



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **14TH DAY OF FEBRUARY, 2018** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fish, Fritz and Saltzman, 5.

Commissioner Eudaly arrived at 9:32 a.m.

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

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

The meeting recessed at 10:21 a.m. and reconvened at 10:32 a.m.

COMMUNICATIONS		Disposition:
134	Request of Timothy Mears to address Council regarding homelessness and hygiene access (Communication)	PLACED ON FILE
135	Request of Cevero Gonzalez to address Council regarding an investigation into private correspondence leaked to the media and sexual harassment endured while working at the City (Communication)	PLACED ON FILE
136	Request of Shedrick J. Wilkins to address Council regarding Hanford 1995 water reports (Communication)	PLACED ON FILE
137	Request of Injured and Pissedoff to address Council regarding public apology to City Auditor (Communication)	PLACED ON FILE
138	Request of Ann Kasper to address Council regarding Eliot Stormwater and Sewer Project, Department of Justice Settlement, PUAH, mental health, and respond to Letter to Portland looking Back at 2017 (Communication)	PLACED ON FILE
TIMES CERTAIN		
139	TIME CERTAIN: 9:45 AM – Proclaim February 2018 to be Pioneer Black Firefighters of Portland Month (Proclamation introduced by Mayor Wheeler and Commissioner Saltzman) 15 minutes requested	PLACED ON FILE

February 14-15, 2018

<p>140</p>	<p>TIME CERTAIN: 10:00 AM – Accept the North/Northeast Neighborhood Housing Strategy Oversight Committee 2017 Report (Report introduced by Mayor Wheeler) 30 minutes requested</p>	<p>REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</p>
<p>141</p>	<p>TIME CERTAIN: 10:30 AM – The past year at Open Signal: a new era of equity, access and economic impact (Report introduced by Mayor Wheeler) 30 minutes requested</p>	<p>PLACED ON FILE</p>
<p>142</p>	<p>TIME CERTAIN: 11:00 AM – Appeal of the South Burlingame Neighborhood Association against the Hearings Officer’s decision to approve with conditions, Macadam Ridge, a 21-lot subdivision, Environmental Review with Modifications and Environmental Violation Review for vacant property west of and adjacent to 0319 SW Taylors Ferry Rd (Findings; Previous Agenda 132; Introduced by Commissioner Eudaly; LU 16-213734 LDS ENM EV) 10 minutes requested</p> <p>Motion to grant the Appeal in part and deny the Application for Land Division, Environmental Review and Modifications, except that Council grants approval of Environmental Violation Review with conditions: Moved by Fish and seconded by Fritz. (Y-5)</p>	<p>FINDINGS ADOPTED</p>
<p align="center">CONSENT AGENDA – NO DISCUSSION</p> <p align="center">Mayor Ted Wheeler</p> <p align="center">Office of Management and Finance</p>		
<p>*143</p>	<p>Authorize a grant agreement with The Micro Enterprise Services of Oregon in an amount not to exceed \$85,000 to support their access to capital for African-American entrepreneurs initiative (Ordinance) (Y-4; Fish absent)</p>	<p>188813</p>
<p>*144</p>	<p>Authorize a grant agreement with The Rosewood Initiative in an amount not to exceed \$64,800 to support their Community Resource Navigation Program (Ordinance) (Y-4; Fish absent)</p>	<p>188814</p>
<p>*145</p>	<p>Create a new represented classification of Parks Associate and establish a compensation range for this classification (Ordinance) (Y-4; Fish absent)</p>	<p>188815</p>
<p>146</p>	<p>Create a new represented classification of Parking Code Enforcement Officer, Lead and establish an interim compensation rate for this classification (Ordinance)</p>	<p>PASSED TO SECOND READING FEBRUARY 21, 2018 AT 9:30 AM</p>

<p>REGULAR AGENDA</p> <p>Mayor Ted Wheeler</p> <p>Office of Management and Finance</p>		
<p>147 Accept bid of Just Bucket Excavating, Inc. for the SE 50th Avenue - SE Division St to SE Hawthorne Blvd project for \$1,150,656 (Procurement Report - Bid No. 00000792) 15 minutes requested Motion to accept the report: Moved by Fish and seconded by Saltzman. (Y-5)</p>		<p>ACCEPTED PREPARE CONTRACT</p>
<p><i>Note: Item 148 is presented by Bureau of Environmental Services and will be heard under Commissioner Fish.</i></p>		
<p>*148 Amend contract with Tetra Tech, Inc. for additional compensation to perform engineering during construction for the Oaks Bottom Culvert Replacement Project No. E08576 for \$263,401 (Ordinance; amend Contract No. 38016) 10 minutes requested (Y-5)</p>		<p>188817</p>
<p>149 Grant a franchise to Sprint Communications Company L.P. for telecommunications services, for a period of up to 10 years (Previous Agenda 127) 20 minutes requested</p>		<p>PASSED TO SECOND READING MARCH 21, 2018 AT 9:30 AM</p>
<p>Commissioner Amanda Fritz</p> <p>Bureau of Development Services</p>		
<p>150 Amend regulations for trees not impacted by development and establish appeal procedures for trees in development situations (Second Reading Agenda 129; amend Code Title 11) (Y-5)</p>		<p>188816</p>
<p>Commissioner Nick Fish</p> <p>Bureau of Environmental Services</p>		
<p>151 Authorize a competitive solicitation and contract with the lowest responsible bidder and provide payment for construction of Portsmouth-University Park Sewer Rehabilitation Project No. E10335 for an estimated cost of \$4,110,000 (Previous Agenda 130) 10 minutes requested</p>		<p>PASSED TO SECOND READING FEBRUARY 21, 2018 AT 9:30 AM</p>

At 11:45 a.m., Council recessed.

February 14-15, 2018

2:00 PM, WEDNESDAY, FEBRUARY 14, 2018

**DUE TO LACK OF QUORUM
THERE WAS NO WEDNESDAY 2:00 PM MEETING**

February 14-15, 2018

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **15TH DAY OF FEBRUARY, 2018** AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Robert Taylor, Chief Deputy City Attorney; and Jim Wood and John Paolazzi, Sergeants at Arms.

<p>152 TIME CERTAIN: 2:00 PM – Transmit OIR Group Fifth Report on Portland Police Bureau Officer-Involved Shootings and In Custody Deaths (Report introduced by Auditor Hull Caballero) 2 hours requested</p>	<p>Disposition:</p> <p>PLACED ON FILE</p>
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At 3:20 p.m., Council adjourned.

MARY HULL CABALLERO
Auditor of the City of Portland



By Karla Moore-Love
Clerk of the Council

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

February 14-15, 2018
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.

February 14, 2018 9:30am

Wheeler: Good morning everybody, this is the February 14th session of the Portland city council. Karla, please call the roll.

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

Wheeler: The purpose of council meetings is to do the city's business including from the community on issues of concern. In order to hear from everyone and give due consideration to matters before the council we must all endeavor preserve the decorum of these meetings. To make sure the process is clear for everyone I want to review the basic guidelines, which I hope will help everyone feel comfortable, welcome, respected and safe in the meeting and make sure decorum is maintained. There are two opportunities for public participation. First we have an opportunity for people to sign up for communications to briefly speak about any subjects they wish to address. These items must be scheduled in advance at the clerk's office. Second, people may sign up for public testimony on the first readings of resolutions and ordinances, if you sign up, it must address the matter considered at the time. Please state your name for the record, we don't need your address. If you are a lobbyist, please disclose that and if you are representing an organization please identify the organization. Individuals have three minutes to testify unless otherwise stated. When you have 30 seconds left, the yellow light will light up and when your time is up the red light will come on. Conduct that disrupts the meeting for example shouting or interrupting others testimony or interrupting during council deliberations is not allowed. People who disrupt the meeting face ejection from the meeting. If there is a disruption I will issue a warning that if further disruption occurs anyone disrupting the meeting will be subject to ejected from the remainder of the meeting. Anyone who fails to leave the meeting after being ejected will be subject to arrest for trespass. If folks want to share their support a simple thumbs up is good, if you don't like something a simple thumbs down works. With that let's head to the first item which is communications.

Item 134.

Wheeler: Good morning.

Timothy Mears: My current career path in health care a new paradigm is informing policy and treatment. It is no longer considered sufficient to merely address a particular symptom or condition. The health and wellness of an individual is now considered in terms of a combination of mental, emotional and physical well being. It's nearly impossible for an individual raised in our society to be healthy mentally, emotionally or physically without sufficient access to hygiene. The false image of someone who's homeless as a dirty bum, unworthy as consideration as a human being is reinforced by denied basic human services. It is impossible to convey what it feels like to walk down the sidewalk and have nearly everyone I see look at me with contempt, fear and anger, or worse make an effort to not acknowledge my existence at all. The current policy of trying to clean up the problem of homelessness by sweeps will never work. Pushing people from one place to another with a stick may temporarily make some sidewalks and mostly more affluent neighborhoods look cleaner, but ultimately sweeps can never clean anything because people aren't

February 14-15, 2018

garbage. Soap and hot water clean, toilet paper cleans, laundering clothing in a timely fashion cleans, toothbrushes and toothpaste with running water cleans. Pushing people from one place to another at the point of a gun with a stick is never going to be compassionate or clean anything. This policy makes you dirty for using it. Sweeps don't clean because people aren't garbage.

Wheeler: Thank you. Next individual, please, Karla. Again, no clapping, no booing, thumbs up or down. Mr. Walsh you know the rules.

Item 135.

Cevero Gonzalez: Good morning. My name is Cevero Gonzalez and I will be speaking this morning in follow up to email correspondence I previously sent to the city of Portland regarding sexual and work place harassment. Correspondence on this note that was leaked to the media without any knowledge or permission. With respect to this leak, representatives from the city of Portland have offered that any material in their possession is a public record and therefore subject to release. Not untrue. However, the city of Portland utilizes a stringent public records request process in order to ensure the publicly held information is adequately reviewed prior to its release. In the case of my correspondence, no such review occurred nor was a request submitted prior to its release. Complaint of harass are considered confidential by city code. The release of my correspondence without review or action violates the city's administrative roles. Separately and in response to the city's assertion that 1, my complaints would have been investigated if they had been reported and 2 that Mr. Adams is no longer a city of Portland employee limiting the scope of any investigation, I would note the following. I reported my concerns to two supervisors, tom miller and Jennifer Yoakum that neither felt compelled to investigate my concerns does not absolve the city of their responsibility to determine what actually occurred. Additionally an investigation should never be limited to the actions of the perpetrator, in this case Mr. Adams, but should include an investigation of the supervisors who have a responsibility to ensure a safe work environment. For example, Ms. Yoakum previously served as my direct supervisor and unlike Mr. Adams she remains a city of Portland employee. Given her involvement in the matter I believe Ms, Yoakum should be required to account for her inaction with respect to the concerns I previously raised. In conclusion, I'd like to share the following four points. First, the city's decision to approve of the leak of my confidential correspondence has impacted how others in the future will seek to report their personal concerns or feelings of harassment. Second, the city of Portland must stop denying there's nothing more to be done. I urge the publicly elected city council to support an external investigation of this matter. Third, I witnessed firsthand how the city's practices stifle complaints of sexual harassment. In 2007, a temporary pbot employee complained about inappropriate behavior by a permanent pbot employee. When the matter was brought to the attention of our then supervisor I was ordered to speak to the temporary employee in an effort to discourage him from pursuing other remedies. The temporary employee eventually resigned. However, the permanent employee remains working for pbot. Finally I was able to find a few documents to support my allegations that I used my personal funds for goods and services that benefitted Mr. Adams. I have left copies of the information with the council clerk. Thank you.

Wheeler: Thank you. Next item, Karla.

Item 136.

Wheeler: Is Shedrick here? I do not see him here yet. Next individual, please.

Item 137.

Wheeler: Good morning, sir.

Injured and Pissedoff: My name is injured and pissedoff and I have a court order that states that from February 3rd of 2017 so I have been injured pissed off for more than a

February 14-15, 2018

year officially according to Multnomah county court. I was going around yesterday thinking it was the 13th. So, next year, while I hope to report here at this time that I have been injured and pissedoff for the whole year and I'm apologizing to the city auditor because the city attorney -- I think it was June 6th, that that desk was sitting there, and I don't know if it is the same man or woman, but anyway, I showed her the publication of the meeting, and asked her -- asked him at that time why my name was abbreviated to just injured. They had done that for two meetings, the May 24th meeting they printed just injured and June 6th I think was the second date and the city attorney said, well, sometimes they abbreviate names. I go, why didn't they abbreviate any other people's names? And then he said, well the city auditor is the one that did it, that deleted your name. I went down to the city auditor after the meeting, or a day or two later, and told her that and she said, oh, no, it wasn't her. This Mary Hull-Caballero, the city auditor, said it wasn't her it was the seven city attorneys upstairs. I went up there and wanted to talk to all of them, or one of them, and their receptionist said that you can't do that. I said, well, talked to her and said well I feel uncomfortable announcing your name at the city council meeting. So I assumed it was one of the board clerks I was talking to and I said, you feel uncomfortable? I said well, after seven dog attacks of my service animal, which is against Oregon state law, Wheeler you know that, and the city owns the property that I live at, which is the reason why I have had such difficulty in being able to get legal representation, even though a civil conspiracy has occurred, as I'm indicating with seven city attorneys deleting my name and she is well aware of that. I told her that conversation, and the city attorney has agreed to print my name, injured and pissedoff.

Wheeler: Glad it is worked out.

Injured and Pissedoff: Well you will be getting a lawsuit someday.

Wheeler: Next.

Item 138.

Wheeler: Good morning.

Ann Kasper: Long time I haven't seen you guys I have been at tech conferences in Vancouver, bc, Seattle and Oakland, san Francisco. My name is Ann Kasper going to other cities and looking at their values and cultures and what we have in Oregon and talking about that. Also, just thinking about -- I came back and yesterday someone said in Portland there's a revolution going on. So there's actually some good things are going on here and I got this pin it says "love more visibly." if I can give it to you if that is possible. I want to say to you commissioner and mayor wheeler, thank you for all you are doing. Really grateful. It is not easy in the city. We are in a big change and transition I want to say as a person, thank you for your work. I know you are doing your best.

Wheeler: Thank you, ann.

Kasper: When I visited other cities I talked about Oregon and Portland values. Think what would Mr. Bailey say, and we talked about why do we not have a sales tax in Oregon and why don't we pump our own gas? Because we care about people who don't have higher incomes. We actually do care, we have those values here. So let's work with these values and I just found out today open signal is coming and I use to produce there and I think we need a communications center where we don't have enough time in city hall to talk about stuff. We need people to be able to come in and present their views and with podcasting virtually, so you can get information that you need with the visuals as well, so a new information center and I also am here to talk about Elliot sewer storm water, we're still waiting and I think construction is coming soon. We are looking forward to seeing the signs in the languages we asked for Spanish and Somali on the street to make sure every neighbor knows where to park, how to do things, what's going on, when the construction is coming. I came here six months ago and asked for that. I know construction is happening

February 14-15, 2018

soon. So we will see the signs up soon, I hope. I want to add Judy Shiprack, I'm sorry commissioner Shiprack had a couple of questions about a mental health liaison and I think we need a couple Liaisons with the city and the county because they can offer new ways of doing things, looking at things, trauma and things that happen at hospitals looking at all sides. What happens? Why did that happen? And so I think you need more than one liaison though Judy was thinking one I think we need a couple and as we are making new things in the city with new people moving in we can all work together and have a revolution.

