fritz: This is 1383. Aye.

Fish: Aye.

Wheeler: Aye the ordinance is adopted. 1384.

Item 1384.

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

Fritz: Aye.

Fish: As I mentioned last week, it's my intention in early february before we start the work which is going to be very disruptive to the montavilla community that we hold another forum maybe at the bipartisan cafe so people can learn more about the work and the staging of the work and we found that to be successful on other projects we have done. Aye.

Wheeler: That's a good suggestion. This is not a commercial advertisement but I happen to think they have the best pie in town. That's a great idea. Aye. It's adopted. Next item. 1385.

Item 1385.

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

Fritz: Aye.

Fish: Mayor, not only do they have the best pie, but inexplicably the best bagels and lox. Recently they were closed so I went to the village inn, which for those of us who have to pick up a pie and places are closed because of holiday hours the village inn has great pies. Throw that out there. Aye.

Wheeler: Some of the best hamburgers in town are actually at the country tap down the street. I also like the appetizers at the observatory. I vote aye.

Fritz: Happy holidays.

Wheeler: We are adjourned.

At 12:12 p.m. Council adjourned.