



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **23<sup>RD</sup> DAY OF MAY, 2018** AT 9:30 A.M.

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

Commissioners Fish and Eudaly arrived at 9:50 a.m.  
Commissioner Eudaly left at 11:10 a.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Lory Kraut, Senior Deputy City Attorney; and Nicholas Livingston and John Paolazzi, Sergeants at Arms.

Item Nos. 502-505 (all Consent Agenda items) were pulled for discussion.

The meeting recessed at 11:10 a.m. and reconvened at 11:14 a.m.

		<b>Disposition:</b>
<b>COMMUNICATIONS</b>		
<b>492</b>	Request of Michael O'Connor to address Council regarding Last Thursday on Alberta (Communication)	<b>PLACED ON FILE</b>
<b>493</b>	Request of Sarah Hobbs to address Council regarding purpose of assault weapons ban (Communication)	<b>PLACED ON FILE</b>
<b>494</b>	Request of Stan Herman to address Council regarding redevelopment of 1300 N River St (Communication)	<b>PLACED ON FILE</b>
<b>495</b>	Request of Injured and Pissedoff to address Council regarding civil conspiracy and conflict of interest in seven service animal attacks (Communication)	<b>PLACED ON FILE</b>
<b>496</b>	Request of Eileen Kennedy to address Council regarding citizens privacy issues, contact information and transparency (Communication)	<b>PLACED ON FILE</b>
<b>TIMES CERTAIN</b>		
<b>497</b>	<b>TIME CERTAIN: 9:45 AM</b> – 2018 Rose Festival and Rose Festival Court (Presentation introduced by Commissioner Fish) 30 minutes requested	<b>PLACED ON FILE</b>

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<b>498</b>	<b>TIME CERTAIN: 10:15 AM</b> – Proclaim May 30, 2018 to be Vanport Day of Remembrance (Proclamation introduced by Mayor Wheeler and Commissioner Fish) 15 minutes requested	<b>PLACED ON FILE</b>
<b>499</b>	<b>TIME CERTAIN: 10:30 AM</b> – Proclaim May 23, 2018 to be Jewel Lansing Day (Proclamation introduced by Mayor Wheeler and Auditor Hull Caballero) 15 minutes requested	<b>PLACED ON FILE</b>
<b>500</b>	<b>TIME CERTAIN: 10:45 AM</b> – Authorize an Intergovernmental Agreement with Home Forward for an annual amount of \$640,000 to assist City of Portland utility customers that encounter barriers in paying water and sewer services (Ordinance introduced by Mayor Wheeler and Commissioner Fish) 15 minutes requested	<b>PASSED TO SECOND READING MAY 30, 2018 AT 9:30 AM</b>
<b>501</b>	<b>TIME CERTAIN: 11:00 AM</b> – Amend City Comprehensive Financial Management Policy 2.04 (Previous Agenda 489; Resolution introduced by Commissioner Saltzman; amend FIN-2.04) 15 minutes requested	<b>REFERRED TO COMMISSIONER OF PUBLIC AFFAIRS</b>
<b>CONSENT AGENDA – NO DISCUSSION</b>		
<b>Bureau of Parks &amp; Recreation</b>		
<b>502</b>	Extend grant agreements by one year and provide additional grant funding not to exceed \$350,000 in aggregate, with seven organizations providing services to youth in partnership with Portland Parks & Recreation (Ordinance introduced by Mayor Wheeler and Commissioner Fritz; amend Contract Nos. 3005318, 3005319, 30005362, 30005363, 30005364, 30005366, 30005367)	<b>PASSED TO SECOND READING MAY 30, 2018 AT 9:30 AM</b>
<b>Mayor Ted Wheeler</b>		
<b>Office of Management and Finance</b>		
<b>*503</b>	Pay property damage claim of Nguyet Le in the sum of \$25,514 involving the Portland Police Bureau (Ordinance) (Y-4; Eudaly absent)	<b>188954</b>
<b>*504</b>	Authorize a grant agreement with Central City Concern, in an amount not to exceed \$47,500 for their community volunteer corps program (Ordinance) (Y-4; Eudaly absent)	<b>188955</b>
<b>City Auditor Mary Hull Caballero</b>		
<b>505</b>	Approve Council Minutes for January-June 2017 (Report) <b>Motion to approve report:</b> Moved by Fish and seconded by Saltzman. (Y-4; Eudaly absent)	<b>APPROVED</b>

<b>REGULAR AGENDA</b>		
<b>Bureau of Development Services</b>		
<b>506</b>	Amend fee schedules for Building, Electrical, Mechanical, Plumbing, and Land Use Services (Second Reading Agenda 465 introduced by Mayor Wheeler and Commissioner Eudaly) (Y-3; Eudaly and Saltzman absent)	<b>188949</b>
<b>Bureau of Parks &amp; Recreation</b>		
<b>507</b>	Amend fee schedules for tree permits (Ordinance introduced by Mayor Wheeler and Commissioner Fritz) 10 minutes requested	<b>PASSED TO SECOND READING MAY 30, 2018 AT 9:30 AM</b>
<b>Bureau of Transportation</b>		
<b>*508</b>	Amend the Transportation Fee Schedule to incorporate the Multimodal Incentive Fee for the Pre-Approved Transportation Demand Management Plan per Code Chapter 17.107, and exempt Affordable Dwelling Units from the Multimodal Incentive Fee until June 30, 2020 (Ordinance introduced by Mayor Wheeler and Commissioner Saltzman; amend TRN-3.450) 20 minutes requested  <b>Rescheduled to May 24, 2018 at 2:00 pm Time Certain.</b> <b>Motion to add new directive d regarding Multimodal Incentive Fees:</b> Moved by Wheeler, seconded by Saltzman, and further amended by Fritz. (Y-5)  <b>Motion to add new directive f to direct PBOT to report to Council by September 30, 2018 with options for how to fund an equivalent level of multimodal incentives for the exempt units for the duration of the exemption period:</b> Moved by Wheeler, seconded by Saltzman, and further amended by Fritz. (Y-5) (Y-5)	<b>188956 AS AMENDED</b>
<b>509</b>	Revise transportation fees, rates and charges for FY 2018-19 and fix an effective date (Ordinance introduced by Mayor Wheeler and Commissioner Saltzman; amend TRN-3.450) 15 minutes requested	<b>PASSED TO SECOND READING MAY 30, 2018 AT 9:30 AM</b>
<b>Mayor Ted Wheeler</b>		
<b>Bureau of Environmental Services</b>		
<b>510</b>	Authorize a competitive solicitation and contract with the lowest responsible bidder and provide payment for construction of the Structural Rehabilitation of Taggart Outfall 30 Project No. E10220 for an estimated cost of \$8 million (Ordinance) 15 minutes requested	<b>PASSED TO SECOND READING MAY 30, 2018 AT 9:30 AM</b>
<b>511</b>	Authorize a competitive solicitation and contract with the lowest responsible bidder and provide payment for construction of the Sunnyside North Reconstruction & Green Streets Project No. E10367 for an estimated cost of \$9.9 million (Second Reading Agenda 478) (Y-4; Eudaly absent)	<b>188950</b>

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<p><b>512</b></p>	<p>Revise sewer and stormwater rates, charges and fees in accordance with the 2018-2019 Sewer User Rate Study (Second Reading Agenda 491) (Y-4; Eudaly absent)</p>	<p><b>188951</b></p>
<p style="text-align: center;"><b>Office of Management and Finance</b></p>		<p><b>ACCEPTED PREPARE CONTRACT</b></p>
<p><b>513</b></p>	<p>Accept bids of Titan Utilities, LLC and Iron Horse Excavation, LLC dba Oxbow Construction for the Price Agreements for construction services at Columbia Boulevard Wastewater Treatment Plant, Tryon Creek Wastewater Treatment Plant, and associated pump stations for \$6 million (Report - Bid No. 00000806) <b>Motion to accept report:</b> Moved by Fish and seconded by Fritz. (Y-4; Eudaly absent)</p>	
<p><b>514</b></p>	<p>Approve FY 2018-19 cost of living adjustments to pay rates for nonrepresented classifications and Elected Officials, specify the effect upon employees in the classifications involved, and provide for payment (Ordinance) 10 minutes requested.</p>	<p><b>PASSED TO SECOND READING MAY 30, 2018 AT 9:30 AM</b></p>
<p><b>515</b></p>	<p>Revise Secondhand Dealer regulations to accept Consular ID cards as identification, add Gift Cards as regulated property and other housekeeping changes (Ordinance; amend Code Chapter 14B.90) 20 minutes requested</p>	<p><b>PASSED TO SECOND READING MAY 30, 2018 AT 9:30 AM</b></p>
<p><b>516</b></p>	<p>Authorize limited tax revenue bonds in an amount not to exceed \$10.5 million to finance replacement of aging fueling system infrastructure at multiple locations across the City (Second Reading Agenda 485) (Y-4; Eudaly absent)</p>	<p><b>188953</b></p>
<p style="text-align: center;"><b>Water Bureau</b></p>		<p><b>188952</b></p>
<p><b>517</b></p>	<p>Authorize the rates and charges for water and water-related services during the FY beginning July 1, 2018 to June 30, 2019 and fix an effective date (Second Reading Agenda 490) (Y-4; Eudaly absent)</p>	

At 12:21p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **23<sup>RD</sup> DAY OF MAY, 2018** AT 2:00 P.M.

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

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

<p><b>518</b>      <b>TIME CERTAIN: 2:00 PM</b> – Amend Code pertaining to private for-hire transportation in the city (Ordinance introduced by Mayor Wheeler and Commissioner Saltzman; amend Code Chapter 16.40)      2 hours requested for items 518-520 <b>Motion to accept amendments in PBOT 5/23/18 memo:</b> Moved by Saltzman and seconded by Fish. (Y-5)</p>	<p><b>Disposition:</b>  <b>PASSED TO SECOND READING AS AMENDED MAY 30, 2018 AT 9:30 AM</b></p>
<p><b>519</b>      Study Transportation Network Company liability and personal injury protection insurance coverage and develop a proposal for a driver regulatory board (Resolution introduced by Mayor Wheeler and Commissioners Eudaly, Fish, Fritz and Saltzman) <b>Motion to add rideshare data to last resolved section and add focus requirements for oversight body:</b> Moved by Fish and seconded by Eudaly. (Y-5) <b>Motion to add resolved section to require PBOT to report to Council in six months on the insurance study:</b> Moved by Fritz and seconded by Eudaly. (Y-5) (Y-5)</p>	<p><b>37355 AS AMENDED</b></p>
<p><b>520</b>      Conduct a traffic congestion study of the City of Portland with an emphasis on understanding taxi and transportation network company service (Resolution introduced by Mayor Wheeler and Commissioner Saltzman) (Y-5)</p>	<p><b>37356</b></p>

At 5:26 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **24<sup>TH</sup> DAY OF MAY, 2018** AT 2:00 P.M.

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

Commissioner Fish left at 4:21.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Linly Rees, Chief Deputy City Attorney; and Ovie Griggs and John Paolazzi, Sergeants at Arms.

The meeting recessed at 3:50 p.m. and reconvened at 4:07 p.m.

	Disposition
<b>521-525 TIME CERTAIN: 2:00 PM</b> 30 minutes requested 2035 Comprehensive Plan related reconciliation and updates: Transportation System Plan, Codes and Zoning Map.	
<b>521</b> Amend the Transportation System Plan consistent with the 2035 Comprehensive Plan and in compliance with the Regional Transportation Plan; amend River District Master Street Plan; add policies for Automated Vehicles; adopt findings of compliance; adopt corrections; amend Transportation and Parking Demand Management code to clarify requirements (Previous Agenda 348; Ordinance introduced by Commissioner Saltzman; amend Ordinance Nos. 187832, 188177; amend Code Chapter 17.107) (Y-5)	<b>188957</b> <b>AS AMENDED</b>
<b>522</b> Amend the Transportation System Plan to update Introduction, Modal Plans, Implementation Strategies, and Glossary (Previous Agenda 349; Resolution introduced by Commissioner Saltzman) (Y-5)	<b>37357</b>
<b>*S-523</b> Amend Zoning regulations to implement the 2035 Comprehensive Plan through the Code Reconciliation Project (Previous Agenda 398; Ordinance introduced by Mayor Wheeler; amend Title 33)	<b>SUBSTITUTE</b> <b>188958</b>
<b>*S-524</b> Amend Tree, Noise and Sign regulations to effectively implement Portland City Code through the Code Reconciliation Project (Previous Agenda 399; Ordinance introduced by Mayor Wheeler; amend Title 11, 18 and 32) (Y-5)	<b>SUBSTITUTE</b> <b>188959</b>
<b>*S-525</b> Amend the 2035 Comprehensive Plan Map and amend the Official City Zoning Map to carry out Portland's 2035 Comprehensive Plan (Previous Agenda 427; Ordinance introduced by Mayor Wheeler; amend Ordinance No. 188177) (Y-5)	<b>SUBSTITUTE</b> <b>188960</b> <b>AS AMENDED</b>

<p><b>526-530 TIME CERTAIN: 2:30 PM</b> – Central City 2035 Plan. 1.5 hours requested.</p> <p>Central City 2035 Plan items are continued from April 11, with an additional Riverplace ordinance, for Council adoption. The final vote will be on June 6. For more information see project website <a href="http://www.portlandoregon.gov/bps/cc2035">www.portlandoregon.gov/bps/cc2035</a></p>	
<p><b>S-526</b> Adopt the Central City 2035 Plan; amend the Comprehensive Plan, Comprehensive Plan Map, Transportation System Plan, Willamette Greenway Plan, Scenic Resources Protection Plan, Zoning Map and Title 33; authorize adoption of administrative rules; repeal and replace prior Central City plans and documents (Previous Agenda 353; Ordinance introduced by Mayor Wheeler)</p> <p><b>1. Motion to accept substitute ordinance and all associated exhibits as described in Attachment B of the May 24 BPS memo:</b> Moved by Wheeler and seconded by Fish. (Y-5)</p> <p><b>2. Motion to accept the minor and technical amendments shown in Attachment A of the May 24 BPS memo:</b> Moved by Fish and seconded by Fritz. (Y-5)</p> <p><b>3. Motion to adopt the New Chinatown/Japantown amendment as written in Attachment A, Part II of the May 24 BPS memo; the amendment includes Block 33 and the four blocks in the north end of the district and addresses height:</b> Moved by Saltzman and seconded by Wheeler. (Y-3 Saltzman, Eudaly, Wheeler. N-2 Fritz, Fish.)</p> <p><b>4. Motion to substitute a new Exhibit A to reflect motion #3:</b> Moved by Wheeler and seconded by Saltzman. (Y-4; N-1 Fritz)</p> <p><b>5. Motion to accept staff addendum to May 24 packet, Technical Amendment 9, regarding shadow studies, Map 510-4, map 3 of 3:</b> Moved by Wheeler and seconded by Fish. Vote not called.</p> <p><b>6. Motion to add “D” on page 3 of staff addendum to May 24 packet, Technical Amendment 9, Shadow study, sites shown on Map 510-3 to add “Adjustments and modifications to this standard are prohibited.”:</b> Moved by Fritz and seconded by Fish. Vote not called.</p>	<p><b>SUBSTITUTE CONTINUED TO MAY 30, 2018 AT 10:15 AM TIME CERTAIN AS AMENDED</b></p>
<p><b>527</b> Amend the Central City Plan District of the Zoning Code to increase bonus heights and impose master plan requirements in certain RiverPlace subareas (Ordinance introduced by Mayor Wheeler; amend Code Sections 33.510.210.D and 33.510.255, and Maps 510-4, 510-16 and 510-19)</p>	<p><b>CONTINUED TO MAY 30, 2018 AT 10:15 AM TIME CERTAIN</b></p>
<p><b>S- 528</b> Adopt the Central City 2035 Plan Volume 2A, Part 3, Environmental and Scenic: amend the Portland Zoning Map and Portland Zoning Codes for Environmental Overlay Zones and Scenic Resource Zones (Previous Agenda 352; Ordinance introduced by Mayor Wheeler; amend Code Chapters 33.430 and 480)</p> <p><b>Motion to accept substitute and all associated exhibits described in Attachment B to the May 24 BPS memo:</b> Moved by Wheeler and seconded by Fish. (Y-4; Saltzman absent)</p>	<p><b>SUBSTITUTE PASSED TO SECOND READING JUNE 6, 2018 AT 2:00 PM TIME CERTAIN</b></p>
<p><b>529</b> Adopt the Central City 2035 Plan Action Charts, Performance Targets and Urban Design Diagrams (Previous Agenda 354; Resolution introduced by Mayor Wheeler)</p> <p><b>Motion to accept amended Resolution to update effective date and accept substitute exhibits:</b> Moved by Wheeler and seconded by Fritz. (Y-4; Saltzman absent)</p>	<p><b>CONTINUED TO JUNE 6, 2018 AT 2:00 PM TIME CERTAIN AS AMENDED</b></p>

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**530**

Adopt the Central City 2035 Plan Green Loop Concept Report  
(Previous Agenda 355; Resolution introduced by Mayor Wheeler)  
**Motion to amend Resolution to update effective date and  
accept previous motion to add resolved paragraph directing  
Bureaus to continue with with community partners on similar  
open space and transportation projects:** Moved by Wheeler  
and seconded by Fritz. (Y-4; Saltzman absent)

**CONTINUED TO  
JUNE 6, 2018  
AT 2:00 PM  
TIME CERTAIN  
AS AMENDED**

At 4:37 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.