Wheeler: Thank you.

Kasper: Where should I leave this?

Wheeler: Leave it with Karla and she will get it to me. Great to see you. Thank you. Is there any -- excuse me, folks, folks. While they are departing the chamber, are there any items currently pulled from the consent agenda.

Moore-Love: I have had no requests.

Wheeler: Very good. Call the roll.

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

Wheeler: Aye, consent agenda is adopted. First time certain item is number 139.

Item 139.

Wheeler: Commissioner Saltzman

Saltzman: Thank you, mayor. Before the proclamation is read I wanted to give a bit of history and invite staff with Portland fire and rescue to speak on this item. A few years ago it was discovered there was a black firefighter appointed to the bureau in 1890. This man's name was Gus Waterford. Considering the state of race relations in Oregon at that time, this accomplishment is remarkable. The next black firefighter William carr, was not sworn in until 1952. After William carr there were no other black firefighters until the early '70s. A group of current and retired Portland black firefighters are interested in making sure the legacy of Gus Waterford is recognized in conjunction with black history month and beyond. They have been working with Portland community college on creating a fire science scholarship in his name that will go to students who are the first in their families to go to college. With us to speak on this today are chief mike Myers, lieutenant Ted Mayes, lieutenant David baron and firefighter Sultan Shabazz. After they speak I will read the proclamation or the mayor can read the proclamation.

Chief Mike Myers, Portland Fire and Rescue: Thank you for having us here today my name is mike Myers the fire chief for the city of Portland. I represent several hundred firefighters in Portland and every day they display a level of courage we are very appreciative for. Today we have the opportunity to express our commitment to an individual who showed personal courage and it is my opportunity to stand before you today and I thank you for that. Thank you.

Wheeler: Thank you, chief.

Ted Mayes, Portland Fire and Rescue: My name is lieutenant ted Mayes. Obviously you know I voted for you.

Wheeler: You had to there's only two of us left.

Mayes: It is also good to see commissioner Fish, who was our commissioner and did a great job. I want to thank you for taking this day and it kind of is appropriate it is valentine's day that we celebrate someone who has been a great representative of the Portland fire bureau, but also a great American story. He started off where his dad was former slave, who earned his own freedom from Tennessee, and worked his way up to Kentucky and married a Martha griffin. They moved up to Canada because that was considered the promise land at this time for blacks because it was a safe haven and then he made his way to the Oregon borders in 1865. Unfortunately, when he was approaching the board in

February 14-15, 2018

1865 there were exclusionary laws that limited access for free negroes and mulattos and there were some other restrictions where they couldn't own land. In spite of that, he was able to thrive and eventually became Portland firefighter. There's other key people that were in that history that I came across, which was Joseph Simon who put pressure -- he was a politician, he became a future U.S. senator, but he put pressure on the city and eventually they hired in 1892 Moody Scott and then followed up with Portland police officer George Hardin in 1894 and Gus Waterford followed shortly thereafter. We want to celebrate his history and what he has done, but like you mentioned, the scholarship we have set up, that's also to make sure that we represent him and continue to represent him in the future. So I want to thank the people from PCC that assisted us, as well. I'd like to thank my firefighter family behind us and then there are some other individuals that also had key parts in our history. Those three individuals were Larry Harper, Bill Kendrick's, and Don Lewis who set up apprenticeship program in 1995 and we were able to have people that weren't actually able to come in but were able to -- were able to hire not just people of color but also women, as well. So we want to thank them, as well. We have a rich history and it is not just firefighters but all of our history. We want to thank you for taking the time to give us a moment to celebrate that.

Wheeler: Thank you.

Sultan Shabazz, Portland Fire and Rescue: I'd like to thank you for allowing us this platform. Also just ask for any members of the city, the citizens of the city to support this scholarship in the future. Thank you.

Wheeler: Sir, could we get your name for the record?

Shabazz: Sultan Shabazz.

Fritz: How can people donate to the scholarship if they wanted to?

Mayes: Can I have someone come up? Christina Kline, who represents PCC.

Wheeler: Very good. Welcome. If you could just state your name again for the record, please?

Christina Kline: I'm Christina Kline, Portland Community College Foundation. Thank you for having us here today. To make a gift to support this scholarship the easiest way is to go online at pcc.edu/give and make a note that you are supporting the Gus Waterford Memorial Scholarship. We have some materials we will hand out today. Thank you for imparting this honorary scholarship.

Fish: Can I ask a question? For some people going through the hoops is a barrier. Is there some way we could get just an app or link that we could put on our website that Commissioner Saltzman could ask us to put on our city hall website that you click on and it takes you some place? Is that technologically feasible?

Kline: Absolutely, we could provide you guys with some hyperlinks that would go to a site specifically for that scholarship.

Fish: If you could do that because if people are like me, I have trouble doing the back slash and I get lost.

Kline: Happy to do that

Fish: What's your goal for the endowment?

Kline: We are working on an annual scholarship, but to create an endowed scholarship it would be \$25,000. We'd love to hit that \$25,000 mark so we can endow the scholarship and permanently award it to wonderful fire safety students.

Saltzman: Thank you, thank you all, Mayor do you want to read the proclamation?

Wheeler: Thank you. Thank you, all. I'm honored to read it. Whereas in 1890 a man named Augustus, Gus Waterford became the first black firefighter to join the Portland fire bureau and whereas firefighter Waterford was stationed at engine six in 1890, 1891 and possibly part of 1892; And whereas William Carr was the next black firefighter to join the

February 14-15, 2018

ranks of pf and r. He was sworn in on April 5th, 1952. He served on engine 8, 13 and 11; And whereas while it takes a heavy dose of bravery to be a firefighter, it also takes an extra level of courage to be the first person to break down a social barrier; And whereas, pf and r's first black firefighters did not have the reassurance of seeing other people who looked like them on the job, but still had the wherewithal to visualize themselves as firefighters and the personal conviction to go after a career in the fire service; And whereas today, there are many more people of color who put on the Portland fire and rescue uniform and proudly serve this city; Whereas, as February is black history month, now is the time to recognize those who paved the way for all of the black firefighters who came after them. Now, therefore, I ted wheeler, mayor of the city of Portland, Oregon, the city of roses, do hereby proclaim, February 2018 to be pioneer black firefighters of Portland month in Portland and encourage all residents to observe this month. Thank you. We will suspend the rules, folks.

Saltzman: We have a lot of representatives of Portland fire and rescue. Maybe we can gather for a photo in front of the dais.

Kline: History.

*****: Finally.

Kline: Yes, indeed. Perfect.

*****: Thank you, everyone.

Mayes: Can I say one other thing? Hold the air. Hold the air.

Wheeler: Folks. Let's take conversations outside, please.

Mayes: I just wanted to actually thank someone who is instrumental in this. That is my chief here I want to applaud you guys because I think you guys did an exceptional job in selecting him. He's not just a person -- he's not just a visionary but he is also a person of action. So, I just want to let you know you did a great job and when it comes time for budget cuts, remember.

Fish: A subliminal message well done.

Wheeler: Who says we don't teach leadership here? That was brilliant. Never miss an opportunity for a plug. Thank you, all and thank you, chief. So, colleagues, number 140, Karla, I will let you read it. I'm pulling it and I will explain why in a minute.

Item 140.

Wheeler: The north-northeast housing strategy annual report is submitted on behalf of the north-northeast neighborhood housing strategy oversight committee. This report outlines the outcomes of the preference policy, homeownership program and the home repair program. After consultation with the north-northeast oversight committee chair I moved this item back to my office. I will request this report be brought back to council at a later date in March. In the meantime, I have instructed the Portland housing bureau to come up with a specific set of action items to address the north-northeast oversight committee's concerns with a vetted response of specific solutions indicated to be brought before the north-northeast oversight committee and to this council. In other words, we were prepared today to provide a report that shows the successes and shows concerns on behalf of the oversight committee, but rather than having the housing bureau and the oversight committee and our non-profit partners potentially pointing fingers, what I want us to do is meet, come to a consensus on how to address the concerns that are clearly outlined in the report and come back to the city council to present our action items for addressing the concerns raised in the report. After having met with leadership of the oversight committee and having communicated with a number of the partners, they agreed that is the best strategy. I hope you will accept my forbearance on that and we will bring it back with a fuller report, including solutions, next month.

Fish: Mayor wheeler?

February 14-15, 2018

Wheeler: Commissioner Fish.

Fish: We are ahead of the game and I note a couple of agenda items are procurement and I don't see anyone from procurement so I want to ask a question. Do we have the authority to suspend the rules and move open signal up a half hour?

Wheeler: Let me differ to legal council on that I certainly have no objections.

Lauren King, Deputy City Attorney: What?

Fish: Well we have a report from open signal scheduled for 10:30 its not controversial do we have the authority to suspend and move it up to 10?

King: For a time certain.

Fish: Correct.

King: No, I wouldn't recommend that.

Fish: Okay

King: If it is scheduled for time certain it shouldn't happen before 10:30 I apologize.

Fish: We could take a break. I have a lot of valentine cookies and cakes in my office mayor we could spend half an hour.

Fritz: Do the rest of the agenda.

Fish: I just don't know that anyone from procurement is here.

Wheeler: Call item 150 while we're trying to do that and Michelle if you could help with that as well. Call item 150 please.

Item 150.

Wheeler: Colleagues, this is the second reading of an ordinance. This is an ordinance that has already had a reading. It has already had a staff presentation and testimony. Therefore, we are calling the roll.

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

Wheeler: Aye, the ordinance is adopted. Thank you. Why don't we see if we have anybody here? Do we have anybody here for item number 147 to present on 147? Yes. Good. Come on up. Please read item 147

Item 147.

Wheeler: Commissioner Saltzman?

Saltzman: Thank you, mayor. We have before us a procurement report for an exciting project that will rebuild southeast 50th between hawthorn and division with numerous ada compliant corners installed. This is a great example of your local ten cent gas tax at work. As this is a fix our streets project funded by those dollars. I'm also happy to report this bid came in at a bid at over \$1 million, with over 98% of the work going to disadvantaged, minority, women, and emerging small business participation. 53% going to the prime contractor, just bucket excavating and over 44% going to certified subcontractors. So it is a great example of local dollars supporting up and coming local businesses and we have somebody here from procurement and I will turn at this time over to you.

Norberto Adre, Portland Bureau of Transportation: My name is Norberto Adre, I'm from pbot services.

Wheeler: Sorry.

Fish: Is there any reason we should not accept this bid?

Adre: I don't see any reason, I think it is good for the public and its good for the southeast 50th neighborhood there and the crumbling pavement that is actually needed to be fixed.

Saltzman: Thanks.

Wheeler: Did you say dmwesb was 98%?

Adre: Yes, just bucket is mwesb.

Wheeler: That's great news thank you, that ups the ante.

Fritz: I think more impressive the prime contractor is a minority business, but they also made room in the contract for 44% of the subcontracting. We have seen majority firms who

February 14-15, 2018

just choose to do everything themselves, but this company shares the benefits to other smaller companies, and I think that is essentially exemplary. I also want to note that usually that often we see that flagging and other such nonmanual labor is part of the women's allocation, this one has \$353,000 of women-owned business performing paving, I thinks that's fantastic.

Fish: I move to accept the report.

Fritz: Do we have to take testimony?

Fish: There is no testimony

Wheeler: We have a motion from commissioner Fish. A second from commissioner Saltzman. Any further discussion? Please call the roll.

Fritz: Thank you for being here, aye.

Fish: Congratulations on the numbers, aye thank you.

Saltzman: Good work and congratulations to just bucket excavating, aye.

Eudaly: utilization rates are one of those things that I think sound really boring to the public, but are extremely important and our typical utilization rates are under 5%. So 95% of women and minority businesses is extraordinary. Aye.

Wheeler: Aye, the bids accepted congratulations. Please call 149.

Item 149.

Wheeler: Colleagues this agenda item is a new franchise agreement to replace the previous franchise agreement with sprint communications company which was passed by council in 1998. December 2017 the council extended the terms of a franchise agreement with sprint communications company. This allowed more time for city staff to negotiate the current franchise agreement being brought forward today and provide sufficient time for staff to complete the formal franchise process required under the city charter. Here with us today to discuss the process is our utility program manager Jennifer lee, good morning.

Jennifer Li, Office of Community Technology: Good morning mayor and commissioners for the record my name is Jennifer lee from the office of community technology and the revenue division. As the mayor noted in 1998 city council granted a franchise to sprint communications company to build a telecommunications fiber system within the city streets. The agenda item before you is a new agreement that will supersede and replace the original 1998 franchise. Staff and the company have negotiated a new 10 year franchise agreement which is typical of the term for franchise agreements with other telecommunications fiber companies. The terms are similar to the original agreement but reflect modern standardized terms such as updated insurance, bond language, permitting requirements and reflection of updated city code requirements. Similar to other telecommunications franchises, sprint communications company will be charged a franchise free for its use of the public right of way. No new builds to the system are planned at this time, the expected franchise fee reflects the calculation based on the existing system built in 1998. However any additional footage or routes will be subject to the adjusted rate for which the year will be built after city council approval. Additional routes would require an amendment to the franchise. Based on charter requirements, the franchise has been published in the daily journal of commerce and is currently scheduled for a second reading on March 21st. I'm happy to answer any questions you might have.

Fish: I have a question mayor

Wheeler: Commissioner Fish

Fish: We have seen in Washington a number of actions taken by federal agencies to reverse long-standing rules, including things around net neutrality but there are other things in the pipeline. So my question is, are there any changes to federal law that we have to pay attention to when we do these franchise agreements to protect our values at the local level?

February 14-15, 2018

Li: As you probably know, there's -- I think we might be getting a little off topic but there is a bill -- I think it is house bill 4155 in Oregon.

Fish: I think Rob Nosse and others are working on that.

Li: Right and that is directed toward net neutrality protections and internet privacy.

Anything that would affect franchises, I think the things to watch out most for are requests from the fcc or their broadband development advisory commission to pre-empt local municipalities ability to manage rights of way, including charging reasonable and fair franchise fees for their use. We have heard some indications that, you know, the fcc is being lobbied pretty heavily to eliminate those or reduce municipalities abilities. Right now I haven't heard of anything urgently pending in the federal government, but I think the fcc has another meeting scheduled soon.

Fish: Sounds like the answer is we can proceed with this franchise agreement but there could be further actions taken by congress or by regulatory bodies which could hamstring us in the future in terms of our ability to manage these franchise agreements. Is that fair?

Li: Yes, that's true. You should know that our office, along with the city attorney's office, government office, we are all watching the fcc and federal government very closely. So hopefully we will be able to put in our two cents before anything happens.

Fish: Just for the record, colleagues, I was down in Salem the other day and met with representative Nosse and we talked about net neutrality. These are complicated issues but one of the issues that alarmed me was the fact that people are trading browsing history without the permission of the customer. While I have nothing in my browsing history to be ashamed of, I do from time to time, for example, in my browsing history look at medical issues and I found it rather shocking that that information could be shared widely with others. There are very profound privacy issues that could be implicated and that's why it is important, in my view, that we have protections around internet privacy and hopefully the legislature can do something on this. Thank you very much.

Wheeler: Thank you, Jennifer. Is there any public testimony on this item, Karla?

Moore-Love: I'll see out there sorry. No one signed up.

Wheeler: Very good this is the first reading of a non-emergency ordinance. It moves to second reading.

Li: Thank you.

Wheeler: Thank you, item 151. Thank you for being here.

Item 151.

Wheeler: Commissioner Fish.

Fish: Thank you, mayor let me pull my notes. We are all out of sequence today you are keeping us on our toes

Wheeler: I am.

Fish: Mayor and colleagues, this ordinance would authorize the bureau of environmental services to rehabilitate approximately 8,200 feet of severely deteriorated sewer lines in north Portland neighborhoods of Portsmouth and university park. This project is part of bes' large scale sewer rehabilitation program and is necessary to protect water quality, public health, private property and our environment. Today we are joined by Margaret Russell, project manager from the bureau of environmental services to give us a brief presentation. Welcome Margaret.

Margaret Russell, Bureau of Environmental Services: Thank you. As commissioner Fish mentioned I am Margaret Russel I am a senior engineer associate with the bureau of environmental services and I am here to request support for the Portsmouth sewer rehabilitation project. Portsmouth is one of 39 large-scale sewer projects and you can see it in green on this picture. It is in north Portland and it will rehabilitate and replace severely deteriorated sewer pipes and it will also provide extensions for ten nonconforming sewer

February 14-15, 2018

properties. It will protect human health, the property and environment by reducing risk of sewer backups and releases to basements. It is typical of the large-scale sewer projects. We have 34 segments of pipe for 8,000 linear feet, in these projects the typical diameter is eight to ten inches and it will primarily be in residential streets with three segments of pipe on an odot right of way on Lombard. Typical deterioration that this project will repair are intrusions from roots, holes in main line pipe and laterals that have holes as well as dropped connections at the main.

Fritz: This always reminds me of medical imagery and also commissioner I was wondering do you use the same pictures every time because they all just look really gross.

Fish: Funny you mention that and this is a family show and there are children who are watching. We will park over here the medical imaging part of this conversation although I'll share with you a private story.

Fritz: Please don't. [laughter]

Fish: I will exercise my hipaa rights and will not show that, but when Scott Gibson who is often in our meetings preparing these things and we go through the awful pictures to prove the point we give extra credit if there is a rat in the corner or something horrible but they do a great job at coming up with disgusting photographs to prove a point.

Eudaly: It's too early in the morning for this.

Russell: For an easier picture to look at, the construction methods for this project will be cipp lining which is a trenchless method, pipe bursting and other trenchless method, a spot repair which involves a localized segment of pipe, slip lining is inserting a pipe in to the host pipe and then 18 segments of open cut where we will cut through the street with a trench and then replace the pipe. Also on two segments, there will be a pilot testing method for bidding where the contractor will be allowed to bid either construction method shown there, open cut or pipe bursting and this approach is called contractors choice and the purpose of contractors choice is to obtain the most competitive bid for city. It allows the contractor at the time of bidding to choose whether they are going to be using open cut or pipe bursting and on the project all pipes segments are listed as separate bid items.

Saltzman: What is pipe bursting again?

Russell: Pipe bursting is where you take a pipe and you pull it through the host pipe which is deteriorated and break it apart and you have a brand new pipe inside. For the project, we do have noise variances that have been acquired for three locations that were needed because of extended cipp curing that is where large liners may need curing times past 6:00 p.m. as well as we as we wanted to maintain daytime traffic ability so we had noise variances for those. Our public involvement staff has done extensive outreach to the homeowners, schools and businesses. They have done flyers and attended neighborhood association meetings and as commissioner Fish mentioned, we are asking for authorization for the \$4,110,000 for the project. Our level of confidence is moderate, while the scope is typical of our large-scale projects, the bidding approach is being piloted as well as there are contracting community has indicated the bidding price has been rising in the Portland area and there are pressures on labor and materials. Our goal is to advertise February, March of this year and begin construction in September. The duration of construction will be for a year. Are there any questions?

Fish: Colleagues, can I add a couple more points? Clearly -- now that you have seen the presentation, you have picked up on what I picked up on when I got my first briefing, which is it will be terribly inconvenient to our neighbors and businesses in this part of the city. So we have gone the extra mile or attempted to in terms of community outreach. So presentations at the Portsmouth neighborhood association, university park neighborhood association, newsletters, door to door visits, flyers, the works, but there's no way around the fact that part of the construction will occur on north Lombard street and Willamette

February 14-15, 2018

boulevard they are hugely significant routes in north Portland. We will do our best to minimize impacts but in a project of this size and scale there will be impacts on businesses and homeowners and we have done our best to stage it and be cognizant of the concerns and to choose construction techniques that minimize noise, but the bottom line is, this will be disruptive. I think the best we can say is we will do our level best to meet or exceed the construction duration to get the work done in as expeditious a time as possible. Thank you.

Wheeler: Any further questions, colleagues? Any public testimony on this item

Moore-Love No one signed up

Wheeler: Very good. This is the first reading of a non-emergency ordinance it moves to second reading. Thank you very much. Item 148. Do we have folks here from bes? We will take a ten-minute recess until 10:30 and take up the time certain and follow it up with 148 and we will finish it out with number 142. We are in recess.

At 10:21 a.m. council recessed.

At 10:32 p.m. council reconvened.

Wheeler: Karla, please read item 141.

Item 141.

Wheeler: Colleagues, I'm going to start with brief introductory remarks. We will hear from the first panel and then have a brief video presentation followed by our second and third invited panels. There will be time, of course, for you to answer questions anytime you would like. I'm then going to read a proclamation and at the end of that there is a request that the council and open signal folks join down here in front for a picture. This is not a formal report to the city council. So we are neither taking testimony, nor are we taking a vote. This is simply a voluntary report to the city council. So, with that, it is my esteemed privilege to welcome one of the city's long-standing partners to present on the city council today. Open signal is probably invisible to the viewers at home, but they are the reasons that our meetings reach hundreds of thousands of Portland households through cable television. They are the largest community media center in the entirety of the pacific northwest. They offer low-cost education, as well as media production studios and over a half million dollars of equipment to the public free of charge. In this era of so-called fake news, in which citizens journalism is more important than ever, open signal, formerly called the Portland community media, is providing avenues for everyone to create and broadcast their unique stories. At the conclusion of our presentation today, as I just mentioned, I will read a proclamation but first we'd like to welcome our first panel from open signal. I'd like to welcome Justin Harn, the executive director, Rebecca Burnell the director of strategy development, Natalie Sept government affairs advisor and Carlos Lasuncet t and welcome to city council. Good morning.

Justin Harn: Thank you mayor Wheeler and commissioners for giving us the opportunity to share more about the growth of our organization. My name is Justin Harn I'm the executive director of open signal. Sorry folks just a technical difficulties. As you may know open signal, Portland community media is a grantee of Mt. Hood cable regulatory commission we are overseen by the office of community technology within the bureau of revenue services. We come to city hall today at the culmination of two years of thoughtful planning, hard work and outreach. To transform the organization to be more responsive, accessible and vital than ever before. In 2015 the board of Portland community media launched a.

Moore-Love: can you back up a little bit from the microphone?

Harn: Is that better?

*****: Yes.

Harn: Perfect.

Wheeler: They are sensitive.

February 14-15, 2018

Harn: Thanks, folks I appreciate that. In 2015 the board of Portland community media launched the strategic planning process that set up a course to reflect digital technology needs in the 21st century to make better use of our asset and take an assertive approach to addressing equity. In the past two years we have hired new leadership staff, we created programs, we renovated our building, all of which led to tripling our commune engagement. Our staff and board are growing to more accurately reflect the community we serve. 48% of our staff and 66% on of our board are people of color. Every council session, community hearing and community meeting associated with the city of Portland is recorded for the public to see. Our team is honored to be a key part in sharing your message beyond city hall's walls. In 2017, we broadcast a total of 148 city council meetings. I'm not sure if you know this but this is all being filmed, I want to switch to Janelle our director of production services who oversees these productions on a daily basis.

Fritz: I was stuck on the 148, no wonder I'm tired.

Harn: Yes. We are the largest community media center in the pacific northwest with a 10,000 square foot media facility, two media production studios with full green cycle and a large facility that is 2,000 square feet. Open signal provides five cable channels airing local and independently produced content reaching 400,000 homes in the Portland metro area. We provide programming in English, Spanish, Chinese, Farsi and Russian. One of the biggest benefits of our media equipment library which is valued at over \$650,000 including professional grade cameras, lighting, microphones, ipads, mac book pro laptops fully loaded with adobe creative cloud software and more. The public is invited to check out this equipment totally free of charge in order to create content to air on our channels. We are a proud member of the digital inclusion network and committed stakeholder to the digital equity action plan. We are excited to support the summit in May by offering resources, space and staff connections to help lead the nation in the missioner for digital access and equity along with comcast, free geek, Multnomah county library, prosper Portland, work systems inc, elders in action, Portland public schools and many others. Our education for youth and adults provides affordable beginner and advanced classes covering camera and production studio operation, editing, animation and more. This provides accessible workforce training for people that can't afford higher education or unpaid internships. We offer education in both English and Spanish at the best rates in the city. In the last half of 2017, 48% of adult students reported annual income under \$30,000 and here's a photo of one of our classes we taught in Spanish. For youth we offer after-school programs, summer camps and a long time partnership with open school north. An alternative middle school for nontraditional learners who left our public school systems. Our community events including our annual block party bring together the neighborhood on northeast martin luther king boulevard, where we are located and provide screenings, immersive media events and exhibitions. We're serving more of the community than we ever have. In a single year, we tripled the number of Portlanders that we engage through events, education, cable broadcast production and community partnerships. In light of all this success we are thrilled to host united states representative Susan Bonamici back in the spring. As a co-chair of the steam caucus and vice ranking member of the community on education and work force we discussed opportunities with her for growth in arts and training for kids and adults and even better we were honored to have a couple of you at our open house events. Here's commissioner Eudaly kicking off our grand reopening in February 2017 and commissioner Fish at our open house in May thank you for attending those events. On behalf of everyone at open signal we'd like to thank you for allowing us to preserve our entire budget in the last fiscal cycle. We are doing more that with your dollars than ever before. I'm so proud of the work we've done and I know this is just the beginning. We couldn't have gotten to this place without the support of the city. Thank you for

February 14-15, 2018

believing in us, our mission and the future of open signal, a new era of equity, access and community impact through the arts. Thank you.

Wheeler: Thank you.

Rebecca Burnell: Good morning. My name is Rebecca Burnell and I'm the director of strategy and development at open signal. I'm here to share the progress and measurable impact we have made since we presented to you last year. In January 2017, we introduced ourselves -- reintroduced ourselves to the community as open signal. We did this because Portland community media, as an organization, was struggling and because between our new executive director, new leadership staff from the Hollywood theater and the regional arts and culture council and beyond we had new programming and we approached equity with new assertiveness. We had to truly become a new organization. We chose the name open signal because open symbolizes we are here for everyone and signal indicates that we exist to help amplify the voices of our community. To complement this transformation, we renovated our space to be open and flexible with a changing capacity and demands of our volunteers, students and neighbors. Here's some images from before the renovation. Just a couple here and here's what it looks like now. This is an image of the exterior of the building, we launched a partnership with racc for emerging muralist last year. Local artist molly Mendoza was the first muralist to participate. This past year leadership and community engagement on all levels have been way, way up with the same funding from the city of Portland we have been able to deliver more services to more Portlander and the demand is rising. I'm going to give you a little bit of a look at the numbers if from fiscal year 2017. First of all, 48% more people checked out equipment from our library. Our producers made 4,905 individual equipment and studio reservations last year. Checking out our cameras for 61,666 hours and laptops for 93,069 hours. We also more than tripled class registration. We educated 249 students in fiscal year 2016 and that jumped way up to 818 students in 2017. We also delivered more than four times as many equipment certifications, which enable our students to check out our equipment from our media library for free after they complete their class. So for comparison, we delivered 158 certifications in 2016 and that jumped up to 818 in 2017. Perhaps most significantly, we more than tripled the total number of people we engaged over the previous year through 43 community events, classes on site at our center as well as at schools and public libraries, we jumped from serving 1628 people in 2016 to 5,244 people in 2017 just one year. As we look forward this to 2018 the future of open signal will focus on providing deep professional development for media makers who come from marginalized communities. Both locally and nationally we know our film and tv industry is almost entirely dominated by white men. A 2016 study by the university of southern California revealed that 87.3% of film directors are white, 90.4% of broadcast tv directors are white and 83.2% of cable tv directors are white and those statistics just address race and not gender or class barriers. As the most accessible media arts program in the city we have to ask ourselves what is our role in changing the literal face of the media field? How can we use our privilege to provide pathways into these family wage careers for women, for people of color, for those who struggle to gain access to expensive equipment or those that don't think that technology is for them? In addition to the educational offerings we already provide, we will further address work force development by providing training through our production crews. In the middle of this year, we will launch a fellowship for black filmmakers that will provide deep training on the highest level gear, mentorship and practice working on a film crew. All and all we accomplished more this year than we ever imagined this year. We look forward to keeping you posted on our work as it unfolds and thank you for your support and collaboration.

Wheeler: Thank you.