**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.**

**May 23, 2018 930am**

**Wheeler:** Are we ready? Very good. Good morning, everybody. This is the May 23rd a.m. Session of the Portland city council. Please call the roll. [ roll call ]

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

**Wheeler:** Good morning.

**Lory Kraut, City Attorney:** Welcome to the Portland city council. Represents all Portlanders and meets to do the city's business. The presiding officer preserves order and decorum, so everyone can feel welcome, comfortable, respected and safe. To participate, you may sign up in advance with the council clerk's office. To briefly speak about any subject. You may also sign up for public testimony on resolutions or the first reading of ordinances. Your testimony should address the matter being considered at the time. When testifying, please state your name for the record, your address is not necessary. Please disclose if you are a lobbyist. If you are representing an organization, please identify it. The presiding officer determines the length of testimony. Individuals generally have three minutes to testify unless otherwise stated. When you have 30 seconds left, a yellow light goes on. When your time is on, a red light goes on. If you are in the audience and would like to show your support for something that is said, please feel free to do a thumbs up. If you want to express you do not support something, do a thumbs down. Disruptive conduct such as shouting or interrupting testimony will not be allowed. If there are disruptions, a warning will be given, and further disruption may result in ejected from the meeting. A person who fails to leave the meeting is subject to arrest for trespass.

**Wheeler:** Very good. Communications please.

**Item 495.**

**Karla:** Item 495. Request of injured and Pissedoff to address council regarding civil conspiracy and conflict of interest in seven service animal attacks.

**Wheeler:** Good morning.

**Injured and Pissedoff:** My name is Pissedoff and I wanted to read this because this is what I filled out. You should have copies of this yourself. Request of injured and Pissedoff will regard in seven service animal attacks in less than six years by the same dog. People talk about landlords such as slumlords and everything else that they have trouble with landlords but currently there's three out of four laundry facilities in my building that are incapacitated. There was only one laundry room that's available that's working. And this was a building that was built in 1999 and candy machine being broken out for the last month. There's other flooding in the building sewer problems backing up and stuff. But I'm here to talk about the civil conspiracy and the conflict of interest. There's also another paper uninvited guest. I'm the only one in Portland that's ever come to city hall and talked about issues with their landlords being that the city owns the property. And you yourself, Mr. Mayor, writing this letter about animal control and what they should have did after five dog attacks. That was never nothing anything done. And, again, I remind you I had seven dog attacks in less than six years and the city did nothing. And thinks they can get away with them being a \$200 billion corporation thinking I can't sue them. Well, I'm going to sue them when I get a good attorney that wants to sue a \$200 billion corporation because I got

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injured with two fractures to my spinal cord and a broken hip. There're a half million people that's dead now since my hip surgery. There's only an 80% chance of living. There're 353,000 hip surgeries a year. With only 70,600 of them dying each year from complications. What's a half million people? Or anything. Of course, those people don't get any justice either so what am I complaining about? Thank you.

**Wheeler:** Thank you, sir. Next individual please.

**Karla:** 492. Request of Michael O'Connor to address council regarding last Thursday on Alberta.

**Item 492.**

**Wheeler:** Good morning.

**Michael O'Connor:** Morning. Should I wait for her to hand out?

**Wheeler:** You can go ahead and start.

**Michael O'Connor:** Okay. My name is Michael. I am here to represent my own. In the packet you are receiving, it's got a formal letter addressed to Portland city council. My communication is about last Thursday on Alberta street. Something I've been involved in since 2010. Just to speak about last Thursday a little bit. It's what I consider to be a social phenomenon. A gathering that naturally emerged word of mouth and the city has been shutting down the street for public safety reasons since 2010. And Sam Adams and commissioner Fritz made a call to action to build a solution for an organization to manage. I went through an experience to where in 2015 trying to work with former mayor, we were unable to reach an agreement. I had acquired 15 endorsements from the local businesses inside the street closure for a planning system and offered to acquire \$50,000 to cover some of the public safety expenses. And the mayor declined to reach an agreement and, mayor, you won the primaries and we met at the j and m cafe shortly after and talked about this issue. I discovered the city's registration requirements were not legal when they started them in 2015. And I tried to address that with Nathan Howard last year where I organized a meeting with the city officials involved. And I found out that everyone had the legal right to abstain. Not only was it required, police officers said they'd be subject to a \$250 fine and then later in 2016 eviction. And I left a copy of what law I think was violated. Ors 163275 section h which is coercion by a public servant. I came back again this year to go to your offices. I spoke with commissioner Fish, Jamie Duffy and they seemed open to having another organization cover these expenses. So I'm back. But the one thing that I would like to accomplish is that if registration is legally voluntary that the city say so. So I would love to ask you the question is registration voluntary?

**Saltzman:** We're here to listen.

**Wheeler:** Great. And I don't have an answer for you because I don't know enough about the issue at all but I appreciate you bringing this to my attention and I'll certainly look into it. I'll follow up. Thank you for coming in and sharing it. Appreciate it. Thank you. Next individual please.

**Karla:** Item 493. Request of Sarah Hobbs to address council regarding purpose of assault weapons ban of the

**Item 493.**

**Wheeler:** Good morning.

**Sarah Hobbs:** For the record my name is Sarah Hobbs. I woke up valentine's day to a text message from my mom letting me know my nephew Matthew who is a student was on campus when a shooting happened. Being over 3,000 miles away, I felt very helpless but then realized that can work to make sure our youth here in Portland kept safe. Mayor, you told me your hands are tied when coming to banning assault weapons. Something needs to be done. I do not want anyone to go through what my family has. In closing, I ask we not forget this past Monday was the 20th anniversary of the shootings at Thurston high school and we not forget the 4<sup>th</sup> anniversary of the shootings I fear those who forget history will be

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doomed to repeat it with more tragic heart-breaking results. And I want to add before I come here to city hall, I encourage everybody to go to npr.org. There is a piece they wrote about the 20th anniversary. And they interviewed the woman who is a student there 20 years ago who recently suffered flash backs going to the school cafeteria with one of her children who is now themselves a student. We've got a group here today. I want to know the men and women coming to school behind them are going to be safe. And people can say oh, it hasn't happened here in Portland. It happened 11 months before columbine. And let's not forget Reynolds.

**Wheeler:** Thank you, Sarah. Well said. Next individual please.

**Karla:** 494. Request of Stan Herman to address council regarding redevelopment of 1300 north river street.

**Item 494.**

**Wheeler:** Good morning.

**Stan Herman:** [inaudible].

**Wheeler:** One second. I don't think the mic is on.

**Herman:** In the past, I've talked to over 20 city employees. And most of them from all the bureaus. They will not answer my questions, or they don't have an answer or tell me it's not my job. I'm coming to their boss, Mr. Mayor. I'm calling this my measure 18. For 18 months, I've been coming to this meeting to find the best way to learn process and arrange a meeting and iron out issues. I've been respectful of your position as to not make a big scene. Let me play the role of Lars Larson. Measure 18 question will be asked to commissioner Eudaly, Fritz, Saltzman, Fish. On 3/20/2018 I was on your web site. It asked if I would like to have a meeting with you. I responded yes. Why no meeting? After trying through personal appearances, emails, notes dropped off in all your offices, my question to you all is over these past 18 months since November 2016, I believe, why have you been responded to any attempts I've made to communicate with you? Please respond.

**Eudaly:** Frankly, that's not how communications work. You've been in my office and met with my chief of staff on multiple occasions. I don't know why you are asking me this question.

**Fritz:** I've responded in writing.

**Herman:** It goes no place.

**Wheeler:** I'm willing to meet. I'm just curious. I don't know what we're talking about. If you talk to michelle, we'll schedule time. You've got my attention.

**Herman:** Thank you. I want to give back to the community on things and I think you'll enjoy what we got.

**Wheeler:** Great. Look forward to it. Thank you. We have one more. Thank you.

**Karla:** 496. Request of eileen kennedy to address council regarding citizens privacy issues, contact information and transparency.

**Item 496.**

**Eileen Kennedy:** Members of council, I come before you today to discuss greater privacy be afforded when their testimony is published on the internet. The city should publish and then adhere to an internet privacy policy that would safeguard citizens. Having information on the internet creates an unsafe environment because of the web's global reach. Number one, many Portland citizens hesitate to submit testimony because they are required to furnish personal information. Many of them have been crime victims as I have been. Number two, Oregon attorney general speaking at a recent aarp convention strongly encouraged older adults to not only keep personal data off the internet but also not to give it out over the phone. That because of the high number of fraud cases victimizing older Oregonians. Three, the city of Portland likes the convenience of the internet but the internet is not a small town and the information is not being shared in the context of a small town. Rather the internet is a modern global community. The city is failing in its

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responsibility to protect citizens from those who harvest personal data off the internet to push causes not supported by those citizens. Four, the practice of other governmental body should be instructive here like those who don't publish anything more than citizen's name and if applicable, the name of the group the citizen is affiliated with. For example, the bureau of ocean energy management has found a way to balance the values of transparency while at the same time protecting privacy of citizens from those who used personal information to advance their pet causes. On the last two pages of my packet, you will see at my testimony to Ryan at the department of interior commenting on the proposed building of oil rigs in our coastal waters. I had joined Washington state governor in this effort. The formatting is what I'm pleased to propose. So, on the second to the last page you see my testimony and there isn't anything else with it other than my name. And then they wrote me an email and said we're going to publish your name and your testimony, but we will not publish this information. They did ask for it but did not publish it. And I called them and talked to them on the phone and asked them why they did that because they are a government agency like yourself. And they told me it was important to them that citizens were kept safe. I also do not like it when personal information is put on the google search page by the city of Portland. I think that's far too public.

**Wheeler:** All right. Thank you. Appreciate your testimony. Have any items been pulled from the consent agenda?

**Karla:** Yes. 502 through 505.

**Wheeler:** All right. Call the roll.

**Karla:** There's nothing left.

**Wheeler:** Isn't 501? Oh, sorry. Time certain.

**Wheeler:** So, the entire consent agenda has been pulled. I will go to the first time certain item 497.

**Karla:** 2018 rose festival and rose festival court.

**Item 497.**

**Fish:** Thank you, mayor. I'd like to invite three guests to come forward and join us. Jeff Curtis. The CEO of the rose festival foundation. Brett baker, president of the rose festival foundation. Congratulations. I'd like to welcome Jeff, Brett and terry and the 2018 rose festival court to city hall. Mayor assigned me as council liaison and I have to admit it's been a lot of fun. The rose festival is the city's official festival. It brings together families, friends and tourists to the heart of Portland each year. The rose festival is an important part of our city's identity with traditions, wonderful parades, concerts and other events. Today we're proud to celebrate and highlight the 2018 rose court. They are some of our brightest emerging leaders. Perhaps one day one of them will be seated up here in one of these four chairs. Jeff, it's an honor to work with you and the rose festival board and we look forward to strengthening our partnership over the years. We appreciate all of your tireless work and I'll turn over to you.

**Jeff Curtis, CEO Rose Festival Foundation:** Thank you, commissioner Fish. Mayor and colleagues. I'm Jeff Curtis, CEO of the Portland rose festival foundation. I think it's appropriate just 48 hours of the production of this world-class festival that you are honoring the festival today. As the grandfather of the events industry, the grass roots efforts to start a community celebration in honor of the 70th anniversary is very appropriate. I wanted to acknowledge that in front of you. There's a rose festival connection to that community and that horrific experience in our community. That was when that flood happened, they had a float in the parade for years. It washed away. And Portland firefighters at that time rallied together to rebuild a float. I think about how close it was and put their court in that parade to go down the street and honor the citizens. Proud for honoring the community today. With that said, I want to go in. What we're going to do is talk about our organization and give you a preview using our rose festival court. And when I do that, I want to acknowledge

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our theme play happy. This theme was born just under a year ago. And if you recall last spring, Portland was not in the best happy mood when you had the context of the protests and things of that nature. And the horrific events took place on our main line around rose festival season. Those things were very tragic and unfortunate and part of our community, sent a rallying cry for all of us we can be better and rally and ultimately unite people. That's what the purpose is. And at the end of the day, the theme play happy really symbolizes that. Portland is a playground. Let's come together and celebrate on this place we call home. That's what we're going to talk about in the context of our festival this year. With that said, I'm going to lead off and transition to our board president Mr. Brett Baker.

**Brett Baker, Board President of Rose Festival Foundation:** Thanks, Jeff. Good morning, mayor and city commissioners. My name is Brett Baker. I have the honor of serving on the board of directors of the Portland rose festival foundation and the privilege of being its current president. First, let me reemphasize how much we appreciate the support of the council and the bureaus that all engage in some way to make sure the Portland rose festival has the resources it needs. We appreciate all the city employees who play some part in ensuring we have a successful and safe Portland rose festival. I wanted to take a moment to share a side of the Portland rose festival does not get enough accolades. While it's easy for me to say a few words or have the fun of ride nothing a parade or participating in events, I present the heart and soul of the rose festival of volunteer core. Collectively, the Portland rose festival is guided and produced by a small full-time staff and a team of dedicated directors totaling 53 individuals. Diverse group of highly motivated and dedicated volunteers. Our directors each serve year round planning on committees that go unnoticed behind the scenes ensuring our programming, business and charitable goals are met. Also, are year-round stewards being philanthropic missions. Many give one hour in some cases hundreds of hours simply because they love Portland and the rose festival. We're very proud to have the honor being the city's official festival. Something earned over a century of being independent non-profit that features the city and its people. Portland itself is also the main Fishery of the rose festival. The rose festival earned collective economic impact of \$60 million annually. A full Year's work is nearly complete as we get ready to get the celebration underway this Friday evening with the mayor's official opening of the festival that triggers our opening night fireworks. I want to remind all of Portland, this is your city, your festival and the stage is now set to play happy together. Jeff, back to you.

**Curtis:** Thank you, Brett. Appreciate that. We're going to have the court give a preview of what the community can expect. I want to share a couple highlights that we'll experience this year. First of all, the grand flow parade. It's on a stage on a world-class parade perspective. On the likes of the tournament of roses to Macy's to Mardi Gras. The unique aspects of the floats, and the creative culture that comes along. This is just a couple floats the public will see march down the streets. This is an otter that looks like it's suspended in water. Again, all decorated in floral design. This is another example. This will be another highlight of the grand floral parade. Two upwards of 25 floats that will make its way down the streets the morning of June the 9th which is the signature event.

**Fritz:** Jeff, tell people what the rules are for what the float has to be covered with.

**Curtis:** Anything organic. Anything grown from the ground, seeds, watermelon rinds. Hundreds of different aspects. And they are all on display. If you see it on tv, you can come down and see it up close. This is a small float that is really our rose festival owned float that we've changed this year. It showcases the floral content will be funded through the contributions of citizens in honor of six individuals that have made tremendous impacts to the rose festival. Six individuals that have been instrumental to our success and our history we're honoring ourselves, their legacy and family through floral content. You'll see a mix of entertainment. This photo depicts our rose zone concert series. I want to highlight

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what's different this year is the artistic side of the programming. Under half of our funding on the entertainment side to visual and performing arts not just bands playing music. This is an example of the aerial circus arts group. And you will see this under a large tent. With great food and carnival rides and great music as well. This is a new addition you'll see over the next three weeks. The performers down there at the water front. Got to talk about our junior parade because of this piece. This is the 100th anniversary of the junior parade. And there's a story behind this. I wish I had a photo that goes back to this. I'll give you historic photos to give you perspective. Specifically, in 1918, the Portland rose festival was cancelled. City council, city leaders decided it wasn't in the best interest to have a big festival that year because of world war I but the kids in our community back then, it's very appropriate the court's with us today. Talking about how youth movements today are starting to make a difference and that's important. The kids back in 1918 said if there's no rose festival, we'll do something ourselves. So they made their own parade on northeast 44th avenue. Elected their own queen and had the first rose festival queen. There was a parade going down the street 100 years ago. Organized by kids. Again, I think that shares the spirit of Portland that still exists today. And we're honoring that as 100th anniversary.

**Fish:** Jeff, for how many years as commissioner Saltzman attended that parade? [ laughing ] My recollection is he's been pretty faithful in attending that, am I right?

**Curtis:** He can speak for himself but I will say if you ask him, it's one of his favorite events and I think it's appropriate with his work on the children's levy and children's investment fund that he's part of that event and this will be his last year riding as an elected official. We're lucky to have him on.

**Saltzman:** My favorite event, yes.

**Curtis:** So that's important to tell. And we'll celebrate that this year as well. Couple neat photos from the back in the 30s. Fast forward in 2018 and 2017 this photo was taken; our football club won the championship and they have been named grand marshal of our starlight parade. We're excited to have them. Big group of them down the street. So we can celebrate again this world-class athletes representing Portland. So that's a highlight of our starlight parade this year.

**Fish:** Jeff, you've arranged this year to have the city's car trail the thorns at my request. I learned I may not be able to represent the city. So I'm hoping --

**Fritz:** I would have stepped up.

**Fish:** I'm hoping commissioner Fritz would be willing to do that.

**Curtis:** Plans happen fast. She's on it and making the upgrade. We're going to let the court talk about the entire festival. Looking at the volunteer side, I wanted to have our president elect speak. We're transitioning until October. But we're interesting terry to a lot of the key roles she'll carry on and I thought this was the perfect time for you to meet her and speak about herself.

**Teri Bowles-Atherton, President Elect Portland Rose Festival:** Thank you, Jeff. Good morning. And, again, thank you, mayor and the entire council for having us this morning. My name is terry and I'd like to tell you a little bit about myself and how I became involved with the Portland rose festival foundation and why I'm passionate. I became fascinated with the wonderment at a young age. I was told I attended my first fess and I have been al when I was 6 months old. And later on, I had two cousins who attended Jefferson high school become princesses in the 70s. I was in awe they represented. I also landed my first ever volunteer job with that same uncle and family along with neighborhood volunteers applying flowers and greenery on the floats he sponsored annually at that time representing the African American community. I still remember how important and proud I felt being in those warehouses really late into the night applying the last final touches. So as you can see early on I have a love for the rose festival and that flows through my blood. It's given me an opportunity to connect my passions of giving back to the community and

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working with young women. When I returned to Portland, I worked at the American red cross and it was there where somewhere to today's visit where I met most impressive group of young women. They had come there as ambassadors to welcome and thank blood donors present that day. After a brief conversation with one of the chaperons, she commented to me the rose festival always welcomes volunteers to help Shepard the 13 young ladies at the time from event to event. So having a passion for working with young women, i, again, was bitten by the volunteer bug and decided to continue volunteering with the rose festival. As you can guess, after one volunteer job after another, I was invited to the board in 2009. Today I'm here as incoming president elect of the Portland rose festival foundation and want to emphasize the importance of the festival to our entire city. Not only is the rose festival our opportunity to show case our wonderful city across the country and throughout the world, it's also our opportunity to bring about our communities together in unity and mutual pride. Also, a time to celebrate our various cultures. It's a time to celebrate the amazingly beautiful floral heritage of our city. A time to show case Portland's biggest annual party. Also, a time to bring out the inner kid in each of us. And simply a time to play happy together. And I honestly couldn't be prouder to be part of an organization that allows me to help host the city's biggest party. The Portland rose festival is the centered jewel of our city's crown. And to highlight the events of the festival, i'd like to welcome 14 or actually 12 of the 14, two are taking ap tests this morning, to highlight their coming over the next three weekends. Thank you.

**Wheeler:** Thank you and welcome.

**2018 Rose Festival Court:** Hello. We are the 2018 rose festival court. We'd like to introduce ourselves and tell you what's happening during this year's rose festival.

**Lux Preciado-Solis:** I'm lus. My favorite event is the starlight parade. I love seeing the fun light displays and all the families lined up to watch them. To me, there is no more of a perfect theme than play happy. Come play happy at the rose festival this year. Bring your family to downtown Portland for the starlight parade saturday june 2nd at 8:30 p.m. To see the floats marching bands, dancing groups and special entries that light up the sky at this nighttime event or watch it live on kptv fox channel 12.

**Kash'Imani Thomas:** I'm kashimani where I am president of our national society, co-president of women's empowerment. Now that I'm a part of the court, I can give the young girls a positive role model to look up to. Come join me and my fellow princesses to see who will be crowned this year's queen. Will be held Saturday June 9th at 8:30 a.m. At the coliseum right before the parade. We appreciate all the support.

**Melissa Torres-Duran:** Hi. I'm Melissa from grant high school. In middle school I was part of the cheer leading team which took part every year. Always an indication that summer was just around the corner. Come show your support for local youth by joining us for the parade on Wednesday June 6th. This year we will be celebrating the centennial of the inception where the children took to the streets. Watching it live on kptv fox channel 12.

**Jennifer White:** I'm jenny. I'll always cherish my memories of the school's rose competition and singing what a wonderful world. I still have my ribbon. Do you want to find your own memento? Come visit the rose garden store located at Portland's international rose garden. Proceeds from the store help support Portland's public rose garden.

**Alanesia Vang:** I'm alley. Rose festival is my favorite event. Aside from the significance of appreciation exhibits the progress our nation has come to as a united and diverse country. Rose festival gives Portlanders an inspiration to stand together and grow as one community. Bring your family to see the ships lined up during fleet week June 6th through June 10th. Excited to welcome ships back to Portland. While they are here, you can climb aboard to a free ship.

**Madison Nieuwendorp:** I'm Madison from Rosemont high school. My parents would tell my brother and me to have a happy heart and good attitude both at work and during play. I

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participate in my rugby Oregon club team and run various 5ks. This year, bringing up the best female golfers in the world. The Portland classic will be held at the golf course on labor day weekend Thursday August 30th through Sunday September 2nd.

**Stephanie Vo-Nguyen:** I'm Stephanie from Madison high school. My biggest hobby is music. My love and appreciation for music and the arts have grown from six years I've spent in band and choirs. Make your way down for a variety of concerts taking place this season. And the country fest featuring eli young band.

**Anna Kien:** I'm Ana from Wilson high school. My favorite rose festival event has to be the grand four parade. The beautiful details of the floats and the overall excitement and enjoyment keeps you smiling the whole time. Come see the performance at the parade on Saturday June 9th. Watch for the amazing horses, dancing groups, marching bands. See it for yourself in the streets and reserve seats or live on kptv fox channel 12.

**Sydney Toops:** I'm Sydney from Cleveland high school. My favorite event is the dragon boat race. Because I get to watch my mom race every year. There are tons of people and I love the atmosphere there. Everybody's happy to be there. Come see the race on the river near the hawthorn bridge on June 9th and June 10th. On Sunday June 24th at the classic rose festival event the milk carton boat race.

**Mariamou Abdoulaye:** My name is mariamo. It's a life style that makes me happy. My hobbies include modeling and dancing and learning about my culture and others. Love to bring my unique culture within the festival. By marching on the way down -- Saturday June 9th at 9:30 a.m. Wear a funky costume.

**Maya Bedge:** I'm Maya representing the metro west region. My favorite place is mount tabor. I love walking to the top. It's breathtaking. The trails around the reservoir and the open green spaces make it a place I frequent. Portland's natural spaces need protection. Show your support for our shared environment by helping keep the city streets clean and green. Has been named the cleanest and greenest festival working hard to keep the streets spot less for years.

**Kiara Johnson:** I'm Kiara. I love Portland events such as Saturday market downtown. The lively bands performing on sidewalks and food trucks down the streets is something to look forward to from march until December. Join us this year as we celebrate the 10th anniversary. This program has drawn close to 140 participants. These ordinary folks turn extra ordinary entertainers. And the traditional art. Led by one of the region's most talented and professional clowns.

**2018 Rose Festival Court:** Thank you for hosting the 2018 rose festival court presented by united community credit union. We'll see you at the rose festival. [ applause ]

**Wheeler:** And there's an opportunity here briefly for comments if anybody would like comments. We'd love to have a photo with the entire court right down here.

**Fritz:** I just have to say this presentation is one of my favorite things. Thank you very much. You did a fantastic presentation and I look forward to seeing more of you at the walk.

**Wheeler:** I enjoyed a breakfast with these young ladies this morning and I was told they were going to ask me some questions. And I was expecting a very easy set of questions because it was breakfast and we were all hungry and it's early. And the very first question they asked me and commissioner eudaly you will appreciate this. Was tell us about your affordable housing strategy and tell us about your anti-gentrification plans for northeast Portland. Please be specific. So, I have great confidence in this generation of young leaders. These are wonderful and delightful and intelligent young leaders. Thank you for being here today.

**2018 Rose Festival Court:** Thank you.

**Wheeler:** Very good. We'll move these.

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**2018 Rose Festival Court:** With our photos and signatures as well as the official [inaudible].

**Wheeler:** Next item 498.

**Item 498.**

**Karla:** Proclaim May 30, 2018 to be Vanport day of remembrance.

**Fish:** Thank you very much, mayor. I have brief remarks. I'd like to invite Laura from Vanport mosaic, and marge, former resident to take their place at the table and welcome to our guests. Mayor and colleagues, we're here today to honor the survivors of Vanport and remember the rich history of this chapter in our past. This is a year of important anniversaries. The 76th anniversary of the construction in 1942. The 70th anniversary of the flood on May 30th, Memorial Day 1948. And the 50th anniversary of the fair housing act. Residents came from across the country in search for jobs during world war ii. Its Oregon's second largest city with over 40,000 residents. Almost half were African American. I'm honored to serve on a council that commemorates this rich history on a regular basis and supported the mosaic with a special appropriation grant. The third annual mosaic festival begins today and runs through Memorial Day. We're pleased to have with us Laura, Jim and marge. Laura, take it away.

**Laura Lo, Vanport Mosaic:** Good morning. I was practicing to say all your names but I decided it's not going to be a good thing. I can't pronounce them. Also, I just remind myself one of the many lessons from the story that at the end of the day we're a community so there's no need to make distinction between you and us and everybody here. So community, good morning. We are so excited to invite you to the third festival. It opens today and thank you for the opportunity to be here and invite the city to commemorate the anniversary. There are hundreds of people behind vanport mosaic project. It's a memory activism effort to amplify, honor and preserve this important history and many other histories throughout our region. We are going to invite you to explore this history with us with tours, exhibits, all the history screenings, theater, music. Reunion for residents. It's our third reunion and this year we have over 100 guests confirmed. So it's a growing community. Although, it is a shrinking community. So, this is a very urgent call to all of you to gather around their stories and lessons. One of the events is called lessons from vanport and Katrina. It is an opportunity when we commemorate the 17th anniversary to really listen to the stories. We're going to have survivors and survivors from Katrina to share their lessons of survival. And at the end of the day we can have all the kits we want preparing for potential earthquake or flooding. What is going to determine our survival is our community. Really a platform for face-to-face. Might not be familiar with. And it's a celebration of the city we want to be. I'm honored to have many former residents and flood survivors here with us. And I invite you all to honor their experience and listen to their stories. Thank you.

**Marge Cannon Moss:** Good morning. My name is marge canon moss. And I am a survivor.

**Fish:** If we can move the mic closer to you so we can all hear you. Thank you very much.

**Moss:** Is that better?

**Fish:** That's better.

**Moss:** I am a vanport survivor. We moved there in 1944 from las Vegas. And I found it to be a wonderful place to live. There was no discrimination. My teachers were all wonderful. If I have time, I would like to tell you this one story. I was in the 6th grade and they were encouraging me to play basketball. I had never played basketball before. I did not know the rules. So I'm bouncing the ball around and, of course, the other kids they are doing the same thing. And all of a sudden I fouled a girl. We were taught in Louisiana where I was born that you do not touch white people. You do not look at them in their face. You look down. When I fouled this girl, I was devastated. There was a post close by and I grabbed

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the post and held on to it. I had a wonderful teacher. She tried to coax me away from the pole but I would not turn the pole loose. It was well integrated in my opinion. I never felt any discrimination. It was during world war ii and everything was rationed. And I remember going to the store to buy eggs. You didn't get a carton to put your eggs in. If you were lucky enough to have one, you would hold on to it. And we would have paper bags. So, of course, we would cherish the eggs and hold on to them and take care of them and not drop them. We had our own theater and we could sit where we wanted in that theater. We had recreation centers and we could go and play with the young girls or boys. Without feeling discriminated against. And I have to say that vanport to me was home and it still is. Now, the area where vanport was is delta park. To me, it is not delta park. It is still vanport. If we can incorporate the name with delta, I think that would be a wonderful thing to do. And that is my wish. And one of my requests. I love vanport. I love the people that were there. And I have wonderful schooling there. The teachers did not treat me any different than my classmates. One of my best friends, her name was Lilah. To me, she was the tallest white girl I'd ever seen. And she had the reddest hair. But she and I were very good friends. And I think -- have I used up my time? I can go on and on. [ laughing ] [ applause ]

**Fish:** Marge, thank you very much. What you've done is you've wet our appetite. The purpose of the festival is for us to learn more. Thank you for sharing a part of your story with us today.