February 14-15, 2018

Carlos Lasuncet: Good morning. My name is Carlos Lasuncet and up until last year, I was the science teacher at open school middle school. As mentioned before that is an alternative school program and I had been with the school for going on ten years. So I have a clear understanding of a before and after our partnership with open signal. It is my goal to shed some light on my experiences and some of what I have seen. Being working in a middle school program with kids who have been disengaged from learning, for whatever reasons a lot of circumstances that, you know, financial, socioeconomic, just children of color, it is not that they cannot learn but their experience in public school or in the city and their learning experiences made them feel like school isn't for them. This is the population that we served, so, you can imagine middle school kids, as a challenge trying to get them to be in to learning when they have so many road blocks in front of them that interfere with their learning maybe they are struggling at home. I'm not going to spend a lot of time talking about those stories, but it is an uphill battle for any teacher trying to teach in that situation. It is an uphill battle for any teacher, period, trying to compete with so many distractions. What the partnership with open signal made possible was for us to, by incorporating the media in to our classes and teaching the kids about media, it just made the engagement go through the roof. The kids are already curious, they are living in the world, they're watching youtube, watching and listening to these artists. They are basically consuming all of this media, but they don't see a way they can themselves be producers. This partnership with open signal showed them they have their voice mattered. Their voice matters and they can use their voice to become producers, to participate in this economy because we know going forward our economy is creativity is the key. I always tell my students, I say creativity is important because there's a lot of problems in the world and we need your creativity to help us come up with some solutions. So giving them ipads and all of these resources, I mean, it's just amazing and giving them their imagination again. It gave them their imagination that they could dream up or ideas they had were valid and they could create them. That's something feeling disenfranchised, feeling like they don't have any power, they're realizing their potential. So as a teacher this experience working with them was invaluable and to be able to use it is such a flexible thing. I was able to use it in my science class, use it in our art classes, we did dissections and I had the kids filming it and we did nature walks looking for things in the neighborhood, different type plants and animals and to have that tool they could use, right? They could see the stuff they are learning goes with what you want to do or the step that you're learning is important cause that's what it is. Sorry. This is my first time ever doing something like this.

Fritz: Doing great.

Lasuncet: Thank you and then the other side of this is when you talk about and I tell my kids, 21st century skills, I always will tell my kids I will say by the time you get ready to have a job, your resume will be a video or epk or a youtube or some kind of digital presentation. They need to know how to use this stuff, how to tell stories, how to present themselves well. They have potential to be entrepreneurs in the cyber world. To be competitive in the economy they need these skills and just because of their background it is not fair they get left out of the opportunities. So I appreciate open signal for leveling that playing field, opening the door so they see, yes, my voice matters, yes, I can have the skills and I can make something in the world and build something with these skills. So, yeah, that's pretty much it.

Wheeler: Appreciate it very much. Commissioner Fish

Fish: Thank you. Justin I had two questions for you. One is I'm reminded of a famous story that Mike Lindberg likes to tell, former the city commissioner. Once the longest serving city commissioner Dan, I think you are giving him a run for his money

Saltzman: Eclipsed him

February 14-15, 2018

Fish: Eclipsed him. This goes way back but he was once doing a call-in show as a city commissioner and during one of the breaks, he asked the technician, I'd be curious to know how many people are watching and this grim faced person said given the hour no one is watching. It was late in the evening and technology had not evolved and whatever. It begs the question, because we hear from a lot of the people that watch us on channel 30 just like our friends at the county hear from people, so they would watch a work session and send a follow up email. Do we know anything about that audience?

Harn: We need to run those reports 100% I think we reach 400,000 homes in the city we don't know of those folks who are watching at any given time.

Fish: I know for example that senator Avel Gordly religiously watches because we get e-mails, follow up questions, comments.

Harn: Hi senator Gordly.

Fish: We know that when mayor Katz was alive she used to watch closely. I think at some point it would be interesting for us to know what's the slice of the community that's watching us and partly that's so we can make sure we are communicating with them effectively.

Harn: Definitely.

Fish: Whatever data you compile on I'd like to know. The second question is the last time I had a visit and it was during one of your affairs, the place was packed and it was fantastic, you had someone doing a podcast.

Harn: Yes, Stream pdx.

Fish: What is the state of podcasting as part of your mission? How do people cause it seems like a low barrier way of doing something in the media. How do people enter? What's the door they go through if they want to do a podcast?

Harn: Most definitely. I think speaking to that point we are about accessibility. When we were engineering and thinking of the services we wanted to offer, we wanted to make sure anyone could come to us from any background and feel comfortable telling stories. So for many folks we have a professional voiceover room that we have within our facility, but that is kind of scary and intimidating for people. We figured, what more way can we disarm the process than having gear from guitar center, we have an airstream trailer and some simple straightforward classes that allow folks to enter into that world. We collaborate with stream pdx to register folks for classes and workshops and offering like we do our own. So we are looking at these sorts of partnership for how we can innovate and advance our mission of connecting folks with story and technology.

Fish: That's great congratulations.

Harn: Thank you so much.

Natalie Sept: I'm just going to lean over. Can we have Gustavo J. Ramirez and P.c. Perry producers come up as well as Lisa Faust our board chair.

Wheeler: Good morning.

Gustavo J. Ramirez: Good morning my name is Gustavo J. Ramirez thank you for giving me the opportunity to speak to you guys today. I'm from New York City, the capital of the world, as they say, the city of doors and yet I have created, collaborated and creatively excelled in open signal in one year more so than I could have in five. I know this to true because it happened to me. It is why I now speak with you here today. I want to tell you how when someone becomes a producer at open signal how they can have a ripple effect in the community. I was working with director to shoot a short film, she knew one of the producers at the studio, with the shooting studio away the topic social justice. I asked myself how can I get involved with the studio. I was impressed by the caliber of individuals, the equipment and I found out that day that everyone was volunteering. When I spoke to a staff member I was introduced to classes with the idea that if I was to get certified I would

February 14-15, 2018

be able to rent equipment and produce work of my own. I would be able to utilize editing and software and not to mention anyone who wants to volunteer can go on-line through a community website switchboard as a pathway. Of course it took tons of work on my part but the opportunity was there. What seemed like an impossibility now was around the corner, literally on mlk and grand because of this, I began a process that would forever change my life. I had a story written and I asked for a team of volunteers and I found great people, Greg palmer specializes in audio, Jeremy cook editing and director. Christopher Palanco who is 16 years old, cinematography and camera, Elijah Hasan cameras and photography and an actress Amy Reese. In a span of three months, we met several times, did rehearsals, production meetings. Finalize the location and rented -- and had a rental agreement for the equipment. We shot on location and shortly thereafter we edited it. What amazes me most is in three months we got all of this done. In New York city this would have taken me five years. I say this because since then everyone working on my project has now continued to produce work of their own, involving more community members, creating new stories and involving more -- involving more members to extend the family to open signal community. All the while learning new techniques, creating a bigger pool of collaborators and creating more opportunities for our community, especially for our youth. Most importantly embarking on life-long friendships. I don't think I can express my gratitude for open signal but maybe this is a start. Open signal, I thank you guys and thank you guys, too.

Wheeler: Thank you. Appreciate it.

*****: Thank you for the applause. Good morning, all I am going to tell you a story about myself and forget that it is about me because it is just a small example of other people who have come through Portland community media, now open signal. I guess I was a photographer for oh, god, I can't remember how many years. Started in this '60s. Worked on journalism, commercial work, advertising, and then actually textbook illustration for schools. Parlayed in to video when I stopped doing 11 years of textbook illustration. Over those years somebody said to me, what do you want to do? And I said I'd like to do this but that is a little hands off you don't just walk in to a place and start to doing a video like that. Well, in '85, I did. I wound up covering things, across the world, from Nicaragua to my latest one I think on Monday, who was a houseless individual, sleeping in a tent and explaining to me what that was like and how he did it and why he didn't come to the city and why he didn't go to shelters. I give the example, many times, of -- I tried to cover stories both interviews and speakers and events with blind focus video collectives, as well as other projects where I would be a camera operator or audio or lighting with someone else's project to cover things that CNN didn't cover, our network affiliates in town here didn't cover. So I have gone many places across the world, as well as many places in town to cover the voiceless, which is a cliché now, but is not a cliché if you are the person in the circumstance that has to be covered and having access to modern equipment, reliable equipment is even better at a facility like open signal, pcm has been invaluable. It's, actually during the elections for Obama I was in Denver at their facility to see what it was like there, it's much better here. I was in New Haven in Connecticut seeing their facility and using their facility it's much better here. I can't imagine where its better in this country, but I know it needs to continue here. So you all know about red lining and I'm hoping that you'll be at the speakers demonstration talk in April, talking about red lining at the Alberta Abbey. Next month at that happen with communications like cable access, there's been enough red lining, there's been enough tagging on houses, let's make sure that people have a voice to get their observations and interest out to a larger community and themselves. We need this kind of facility its not a luxury it's a necessity and I was working up Barlow and they were working with radio, they were talking to communities so they can stay in touch

February 14-15, 2018

and stay alive it's the same thing here. We have lots of need and people are learning all the time. I'll just add this last one learning from open signal, learning earlier from pcm, learning earlier from Portland cable access, taught me enough to be able to teach other people. I'm not sure of the number, but I think we have some record at flying focus that it might have been 300 and an example of how that happens is somebody came to me one side of Eugene and wanted to know how to cover something in their community. Met them at a restaurant, explained the whole process to them, they went out and they did it. Haven't seen them again, but I know they got it done. So many times the people that I teach, flying focus teaches, the cable access facility that we're lucky to have, have gone out and taught others so you're doing a great thing. We hope you appreciate the benefit of it and please keep it going.

Wheeler: Thank you. Appreciate it very much. Thanks for sharing.

Lisa Faust: Hello good morning, my name is Lisa Faust I'm the board president at open signal and I've been on the board for over five years originally appointed by commissioner Saltzman at the time when we were Portland community media. At the time the organization was in a much different situation and I was asked to join the board due to my financial acumen to help steer the organization with current leadership at that time to a better place. Since joining the board we've done a national search for an executive director as you know Just Harn was our local candidate, but he outweighed the national candidate that came to, want to be part of what we're doing. Now combined with staff from regional arts and culture council, Hollywood theater, committed board and Justin's leadership I'm proud to say that we're stronger than ever. Along with new leadership our financials at open signal are also stronger than ever, management of resources, oversight by our fiscal director, outside cpa's gives the finance committee on the board assurance that the organization is strong and continuing to grow. I'm encouraged by our new programming in work force development and production services and the open signal labs and incubator for film makers of color, which is very exciting. We'll become an even more robust resource in a time when media is really under siege. We have several community partners that we are proud to work with. We would like to thank our community partners and some we work with are Cleveland high school, I urban teen stem summit, Lent's youth initiative, media institute for social changes, Multnomah county library, national alliance for media arts and culture, open school north, Portland work force alliance, there are several actually. Couple more here; Sista Sistah, the Vanport mosaic, box siren, women in film and many, many more. As a daughter of Cuban immigrants I've witnessed the barriers to advancement that some face in this country now perhaps more than ever. Open signal's board and management look forward to continue to break through those barriers and continue the advancement in our community by the programming that we offer to the community. I'm proud to be part of open signal because of the commitment to inclusion and equity and providing a safety space for all individuals in a time when our community needs it most. We would like to thank you for your continued support of the important organization and the work that we're doing and your leadership in the community and the city each and every day. Thank you.

Wheeler: Thanks all three of you for sharing. Appreciate it.

Sept: Thank you so much. Last I would like to welcome Justin Harn, executive director and producer of Elijah Hasan, back up to the desk.

Harn: As we have seen, open signal producers are an inspiring group of activists, of artists and community leaders. They are men and women and nonbinary folks and children of all ages and ethnicity. They create content in English, Spanish, Farsi, Chinese and Russian. In the 2017 fiscal year our volunteer producers created 943 new tv programs and every new program reflects an entire volunteer crew who helped with cameras and lighting,

February 14-15, 2018

writing, costumes and sets, on-air guests and much, much more. These people embody community and when they come together they accomplish something far greater than they could as individuals. Every day at open signal we're moved by the collaboration and service exhibited by our producers, by the way people show up for other people. These producers have inspired us to introduce a new annual award, the open signal community producer award. This is an unrestricted cash award that honors commitment of one producer to the open signal community. It's not a filmmaking award but instead recognizes the many hours they volunteered their time to make open signal a better place. It's about service, community, and connection. This award will be delivered annually to a producer who has given back to our organization at least as much as they received, someone who embodies a culture of philanthropy and gratitude. This award is intended to allow the awardee the opportunity if they choose to create a new work. I'm very proud to award the very first open signal community producer award to Elijah Hasan, educator, filmmaker, photographer and open signal producer of more than 20 years. Elijah is a bridge builder with a profoundly generous heart. Elijah pays it forward providing free training for dozens of members in our community, getting gear into the hands of people that would not otherwise have access to our services. He was the first community member to step up and volunteer to serve on our equity committee. In his personal work as a teacher and artist Elijah leverages art and actions to combat systemic oppression. He's a connector, he is positive, he's resilient, we're a stronger community because of Elijah Hasan. We're so proud to present Elijah Hasan with the first ever community producer award, congratulations, Elijah.

Elijah Hasan: I don't have a lot of time so I want to say all praise to the one and I guess I'll tell a short story. I was watching researching for a short film I'm working on, so I was watching good night and good luck, a film about Ed Murrow, the cbs reporter who went up against McCarthy. There's an opening scene where he's addressing this radio and tv organization, and I was just really struck about how he made a prediction 50 and 60 years from now what the people who were looking back at the people of that time would think about them and I was really struck how he was right on point with that. That story was right on point as far as profit, advertisement, capitalist interests really impacting and influencing media, all the tv that we watch. So I guess what I'll say in my short story that is independent media is surely valuable in these times and all times, and I would suggest that we all value it. It's just a treasure, and you won't miss it until it's gone. I'll just leave it at that and again thank you very much for your support and until next time.

Wheeler: Congratulations.

Hasan: Thank you.

Wheeler: Very good. So, with that I have the honor of reading a proclamation. Whereas in an era of corporate controlled media and fake news, producers from open signal Portland community media center have been stewards of uncensored community story telling since 1981; And whereas open signal is the largest public media center in the state of Oregon, community producers have been making use of open signal's resources, volunteering thousands upon thousands of hours of their own time to document locally relevant issues in English, Spanish, Farsi, Russian and other languages; And whereas open signal producers have broadcast a broader range of perspectives than we see in the mainstream media covering issues of activism, houselessness, the police, family, faith, comedy, experimental art and other topics that would not have a home anywhere else on the television airwaves; And whereas these producers lead vital nonprofits like wisdom of the elders, vanport mosaic and the flying focus video collective, they are some of the most productive, community-minded and change-making citizens in the city of Portland; And whereas at a time when basic liberties are under threat across the united states,

February 14-15, 2018

community television is one of the last remaining homes for free speech and open signal producers are stepping up to boldly share their voices showing us it's important to communicate, stay connected and be proud of who we are; And now therefore I, Ted Wheeler, mayor of the city of Portland, Oregon, the city of roses, do hereby proclaim February 14, 2018, to be producer day in Portland and encourage all residents to observe this day. Commissioner Fritz?

Fritz: Thank you mayor and thank you for this presentation, it's a good reminder of the value of community engagement and that you need training, you need equipment, you need a place and you need people and thank you for providing all of those, thank you for your place on the board. I want to acknowledge this has not been an easy road to get to this place. When I was in charge of the office of cable communication and franchise management in my first term Portland community media was not in such a stable condition. Sue Disciple for her leadership over many years, Cece Hugely Noel previous executive director who assisted in correcting the course. Julia Omelchuck who's here today from the office of community technology and the former leaders MaryBeth Henry and David Olson, who have been huge supporters. Thanks to my colleagues commissioner Fish and commissioner Saltzman for their leadership and our insistence that we are going to keep funding Portland community media and now open signal. For the entire council last year doing the budget note saying we'll look and find out what is the best place for your staffing to happen within the city structure. So thank you, it's been a long road and it's really exciting to see where we are now. Thank you all.

Wheeler: Very good.

Eudaly: I just wanted to say, Justin, congratulations on your first year. We started our new adventures at the same time. We should check in and talk about how that's going. Really impressed with the progress that open signal has made over the past few years. Obviously, this is a passion of mine independent media and self-made media and if freedom of the press is guaranteed only to those who own one, access to these tools and resources is vital. So thank you for your work and congratulations.

Fish: Just one other comment, the council is working on a number of recommendations that address arts affordability both organizations and for artists and we'll have something coming back after a council work session. One of the things I learned in my last visit is you have that beautiful piece of property to the east of your campus and I hope that as you continue to grow and prosper we collectively think about how to leverage that space because it's a dynamite address, it's an amazing space and it might someday be the home for affordable art space for people also connected to your mission. Thank you for all of your good work. Can I make one request? I know we have lots of people here from open signal but there's a handful of people that actually are connected to channel 30 and broadcasting us. Can we see a showing of hands of those actually involved in the city broadcast?

Sept: They are all working.

Fish: Thank god someone is back there working. In absentia we want to thank them because it's so important that the public have this access to their government and the people who do the work are terrific. So heartfelt thank you.

Wheeler: Very good.

Saltzman: I would like to add my accolades to open signals. Great work over the last couple of years and Lisa in particular thank you for agreeing to serve on the board and helping to really bring fiscal discipline and responsibility in what was needed at the time and so I really am excited about your progress reports. It's very exciting statistics about how many are producing and how many people are learning. So keep up the good work. Thank you.

February 14-15, 2018

Wheeler: Very good. Open signal producers, staff, council, let's get a photograph.

Fritz: Is there a producer in the room that can help us figure out how to do that?

Wheeler: I assume we have some experts present.

Wheeler: We are going to go to item number 142. This is a relatively quick item. As you'll recall we took a preliminary vote last week on this subject. The law requires us to take a final vote Karla, please read item number 142.

Item 142.

Fish: I move to adopt the findings.

Wheeler: Commissioner Fish can you use -- I have been advised we need to use the full language here. Bottom paragraph.

Fish: Mayor I move that the council grant the appeal in part and deny the application for land division, environmental review and modification except that council grants approval of environmental violation review with conditions.

Eudaly: Second.

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

Fritz: This is a really remarkable appeal by the neighborhood organization and I appreciate the outcome. Thanks also for the staff for all of your great work. Aye.

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

Wheeler: Aye. The council has granted the appeal in part and denied the application for land division environmental review and modifications except that council grants approval environmental violation review with conditions. Thank you. Item 148.

Item 148.

Wheeler: Commissioner Fish.

Fish: Mayor, I have to note that in this council we have had a couple of really wonderful and meaningful celebrations today. Maybe something about valentine's day took over in this chamber, but it had a different feeling and we have had some really wonderful presentations. I'm so honored today to be able to introduce this item because I think it's really important and I think you'll be really excited. Here's the background. The city of Portland and the u.s. Army corps of engineers are partnering for the oaks bottom habitat enhancement project. This is a vitally important project for our river as oaks bottom is the largest remaining natural area in the lower Willamette river flood plain. Interesting factoid. I would like to invite Sean Bistoff capital project manager and Kaitlin Lovell watershed division manager from the bureau of environmental services to give us the good news. Kaitlin?

Kaitlin Lovell, Bureau of Environmental Services: Thank you all, good morning, my name is Kaitlin Lovell I'm I manage the science division for bureau of environmental services and joining me today is Sean Bistoff the project manager. We have very excited to present and introduce this oaks bottom project which is going to construction this summer. You may be familiar with oaks bottom. This is a picture of it, it sits below the sellwood bluff, there's a lot of seeps and springs that drain from those bluffs into the open reservoir and that open reservoir drains through a small channel under the Springwater trail there and out to the Willamette river through a small culvert. The Willamette river here, this is ross island in the picture, the river flows north into downtown Portland. You can see the Springwater trail cutting through the project area and then the oaks amusement park. Further upstream is where we have Tryon creek and Johnson creek, two of our biggest salmon bearing streams, salmon potential streams and drain into the Willamette river. What you may not be familiar with are some of the superlatives of oaks bottom. Just on February 10 it celebrated its 30th anniversary as the city's first and to date only urban wildlife refuge. That designation led in 2004 to the u.s. fish and wildlife service designating

February 14-15, 2018

it as a migratory bird treaty park. As commissioner Fish mentioned at 160 acres it's the largest remaining intact flood plain wetland below Willamette falls and that's critical for what we have planned. It's full of wildlife, birds, notably a lot of duck species and shore bird species as well as Portland's beloved blue heron. There's a pair of nesting bald eagles, river otter, turtles, amphibians, this is a great place in the urban core, but it could be better so today Sean is here to tell you about our project that we have to enhance oaks bottom.

Sean Bistoff, Bureau of Environmental Services: Thanks Kaitlin. Good morning my name is Sean Bistoff, I'm the capital project manager for environmental services for this project. As Kaitlin mentioned this is the largest remaining tidal wetland in the lower Willamette river and the project will restore the tidal connection between river and wetland for roughly 75 acres of the wetland itself. It will also restore fish passage and wildlife passage to and from the river wetland. Project is located about a quarter mile north of the oaks amusement park and in entails replacement of a small concrete culvert I will try to point to that on the cursor, here, depicted by the pink line that culvert will be replaced with a large box culvert, which is the brown shape just adjacent to the pink line. That new box culvert will be fish passable and again will restore the natural water exchange between the tidal fluctuation of the river and wetland. We're also removing a small water control structure, essentially a dam, in that circular inset. That dam is failing and that once we remove that water control structure it will allow to us improve about 2,000 linear feet of channel within the wetland. To do so we do need to remove about 145 trees, but the good thing about that is those trees will be reused on the site in the wetland for large wood habitat structures and within the impact area we're revegetating with roughly 2600 native trees and plants per acre. An additional benefit of this project I think everyone that's been out there knows the Spring water trail is pretty high speed there, its fairly narrow. We're installing a viewing platform and trail bump-out to give people an opportunity to pull aside from traffic and view the refuge and the river out of the main flow of traffic. Here's a cross-section view of the berm and culvert beneath the berm, the existing culverts on the left in the pink you can see it's a pretty small pipe, it's very deficient in terms of water exchange. The new culvert in center depicted in the center is a 16 by 10 box culvert, it will allow free exchange of tidal flow and I mentioned in the previous slide the trail bump out which is right above the culvert about in the vicinity of where the illustration of the woman walking the dog is on the upper left. There will be a planned trail closure associated with this project and that's during the regulatory and water work window from July 1st to October 31st. The summertime closure is unavoidable, that's the only time we can work in the water and we looked at every design alternative to avoid actual closure and there's no feasible or safe way to not close the trail. There would be a large, open cut to the Spring water berm during a good portion of the time. The good news is with a new sellwood bridge completed the Tillicum crossing and great work that pbot has done to local bike ways in the neighborhood, there are a lot of good alternatives and the project involvement staff on the oaks bottom team is working with pbot and parks a core of engineers is involved in public involvement as well and getting the word out that the closure is coming. Alternatives will be well signed and we will continue that work as we move closer to construction to make sure the word gets out.

Saltzman: Is it going to be closed the entire period?

Bistoff: July 1st through October 30st unfortunately, yes.

Fish: We recognize, Dan, this is a significant inconvenience to people who use it. It's a summertime and as the presentation makes clear we looked at every other alternative.

There are windows when you're allowed to do in-water work as you know and we're dealing with lots of partners and this is the only time we could do it and we deeply regret

February 14-15, 2018

the inconvenience but there's no work around other than using other trails and other parts of our system.

Wheeler: If I could state the obvious, first I believe you when you say you've looked at every alternative because you know what this means. I would encourage us to start noticing the trail at our earliest convenience to let people know this is coming.

Lovell: The signs have been ordered, so those will be going up and they have already been out to the communities, neighborhood association and working with bike Portland to issue some blog post. So the word is getting out and we're working with the biking community. As Sean mentioned to we have been working closely with pbot to advance bike safety improvements that have been on a long list of things to do, so the bike community is appreciative that we're getting out in advance to address detours and safety concerns.

Wheeler: That's smart. Well done.

Lovell: That's a great segue because this project wouldn't be possible without our numerous partnerships that we have, the first and foremost being Portland parks from the beginning this has been a joint effort with Portland parks, Oaks bottom is a Portland parks facility and the design that we're pursuing is very much a joint effort with them. The army corps of engineers is a key partner, this is the third in a series of projects that we have done with the corps, the first being in the Columbia slough back in the early 2000's, more recently in crystal springs with the culverts and the west Moreland park project this one is more ambitious and more complicated. So we're really fortunate that we have those lessons learned from earlier projects to move forward and we're really confident that this will be just as successful as those. The corps brings to the table almost \$5 million of federal funding to this project and they are managing the construction contract as well as the public involvement during construction because we are so well coordinated with the corps and with our partners we are supplementing that public involvement as well to get out early and to bring all of the tools that we have in our tool box to the community, recognizing the impact. Our success here sets the stage for yet an even more ambitious partnership with the corps. We have a \$30 million package of five projects in the Willamette that are currently awaiting funding from congress. So this project will really set that stage for that next, bigger package yet to come and that brings us to the value of this project within the overall city as well. Back in the fall we came to and declared the first ever salmon sanctuary in crystal springs. We had a number of candidate projects and candidate sites oaks bottom was the only one in the Willamette that we identified, it's very culturally significant. We want to work with native American tribes to come up with and refine the criteria that we have to add a cultural significance element to it. We don't know if oaks will qualify this year. We're going to have to continue to collect data, but when we come back to you in the fall with our salmon in the city day we'll bring a lot of great pictures of the construction project and the successes we anticipate this summer.

Bistoff: I would like to speak a bit about the construction contract then the schedule. The construction contract as Kaitlin mentioned is managed by the corps of engineers and it's a mentor prodigy arrangement that's part of a federal program to increase diversity in contracting. The prodigies like which is a small woman-owned business its owned by Kim Arian bes has worked with in the past successfully on other restoration projects. The mentor is a large civil engineering firm, keen, the excavation they bring a lot of experience to the table to deliver this project effectively. In terms of schedule, we will begin tree removal in late February or when water level allows if we get high water that could be delayed a bit. Trees will be reused as I mentioned in the wetland for large habitat structures and the photograph shows an example of other large habitat structures we have built on Johnson creek. The main construction is July 1st to October 31st. The project will

February 14-15, 2018

be complete entirely by December 31st, there will be a couple months after the trail reopens where the contractor will have some presence but the trail will be open at that time. So the design contract and the ordinance before you today is for the amendment of the city's contract with tetra tech. The city managed the design contract and tetra tech completed design and brought the plans and specs in the core format to be handed to the corps so the corps could manage construction. It's a bit of an unusual arrangement and we're having great success partnering with the corps and this amendment allows us to retain tetra tech for any necessary engineering during construction. It ensures our design engineer has oversight and input in the construction process and really creates a smoother flow of communication between the corps, their contractor, their technical staff and the city's. Does increase the contract by \$263,000 but that is included as part of the cost share with the corps of engineers. This ordinance is an emergency because the contractor is now mobilizing all the dates I mentioned for construction are obviously 2018, so we are ramping up quickly. This last slide is the total budget for the project. The entire budget as a whole is \$8.8 million. The federal share is \$4.9 million, the city's share is \$3.9 million, the construction estimate is \$4.6 million, that is part of the \$8.8 million. We have an optimal level confidence for this project. The pie chart shows the drivers for change, the scope and budget over this ten-year process that it took us to secure a partnership and refine the design. The original budget in the orange on the right is from when design assumed a phase approach for oaks bottom, there was a phase 1 and phase 2 and the phase 1 was for roughly 24 acres of restored area. As we got into design and started to learn more about the site, we realized it made a lot more sense to combine phases and expand the scope and include almost three times as many acres affected and benefited by the project. So that scope increase on the lower left in the gray represents that work that was done to increase the scope. The blue sector of the pie chart represents our partnering costs with the corps of engineers. Partnering requires, you know, some work and required us to comply with corps of engineers requirements entail the feasibility study and evaluate engineering study and it led to a successful partnership that we have now. This process did take ten years, it was a complicated project so there's some escalation over those ten years. Even though it was a long process I would like to point out that the city is still saving roughly \$2.3 million as compared to if we did the project alone, so the work we did to partner with the corps is really a benefit. With that said I would like to say we're really excited to be entering the construction phase of this project. I would like to thank city council and our partners at parks and recreation and the corps of engineers for working with us to achieve this milestone and we're really looking forward to having it complete. We're ready for your questions.

Wheeler: It's a great looking proposal. Is there any public testimony on this item?

Moore-Love: No one signed up.

Saltzman: Will salmon be able to return to oaks bottom?

Lovell: Yes.

Bistoff: Yes, primarily it's for juvenile, it's not really adult habitat but yes.

Lovell: So this type of habitat is considered one of the most limiting factors for salmon in the lower Willamette, so by opening up this habitat and giving them that access, what we do is we just increase their survivability as they go out to the ocean, especially going downstream. It gives them that off channel refuge. They can see kyding, it's a great food source for them so they can rear and grow. We're excited about what this can do to the overall population of salmon in the Willamette.

Saltzman: Thanks.

Wheeler: Call the roll.

Fritz: This is a great project, thanks for your work. Thanks, commissioner Fish. Aye.

February 14-15, 2018

Fish: Kaitlin, first could you email a copy of that last photograph to everybody?

Lovell: Which one?

Fish: The last on the slide.

Lovell: On the questions, sure.

Fish: That's one of the most beautiful pictures of oaks park. Secondly I'm going to circulate if I can find it an essay that mike Houck sent us, on a history of oaks bottom. There was nothing inevitable about its current condition and it's a wonderful story that a lot of community members were involved with I'll circulate that to my colleagues. We're very excited at bes around this partnership. Building off of the experience we had at crystal springs. We're also very excited about putting the salmon at the heart of what we do as a bureau and I look forward to the next time we have an opportunity to celebrate a partner and urban -- I guess we now call it salmon sanctuary. Next time we have a chance to spotlight some of our partners and achievement around salmon sanctuaries. This is core to our work and we have a wonderful team at bes leading it. Kaitlin, thank you both for your work. Aye.

Saltzman: Very exciting project and don't look forward to the headaches it will cause but in the long term it will be worth it. Great asset for our city we're returning a great asset to our city. Aye.

Eudaly: Thanks for the presentation. Very exciting. Always nice to see part of our city moving in what feels the right direction. Aye.