**Moss:** It's my pleasure. I love talking about vanport. Thanks to this lovely woman here. We've been doing this since 2014.

**Jim Burke:** Good morning. My name is Jim burke. My honor to be here today as we read the names of those who lost their lives nearly 70 years ago. Sarah Lewis butcher. Michael Kerry butcher. Eila may smith. Henry George smith. Helen Ruth banks. Lorena smith. Florence Beatle. Exumi Amaya. Earl Wayne Hopkins senior. Effie may Dawson. Camilla dolly. Gerda caspara wenderland. Sadal masuno. Hyran Michael Skaggs. And Mabel Irene powers.

**Fish:** Mayor, I believe you have proclamation and remarks.

**Wheeler:** I do. Is Joyce nelson here today? Is she speaking?

**Fish:** I don't know. I don't think so.

**Wheeler:** Very good. And I want to acknowledge the native community also holds this day as a very special day. Joyce.

**Joyce Nelson:** I'm Joyce nelson.

**Wheeler:** I would like to say a few nice things about you, if you don't mind. Could you stand up just one more time so people can see you please? We'd like to recognize you. Joyce is a member of the tribe from Montana. In 1944, Mrs. Nelson moved to vanport all the way from the reservation in eastern Montana. Her parents relocated here to take advantage of the jobs that were available in the shipyards. She was 13 years old when the vanport flooded four years after her family moved from their tribal home lands. She recalls seeing her housing unit twirling in the flood waters right behind her family's car. Mrs. Nelson kept a scrap book which she has with her. Her emergency report card that was issued to all children who were unable to return to their school to complete the school year. She graduated from Lincoln high school. When it was located in what is now Portland state university. She then went on to receive secretarial training at the trade school in Lawrence Kansas called the half scale institute. We'd also like to recognize you. Many of those families stayed here in Portland to work and raise families. We'd like to recognize that vanport was a contributing factor to the tribal diversity represented here in our city. And I'd also like to recognize from the salilo community Linda vienis here today, good morning. As well as siadam edno who I believe is also here. Thank you for being here. We are honored by your presence. So here is a tradition. We read these practical -- proclamations. Whereas 2018 is the 76th anniversary of the construction of van port. The city was once

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Oregon's second largest city and the nation's largest public housing project with a peak population of over 40,000 individuals. Vanport was home to world war ii ship builders. A diverse group of people from all across the country. And whereas the community had schools, stores, a hospital, a movie theater and a two-year college. And whereas vanport was constructed in the river flood plain and protected from the river by a series of levies. Whereas, the Columbia river flooded on May 30th, 1948 immediately displacing its residents. And whereas Portlanders today know this side of vanport as delta park, the Portland expo center, the golf course and Portland international raceway. And it's a non-profit community group that honors history and legacy of vanport and whereas vanport mosaic will hold a festival May 25th through 28th as essential and often forgotten chapter in Portland's history. Vanport day of remembrance in Portland and encourage all residents to observe this day. Thank you. [ applause ] commissioner eudaly.

**Eudaly:** Thank you, mayor. I wanted to draw everyone's attention to an exhibition of artwork in the south atrium downstairs by Peggy ball morrow coordinated by laura john in concert with my office. Peggy was a member of the modack tribe and painted about her experiences which she narrowly escaped as a toddler with her family. And afterwards, settled in north Portland. Portrays a community that is invisible in popular culture and the paintings well a close-knit community -- and drove families to places like Portland for jobs and education. Peggy's parents moved from Oregon to vanport during world war ii. She was raised in north Portland, graduated from Jefferson high school and began taking art classes at pcc. And was also a master star quilt maker. She passed away in august of 2015. And full disclosure, Peggy is also the mother of one of my best friends. And I had the incredible honor of showing her artwork in my gallery in 2015 a few months before she passed away. So that's my personal connection to vanport. And it's such a treat to get to visit with these paintings again. I hope everyone has a chance to view them on your way out today. And thank you for your continued efforts to celebrate vanport.

**Wheeler:** Thank you. We'd like to invite folks up who would like to have a picture and get rid of these here.

**Wheeler:** We now have another important proclamation and recognition today. Could you please read item number 499.

**Karla:** Proclaim May 23, 2018 to be jewel Lansing day.

**Item 499.**

**Wheeler:** Good morning.

**Mary Hull Caballero, Auditor City of Portland:** Good morning, mayor and commissioners. I am city auditor Mary hull caballero. Jewel is being honored today as contributions for trail blazer in elected office and pioneer in government accountability. I'm joined by former city auditor Gary Blackmer who followed steps and a force within the auditing profession. I sit in this place at this time in large part because of their influence. But mostly because jewel is a hard woman to say no to when she wants you to run for office. [ laughing ] That's because jewel was among the vanguard of women who ran in the 1970s, paving the way for those of us today for whom such a choice is unremarkable. Jewel pioneered performance auditing in Portland and Multnomah county. Served as auditor from 1975 to 1982. And Portland city auditor from 1983 through 1986. She was one of the first two women elected to Multnomah county government and the 5th elected in Portland. She has been an auditor, accountant, author, supporters, advisor, mother, grandmother and wife. She plays in a regular poker game, remains a force in politics as a founding member of the woman's political action committee and still influences the outcomes of elections as a much sought-after endorser. Her family is here to join the celebration and her contributions to the well being of Portland and to christen the newly named conference room in city hall. Her daughters, son-in-law joe, grandsons and husband are here today. We're also joined by some auditors and former metro auditors

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and Brian Evans is here. And we have auditors in the balcony from Multnomah county. We have many members of the league of women voters. So now I'm going to turn it over to Gary to share his unique perspective on Jewel and she will share a few words.

**Gary Blackmer, former City Auditor:** Thank you, mayor. I wanted to talk a little bit about her impact on auditing. It has a long reach not only within this community but nationally. She introduced performance auditing right after she was elected in 1975. And one thing I want to recognize was that she was approached by Don Clark to run for auditor because he encouraged accountability. I'd like to have him stand up. [ applause ] he approached accountability. This was only the second local audit program in the entire U.S. In 1975. Beat out by a few months of King County. I think we've done better over the years. And that's speaking a little bit of bias. So then, she ran for Portland auditor and one story was George was the auditor at the time and she went in to meet with him. And she came out and announced he was retiring, and she was running. So anyway, she ran and elected. Fought hard to create a performance audit program here in Portland. She had to work hard with council to get three votes to actually create the program. She succeeded with that and then had a long fight to get it funded. This was a place that wasn't quite as welcoming as Don Clark was in Multnomah County. But I think over the years, the city has adapted to the fact that accountability is a healthy thing for this government and its operations. And the openness that it embraces with the public is something part in parcel with what the auditor does. Once she got involved, she encouraged other auditors to get together and out of that came a newsletter and organization that is now grown to 300 organizations and 2,500 members. So, she was in the vanguard when they were fewer than a dozen offices in the country. Worked hard to create elected auditors at metro and at Washington County. Both of those positions were created as a result of her influence and encouragement for accountability. And she continues to oversee those in the sense that she meets with potential candidates and continually kept in touch with her and I consider her a mentor. I remember many times I would meet with her and kind of bemoan a challenge I had in the city or the county and realize she had been there before and she had good advice and good solutions. So, I've appreciated the relationship for over 30 years now. We all owe her a great deal. So, thank you.

**Jewel Lansing:** My turn. Jewel Lansing. I didn't put anything in writing. Going to be informal. Commissioners are not talked about -- it would be Amanda or Nick. And that was the day before TV cameras. And that made a great difference. I remember there was one famous meeting which they were talking about a hot tub someplace in Northwest Portland. And Margaret said it's not just the hot tub. And going over the airwaves. She got in a car and zipped out to channel 2 then and talked them in to withholding those words. So now you know what history does not know. I might have put it in the book. One of the great things has been I had the opportunity to learn about the city of Portland and Multnomah County. And to put it in a book is Portland, people, politics and power. And it is now seen as major reference work that people use. I use it all the time myself. So, it must be okay. The interesting thing about Mildred who was the third woman and Connie Macready was the second woman. The first one was -- who was the first one? Dorothy McCarroll. She was 40 years before. They were all appointed. Was the first one who was ever elected. And I was appointed too rather than elected. I should have brought it in writing. [ laughing ] Well, it was that Mildred and Margaret were sometimes -- how should we say it? At odds with each other. And the same with Mildred and Connie. Connie was only mayor for eight months until she got appointed and then lost the ballot. The time that I came over to city hall from the county was the only women who had been in office here as I say Dorothy and Connie who is married to one of the editors at the Oregonian. And she got the appointment at the senate but then she lost, as I said at the ballot box. And then Margaret and then me. One night Gretchen and I were playing poker and there were four or five of us there talking

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about how few women there were and they said do you realize half of the body of city of Portland is here in this room tonight? Well, I am pleased to have my husband, ron, of 62 years here. Ron, would you stand? [ applause ] And my daughters aleece and annette and my son. [ applause ] I was pleased to hear the balcony is full of people today. How about that? Thank you very much.

**Wheeler:** Thank you. It is my honor to read this proclamation. A point of privilege. I was meeting with the young women this morning from the rose festival court. They were having a breakfast here. Tradition every year. I believe you were here when we were acknowledging them. One had asked me what kind of difference can a person make if they are committed to changing the community. I wish they didn't have the busy schedule that I know they have because I would have liked for them to have seen the impact you have made. As I thought about the introductory remarks the auditors have made here about the circumstances that you came into when you first ran for office and the history we are now seeing unfold for us. The county commission is all women. On January 1st of this year, the city council will be three women and two men. We all too often in this community forget the auditor is a very important independently elected position. Four of the six of us holding elected office in the city of Portland will be women. And that is something my daughter can look to and see as a normalized situation where a generation ago that was not the case. And it's because of you and your leadership and the very few people like you who really made a courageous step of the public sector and you have changed the community positively. I'm so pleased to have you here. Frankly, when I heard all these auditors were going to be in city hall, I started to get sweaty palm and I wondered if this was some sort of an elaborate sting operation.

intervention, mayor. [ laughing ]

**Wheeler:** Now that I know it's not, we're delighted to have you here. So whereas, jewel lanning holds an important place in history through tireless advocacy in the history of Portland in Multnomah county and whereas jewel has inspired and encouraged numerous other women to run for public office. And whereas, jewel was one of two women in 1974 elected to Multnomah county government. The first women to hold elected office there. And whereas, in 1982, jewel was the first woman elected as city of Portland auditor and only the 5th woman elected to city office. And whereas in 1986, under her leadership, jewel introduced performance auditing to the city and proposed a charter change to the people of Portland to ensure performance auditing to binding city function. And whereas jewel dedicated her career to improving the transparency, accountability and effectiveness of government operations through auditing and documentation of history. Whereas, city hall has no rooms named for prominent women in its history. And auditor mary hull caballero ordered the conference room in city hall suite 130 to be renamed the jewel Lansing room and whereas a grateful city of Portland is more equitable and accountable place for her efforts and her leadership. Now, therefore, I, mayor of the city of Portland Oregon, the city of roses do proclaim may 23rd 2018 to be jewel Lansing day and encourage all residents to observe this day. [ applause ]

Colleagues, did you have anything?

**Fish:** I have a question. I just have a quick comment and a question. The comment is that since auditor Lansing referenced her two works of history of the city and the county, when I was first thinking of running for office I read the history of Portland that she wrote, and I did an outline. I figured as a transplant I needed to know the history, and years later when I shared that with her, jewel said why don't you send me a copy of your outline? I sent it to her, and true story, she sent it back with a number of corrections. [laughter] she audited my outline. But I wanted to ask her a question because you are sort of the historian of the city and county. This past cycle when I was on the ballot, I went to a lot of forums. The way they were usually structured is the auditor's race came first so I would watch the three

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candidates from Multnomah county auditor debate and before my panel was invited up, and jewel, I don't remember the last time we had that kind of competition for an auditor position. Is that the norm or an exception to have a field of a number of highly qualified people running for the position?

**Lansing:** It's pretty much the exception.

**Fish:** It's the exception. I guess we would say it's a healthy thing. Mary was unopposed. Not trying to get sideways with the auditor. [laughter] it was interesting. I don't remember a debate like that. I think for a lot of people it was the first time they heard highly qualified people debating the role of the auditor so I think it was very good for democracy.

**Saltzman:** I would like to thank you for your service and chronicling of Portland's history. Your book is the bible as far as that goes. I had to ask, I think I have been in public office almost 25 years. I think I know what performance auditing is but I wanted to ask, there's people watching today wondering what is performance auditing? What is the audit of performances auditing? What did it used to be like before jewel came in and shook things up?

**Hull Caballero:** When jewel came in it was mostly around financial controls. Now we outsource our audit of the financial statements to a cpa firm and jewel did a lot of accounting related kinds of auditing around financial controls. When she got into the charter that we would do performance auditing that is now all that the staff of my office do is performance auditing. She changed completely the landscape of auditing. So we look at how things are performing, programs working, then we also have that financial statement on it as well. We're coming at you every way we can think of.

**Saltzman:** Thank you.

**Lansing:** I just realized I forgot to tell you about the very dramatic moment, my most dramatic moment in my tenure was when performance auditing dollars were proposed in the budget, proposed by Mildred Schwab, opposed by frank ivency, bitterly opposed by him. When the vote came there was a picture in the Oregonian the next day that showed all five commissioners, frank is looking this way, won't even look at me. [laughter] the other four voted for it. That picture was on the front page of the Oregonian, granted, it was the afternoon edition, but still it was there. And when I took that back to Washington d.c. And talked to auditors around the country, they had never heard of a place where the media was that interested in audits. [laughter]

**Wheeler:** Great. Commissioner eudaly.

**Eudaly:** Jewel, I just want to say congratulations, that it's been a treat to get to spend some time with you to get to know you. Jewel's book that people have been mentioning is called Portland, people, politics and power, 1851 to 2001. So just a little light bedside reading if anyone is interested. [laughter] it is one -- I have said it before, I say it again, i'm a little bit of an auditor fan girl, and when jewel came to council the first time when I was here, I had someone run to my office and grab that book so she could autograph it. I just want to say while all of us bring valuable and unique skills and gifts to city hall it is a comfort to know there is someone upstairs with specific qualifications who help hold us accountable and stay the course. So I really appreciate the relationship with the city auditor. I'm excited to sit in that conference room.

**Wheeler:** Thank you. So as is tradition, we would love to have a photograph if we could do it in front, maybe, that's the easiest, or wherever --

**Wheeler:** Thank you, madam auditor. Good seeing you again.

**Lansing:** That was wonderful.

**Wheeler:** There's a reception now to honor jewel Lansing. It is in room 130 downstairs. Otherwise known as the jewel Lansing room. [cheers and applause] enjoy the reception in room 130.

**Fish:** Mayor, can we take a one-minute recess?

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**Wheeler:** We'll take a one-minute recess.

**Wheeler:** Item 500, please.

**Item 500.**

**Wheeler:** Commissioner Fish.

**Fish:** Thank you, mayor, colleagues. In 1995 Portland became one of the first big cities in the nation to offer low income customers discounts on the utility bills. While Portland has changed quite a bit since then, and the city council has appropriately updated the financial assistance program from time to time over the last 20 years, the premise of our program has always been simple. Some of our neighbors need a little extra help. Over the past three years the Portland water bureau and the bureau of environmental services have taken a number of steps to expand and improve the program. I appointed a work group to make sure all eligible customers knew about our programs and see whether they could find a way to offer these benefits to renters. This work has continued since then. In the summer of 2017, our team, including Liam frost, who has joined us today, mayor, Liam has been stolen from us by the county.