Wheeler: I thought this was a great presentation, and I appreciate your thoughtful approach. Your long-term doggedness, commissioner Fish, my breath caught a little bit when you said you wanted to forward us a photograph I was worried it was from the last presentation with the pipes in it. [laughter] I was grateful to see it's actually the scenic photo showing the oaks bottom in all of its glory and I just want to say I think today is a first. I don't believe I have ever sat in a city council session where not a single member of the public testified, on any item. Which I just will point out is extraordinary and maybe it's because it's valentine's day and people have better things to do. So there you have it. I vote aye. The ordinance is adopted. Thank you very much for your hard work on it and we're adjourned until 2:00 p.m. Tomorrow, Thursday, February 15th.

At 11:45 a.m. council recessed.

February 14-15, 2018
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.

February 15, 2018 2pm

Wheeler: Good afternoon everybody this is the afternoon session of the Portland city council Thursday, February 15, 2018. Please call the roll.

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

Wheeler: The purpose of council sessions is to conduct the city's business. Any disruptions of testimony or deliberations are not allowed. If people like what they are hearing a thumbs up works. If you don't like what you're hearing a thumbs down works. We ask people not to clap or boo or in any other way be disrespectful to people providing testimony or council deliberations. Occasionally that does happen. If it does happen you'll be asked to stop. If you do not stop you'll be asked to leave and if you do not leave when asked to do so you're subject to arrest for trespass. So let's hope none of those things happen. Let's all have an opportunity to hear what is going on today. So today we have one item. Karla I'll let you read it.

Item 152.

Wheeler: So a couple of things, first of all the obligation here is to transmit the report. We have chosen to do so in public by having oir and the director of ipr give this presentation in a public forum where it is televised for the public's benefit. This is not a formal report meaning it does not require any action or vote on the part of the city council. Oir has been asked to give a presentation to the city council that's what they are doing. We are not taking oral testimony on this report. However, written testimony will be greatly appreciated for people who may disagree with either the reports, findings or with our acknowledgment of those findings. Here's the run of show today. I'm going to offer some brief opening remarks. Ipr director Constantine severe is going to open up the presentation. He will introduce presenters from the oir group which have prepared the report I hope many in this room have had the opportunity to go through thoroughly. The city council of course will ask questions of oir, and I had a conversation with them yesterday where they said they would be happy to have us just ask questions informally as the testimony unfolds. Chief outlaw will then deliver some remarks and reactions to the report from oir, and she is here today, we thank her. We will then ask if there are any other questions or feedback from the council or from oir, or from the chief or Constantine and with that we will end it. There's been some questions as to why we are not taking public testimony today. I want to just reiterate council oral testimony is taken on resolutions and first readings of ordinances. Items like this do not require any formal action on the city council do not necessarily have public testimony. It's been my practice as mayor not to take public testimony particularly on informal presentations to the city council or to proclamations. This is obviously a very important issue to the city at large. So I want to reiterate if people hear something today in the oir report that they disagree with or if they hear anything in my comments or the chief's comments that they disagree with we want to hear from you. We will take written testimony at the following email address. Cctestimony, cctestimony@Portlandoregon.gov, again its cctestimony@portlandoregon.gov of course, we have the police bureau and others presenting on a wide array of issues related to policing and public safety over the course of the year in our regular meetings and we always encourage people to come and orally

February 14-15, 2018

testify for the first readings of ordinances and resolutions specific to those items. So colleagues, with that I just want to state the obvious, any officer involved shooting under any circumstances is tragic by its very nature. Deadly force is without question the most critical decision any officer will make. As a country right now, we need to acknowledge the environment that we're in, the dialogue regarding deadly force has been on the forefront of people's mind. It's been on the forefront of the national news and as a community Portlanders know all too well the devastating impact of an officer-involved shooting. Officers are entrusted to make decisions under very challenging circumstances. It goes without saying that a shooting can result in the loss of life, families are left in despair, police officers' lives are deeply impacted and these things as we know from our experiences as a community they tear at the very fabric of our community. That's why reviews like this one being presented today, an unvarnished view of policies and procedures in the Portland police bureau related to officer-involved shootings are so critically important to not only seeing where we are but acknowledging the work that we have to do. Training is in place to make sure that officers' decisions are good and it's important that we get that training right, to make clear that or make sure that officers have the correct foundation from which to make important decisions about the use of force. This also highlights the need for continued accountability in our city, which we have seen through the settlement agreement with the department of justice, the strengthening of the independent police review, the citizen review committee and again I want to thank all of the citizens who participate in that process, and soon the Portland committee on community engaged policing the pcccep. Oir has served as a critical foundation for our city as third party reviewer of officer-involved shootings in Portland for the last several years. Their reviews have enabled us to assess whether ppb's current policies and training are reflected in practice. On the whole, they have reported to me as recently as yesterday that they believe the bureau has evolved for the better over the years. There are several recommendations that are already in practice by the bureau with one recommendation that's in the process today of being implemented. Notably our new chief Danielle outlaw hired for her skill and for her vision has taken stock of this report and I'm told she agrees with all 26 recommendations provided in the report. Furthermore, as will be explained for many of these recommendations, chief outlaw has imposed a clear timeline for when the specific issue must be resolved. These are her directives to her bureau members. Anyone who does not meet her expectations will be held accountable. I want to be very clear, having thoroughly read through this report, I too agree with these recommendations and I will support chief outlaw in implementing these recommendations. I too will have expectations that they will be implemented per the timeline that is put into place by chief outlaw. A few things that are already being implemented, the 48 hour rule. A few of these cases that we're going to hear about today highlight the problematic nature of the 48-hour rule which the city had in place for approximately ten years. City council rightly eliminated the 48-hour rule from the police union contract and rightly made that elimination permanent when we took active steps to craft amendments to the Portland police bureau's use of force policy ensuring that officers are interviewed as soon as possible but no more than 48 hours after an incident. This is a much needed step in the right direction. I want to thank my colleagues here and I want to thank many people who are in the room today who played an active role in helping us to get to the right place on the 48-hour rule. In terms of the timing of investigations, the oir group report finds correctly the length of investigations that run too long at the expense of complainants and police officers. The doj settlement agreement has imposed 180 day time limit on all investigations. The bureau has been working to identify sources of delay and implement a process that provides for regular follow-ups of affected cases. I applaud the police bureau for recognizing this important

February 14-15, 2018

issue and being proactive about finding common sense solutions. With regard to viewing footage before writing reports, this is probably one of the most significant flash points for this particular report, permitting officers to review audio or video footage prior to writing a report has been highly controversial in this community I would argue with good reason. I want to clarify that the city never granted officers the right to view footage prior to writing their reports. I recognize that this is likely subject to collective bargaining with the union, but I want to state unequivocally my position today. Officers should not be permitted to review audio or video footage prior to writing their reports as per the recommendation in the oir report. This is not only in line with best practices, I believe it's common sense. I want to thank the oir group for their critical eye in conducting this work. We always have room for improvement. This report makes several recommendations, and I'm certain with our new chief we'll continue meeting our goals as a city and improving public safety for everyone. Director severe, why don't you come on up and make your opening remarks then introduce our presenters today. Thank you for being here and I want to acknowledge our auditor Mary hull caballero is here as well. Thank you.

Constantine Severe, Director, Independent Police Review: Good afternoon, mayor, members of council, my name is Constantine severe, I'm the director of the independent police review. One of the most significant parts of my job is the ipr director is one acting as monitor and going to the scene of officer-involved shootings. I really appreciated the mayor's words talking about how officer involved shootings are a tragedy both for the affected person and for the involved officers. The other significant part of the ipr director's job is to serve as the city's contact point with outside experts such as oir for them to do their external review and that's something city code set up in 2001 when ipr was created. I think the fact that Portland is one of the few cities around the country that does an external review of every officer-involved, not just the controversial, but every officer involved shooting is subject to that outside review speaks highly to our value as Portlanders that we are able to take the critical lens and the critical view of outsider and make our own processes better. So in the last 16, 17 years of the existence of the external review of officer involved shootings Portland has gone from a system where not every officer involved shooting was subject to an administrative investigation and in multiple cases back in the 90's and early 2000's there was not a full criminal investigation. The expectation now through the police bureau directives and the direction of the police commissioner is that every officer involved shooting will be subject to an administrative and a criminal investigation. One of the critical issues with officer involved shootings is the timeliness of them which the mayor has brought up. That has been an issue that oir has brought up numerous times in its previous reports. The police bureau has made significant progress in the timeliness of its investigations. The elimination of the 48-hour rule I think is critical in helping the timeliness of the investigation and when the city faced the issue of engaging with the district attorney's office regarding the ability for the city to be able to do administrative investigations in a timely manner oir was critical to feedback that I was able to provide to the police commissioner on how strongly our office felt both in real time and the number of reports and recommendations that oir had made to the city. It was part of the community conversation about how important the elimination of the 48-hour rule was. So another one of the significant issues with these outside reviews is that oir and before the police assessment resource center have made a number of recommendations to improving its administrative and criminal investigations and for the most part the city has accepted most recommendations but there have been a few recommendations that have taken the city a number of report cycles for it to fully implement both like the 48-hour rule, like the improving the timeliness of investigations and when the city has failed to take advantage of these outside experts and not fully implement the recommendations we have

February 14-15, 2018

paid a consequence for that. As a result of the city's failure to have more timely investigations it ended up being a condition of the settlement agreement with the department of justice. So now I will just introduce the experts from our. Michael Gennaco and Julie Rhulin are here to provide council their presentation. Mr. Gennaco is a former civil rights division attorney in the justice department as well as serving in the central district of California as the lead attorney in that u.s. attorney's office civil rights division. Ms. Rhulin is a former expert who was on staff of parks and is a former civil rights litigator and criminal defense attorney.

Wheeler: Thank you, director. Appreciate it. Welcome.

Julie Rhulin: Thank you.

Wheeler: Good to see you both.

Rhulin: It's good to be here.

Michael Gennaco: Good afternoon, Mr. Mayor, commissioner Eudaly, commissioner Fish, its good to see some new faces and some familiar faces as well. Am I getting an echo?

Wheeler: It's unfortunate. The acoustics in this room are a little odd. You have to deal with it, sorry about that.

Gennaco: I will proceed. Thank you for allowing us the opportunity to be before you. Thank you for receiving our report and thank you for your opening remarks, Mr. Mayor. Couldn't agree more with all of what you have said up to now. There is nothing and because our work has extended beyond the city of Portland and we have had unfortunately the responsibility to review five or 600 officer involved shootings we couldn't agree more about how when an officer uses deadly force it always creates in fact it's always a tragic event particularly if somebody is injured or killed, but always presents trauma not only to the family, to those who are involved more closely, to the individual being shot, to the police officer himself or herself who uses deadly force to the police agency as a whole, and to the community as a whole. These kind of incidents resound in a significant way and potentially can tear the fabric with regard to the relationship of trust between police and those who are policed, their community and for that reason and because of the consequences that a deadly force incident does on impacting the community and the family, the officer, the department, it's incumbent upon agencies to conduct a thorough, objective, fair investigation into the incident for a number of reasons. One, and this is a district attorney responsibility eventually but to determine whether or not the actions of the officers who run afoul of state law with regard to use of force but also to evaluate the incident to determine whether or not the incident is consistent with the expectations of the police agency itself, is consistent with the directives of that police agency. Is consistent with the way in which the officer who uses deadly force has been trained and also whether the act itself and all the events leading up to the act and subsequent to the incident are carefully reviewed to determine, one, what happened, two, is there a way we can do better with the idea that that kind of holistic review, introspection, reflection and identification of remedial measures including accountability, training, policy development can help lessen send the likelihood that a similar deadly force incident will occur. Will we get to zero? I think that is ultimately the goal of getting to zero. Will it happen overnight? No, but we can say that in our estimation as reflected in this report and in our past reports of the 41 shootings we have reviewed in the course of our responsibilities here that there has been a trend line that has been optimistic. For that reason we continue to appreciate the work that we are able to do and the ability to report to your public and your community about that trend line. We have yet to find an officer involved shooting in the review of 600 or so shootings we have done that has been done "perfectly" and we have also found that in every incident where deadly force is used as justifiable as it may be, there are lessons to be learned if an agency takes the time and

February 14-15, 2018

consideration to do so. It's that philosophy that guides us and what sort of drives us as we come up with our reflections, our findings and our recommendations. The recommendations are intended to improve the department, to improve the bureau in this case, and to again better prepare not only bureau but its officers in providing additional guidance, additional procedures, process in an idea that that will all lead to a better and more robust review process with the exhaust pipe being better guidance to officers, to supervisors in the bureau on ways to train officers, guide officers and reduce the likelihood that deadly force will be used. I'm going to end my initial comments at this point as the mayor indicated certainly open for questions either now or during the course of our discussion, during the course of our presentation or at any time at the end of our remarks, but I wanted to reflect a little bit on some of the common themes that we found in this report but I'm going to ask my colleague Julie Rhulin to do that.

Fish: Can I ask you a referee's question before you get into the merits? Did you experience any barriers to getting the information you need? You needed which form the basis of your analysis and your recommendations?

Gennaco: No. As reflected in our report, commissioner Fish, in order for us to effectively do our job we need total access to all information including confidential information or any information that exists relating to the incident that we're reviewing. To answer your question succinctly as I can we didn't receive any barriers at all with regard to that. That has been true throughout our assignment.

Julie Rhulin: Good afternoon. Mr. Mayor, commissioners, thank you for having us and for giving us this opportunity to present some of the findings in our report. This report we talk about six officer involved shootings. Two were fatal shootings, three resulted in injuries to the person being shot at and one was a nonhit shooting that nonetheless received the same level of scrutiny from the bureau and the same level of review from us. Rather than go through the circumstances of each of those incidents I thought we would focus on some of the common themes that emerged from our review. The first is really to talk about the way in which officers' tactical decision making is reviewed. That's always a big focus of our reviews and we believe it should be an important part of any agency's review of a critical incident because we found that tactics that improve officer safety also reduce the likelihood that an officer is going to find him or herself in a position where he or she feels the need to use deadly force, so a focus on tactical decision making is an important part of the review process and that's all of the things that come before the shooting. Of course, the investigation and review has to talk about the moment of the trigger pull and the actual use of force but we find it's also very important to talk about all the things that went before that. That came before. The bureau does an admirable job of addressing all of those issues. In fact the training division review that is a written document that's part of the review process is something that is relatively unique among the agencies that we work with elsewhere. The fact that the bureau takes its subject matter experts in the training division and tasks them with pulling apart each of these incidents and discussing whether at various points the decision making was in line, was consistent with the bureau's training. I think shows a willingness by the bureau to learn from these incidents and to have that kind of rigorous self-scrutiny that's really an important part of an agency's review.

Wheeler: Can I ask you a question? On recommendation 20, you suggested that the protocols be changed to explicitly review pre-shooting tactical decision making for this purpose. Is that done now or do you have a sense?

Rhulin: It's not sort of a thing that is listed out as part of the review. So the use of force is reviewed. The post incident supervisory response is explicitly reviewed. While this decision making -- it's very much a part of the training division review it's not an explicit part of the commander's review. As a result it's not a thing that requires an explicit vote from the

February 14-15, 2018

police review board and that was an area where we found some room for improvement in this report. For example, there is one of our shootings, one of the shootings that we review in our report where the commander makes a finding that the decision making leading up to the shooting was out of policy. Was inconsistent with the bureau's expectations and that likely was part of the discussion at the police review board but there's no express finding from the police review board as to whether, why they -- there was no out of policy finding from the police review board and no written record of why that was so.

Wheeler: Is it possible to get, and we see a common theme throughout these that the decision is ultimately made when the officer feels their life is at stake. Is there any -- is there a best practice or anything concrete that you could point me to by way of a strategy that's implemented elsewhere that's very effective in terms of reviewing the pre-shooting tactical decision making and then how that is actually integrated into training?

Gennaco: Yes, mayor. Largely as a result of the negotiated settlement agreement or consent decree the city of los angeles for a long time has been reviewing officer involved shootings. One of their recent developments is to do what we recommend, which is force the review board to make a determination as to whether tactics were consistent with policy, consistent with training, or suboptimal or optimal. Coming out of that forced decision which isn't the current situation in Portland I think will be a better reflection of what the review board thought of those tactics. Right now they have the option to go there, but they are not required to go there if you will. So providing this sort of menu option which is they are required to make a determination as to whether the officer objectively felt in fear for their life when they shot. They are required to make a determination as to whether the rescue of the individual who was down and the emergency aid provided to the individual who was down was timely effective and appropriate. They are not required to make a determination about whether the tactics were consistent with training or policy, and what we're advocating is that they should.

Wheeler: You would direct me towards l.a. then.

Gennaco: I would, yes.

Wheeler: That's helpful. Appreciate it.

Rhulin: One other piece regarding the reviewed view board process is something that is concerning to us in the new use of force policy and procedures and that is a concern about the timing of this training division review. If you're going to have the police review board make a finding about tactical decision making we think it's very important that they have access to that training division review document and there are some concerns that an interpretation of the new policy means that that training division review won't be done until after the police review board meets, which we think would hamper the ability of the prb to make the necessary findings.

Wheeler: Fair enough. Thank you.

Rhulin: Another theme from this report, and it's a theme that has been a common theme throughout many of our reports and that is the role of supervisors on the scene of these incidents and what we have found in a number of shootings over the course of our review is that a tendency for supervisors, sergeants on the scene to engage tactically in the incident. The role of a sergeant at the scene of one of these emerging incidents ideally should be one of a director, not an actor. So someone who is standing back and identifying what resources are necessary and which officer ought to be deploying which type of weapon and positioning and how you're going to manage the entire incident and we have found repeatedly examples of sergeants wanting to jump into the role of an officer when there are officers available to play that role. The bureau has always agreed with our recommendations on this, and there is training for sergeants that instructs them on the proper role during these incidents, that training curriculum is sound, butut for whatever

February 14-15, 2018

reason it's not sort of sinking in. There are a number of possible explanations for that, but what we have recommended in this report is that it might be time for the bureau to say we're going to make this a formal policy which will make it easier for us to number one reinforce this message and training, number two, hold people accountable when they don't meet those expectations. A third area sort of common theme that I wanted to talk about, though, Mr. Mayor, you addressed it very well in your opening comments, was the timing of when an officer will review video footage. We see this as a very controversial topic in many cities where body worn cameras are being rolled out and there's a lot of video footage available of all these incidents but even in the absence of body-worn cameras, more and more everyday life, what we do, what officers do is captured on video. So I think it's important for the bureau to have a very clear policy on how they will handle this in the investigative realm. As you said it is best practice in our view that officers provide a statement before they are allowed to view video. It seems unquestionable that watching video can affect a person's memory in unconscious ways even and unpredictable ways and the goal particularly in these incidents where what we need to assess is an officer's state of mind at the time of the shooting, the goal ought to be to get a very clear and pure statement of that officer's memory.

Wheeler: As I read your recommendation, you're not precluding officers from giving additional testimony once they have reviewed the video. You're just saying the initial interview should be prior to any audio or video I guess I'll call it contamination.

Rhulin: Right.

Wheeler: What they remember as you say the state of mind, the circumstances as they existed that they can remember to the very best of their ability at that time but then they can go back and review footage and they can come back and enhance their testimony based on the review of that footage later. Is that a fair statement of your recommendation?

Rhulin: Yes. I think that is accurate. Although I don't even know that it would have to be coming back. I think the mechanics of it would be that they give a statement, they are interviewed, they are asked questions about the incident then have the opportunity during the course of that interview to watch the video and then if they need to supplement their original statement to talk about what they saw in the video, then they are provided that opportunity right there. I think it's really important to note here that inconsistencies between that initial statement and what an officer might say or what appears on the video inconsistencies don't necessarily mean the officer was lying. There are lots of reasons, human memory is not perfect and particularly when we're under stress you might perceive something differently than what you later see on video. Perspective could be different, so an officer sees something from this perspective and the video camera is up there, it captures things differently. I think it's important in terms of managing the public's expectations and building trust with the officers that inconsistencies between that statement, between their memory, between how they perceive things and what's on the video. Minor inconsistencies don't necessarily result in an accusation that that officer is lying or should not result in that kind of accusation.

Wheeler: Very good. Thank you.

Rhulin: Sure.

Gennaco: We appreciate the discussion and the presentation. I think, though, that in part because of the way in which mayor wheeler fleshed out essentially some of our critical findings and the bureau's response I'm going to end the substantive part of our presentation by the following, which is again to reinforce my response to commissioner Fish. Not only have we had access to information and that has been something that we have been benefited by throughout the course of our relationship with the city, but the bureau also makes itself available as we have questions during a review process that are

February 14-15, 2018

not -- about information that isn't reflected in the documents. So when we are asking or have questions about a certain training process, when we have questions about the way in which things were done but may not have been fully documented, when we have questions about the protocols of the bureau, all we need to do and this has been true for years now is simply find the right person to ask the question of and the bureau has been very responsive in providing helpful information to that effect. Oftentimes what we will end up doing is saying we wish you would have documented that, but it's been very helpful and productive. The other thing that I wanted to also reinforce is that our process is that and when we are done with our initial findings, recommendations and reflections, we have the opportunity to share that information with the bureau prior to publication and what we have found is that's been a very helpful dialogue for us. We're not perfect, we don't always get everything right and that dialogue is not intended to change the thrust of our recommendations, but more to make sure that for all kinds of purposes including the fact that facts matter, I still think facts matter, that we ensure that we are as accurate as possible before we release findings to the public.

Rhulin: I want to add one more thing about the bureau cooperation and that is I will regularly interact with sergeants or even officers on the bureau who are very open and candid and clearly have gotten the message from their superiors up the chain of command that they are allowed to talk to us and they are allowed to interact with us freely and to share their viewpoints and perspective and that's important. Many organizations we work with will only deal with, you know, captains and above, and officers are too sort of nervous to talk to us or feel constrained and that's not true in this bureau and I think that's an important statement about the tone that the command structure has set.

Wheeler: Commissioner Fish.

Fish: We have the benefit of having some written testimony that's been submitted and through the course of this hearing we may from time to time refer to comments made by members of the public to give you an opportunity to respond and the league of women voters submission they focus among other things on recommendation number 5. I would like to take a moment to look at that and this has to do with the providing medical attention to an injured individual and as the league points out, this is an issue that has been discussed and reviewed for a long time dating back to as early as 2001 or before. In your recommendation you address the question about the need to render first aid as soon as possible and that certainly makes sense and should not instruct paramedics to downsize its response team in the interests of not disturbing evidence. So can you flush that out a little bit? I can imagine a number of scenarios where someone may be concerned about bringing a paramedic in, an active shooting or other contingencies, but this question about the interest of not disturbing evidence, how do you make that judgment and what are the parameters? When you say as soon as possible, can you put some boundaries on that and give us a sense of what kind of urgency you think should be brought to this question?

Gennaco: Absolutely, commissioner. This is an issue that has been part of our dialogue with the bureau and with the public and the community and with you all for years. What we have seen might be important for contextual reasons to talk about what we first saw when we first got started, we saw a number of cases where after an individual had been downed by gunfire bureau personnel on scene would take a step back, you know, then call the swat team or the cert team which is your version on swat to respond. Which could take usually at least an hour and could take longer. So, we have a situation someone is not moving, showing no signs of life, cert is called because there may be a weapon close by and it would take a long, long time before that person would receive medical attention. Certainly we don't see that any more, fortunately, but we still do see in one case we highlighted this in our discussion where the individual was downed, the officers eventually

February 14-15, 2018

used a ballistic shield, a new device which keeps them safer and allows them to approach consistent with an earlier recommendation we made. They come up with a ballistic shield, they handcuff the individual so that once he's handcuffed he's much less a threat to them. Then they back off and call paramedics but the instruction given to paramedics was we only want two of you there. We don't -- we want to make sure that we only want two there because we don't want shell casings to be disturbed or other evidence or the gun the individual had, which is understandable but in our view rescue predominates over any need to disturb evidence. These cases are not who done its. They are about state of mind. Shell casings get kicked around all the time when there is an emergent need for paramedics to respond. In our view it's critical that particularly scene supervisors, sergeants who get on the scene immediately be instructed that that has to -- the need to provide medical attention needs to predominate over any concern about the sanctity of the evidence.

Fish: And fair to say that that's a national best practice?

Gennaco: It is indeed. It's something that sometimes it's difficult for officers to transition to. To go from tactical mode where they just used deadly force to rescue mode where they now are seeing an individual and have to find ways to either render first aid themselves or get the paramedics there, it's important. To the credit of this incident that I'm talking about, the paramedics had been called and were allowed to stage nearby, but the instruction was only bring two folks in because we don't want you to disturb evidence.

Fish: Sir, does this relate back to what you said earlier about the cautionary flag about sergeants excessively engaged in the tactical side rather than being directors?

Gennaco: In part although in this case the sergeant had not been tactical, certainly we think he, it was a he in this case, really needs to be further guided about what's most important here. Sanctity of evidence or preservation of life and I think we can all agree that prospectuses say and we can agree that life preservation is most important. I think that officers on scene had a sense that the individual was beyond saving but it's not their decision to make that's a medical decision.

Fish: Thank you very much.

Wheeler: I did a little research since our conversation on this the other day. Turns out that all officers are in fact trained in the deployment of tactical shields, that was part of the 2017 service training. They are more widely distributed than I expected, every sergeant's vehicle has one and so there's probably some training in communication improvement made since the cases you're reviewing for this report I just wanted to make note of that. The most controversial issue here in terms of getting a response was on this question of supervisory responsibility particularly on the part of sergeants approaching a scene. I got unvarnished feedback from within the bureau and there were a couple of refrains. The first is really on us, a question about resources and capacity and ultimately the council controls resources and capacity with regard to how many people are on the scene and how many people are available to actually be engaged at a tactical level versus supervisory level. The second was I would generally characterize it as concern about being too prescriptive with regard to the role of the supervisor on scene. What was mentioned to me is a specific case around communications where it was believed that really only the sergeant could handle the communications under a certain circumstance and the question was raised are you actually going to prescribe that the sergeant not be engaged in that function and potentially if you write it into policy actually potentially require remedial action from the sergeant. How would you respond to the responses to the issue that you raised?

Rhulin: A couple of ways to respond. I understand that writing something into policy and setting it -- it's hard to -- it's not always good to create hard and fast rules that have no -- officers have no ability to use discretion to veer from. There may be exceptional

February 14-15, 2018

circumstances. I understand that sergeants -- sergeants become sergeants because they are good officers. They did their job well. They are smart, they know what they are doing, they have experience. Sometimes it's hard for them once they become a sergeant to step back from that thing that they are very good at and they know, they are on the scene, they think, I can do this better than in new officer. That's a difficult position to be in. I get that. At the same time if you don't give those officers the chance under your supervision, they are not going to learn to become the good, experienced officer you had the chance to become. I get that there are circumstances under which, you know, you might want a sergeant to step in and they need to be able to recognize that and yeah, should a policy completely remove all discretion? Probably not. We haven't suggested any particular wording for that policy. It's just the recommendation to reinforce this through training and accountability has not changed a lot, so the idea of having a policy was a recommendation in this report.

Wheeler: Very good. If I could shift gears if any of my colleagues want to jump in, please do, I want to talk about the timeliness of investigations. As a new police commissioner coming in and realizing I was being asked to look at investigations that were quite old and in communicating with lots of people who are different parts of the process, everybody seemed really frustrated by the length of time it takes to complete an investigation. Could you elaborate on your findings and recommendations with regard to timeliness of investigations and first of all let's stipulate that it's in the interests of the officer and it's in the interests of the individual who was the recipient of officer involved use of force, and their family, to have this done quickly. So what do you recommend and given our current structure what would you change?

Gennaco: I think that timeliness is always needs to be balanced with thoroughness and certainly we don't want to -- we're not intending to recommend that the thoroughness of the investigative process and review process that occurs in Portland be somehow subverted. On the other hand, it is important that these kinds of investigations be completed. The DOJ, department of justice, said so. That was part of the settlement agreement regarding ways to collapse the time, if you will, in order to have more timely investigative and review process. I think as a large part of that kind of oversight that current exists here the bureau has done better, significantly better. That being said there are times in which files seem to end up on people's desks for too long with not a lot of activity going on. I just think that we don't have a specific recommendation or magic cure or magic bullet. This plagues every agency that has these responsibilities and it's a fact that there's plenty of work to do for people who may not have enough resources to do it. It's an explanation, not a justification and I just think that it's important for and we're going to continue to watch it but important for the management of the bureau to continue to figure out ways to collapse that process without sacrificing the thoroughness and robust review process currently in place.

Wheeler: There were two recommendations you may not have stated explicitly but certainly implied them. I want to find out if that is true. The first regarding the question of internal affairs. You stated explicitly at the head of that section that internal affairs generally speaking is not a bottleneck, but it becomes a bottleneck if somebody or a part of the process later on asks for additional interviews or follow-up information. There's a competition for time, energy and resource back at i.a. for the follow-ups. You seem to be suggesting it's not the initial i.a. investigation that's the problem, it's follow-up requests that are problematic. You had a recommendation there. First did I state the problem accurately and if so, what is your recommendation?

Gennaco: Mayor, you stated it accurately. The human nature being what it is once you or an investigator gets rid of a case you hate to see it come back. Sometimes it needs to come back and sometimes there's important information that is missing from the file, witnesses weren't asked the right question, witnesses weren't interviewed at all. So that

February 14-15, 2018

process is critical and the bureau is doing a pretty good job of doing that and sending things back as well as ipr. Ipr plays a role as well in a check on thoroughness. Our recommendation that is when an investigation which is already old because now it's gone through a review process comes back for more investigation the commander of the internal affairs unit ensure that the investigator who it's going back to, put that at the top of the queue so that whatever else needs to be done is done so that that review process can be completed.