**Wheeler:** Outrageous.

**Fish:** He will serve as chair Kafoury's housing advisor, but we're pleased he's there serving, to use the language of the day, a spy for the city. [laughter] We congratulate Liam on this very important assignment. But our team including Liam frost picked up where that work group left off and started working closely with nonprofit community partners to put together a proposal. Last October the city auditor audited the program and gave recommendations to help assist more customers. All of this work is coming together in this year's budget which implements the changes Liam and our team developed to make historic investments to expand the program. The item before us today will for the very first time allow us to reach cost burdened renters in apartments with our programs. Let me say that again because this is an historic moment. This program as proposed for the first time will allow us to reach cost burdened renters in apartments with our programs. We're proposing to expand a proven approach with home forward and other community social service agencies. I'm pleased that many of our key partners are with us today. Here's the run of show. First, we'll hear from the Portland water bureau team and invited testimony. Then we'll have council discussion and more public testimony. The vote will be scheduled next week. I want to acknowledge and invite forward our first panel. Gabe Solmer, deputy director of the Portland water bureau, and Kathy cook, customer service manager. We also have Ian Singerland, director of homeless initiatives at home forward who I think is on the second panel but he's crashing the first panel. Welcome as well. Gabe take it away.

**Gabe Solmer, Deputy Director Portland Water Bureau:** Good morning. I'm Gabe Solmer, deputy director of the Portland water bureau. I will start by saying thank you for hearing this important issue. This is really an exciting time to bring this milestone to you. You have been a big part of this. This has been part of the budget and so while we're talking about just a piece of our financial program today you have really been with us all the way in creating this. I'm very proud to introduce the presenters. Joining me are Kathy Koch, water bureau customer service director, who will explain more about the low-income services that the bureau offers and how the multifamily program fits into that suite of services, and Ian Singerland to walk you through how our agreement connects the water bureau to a trustee add existing program. Then in our second panel we will hear from David DeMatteo from the Latino network for his perspective on how it benefits at the communities he serves and we'll close with Janice Thompson, who has been a leading voice on this and many other issues. We have Karen from the city attorney's office, Jonas beery from BES, Elliott sock and Ashley Jayden from the water bureau should you have any questions that they can help answer. I want to acknowledge some additional special guests today. The service providers watching here and at home that have made this day

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possible with their dedication to our communities for many, many years. AARP, elders in action, Latino network, self-enhancement, Inc., human solutions. Impact northwest, IRCO, immigrant and refugee community organization, naia, and I believe Irina is here. And the native American youth and family center, independent living resources and age friendly Portland. We're so grateful for their support in bringing you this program. I would also like to thank the many Portland utility board members who have shaped this process and given feedback and support and I want to acknowledge the auditor's office and particularly Jennifer Scott whose audit last year gave incredibly useful direction we have woven into this and many of our other programs. I will give a special mention to Liam frost, who has abandon us but is here today. Liam was a crucial catalyst in bringing all these pieces together. They all existed but he was able to dedicate himself to this program over the year and we wish him all the best in his new position. So just to provide a little bit of context, you'll remember that we were before you on this item in February for work session. This also came up in the budget work session, but today we're here just to talk about the intergovernmental agreement, the iga, proposal, part of a larger package to strengthen and expand our existing services for low income customers and we thank you again for your support of those items in the approved budget. Now I want to turn it over to Kathy to talk about how we're leveraging an existing service to provide that utility assistance for our multifamily customers.

**Fish:** Can I just make one other comment? Commissioner Saltzman and I were talking offline before we came back live about how long the city has been working on this issue. I just want to acknowledge that this is a challenge which utilities across the country have struggled with. The reason that they have struggled is that the discount programs that most utilities offer operate off of usage, which means when a customer has a meter, the utilities track the amount of services used and the discount is linked to your monthly bill. The challenge that we have had with renters is that most renters in this city don't have an individually metered service. That may change someday in the future if the city updates its building code and mandates there be individual meters, but since many of the people we're now trying to serve don't have a meter, it presented some very interesting and unique legal and practical challenges about figuring out how you could deliver the benefit to someone that you're not otherwise tracking the amount of water and services they are using. It took some time and I want to acknowledge Karen Monahan and others in the city attorney's office who worked with us to come up with a practical, efficient, legal mechanism to extend the discount program to cost burdened renters. This is an historical day we have gotten here, and this may be a model that other cities in the country choose to pursue. I'm very proud we're at this point.

**Solmer:** I'm proud too. It's a testament to the excellent customer service work that has led us to this point and has given us all these pieces to put together to bring you today.

**Fish:** Kathy is the only employee of the water bureau who has a particular term in her contract that prohibits her from taking another job or retiring for any period of time.

**Kathy Koch, Costumer Service Director, Portland Water Bureau:** I do have one year ten months. [laughter] morning. As you know we're already recognized across the nation having one of the most generous and far reaching financial assistance programs. We have recently been asked to present again regarding affordability at an American water works association symposium in Washington D.C., so we'll be doing that in august. As a reminder there's only three of ten water utilities across the nation that provide any kind of financial assistance at all. Our current program provides a bill discount, annual crisis voucher, safety net program for the unexpected, a fixture repair program for low income homeowners, interest free long-term flexible payment arrangements and free water conservation kits. We have always been able to reach owners and renters through a single-family residence program but people who reside in multifamily units don't get a bill

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directly from us. We didn't have a way to reach them. In the past we have struggled with the legal requirement making sure the discount benefits the actual water user as opposed to giving a discount on a landlord's bill and expecting them to pass it on to their tenant. We're thrilled about the opportunity to expand this program further and for the first time to assist low income renters in multifamily units. We have the opportunity to enter into an unprecedented partnership with home forward who already has a proven program in place to make sure help gets where help is needed. I believe we're the first in the nation to take this approach. We're funding provided by the Portland water bureau and bureau of environmental services home forward will be able to provide up to \$500 a year to renters who reside in multifamily units within our service area at risk of eviction as a way to help citizens remain in their home. Providing assistance is not new for us. Providing assistance in this manner to these customers is new. The first year will be a learning and developing year. We will look at what worked well and where we can make improvements. On an equally good note we're not only enhancing our program we're enhancing our team. Eye excited to announce our new financial assistance program manager will join us June 4th. She has years of experience working and living in multiple countries and serving culturally diverse communities here and abroad. She can analyze data with the best of them. We will certainly report back to council with our first-year results but I would like to hand it over to Ian to explain more about the short term rental assistance program.

**Ian Singerland, Home Forward:** Thanks. Mayor, commissioners, thanks for the opportunity to be here. Home forward is the public housing authority that serves Multnomah county. We develop, own and manage affordable housing and run a variety of rent assistance programs, the largest being the housing choice voucher program. In April we served nearly 15,000 in Multnomah county. For the last decade home forward has administered short term rental assistance program, also known as stra. Stra consolidates funding from the city of Portland, Multnomah county, home forward and the united way. Through stra home forward contracts with 19 different community agencies to deliver emergency and short-term housing assistance. The flexible housing assistance we provide is aligned with service capacity at our funded partners so that partner agencies have the ability to work with families to take short term housing and assistance and find ways to turn that short-term assistance into long term housing stability. The performance metric we use for short term housing program is housing retention after the end of assistance. The primarily metric is how many families-maintained housing stability 12 months after the end of their assistance. The goal across the system is 70%, and as a program we have consistently met that benchmark over the last decade. Across the system, stra agencies provide a combination of eviction prevention, housing placement and short-term motel vouchers. Stra combines multiple funding streams and while some come with specific regulatory limitations, when packaged together stra resources are flexible and support the range of expenses that families might need to avoid eviction or get placed into new housing. This new partnership with the water bureau and BES will expand resources at agencies to provide eviction prevention rent assistance. We know expanding our efforts to keep people from becoming homeless is a critical component of our broader efforts to end homelessness. When we can intervene to prevent eviction, it limits devastating disruptions that families experience when displaced or experience homelessness. Preventing eviction enable families to maintain connections at school, at work and in their social networks. We know it's less expensive than finding new housing once a family is forced into homelessness. We look forward to building this partnership over the coming year working with the water bureau and our agency partners to integrate this critical new resource into the existing stra service infrastructure. We greatly value the leadership of the water bureau, commissioner Fish and this council in identifying strategies to protect the most vulnerable utilizers of our public utilities.

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**Fish:** Ian, thank you very much. I want to say that one of the features of this new initiative that I'm especially proud of is the partnership with Home Forward. Instead of creating our own system and the bureaucracy that goes with that, we are partnering with a high performing community agency that has an existing program which will administer the funds. I think that's actually smart government. You have a good track record. The short-term rent assistance program. If I had one extra dollar left from the budget every year I would put it into it because we have seen the results in preventing people from losing their tenancy or rapidly rehousing people. It's a great program and we look forward to the partnership. I have two other invited guests. They are David DeMateo, family stability manager for the Latino network, and Janice Thompson of the Oregon Citizens Utility Board. Welcome both of you.

**Wheeler:** Welcome and thank you.

**David DeMateo, Latino Network:** Good morning. I'm David DeMateo, family stability manager from Latino network. I just want to say thank you to the mayor and city council, in particular Commissioner Fish and water bureau staff who have been working so diligently to make this policy a reality. So as has been mentioned this really innovative approach would allow us to extend the same benefits currently available to our account holder clients to low income water bureau customers in our multifamily units. For Latino network families this could mean the difference between maintaining rental housing and being forced into a shelter, on to a couch or into the street. By allowing us to quickly deliver one-time assistance to households who are facing significant hardships sudden loss of income, unexpected illness or other unplanned for expense, we can be a stitch in time that actually saves a family from going through something truly devastating and completely unnecessary. I really couldn't be happier with the way that this policy developed, in particular Liam Frost and Ashley Jayden meeting with our staff at Latino network, going back months and months. It's been a very inclusive process. I believe that our voices were definitely heard, and the need is being met. So, thank you.

**Fish:** Thank you very much. Janice, welcome.

**Janice Thompson, Citizens Utility Board:** Janice Thompson, Oregon Citizens Utility Board. Cub has been a longtime supporter of low-income customer assistance efforts in the private telecom and energy utilities that has been so much of our work over our long history. So, we carried this interest into our involvement in oversight of the Portland public utilities. However, taking a look at these programs, the current or the programs prior to this action in this budget, there was really some I think unintended but unintended but unfortunate inequities in the water bureau, BES low income discount program. Along the way I had conversations with Commissioner Fish's office and water bureau staff about just a really intractable problem of how you deal with a program that though robust could for very valid reasons only be offered to public utility customers whose resident had their own meter, so they got a bill. That dynamic means it's primarily been available to single family homes, more likely to be owner occupied, increasingly the rent burdened renters are the ones who were particularly in need. So however, all those dynamics meant the discount couldn't be offered to most of those multifamily and low-income renters, so the approach before you today I think reflects very innovative thinking that tackles this issue of coming at it from a whole different angle. I hope that conversations I have had along the way with water bureau staff were helpful, but I want to give a major tip of the hat to them for crafting the strategic project with Home Forward and its STRA program. Also, particularly highlight the valuable and extensive input that was obtained from groups like Latino network who have much needed insights for implementation success. So, three final quick points. One just that Commissioner Fish mentioned is this is not a Portland only problem. I just think that bears repeating in the press and what not. This seems like, oh, Portland, they have not been able to figure this out. Well, nobody else has either. This Portland approach is cutting

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edge and does merit national attention so it's gratifying to hear that Kathy is going to be presenting in a national meeting of her peers. The third point is pending evaluation, expansion of this approach really needs to be I think considered. We're talking about \$600,000 compared to I think in the ballpark of \$6 million that goes to the existing discount program that like I say for lots of good reasons isn't available to the low income renters. That's it.

**Wheeler:** Good.

**Fish:** Questions for our panel?

**Wheeler:** No. That's very thorough. I'm appreciative of this work. Do we have public testimony?

**Karla:** No one signed up.

**Wheeler:** Commissioner Fish, last word?

**Fritz:** I just want to acknowledge your leadership on this, commissioner Fish, and your continued heart for people who are renting and who are low income. Thank you to you and Liam for finding a solution. Thanks to Gabe, Kathy and everyone else who has been part of this. I think it's phenomenal. I hope we will get a report back after a year because as was pointed out it's still inequitable between homeowners and renters and I think there may be additional funding that could be used that would be appropriate if successful. Thank you for your willingness to keep an eye on it, bring it back to us. Thank you, commissioner Fish.

**Wheeler:** If I could also just say if this were not a very, very complicated and thorny issue somebody would have figured out how to solve it and nobody has. As you said right up front. I'm also appreciative that commissioner Fish is not doing what every other elected official in the united states has done on this subject, which is ignore it and hope it goes away. Commissioner Fish is taking a principled stand, moving the ball forward, no, it will not be a perfect solution. We all acknowledge that, but it moves the ball forward in a very important and significant way. I'm really appreciative of that. So without further ado this is a first reading of a nonemergency ordinance. It moves to second reading.

**Fish:** Thank you.

**Wheeler:** Next item. 501. Is dan -- I believe he's --

**Fritz:** We just lost the quorum anyway.

**Wheeler:** One moment. On 501, Karla, it's my understanding dan was pulling that back to his office. Had he given you any direction to that?

**Karla:** I didn't have that information.

**Wheeler:** Let's call 506, please.

**Item 506.**

**Wheeler:** This is second reading. Any further questions? Comments? Great. Call the roll.

**Fish:** Aye.

**Fritz:** Thank you for your work. Aye.

**Wheeler:** Good job. Aye. Ordinance is adopted. Next 507.

**Item 507.**

**Wheeler:** Commissioner Fritz.

**Fritz:** I'm happy to welcome -- who will tell us about this item.

**Jen Cairo, City Forester:** Good morning. I'm Jen Cairo for the record, city forester and urban forestry division manager, presenting the proposed fee increases for tree permits that would be implemented starting in the new fiscal year '18-19. Urban forestry's development fee permits, tree permit costs partially cover the cost of performing urban forestry's regulatory work as directed by title 11, the tree code. Our objective since implementation in 2015 has been to move towards full cost recovery in certain permit types over several years. Currently this fiscal year urban forestry's development tree permits are at 44% cost recovery resulting in a funding gap of more than \$1 million. By comparison

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other development permit issuing bureaus are at 75 to 100% cost recovery for those services. Meantime urban forestry's development permit volume has increased substantially since 2015 while our staffing levels have remained relatively constant. So further background on these proposed fee increases, these are part of budget package pk33, which is in the current approved budget. These proposed increases to development permit fees are almost all of the proposed increases in urban development side of permits are associated with that budget package and that budget package was created to respond to the mayor's directive to expedite development permitting and increase service levels. In September of 2017 the city auditor also released a report on title 11 implementation which stated that urban forestry had insufficient staffing and recommended increasing financial support through fees to try to bridge that gap. So, this is a result of those items. These increased development tree permit fees will allow us to add nine new positions to our division and that will enable us to reorganize staff so that those staff who do permit service work will no longer have to be pulled off of permit work to respond to tree emergencies 24/7 in city rights of way. If you look at attachment b, your packet, that lists out the specific fee changes. These are almost all to development type tree permit requirements rather than nondevelopment. If you look at the first column, that's the current fee. The fourth column is the proposed new fee. You'll see the third column is the actual cost. In most cases we're increasing on the order of \$200 per permit bringing most closer to full cost recovery and in a few instances the new fee would put us at current full cost recovery.

**Fritz:** I would interject the intention is to bring it to full cost recovery next year.

**Cairo:** Correct. As a reminder we're speaking about the development permits. We have a lot of permit activity in nondevelopment and in those cases we have to think carefully about creating barriers to compliance with our permit fees. We expect that some of those will always need to be in less than full cost recovery to some degree. This information was presented to the development advisory committee, drac, in April, also the urban forestry commission in May. As a result, there was discussion at those meetings around the relationship between system development charges and permits, adapting in the future to fluctuations in economic conditions as well as permit volumes. There was also some discussion of compliance and would we be at some point capturing compliance, code compliance needs and costs in our fee rates and also the final comment was the pace of moving to full cost recovery that some folks wanted to see it move more quickly although we have committed to doing that at a more gradual pace. So aside from the development tree permit fee changes, we're also proposing a new tree root inspection fee. It is a low rate that will partially recover some of the costs of doing the work. Prior to this year we haven't had a means to effectively implement charging at all for that service. Thankfully we have been working with the bureau of transportation on their online payment system which will make it possible for this actually to be implemented. That's all I have for you. Any questions, I would be happy to try to answer them.

**Wheeler:** Colleagues, any questions? Any public testimony on this item?

**Karla:** No one signed up.

**Wheeler:** This is a first reading of a nonemergency ordinance. It moves to second reading. Thank you. Great work.

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

**Wheeler:** 501, please.

**Item 501.**

**Wheeler:** Commissioner Saltzman.

**Saltzman:** Thank you, mayor, I would like to return this to my office for a couple of weeks.

**Wheeler:** Very good. Next, 508.

**Item 508.**

**Wheeler:** Commissioner Saltzman.

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**Saltzman:** Thank you, mayor. I want to call up staff to --

**Fritz:** I thought we were moving this to tomorrow afternoon.

**Saltzman:** That's right. Could I move this to tomorrow afternoon for our 2:00 time certain?

**Fritz:** 2:30.

**Saltzman:** 2:30 time certain.

**Karla:** It's 2:00.

**Wheeler:** Good. Next item, 509, please. Very good. Commissioner Saltzman.

**Item 509.**

**Saltzman:** This is transportation early update to fees and charges. We have staff here to quickly walk us through the item and answer any questions council may have. This is a first reading of a nonemergency ordinance.

**Alan, Portland Bureau of Transportation:** Good morning, mayor wheeler. Commissioner Saltzman -- commissioners. I'm utilities construction inspection division manager in the transit group. The bureau of transportation. With me is Michael Jacobs in the parking division of the parking services group pbot. Today pbot is submitting its annual fee ordinance for consideration. Through this effort pbot presents its fees in a transparent and predictable manner. This annual update of transportation fees, rates and charges are developed in accordance with city policy. The rates become effective July 1, 2018, through june 30, 2019. However, the current community event fee structure for 2018 will remain in place until December 31 of this year and on January 1st, 2019, the new exhibit h will go into effect. The reason for this offset fee schedule for exhibit h is to avoid fee changes in midsummer, the highest demand. This is due to feedback this last year. It's important to note that this ordinance pbot is not changing or modifying any existing administrative rules or poll snows, nor does this add any positions or adjustment to the proposed budget. In developing our fees, pbot relies on cost recovery model to carry out specific requests from customers in reviewing and providing permissions to persons wanting to use or construct within the public rights of way. In some cases, our fees are market rate while others include incentives and consequences. Pbot makes every attempt to be responsive to the public as we develop or over all new or existing programs. One example is the fees associated with block party permits. This permit type is now free based upon feedback we received during our outreach efforts. Most of the fee increases you may see are the result of inflation and because of development and growth within our city. To further discuss and highlights more notable items I'll turn the presentation over to Michael Jacobs.

**Michael Jacobs, Portland Bureau of Transportation:** Thank you, good morning, mayor, commissioners. The parking regulatory group with pbot uses rates for on and off-street parking to manage parking supply and demands. Rates serve pbot to manage parking demand and short-term parking is a priority for turnover while supporting city goals for economic vitality. The regulatory branch sets fees for private for hire transportation permitting and towing. In parking operations over half of the fees are staying the same. Some of the changes I wanted to highlight include with the app permits the increase goes from 60 to \$75 annually in part because there's been no increase over the last five years and staff has been added to administer the program. It has grown substantially from under 20,000 permits per year to nearly 35,000 permits annually. In the disabled parking program monthly permit increase from 182 to 189, which still allows for 10% discount off of the market rate. The scratch-off tickets from \$2.40 to 6 is based on the current meter rates. With carpool, media and nonprofit permits we're looking at approximately 10% increase in managed demand of our limited parking supply. With smart park has seen a number of rate adjustments shared with the Portland business alliance and downtown retail council and they had no objections to our proposals. The adjustments are based on market rate and parking system management criteria. A couple of housekeeping items with the parking permits we had unusual circumstance and replacement permits historically they have been

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listed as variable but we're listing them at 90 and \$15 respectively. I would like to answer any questions that you might have.

**Wheeler:** Thank you.

**Saltzman:** What's an unusual circumstance permit?

**Jacobs:** Because I work in smart park I'm going to ask somebody in parking operations to answer that question.

**Saltzman:** That's okay. I was just curious.

**Jacobs:** I'm sorry, I don't have an example for you.

**Saltzman:** Just caught my attention.

**Wheeler:** Very good. This is a first reading --

**Karla:** No one signed up.

**Wheeler:** This is a first reading of a nonemergency ordinance. It moves to be second reading. Thanks, dan. Next, 510.

### **Item 510.**

**Wheeler:** Commissioner Fish.

**Fish:** Mayor, it appears that our team is not here for whatever reason. So with your permission I would like to set this over until next week.

**Wheeler:** Very good.

**Fish:** Here he is. It's a very dramatic entrance:

**Scott Gibson, Principal Engineer Bureau of Environmental Services:** I apologize. I what was hustling over here.

**Fish:** Scott gibson. I withdraw my request. Mayor, colleagues, the bureau of environmental services needs to repair about 3700 feet of the 110-year-old brick taggart outfall so that it can be operate for another century. The 100 foot diameter brick out fall combines sewer flows away from the city's largest basin in southeast Portland during heavy rainfall. Scott Gibson, principal engineer from the bureau of environmental services, is here with a brief presentation. Scott?

**Gibson:** Thank you, good afternoon. Good morning. I apologize for the late arrival. So for the record I'm Scott Gibson, principal engineer at city of Portland bureau of environmental services. I'm here to tell you about the taggart sewer and request your authorization for a construction contract. This sewer under consideration is a ten foot diameter brick outfall built in 1906. It conveys combined sewage from the city's largest basin which we call taggart. The picture at the top of this slide you can see the brick sewer where it was recently exposed during construction of the Portland Milwaukie light-rail train. The outfall was found to have deterioration while conducting inspections of our large sewers and in the middle you see two members of our engineering team preparing to be lowered into the sewer as part of our inspection and assessment work. The project will construct 3400 feet of structural liner system to extend the useful life of the outfall for an additional 100 years. In the lower picture, you see a typical insulation of tunnel liner plate which is the chosen repair methodology for that project. These are repair results in a new steel structure assembled within the pipe designed to resist predicted loads. The project map shows location of the sewer and specifically identifies areas where the workers and materials will enter the sewer to conduct the repair. The orange circles show where work will be conducted after hours. The purple circles show where work will be limited to normal hours. There are two example photos. The one on the top is an industrial area we will be working 24/7. The lower is an example where there are residences within 500 feet and we'll limit our activities to during the day.

**Fish:** Hold this slide for a second. I want to ask my colleagues a question. I don't want to prompt them but this might be helpful. Who is the only six-star general in American history?

**Fish:** General pershing. Right in the middle of the slide.

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**Fritz:** Who is the nonnative American here?

**Fish:** You must have taken some history tests.

**Fritz:** He's famous.

**Fish:** Some people say apparently George Washington may have taken a sixth star but pershing is the only six-star general in the modern era. That's why you can make some money in a bar on that. People assume it stops at five. [laughter]

**Gibson:** So excuse me.

**Fritz:** The name of the biggest basin is called taggart. I'll remember that. That will come up in a quiz sometime. Six-star general.

**Wheeler:** The fun never ends.

**Gibson:** So the taggart sewer has served the city well for 112 years. Day and night, it has quietly transported sewage and rainfall away from our homes and businesses where it can be safely treated and disposed of. It now requires attention. Inspections identified voids, cracks, broken and missing brick, missing mortar, protruding laterals and other defects. This map shows locations of the defects along the sewer and you can note the intensity of and density of the defects by the yellow, orange and red areas. The bureau has also estimated the risk of sewer failure caused by the identified defects. In this figure you can see the area of inundation caused by a structural collapse of a 50-foot section. You see where the yellow dot is. Remodeled in several locations but this is for that example. Properties outlined in red are those that would be flooded should the sewer fail there. The map also shows colored areas that would be impacted by surface inundation. That's the blue and the green. Note that the new max orange line would be impacted in this scenario. As part of our project we ran multiple failure scenarios and estimated consequences and likelihood of failure in each scenario. This was used to confirm that the project should proceed now and also to help us determine the intensity of the repair selection. Repair method. The bureau has worked hard to involve and inform residents about the project. On this slide are two of the many communications prepared by the project team. The selective repair can be constructed from within the existing pipe. This will be the biggest factor in minimizing impacts to residents. However, to take advantage of Portland's dry season and this work can only be conducted when it's not raining due to sewer flows, environmental services will work all hours and all days in the industrial areas between southeast grand and southeast 16th avenue and adjacent to light-rail. Other work where there are residential impacts will be limited. We'll continue outreach efforts to those impacted and address any concerns as raised. The estimated cost for the construction contract is \$8 million. Level of confidence in this estimate is high. If approved construction is scheduled for the dry season of 2019 with some advanced work by the contractor in the sewer this summer or late fall. This figure offers details of the proposed sewer rehabilitation and shows the location of the spot repairs. If there are any questions I would be happy to take them.

**Wheeler:** Very good. Thank you. Is there any testimony on this item?

**Karla:** No one signed up.

**Wheeler:** This is first reading of a nonemergency ordinance. It moves to second reading. Next item, 511.

**Item 511.**

**Wheeler:** Colleagues, this is a second reading of an item that's already been presented. We have received testimony. Are there any further questions? Please call the roll.

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

**Wheeler:** Aye. The ordinance is adopted. Next item, 512. I'm told that there's a request that it also be read with item 517. Both of which are second readings.

**Items 512 and 517.**

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**Wheeler:** Again, colleagues, these are second readings. Any further questions or comments for staff on these items?

**Fritz:** We're voting on them together?

**Wheeler:** No. If there were follow-up questions we didn't want staff sticking around. Very good. Please call the roll on 512.

**Fish:** Well, no one likes to pay more for a basic service, but I'm pleased to report that for the fifth year in a row we have been able to keep the combined rate increases of our water, sewer and stormwater customers below 5%. We're heading closer to 4%, and that's a significant milestone with the city's calculation of inflation at about 3.5%, the delta is getting much closer. On the bureau of environmental services side, we are looking in the out years at a number of years of approximately 3% rate increase. That's below the rate of inflation, and that rate increase includes built into it a commitment this council has made over the next ten years to get to functional sustainability in our system, meaning to get all of our assets in good or better condition. Making BES perhaps the first utility of its kinds in the nation to be able to achieve that milestone. So, we're making historic investments while also stabilizing rates. I'm very pleased and grateful to all of our oversight bodies, the citizens utility board, Portland utility board, all the members of the public, actually in this case one member of the public who testified at our rate hearing. The feedback we got from our budget hearings and just the general information that the public shared with us, we are on a good path. We're providing basic services at a fair value. I'm honored to be the commissioner in charge of our utilities and I'm pleased to vote aye.

**Saltzman:** Aye.

**Fritz:** I agree with you, commissioner Fish. Thank you for your work on this. I actually am glad to pay more to get the system on to a sustainable path and fix it so we're not passing on a burden of debt to our children and grandchildren, so thank you for figuring out how to do that. Aye.

**Wheeler:** Aye. The ordinance is adopted. Please call the roll on 517.

**Fish:** This second matter is the rates for the water bureau. There is common confusion in the public about the bill they receive. People generally refer to their bill as the water bill. I think sometimes people are surprised to learn that the water portion of their combined utility bill is about a third of the bill and the rest is sewer stormwater and other charges. I got an email from someone saying they were fed up with high water rates. My polite response was then don't move from Portland to a number of our suburban jurisdictions because when you look at our rates compared to some of our sister cities in the region, we're still a relative bargain. It's true that there is pressure on rates in part because of our obligation to comply with federal regulatory schemes. While there's a number that we're currently complying with, it may be in the future that congress in its wisdom decides to impose more requirements. But nonetheless when you get your bill water is about a third, sewer stormwater about two-thirds. When the presentation was made to council I think people would see graphically that we are still in the middle of the pack among sister jurisdictions again providing good value at a fair price. Aye.

**Saltzman:** Aye. **Fritz:** Aye.

**Wheeler:** Aye. The ordinance is adopted. Thank you. Next item, 513.

### **Item 513.**

**Wheeler:** Commissioner Fish.

**Fish:** Thank you, mayor, colleagues. This procurement report is for the bureau of environmental services for construction services for the Columbia boulevard wastewater treatment plant, the Tryon creek wastewater treatment plant and associated pump stations. Project was bid to the city's prime contractor development program of the prime contractor development program provides minority and women certified contractors with increased prime contracting opportunities within the city of Portland. I would like to

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introduce Larry Pelatt, procurement services manager, and Paul sudo to give us a brief impression.

**Larry Pelatt, Procurement Services:** Mayor, commissioners, I remembered this time to put my name on the record. You have before you the procurement report recommending two -- for a total amount of \$6 million. These price agreements for two-year period will utilize as needs are presented and specific projects identified in the budget process. The task orders are limited to 500,000 maximum with occasional exception for critical projects. On December 20, 2017, council approved ordinance 188744 for the officer to competitively solicit for these services. The city advertised bid 806. Two bids were received. The bids were deemed responsive to the requirements of the solicitation. It's recommended they be accepted, and the bids be executed. Notice of intent was issued April 9, 2018. This is the second time BES has engaged in this type of process. It's kinds of internally referred to as the parus project. They have determined that the time and effort savings based on this is very significant. Interestingly both of the firms as mentioned by commissioner Fish are state of Oregon certified disadvantaged minority women and emerging small business firms. It was bid into the prime contractor development program for that reason. All of the work performed actually then ends up in certified firms. Both of those firms are very, very well noted for subcontracting to other dmwesb firms so the overall utilization should be very significant. Bes has a goal for these projects of minimum participation level of 30%. So, the standard methodology for this is for the bidders to pre-determine and list their subcontractors at the time of the award however under this process the bidders will determine their subcontractors at the time each task order is developed. This allows contractors to maximize use of other disadvantaged minority women and emerging small business firms as scopes of work become final. Both contractors have an excellent reputation for doing so. As mentioned, they are both state of Oregon certified firms and in full compliance with all of the city's contracting requirements. If the council has any questions regarding the bidding process I can answer those or paul sudo from bes is here relative to the specific project. Thank you.