Wheeler: You also highlighted the police review board, prb. You indicated in your report that meetings occurred at least two months after most case investigations were completed and in half of the cases three to four months later. What was causing that delay in your estimation?

Gennaco: I think there are a lot of reasons and everyone is episodic, but if I had to generalize I think some of it has to do with schedule scheduling, availability there needs to be time built into the process so those on the review board have an opportunity to review view cases because these files are extensive. It's important for any review board participant to have some amount of time to take a look at the cases so that they are steeped in the information, have looked at the raw data before they go to the board. It that being said, there needs to be I think more adept scheduling and ensuring that if at all possible that window be collapsed to 30 to 45 days if possible.

Wheeler: Then I just have one more question. The training division review. There was some question as to where the right place is for the training division review. Should it be later and separate to maximize the training opportunities? Or should it be earlier and integrated in order to speed up the process? Where did you come down on that?

Rhulin: Well, we think it's really critical that the training division review be among the materials that the review board considers when making its findings. We think that that is the overriding objective, is to make sure that that gets done in a way that it can be useful to the decision makers on this case.

Gennaco: I would just add, mayor wheeler, for those on the public who may not remember, critical components of the review board are people who are not experts in police practices. They are members of the crc, or members of the civilian community at large, and those individuals definitely need to be guided by the insights of the training review process to even formulate issues to discuss at the review board.

Wheeler: The current policy as I understand it under 101010 is that training analysis is provided only after the prv has convened and made its findings. Is that correct?

Gennaco: The wordsmithing is a little ambiguous, mayor, but the 101010 currently talks about training review being done after the "review process". I'm not sure what that means but it certainly could be interpreted to mean after the review board has completed its work, which is not what we think is ideal.

Wheeler: Very good. I just want to be very clear, you know, depending upon the chief's direction there, if it is her judgment based on her expertise and leadership that we should integrate that earlier we will seek a policy revision through the ordinary process to 101010. I just wanted to highlight that. That completes my questions. I don't know if my colleagues have any more.

Fish: What other panels do we have?

Wheeler: Only one. We have the chief.

Fish: I would like to hold my questions until we hear from the chief.

Gennaco: Mayor, I omitted two important things I think that I think I would feel frustrated if I didn't communicate these. That very briefly, our work is guided by our experience and guided by the materials that the bureau has provided to us as well as the expertise and insight that the bureau itself provides but it's also guided by mechanisms that you have

February 14-15, 2018

working day to day to day, boots on the ground, individuals not with the bureau, the ipr, auditor's office are instrumental and we couldn't do the work we do without their guidance and understanding of what's going on in Portland. Then finally, an important piece of our component and something that we absolutely benefit from when we come up to visit you all is the ability to interface with our community. While the community may not be experts, although some are becoming experts, on police practices, they certainly provide an important perspective and give us a better and general and broader understanding of the concerns of your community and that dialogue that we're able to have only makes our report I think more informed. So we appreciate their work and their willingness to meet with us on a regular basis.

Wheeler: Thank you. Appreciate it very much. Chief outlaw, welcome. Thank you for being here.

Chief Danielle Outlaw, Portland Police Bureau Thank you.

Wheeler: We appreciate it.

Outlaw: Good afternoon, Mr. Mayor, commissioner Eudaly, commissioner Fish. Thanks for having me here today. The seats are always way down here and the microphone -- thank you for the opportunity to respond. As I stated some time ago, I genuinely and wholeheartedly appreciate the opportunity to review and respond to the 5th report and the recommendations from the oir group regarding officer involved shootings that took place from march 2014 to June 2015. I think many of us are clear in that a true and comprehensive ois review includes a lot of facets. There really wasn't a lot of question for me when it came to whether or not I agreed with the 26 recommendations laid out in this report. Ois reviews do not only look at the incident itself, the use of force itself. It should include what led up to the incident, it also includes tactical consideration, it also takes a look at command and control, supervisory accountability, whether or not medical aid was rendered, other issues whether there were any discrepancies identified and whether or not those discrepancies could be resolved. You also look at other risk factors as to whether or not there are any policy implications there, equipment issues, also training implications. That's all part of one comprehensive package. Again, it's not just to determine whether or not the force was in compliance, it's to look at what was done well. Were there things that can be replicated to make sure that moving forward we continue to do good work and we don't repeat the mistakes of the past. We also need to determine whether or not any training issues identified are something that are to be handled at the individual level or at the organizational level and what are those feedback back loops to make sure that whatever is gleaned from these review boards are reported back in a timely and efficient manner. So all of that to say these review processes are far more than just one or two areas. It's a lot larger than that and they are very critical and important. Timeliness is very key. Going back to your point, Mr. Mayor, its key not just because of the impact that we have on the community with this dangling out there but it's also hanging over the heads of those involved. That took place in the use of force. Again, those also by those impacted by the force as well. I will say that I think I can speak for many chiefs when anticipating these reports one of our largest areas of heartburn obviously is what is the report going to say. I think that it's clear in this incident or this report that the bureau has made progress over the years because the content of the recommendations were not flat out we got it wrong or there was bias or there were investigative insufficiencies. The recommendations clearly show there's room for enhancement and improvement to our currently existing internal accountability mechanisms. That we can do. Obviously at least one recommendation has contractual implications and I look forward to working with our community stakeholders and internal stakeholders to sit at the table to make sure we resolve those but in the end we all have the same goal and we'll make sure we implement these recommendations.

February 14-15, 2018

Again I truly appreciate the collaborative process here and the recommendations put forward by the oir group. This is important in that we are sincerely trying not only to build bridges but enhance transparency and show that we truly are genuine in that we want to get it right. So I have some of my command staff with me. Captain bell, I'll acknowledge as well, captain day from training, acting chief Hendrie is here. They were contributors to some of the responses we provided to this report and we're all available for answers to any questions that you may have.

Wheeler: Commissioner Fish. Thanks, chief.

Fish: Thank you, chief. I just want to say last time I saw you was at the martin luther king breakfast hosted by the scanner. I wanted to come over at the end just to say hello but there was a line out the door people wanting to take their picture you. I thought that was a pretty healthy sign how the community was responding to your leadership. I would like to talk to you about the response you submitted to the recommendations. Having worked for example with a prior council and now this mayor on the 48-hour rule and knowing sometimes there's significant challenges between us deciding we want to take an action and actually affecting that action, I look at some of these comments and I'm thinking where are the most substantial barriers to moving. At the front end I want to say in reviewing your letter one thing I applaud is that in almost every instance where you agree with the recommendation and you pledge to make a change you have a timeline for that action so that will allow to us monitor the progress and hopefully get further reports, so I applaud you for that, but let's look at recommendation 22. Mayor talked about this a little bit, this is the one about whether an officer can view video evidence prior to submitting a statement. You agree with the recommendation but I just want to quote what you say. This issue may be subject to collective bargaining. Now, that's a may. So having been involved in these kinds of conversations before and based on my background as a labor lawyer I get it that there's a gray area here. I guess my question is, when do you expect to have a clear understanding of whether it is or it isn't and then depending on what the law is because after all we must follow the law based on the best guidance we receive, what is your intended plan of action to tackle this problem?

Outlaw: That's a fair question and thank you for asking that. I will say dialogue has already begun. I did receive a letter from the ppa regarding some concerns specifically as it relates to number 22, and I believe you might have all received a copy of that letter as well. My first priority is to make sure that I educate everyone as to why I agree with this. There are some very fair concerns and fears and anxieties out there relating to why an officer, especially for an officer involved shooting, believes they should be allowed to view the footage prior to providing a statement. My message has been very clear. I also shared the same message with the command staff and have asked that this be relayed throughout the organization. When you look at it in its totality, it's really to the advantage of the officer and here's why. The standard for whether or not a use of force is in compliance is the reasonableness standard. It's the graham standard. That doesn't change whether or not there's footage available, surveillance footage, body worn camera footage or no footage at all. The standard is the standard. It's not whether something was right or wrong it's whether or not it was objectively reasonable and with that said, there may be discrepancies with or without footage. It could be as science shows that an officer's recall is more enlightened or enhanced as several months progress. Obviously we're not giving statements that far down the road but they may remember things later on so things may or may not add up but there's a reticence amongst officers, and I understand why, that if they are given statements with discrepancies or inconsistencies that at some point someone somewhere might say you're being untruthful because you didn't say it right the first time. And what I'm saying is if we allow officers to view footage prior to providing a statement it

February 14-15, 2018

doesn't fully allow you the opportunity to recall the way you felt it and you saw it and you perceived it at the time you made the decision to shoot. So the first priority is education. I have already started the dialogue in making sure that we're setting up time to sit across the table to get this hashed out if this is something that needs to be negotiated or not. The other piece is that along with the mayor's office we have already begun traveling as it relates to body-worn cameras and programs to visit other major cities that have already implemented the body-worn camera program. We have looked at their policies and there are agencies throughout the country that do not allow officers to view footage prior to providing a statement for an officer involved shooting. I will say not for all uses of force but for an officer-involved shooting so the research has already been done. We're doing everything we can to make our position as strong as it can be but to make sure the advantages are relayed and to make sure that this is not an aha, gotcha. No one is trying to get an officer in trouble or set anyone up for failure.

Fish: I appreciate that response and underlying this is a question of trust.

Outlaw: Absolutely.

Fish: Whether we have shared goals or not. For 20-odd years before I had the honor of doing this job, I was a lawyer and I spent a lot of time preparing witnesses for testimony. One of the things that I tried to communicate to nervous witnesses was minor discrepancies in testimony actually humanizes the testimony. The person who gives robotic testimony that's been carefully sculpted, that instinctively rings false because no human being remembers every single detail. The more you present like that, the more obvious it is to anyone listening to you that you have been carefully rehearsed. The minor discrepancies are part of what connects us to other human beings I got some details wrong. The thing we have to grapple with is the difference between a minor and major discrepancy.

Outlaw: Yes.

Fish: As I get older I find my minor discrepancies are getting worse and sometimes memory issues, but I'm less concerned about someone that says there were six people there not seven, confuses a name, has some detail wrong because that's human and I as you pointed out at that moment where there's a lot of trauma at the site, there's a lot of activity, sometimes the memory is not always operating at the highest level. So I think the question really has to be trust here. Minor discrepancies that get cleaned up makes a lot of sense to me. I guess there's a point at which it becomes a major discrepancy then it raises a larger issue about is the person being fully forthcoming and truthful. But I like the way you framed it because the goal here is to get -- I like the way in fact one step further you said there's an advantage to the officer in adhering to the guideline you want to put in place. The question of whether it has to be bargained or not becomes a question we can opine on but ultimately an administrative law judge or court will have the final say and then people should understand in plain English that means it slows down the process if someone says it's a mandatory subject of bargaining. I would like to know at your earliest convenience, privately, what your best legal sense is on that question. Thank you.

Outlaw: Sure. You're welcome.

Wheeler: I just had a question regarding less lethal shotguns. One of the cases that was profiled here by our had a situation where they had to call in a less lethal shotgun. I'm just curious what the current state of training and deployment is with regard to less lethal shotguns.

Outlaw: I'm prepared to answer that, but I'll have our subject matter expert come up and assist with that.

February 14-15, 2018

Wheeler: Great. I just want to remind people some of these cases are quite old. In many cases I have noted and you noted in your letter that we have already changed policies in some cases and changed training in some cases and this may well be one.

Bob Day, Portland Police Bureau: Good afternoon, mayor, commissioners. Thank you I'm Bob day, the captain assigned to the training division. So for several years the police bureau has used a tool referred to as the less lethal shotgun or beanbag, which is a shotgun firing system that shoots out essentially small beanbags in an attempt to distract or stop the threat. We have begun a robust review of that over the last year or two for a variety of reasons and came to the conclusion to change the system entirely as a tool. So we now have just completed a transition to a 40 millimeter less lethal weapon system. It's a single shot so it shoots essentially a rubber baton for lack of better term. A projectile that will have the same desired effect but it's more accurate and extends some of the distance so that we can create more space and more time, which is what we're always looking for in these situations. We began that process last fall, and we currently have about 130 some odd operators certified in that and prior to we had about 150 total less lethal shotgun operators. So stand by because we'll be having some additional training and bringing on about another 45 to 48 operators this spring as we put them through certification courses. So you know, the result of this at the end of this conversation from this report for that recommendation we'll no longer have less lethal shot guns on the street or in the system probably within the next 60 to 90 days would be my guess, maybe sooner. My goal is to get them all distributed by the end of march. We'll have four additional classes of about 48 officers each so we'll bring our numbers up to nearly 180 operators on the street whereas I said previously we had 150. So we're expanding the capacity it's I believe a more appropriate tool, better use for the officers as well as when need be for the community because it gives us a greater sense of accuracy and control. So that recommendation is essentially fulfilled or will be hopefully by the end of march.

Wheeler: Thank you. I appreciate that. Chief, I had a question. Again, this may be one that we have to put to somebody else, it's regarding attorneys who accompanied their clients on a walk-through and offer what oir refers to as evidence to the investigators and the concern here of course is that the attorneys are not eyewitnesses. I guess there could be a rare situation where they are but generally they are not eyewitnesses to the account and there they are be presenting evidence to investigators. I understand that you agree with the recommendation that they should not be able to offer evidence. I just want to clarify, though, I believe the officers have a right to an attorney being present during the walk-through. Is that correct?

Outlaw: That's correct.

Wheeler: I just wanted to make sure I had that correct. Thank you. Good. Those are my questions. Good. Thank you, chief. We appreciate it very much. I don't know if oir wants to come back up if there's anything you want to say for the good of the room.

Gennaco: We look forward to seeing you in august. We'll have another nine cases.

Wheeler: I thank you very much for your good work. We spoke informally. I spoke informally with folks from oir. I would like to see us get to the point where we can catch up to the review of current cases and get caught up on that. I want to acknowledge a couple of things that have already been acknowledged in closing. First being a police officer is a very difficult job. It's hard work. It requires a high degree of professionalism. I'm proud to serve as police commissioner and I want to be very clear about that. I always believe that we can do better and so I just want people to understand I ask questions of the bureau that I'm responsible for as the commissioner in charge I want to be clear it's because I have high hopes as well as high expectations of that bureau and I know I share that with chief outlaw. So I want to thank the folks from the oir group for being unvarnished and focused

February 14-15, 2018

in their evaluation. Director severe, I want to thank you, and ipr, for your great work. Madam auditor, thank you, this is really your whole show today and I want to thank you for a process that is highly public and transparent. This report is available, anyone can take a look at it. Again we're happy to take written comments if people disagree with anything they heard today or have a different view we would certainly be opening open to hearing that perspective. Thank you for being here today and we'll see you next time. We're adjourned.

At 3:20 p.m. council adjourned.