**Wheeler:** Colleagues? Well done. Any public comments on this?

**Karla:** This is a report.

**Wheeler:** I'm sorry. I'll entertain a motion.

**Fish:** So moved.

**Fritz:** Second.

**Fish:** Thank you for your excellent presentation. Aye.

**Saltzman:** Aye.

**Fritz:** Thank you. Aye.

**Wheeler:** Well done. Aye. Report is adopted. 514, please.

#### **Item 514.**

**Wheeler:** The city council sets the rates of pay for all non-represented classifications and elected officials. This ordinance provides nonrepresentative classifications 3.6% increase effective 7-1-18, consistent with increase that represented employees will receive per collected bargaining agreements, this ordinance provides an increase of 3.6% to non-represented seasonal or casual employees except for when a greater increase is mandated by state minimum wage requirements. The mayor and individual commissioners may request that their salaries be frozen at current levels. We have Elizabeth Nunez from h.r. Here to discuss. Greetings.

**Elizabeth Nunes, Bureau of Human Resources:** Greetings. I'm Elizabeth Nunes.

**Wheeler:** I apologize. I mispronounced your name.

**Nunes:** Everyone does. I'm from BHR. I'm the classification and compensation manager. Mayor wheeler, you just took all my stuff away. I'm presenting the ordinance to create a 3.6% cost of living increase adjustment to the pay rates for all non-represented employees,

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the non-represented classifications and elected officials. The cost for the current fiscal year 2017-18 is zero. For the future 2018-19 fiscal year, the total cost is just under 6.7 million. 3.1 million of that is going to be out of the general fund. The remaining 3.6 million is for the non-general fund bureaus. Do you have any questions?

**Fish:** I have a question. So there are different measurements that people refer to for the rate of inflation. We use as part of our contract a particular formula which gets us in this instance to 3.6%. Can you remind us how we get to 3.6% cost of living adjustment?

**Nunes:** I wish I were the city economist but I'm not. Josh Harwood would really do a good job of explaining it. We have consistently along with other public jurisdictions used what's called the cpiw. It's I believe a measure of the second half of the year. Last year brought forward with mathematical calculations to get us to what is expected to be an average for this year and going forward six months. That particular index, and there are a number of them, we recently learned that they are doing away with it, so this is the last year we'll actually get to use it. Going forward, I believe we have already figured out a new index to use, but this is the one that gets us to the most accurate prediction of both last six months and going forward six months what the average cost of living will be. There have been estimations that it should be higher than 3.6. I have heard estimations up to 5%. But we try and focus in on a consistent measuring tool. That when this -- that this year is 3.6.

**Fish:** From recollection a few years ago when interest rates were really historically low the cola was I think under 1%.

**Nunes:** .9%.

**Fish:** Is the rising cost of housing factored into this particular index?

**Nunes:** Housing is always a factor, yes. Housing, food, clothing, all of the standard cost of living things that are considered in any geographical area.

**Fish:** Thank you.

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

**Karla:** No one signed up.

**Wheeler:** This is a first reading of a nonemergency ordinance. It moves to second reading. Next item, 515, please.

### **Item 515**

**Wheeler:** Very good. We have Terri Williams and Anne holm here to discuss.

**Terri Williams, Deputy Director, Revenue Division:** Good afternoon. Mayor, commissioners, I'm Terri Williams, revenue division deputy director for at least for a few more weeks. I want to introduce Tyler Wallace. Tyler is the new tax division manager for the revenue division. He is in the future. While I'm doing the presentation today Tyler is one that you'll expect to see up here giving presentations like this. The purpose of chapter 14b.90 is to regulate certain business activities that present an extraordinary risk of being used by criminals to dispose of stolen property. We commonly refer to it as the secondhand dealer code. The ordinance brings two key amendments to the secondhand dealer code in addition to needed housekeeping changes. The first is the addition of a consular card as acceptable identification for customers that sell regulated property to secondhand businesses. The need for adding this form of identification was brought to revenue's attention by the city's government relations office. The state legislator from Eugene reached out to government relations identifying the need to recognize this piece of i.d. They considered a bill at the state, but it didn't pass. Not all countries' consular cards meet requirements to be accepted. They must have requirements similar to your state's driver's license or i.d. Cards. Currently the Mexican matricula consular card issued after 2014 meets the requirements. The second amendment is the removal of gift cards, in-store credit cards and activated phone cards from the list of prohibited property. I'm going to refer to these types of cards as gift cards in general. This means secondhand dealer businesses are no longer prohibited from buying these gift cards and reselling them. The

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benefits of the change are twofold. It allows the dealers to meet customer demand and compete in the secondary market but more importantly by regulating the purchase of unused or partially used gift cards valuable information will be entered into the rapid database that will allow the Portland police bureau to identify people involved in retail theft. To be clear, the change does not impact the original sale of gift cards or phone cards from retailers such as Fred Meyer and target and best buy. The secondhand dealer industry is supportive of this change. Dealers and retailers currently buying these cards would be required to obtain a secondhand dealer permit if they don't already have one. The reporting requirements when buying these cards from customers have been streamlined so they are not excessively burdensome on the dealers or on the retailer once that permit is obtained. The information about the card and the seller is reported in rapid, the electronic reporting system that makes information about every regulated property transaction available to law enforcement. The council has additional questions about the ordinance we have staff here to explain in more detail. Anne holm, our program administrator from revenue division, and officer Brent bates, rapid coordinator from the Portland police bureau. They are well-versed in the details of this code. Thank you. If you have questions we're happy to answer them.

**Fritz:** I have a question. Are there regulations on how discounted the dealers can buy the cards for? If you have a \$10 gift card, is there a minimum they have to offer to the customer?

**Williams:** I will get Anne up here and see if she can answer that.

I'm sorry, commissioner Fritz, I couldn't hear what your question was.

**Fritz:** Is there a standard on how much a second hand dealer has to offer to a customer. If they have a \$10 gift card from Fred Meyer are they allowed to say I'll give you a dollar for it?

**Anne Holm, Revenue Bureau:** Yes, there's no minimum required.

**Fritz:** Do they sell them at discounts as well?

**Holm:** Yes.

**Fritz:** Interesting. Thank you.

**Wheeler:** Any testimony on this item?

**Karla:** No one signed up.

**Wheeler:** This is a first reading of a nonemergency ordinance. It moves to second reading. Thank you for your hard work on that. Next, 516, second reading.

**Item 516.**

**Wheeler:** We have already had a great presentation on this. We have taken public testimony. This is second reading. Are there any further comments? Please call the roll.

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

**Wheeler:** Aye. The ordinance is adopted. As is the right of people to pull consent agenda items for further discussion, the entire consent agenda has been pulled today. Item 502.

**Item 502.**

**Wheeler:** Who pulled this item?

**Karla:** Joe Walsh did.

**Wheeler:** Mr. Walsh is not here. As is the tradition items pulled from the consent agenda are read after the regular agenda so we can have staff come to attend. He's not here. Colleagues, any further questions? Commissioner Fritz?

**Fritz:** I'm happy to give a one-minute summary.

**Wheeler:** If you would like.

**Fritz:** As council will remember Portland parks and recreation gave a presentation on the teen program, the expansion of the teen program by previous mayor Charlie hales. They have received money to implement the programs at the community center. Portland's opportunity industrialization center, immigrant and refugee community organization, Latino

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network, native American youth and family, boys and girls club of Portland metropolitan area, self-enhancements, Inc., and reaching and empowering old people, Inc. The grant is set to expire June 18 and parks would like to extend the process of providing funding. We would like to extend the current grant agreement to June 2019 to allow time to create an equitable and financially sustainable process.

**Wheeler:** Any further public testimony?

**Karla:** No sign up sheet.

**Wheeler:** This is first reading of a nonemergency ordinance. It moves to second reading. 503, please.

**Item 503.**

**Wheeler:** Who pulled this item?

**Karla:** Joe pull all these items.

**Wheeler:** Is there any further public testimony on this item? Call the roll.

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

**Wheeler:** Aye. The ordinance is adopted. 504.

**Item 504.**

**Wheeler:** Any public testimony on this item? Please call the roll.

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

**Wheeler:** Aye. The ordinance is adopted. Next item, 505.

**Item 505.**

**Fish:** I move the report.

**Wheeler:** We have a motion.

**Saltzman:** Second.

**Wheeler:** We have a motion and second. Please call the roll.

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

**Fritz:** I will vote for this although I have not reviewed six months of minutes and I continue to think it is not transparent to have minutes presented in batches of six months, however that's what the auditor has chosen to do for many years and I don't see it changing. Aye.

**Wheeler:** Aye. We are adjourned.

**Adjourned at 12:21 p.m.**

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**Closed Caption File of Portland City Council Meeting**

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Key: \*\*\*\*\* means unidentified speaker.

**May 23, 2018 2pm**

**Wheeler:** Afternoon session of the Portland city council. Karla, please call the roll. [roll call taken]

**Saltzman:** Here **Eudaly:** Here **Wheeler:** Here

**Wheeler:** Still here. Good afternoon.

**Lauren King, Deputy City Attorney:** Good afternoon. Welcome to the Portland city council. The city council represents all Portlanders and meets to do the city's business. Presiding officer preserves order and decorum, so everyone can feel welcome, comfortable respected and safe. You may sign up in advance to briefly speak about any subject. You may also sign up for public testimony on resolutions or first readings of ordinances. Your testimony should address the matter being considered at the time. When testifying please state your name. Your address is not necessary. Please disclose if you're a lobbyist. If you're representing an organization, please identify it. The presiding officer determines length of testimony. Individuals generally have three minutes to testify unless otherwise stated. When you have 30 seconds left a yellow light goes on. When your time is done a red light goes on. If you're in the audience and would like to show support, please feel free to do a thumbs up. If you want to express that you do not support something feel free to do thumbs down. Disruptive conduct such as shouting or disrupting testimony or council deliberations will not be allowed. A warning will result in the person be evicted from the remainder of the meeting. Thank you for helping your fellow Portlanders feel welcome, comfortable, respected and safe.

**Wheeler:** We have one large issue this afternoon. We will dispose of each of these individually after testimony. Please read them altogether. 518, 19 and 20.

**Item 518, 519 and 520.**

**Wheeler:** I would like to thank commissioner Saltzman for bringing this package of proposal forward. Over the past several years as I'm sure everyone is well aware the transportation network companies have changed the landscape for private for hire driving in the city of Portland. I want to make it clear commissioner Saltzman I fully support your approach and the bureau recommendations to take the time to fully vet proposals, so we understand the changes and impacts on drivers, customers and businesses. So, thank you for your leadership on this. Commissioner Saltzman.

**Saltzman:** Thank you, mayor. Welcome, everybody. As the mayor said we're here this afternoon to discuss Portland's private for hire regulations and the industry. It's certainly a dynamic and changing industry. It's hard to believe it's only been three years since transportation network companies uber and lyft landed in Portland. We'll hear how they are impacting the personal transportation options of Portlanders and visitors to our city. But it is important to also remember that the Portland bureau of transportation regulates all private for hire options in the city, and that includes everything from taxi to a 12-person human powered cycle. Part of the regulatory framework is hearing from the operators through our advisory board the private for hire industry through our advisory board and we'll hear from a few of their members shortly. So as the mayor said we have three items before us. The first is an ordinance with restrictions to city code chapter 16.40. Second is a

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resolution directing the bureau of transportation to do outreach with industry and study the adequacy of insurance in the taxi and tnc industries as well as best practices in creating a transportation network company driver regulatory body. And then third we will have a resolution directing the bureau of transportation to dig into congestion and how transportation network companies may be impacting congestion in Portland. Director Leah treat will start us off and we'll have a very short power point presentation on these items. Following that we will have a few panels of invited testimony specifically members of the advisory board and some representatives of important users of the system, Nicole Sherone from the office of equity and human rights and Michelle with travel Portland. Then we'll invite representatives uber and lyft to the table and finally I believe commissioner Fish has a panel of guests he would like to invite up concerning the driver's body. A memo prepared by the bureau of transportation that outlines a few quick edits we need to make to the ordinance with the proposed code amendments. I would like to move those and hopefully get a second.

**Fish:** Second.

**Wheeler:** Motion and second. These are largely scrivener's errors. Call the roll.

**Fritz:** Thank you. It changes specifics of the reporting of crashes and just changes it to completing submitting the pbot vehicle crash report. Am I correct in assuming that that has all of the previously listed information like date, time, location, claim status?

**Mark Williams, Division Manager Portland Bureau of Transportation:** Yes. The change that we had originally was that the vehicle crash report is the change we intended to make was to make the driver responsible for the crash reports. By making that change we left in a section in there that also required the driver to report when a company went bankrupt. That's not the driver's responsibility.

**Fritz:** The new language, though, isn't completely matching the old. It's no longer -- it's actually saying any crash has to be reported on the vehicle of pbot crash report, not just ones reportable to the state.

**Williams:** That requirement is still in there, commissioner, it's just in another section of the code.

**Fritz:** So also that's been deleted on what I have here like date, time, location, claim status, that's somewhere else.

**Williams:** That's correct. That's also part of a form that's online. That's one of the reasons for the changes. We have implemented an online form to capture this information electronically.

**Wheeler:** I'll call the roll since these are technical amendments.

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

**Wheeler:** Aye. The amendment is adopted. Are there any other.

**Saltzman:** Commissioner Fritz has an amendment to the resolution.

**Fritz:** I do. So glad you mentioned that.

**Saltzman:** I think commissioner Fish also has an amendment.

**Wheeler:** Before we go, just so I understand your will, these are more substantive amendments. I assume we'll put them on the table and keep them open for testimony.

**Saltzman:** Yes.

**Fish:** So, mayor, what we're looking for is a second, lay it on the table then act on it at some later time. I have an amendment to the council resolution 519. I'll hand it out. The amendment would change the be it further resolved as follows. Be it further resolved that council directs pbot to begin collecting tnc ride share data to learn more about the industry and work with city council offices, community stakeholders and tnc drivers and organizations representing tnc drivers to develop a proposal to create a new oversight body that focuses on transparent collection and use of data, accessibility, wages, public

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safety, safety and reliability for passengers, equalizing standards across the for hire sector and equitable dispute resolution and report back to council within six months.

**Eudaly:** Second.

**Wheeler:** This is to 519. Commissioner Fritz.

**Fritz:** This is to 518. Am I correct?

**Saltzman:** That's the ordinance. You're talking about 519, I believe.

**Fritz:** Thank you. I move to add to report back to council within six months after the study areas and to delete the last sentence, which is be it further resolved that the council directs PBOT to report to council after completing of the study. So, in other words I'm saying they are going to report within six months rather than just whenever it's finished.

**Eudaly:** Second.

**Wheeler:** A motion and second. Commissioner Eudaly, did you second that?

**Eudaly:** Yes. Losing my voice.

**Wheeler:** Any other amendments to put on the table?

**Saltzman:** Turn it over to director Leah Treat.

**Leah Treat, Director Portland Bureau of Transportation:** Thank you. As you well know the private for hire transportation sector is one of the most dynamic and varied parts of our transportation system. This is an area constantly evolving, very dynamic, very disruptive. More private for hire transportation options are likely to be available in our future. When we started this three years ago the private for hire sector was providing about 2 million rides a year. That number has grown to more than 10 million. That's a 500% increase. So not only does the sector provide millions of rides but also generates a significant number of jobs. It's an important driver in our economy. Excuse me. Thousands of Portlanders including many, many grants and refugees find employment as drivers in the city of Portland. As the agency responsible for overseeing this sector our mission is to provide oversight that protects safety of consumers. We want to ensure equitable service that meets the needs of all Portlanders and guarantee fair competition between the various service providers. Significant tool that we use to accomplish this mission is chapter 16.40, administrative code and so we're here today to present our proposed changes to the code and to provide you with an overview of the current state of our private for hire system. I do want to highlight some of the most essential changes we would like to make. Number one we want to explicitly ban greyballing. We want to take steps to address your concerns about insurance, a congestion study and drivers board through proposed council resolutions. And three, strengthen our regulatory authority with regards to background checks to provide further public protection. I am joined with David Benson and mark Williams, and before I turn the presentation over to them I would like to show you a brief video we put together that captures what we do in this industry. It features a lot of the diverse voices in our private for hire sector.

**Andrea:** I'm Andrea I owner of the brewcycle.

**Robert Hamilton:** Robert Hamilton. I'm a taxicab driver in Portland.

**Sherri Davis:** I'm Sherri Davis warren. I have been a full-time uber and lyft driver for two years.

\*\*\*\*\*: I'm a cab driver in the city of Portland.

\*\*\*\*\*: I'm from Somalia. I grew up in Kenya. I live in Portland for nine years.

**Alan Resay:** I'm Alan resay. I have been driving for myself since October 2007.

**David Weedrick:** I'm David weedrick, professional chauffeur for classic chauffeur company.

\*\*\*\*\*: I came for visit and I love the nature. I love the people and I just called my roommate in dallas, say, whatever I have give it to salvation army. I don't think i'm going to come back. [laughter]

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\*\*\*\*: When I was laid off a couple of years ago my mother-in-law, who is also an uber driver, kind of got me on the bandwagon. I have been doing it ever since.

\*\*\*\*: Portland born and raised. Went to grant high school. Irvington grade school. By the Lloyd center.

\*\*\*\*: I have friends that lives here. They say come to Oregon if you get a chance to come to America, come Portland, Oregon. I'm like, Oregon? Is that like America?

\*\*\*\*: I moved to Portland in 2011, June 3rd, and I had one of these delivered my doorstep June 24. Moved here with the specific mentality that I was going to start the big giant bike business.

\*\*\*\*: Back in the late '70s I worked for the company, went off, got a corporate career, retired about 5.5 years ago and can't get it out of my blood so I'm back at it.

\*\*\*\*: Driving jocks over all get a bad rap. I think it's important to realize that it is not actually a very skilled position. There's an art and finesse to being able to provide exceptional experience.

\*\*\*\*: Your job is to safely take them from point a to point b, wherever they want to go. It's a lot of tourists specially in summertime. We have to show how nice and friendly we are so make them come back.

\*\*\*\*: We all have the same connection in that we're helping people whatever the vehicle is it's a wonderful, safe experience.

\*\*\*\*: Being able to move here and then be part of people's celebrations with this two-hour pub crawl was really important. To be able to show off what Portland is proud of so that the biking culture and the brewing community.

\*\*\*\*: It's fun. You never know where the day will take you.

\*\*\*\*: I'm a people person. Love people. Every customer we get we don't know where they are doing. It could be to the coast. It could be ten blocks away. It's always a mystery and adventure every time we get a customer in the car. Some of them, they just want to talk, you know. They want to play long hours. Once you talk to them they feel like comfortable.

\*\*\*\*: Things I really enjoy is being to make that human connection with each of my riders. I get a lot of personal satisfaction out of that.

\*\*\*\*: There's a lot of people that I met that are good people. One thing you got to be safe. Feels good then get it back later on.

\*\*\*\*: I'm taxi man. [laughter] 'til I die: All right. That's about it.

**Mark Williamson, Regulatory Division Manager, Portland Bureau of Transportation:**

That was great, by the way. I'm mark Williamson. Thank you for having us here this afternoon. The regulatory division manager with Portland bureau of transportation. In 2016 council approved major changes to chapter 1640 of the Portland city code. Today we're here to present timely updates. Before we get to those revisions I would like to highlight how the industry is performing today. Since 2015 we have seen the number of rides provided by taxis and tncs steadily increase. Last year they collectively provided nearly 10 million rides that originated within our city. Based on the current ride trends we expect a 3 to 4% increase this calendar year. One council priority is that all areas of Portland are being serviced by taxis and tncs and we have been carefully monitoring service levels throughout the city. The map on the left indicates service levels by zip code between the months of May and august 2015. The map on the right illustrates service levels in 2017 during the same calendar months. As you can see service levels have increased in the central city but more exciting it's also increasing historically underserved areas by more than 270%, about a 2.3 million ride increase. It has also been a council priority that service is available 24 hours a day every day. This bar chart illustrates average rides per hour throughout the city for the 2017 calendar year. This chart illustrates all areas are receiving service during all hours of the day and most of the rides occur between 6:00 p.m. And 12:00 a.m. While we need more data to evaluate whether there's a direct connection, the

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data implies that Portlanders are choosing to take taxis or tncs in the evening potentially reducing the number of impaired drivers. The regulatory division that been busy keeping riders safe and educating our drivers. We conducted more than 3200 in-field compliance checks on our drivers. We take a secret shopper type approach by observing the driver's conduct and we identify ourselves to the driver and inspect the paperwork and insurance and inspect the vehicle for obvious safety hazards. The field compliance audits don't stop there. When staff members return to the office they review the driver's driving history to make sure they have not acquired new traffic violations that may prevent them driving private for hire. The city auditor conducted an audit in 2016. The report recommended that we conduct more compliance checks focused on the aspects of the industry that puts the public at greatest risk in working to adjust our practices. This invaluable work is primarily funded by the 50-cent ride surcharge. Our commitment to keeping the public riders safe doesn't stop there. The regulatory division has teamed up with the PBOT active transportation and safety team to achieve a vision zero goal. The safe ride home program. We are working with our industry partners to offer discounted transportation options on targeted holidays and community events so that the riding public has a way to get home safely after a night of celebrating. PBOT kicked off the safe ride home program last New Year's Eve and has offered service three times so far this year. To date this program and our partners have offered about 3500 discounted rides. We are working very closely with the Portland police bureau to identify future events and we hope to make this an ongoing annual occurrence. The program and many of the discounts are being funded by the 50-cent ride surcharge. Uber and lyft have also made additional contributions. We're also very excited to introduce PDX wave. We have long heard from community members that on demand wheelchair accessible service improvements were needed in the city. City code requires service within 30 minutes and we wanted to take it a step further. PDX wave is a centralized dispatch service that will enable community members to call one number and request an on-demand wheelchair accessible vehicle for customer use. Wave offers an easy and reliable way to get on-demand service. For transportation providers it provides financial incentive to drivers and subsidy to help offset the accessible vehicles. It's entirely funded by the 50-cent ride surcharge. We anticipate a free accessible ride day during an upcoming community event. I would like to go over some of the significant code modifications in exhibit a. Since its implementation we have repeatedly heard concerns from taxi representatives about the 50-cent customer borne ride surcharge. The concerns range from the surcharge resulting in lower driver tips, company inability to collect surcharges from drivers that accept cash fares and the company's feel they are paying significantly more than they ever paid under the traditional permit model. Commissioner Saltzman's office held a listening session and invited industry representatives to provide feedback. Some of the taxi representatives reiterated their concerns about the surcharge. For these reasons a proposal was submitted to the advisory committee to reinstate permit fees to taxis instead of the 50-cent surcharge. The proposal was discussed in a subcommittee who recommended approval. During the most recent committee meeting the taxi driver committee member asked that we table the proposal without taking a vote and the committee supported that request. With that said, we still believe these changes are important and we have included those in our code modifications today. I should also note that these changes represent a reduction of about \$400,000 in fees collected by the city. Public safety is our top concern and we have a responsibility to the public to verify all drivers meet the city's qualifications outlining code. We have spoken in length with our colleagues in king county and the Seattle area regarding their background viewing process. We're proposing we change our process to mirror the king county model further safeguarding the public. Currently companies are allowed to run background checks on their drivers. Of those companies we reviewed a random sample. Our goal, to review 10%

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of the company run background checks. The new process would require the city to review 100% of the background checks conducted by companies. When we have questions about a driver's background check we have the option of running an additional check. We use this as the circumstance warrants and this would be the exception. This was presented to the advisory committee, but they did not support adopting this change because they felt the current system was adequate for screening drivers and because they did not support additional costs associated with this step. As we attempt to better understanding how traffic congestion impacts our city it's important to understand a private for hire impact is part of the larger picture. By requiring gps coordinates we can study the system impacts down to the street level. This council is aware in 2014 uber deliberately blocked regulators from performing their duties under chapter 1640. We're proposing new language to prohibit companies and drivers from blocking or altering presentation of any information or denying access to their company app to any city employee authorized to enforce. We believe the current code prohibits this behavior already, but the new language makes it clear that this is unacceptable. In addition to these modifications we have made a few edits to clarify existing language or correct errors. I would like to go over those now. The ability to cancel permit or certification issued in error. Companies have the ability to self-certify their drivers if they make a mistake this gives the city authority to actually cancel that permit rather than going through a suspension process. Requiring drivers to display their permit in the vehicle. This was accidentally removed from the previous code. It is current practice and we're reinstating that language. Using a uniform vehicle crash report. That was one of the topics we discussed earlier today. That's going to help us collect that information in a digital format online that allows us to run analytics rather than the old-fashioned way we would take a paper copy sent to us, scan it, and if we wanted to run analytics we would have to reenter that information into a database this. Allows us to do that seamlessly. Using a company approved device to calculate fares and process payments. Just to make sure that every vehicle that processes payments they need to use a system approved by their company and if they are doing fare calculation they have to use a system that is approved by their company. We want to make sure these systems are pci-compliant. Clarifying the length of a company permit just to make sure that everybody understands a permit can be issued up to one year and a federal and state out of service order, fed and state have the ability to issue out of service orders to companies that they do not want operating anywhere within the state or in the country if it was issued by the federal government. We wanted to just mimic that existing language that the state has and federal has at their level. Finally clarifying which documents must be present in the field when our folks are going out doing their field audits. There's been confusion on what documents we need to have with me. We wanted that very clear in code. I would like to talk about some of the more exciting future developments. PDX wave is just the beginning. Next, we want to integrate this amazing service in a mobile application. We're meeting with our partners at trimet, grid works ride connection to explore ways that we can all work together to address the accessible transportation issues we face today and explore the opportunities we expect to see tomorrow. Driver training is only required once a year. In the future we aspire to offer ongoing training opportunities on topics such as customer service, driver safety, and how to identify potential victims of human trafficking and what to do. The trainees will be made available through a new learning management system designed to alert drivers when new required training is available. We believe this brings value to our drivers and the community that they serve. As commissioner Saltzman mentioned we have two resolutions being introduced today. The first is to study traffic congestion in Portland. The transportation system is an essential to the well-being and prosperity of the city. PBOT needs to further study changes in the traffic congestion and whether the city transportation goals are being met. While the study will focus on over all impacts, it will place an

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emphasis on better understanding to the relative impacts the taxis and tnc service. The second resolution is a study liability insurance, accidental death and dismemberment coverage and personal injury protection. The resolution also directs PBOT to study best practices and develop a proposal for a driver regulatory board. That concludes our presentation, and our suggested modifications to the code. We have some guest speakers that are coming up, but I will be in the audience to answer any questions you may have.

**Fritz:** Regarding the 50-cent surcharge, my recollection was that that was intended to pay for accessible rides, so I'm wondering what's the balance in that fund and why it's being used for things like able-bodied or people who don't need an accessible ride home on New Year's Eve.

**Williamson:** We don't have the exact balance, but we intend to use the 50-cent surcharge to fund the accessible service program. We don't know exactly how much that will cost us. We estimate about \$600,000 the first year. The safe ride home program, that is what you're referencing, commissioner?

**Fritz:** Using it for anything other than accessible rides.

**Treat:** I'm pretty sure when we passed the ordinance it was dedicated to the private for hire program itself. It wasn't a restriction only for --

**Saltzman:** I offered the amendment. It was designed to make sure we had adequate funds to enforce new regulations on everybody.

**Fritz:** Misremembered. Thank you.

**Eudaly:** I have a couple questions for staff and a couple questions of staff and taxi representatives. Can you tell me how cab companies and cab drivers were involved in the process of developing this policy?

**Williamson:** Which particular --

**Eudaly:** I'm sorry. These items before us.

**Williamson:** All the items were part of the advisory committee discussion. We introduced the items to the advisory committee on a follow-up meeting the advisory committee will listen to public comment. Drivers can stand up and obviously make comment then the advisory committee would vote whether to make that recommendation to push that item forward.

**Treat:** We did have cab drivers on the committee.

**Williamson:** We have a cab driver on the committee and a taxi company owner or management representative on the committee as well.

**Eudaly:** Okay. We're hearing from cab companies that they felt somewhat excluded from the process. I realize that these items are focusing on tncs but they obviously impact the cab industry. So, the main way for them to have their voices heard at this point is to give public testimony? Is that we're hearing?

**Williamson:** No, absolutely not. At the committee everybody that wants to speak is welcome to speak. We take public comment on like I said on items that were introduced the prior month. The meeting minutes go out on the internet where they are accessible for everyone to review. If people wanted to send public comment in, we would accept that as well. Again, we have taxi industry representatives on the committee, but no one is excluded from at least having an opportunity to voice their opinion.

**Eudaly:** When these policies were first developed obviously I was not on city council. I wasn't actively engaged in the conversation although I was certainly following it. One of the things that was I guess confusing and troubling to me is that we didn't really achieve parity between taxi drivers and tncs. Or cab companies and tncs. It seems to continue to be the case that the standards vary for each group, and I'm going to ask this of the taxi representatives, but anyone can go over how our regulations differ for taxi drivers and tnc drivers and maybe explain why, I would appreciate that.

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**Treat:** You can follow up. When we passed the regulations several years ago there was a very intentional effort to level the playing field and make it very equal between the two parties. The regulations applied equally between cabs and tncs. Now that we have done this for a little bit we're recognizing there are instances in which it doesn't make sense to treat them in the same way. One great example that mark brought up is the ride fee. Cabs don't have the same technology or resources to collect the 50-cent ride fee and it's been overly burdensome on their drivers and the owners of the companies, so we have a proposal we put forth to exclude them from the ride fee and have them go back to just paying the permit charges they did before the regulations went into effect.

**Dave Benson, Portland Bureau of Transportation:** Just to follow up on that, commissioner, we took great efforts and council really took the lead on that again I think Leah used the right words, level the playing field as much as possible. Throughout regulations you'll see we tried to treat taxis and tncs in a regulatory fashion as close as possible. It's not a perfect match. Tncs don't have to have a taxi light. Taxis do. Meters, taxis have to have a meter, the others have the app. It's not a perfect match in every case, but how the drivers are permitted or certified, how the vehicles are inspected and the standards by which they are inspected we even removed requiring dedicated color schemes to vehicles. I think that was commissioner Fish's motion that they can have a varied color scheme. They used to have to have one color for a company, had to be approved by PBOT. I think there's been a concerted effort to delete barriers rather than add them.

**Fish:** I have a number of questions. I want to make sure I have the baseline information as we go forward on this. Director treat, today there are how many tnc drivers in Portland?

**Benson:** So, we can tell you there are more than 10,000. I'm not trying to be vague, too vague about this, but there are duplicates out there because there will be a lyft and uber driver, so we have to redact that. There're many drivers that are not currently active, so they may be certified but are not actively engaging in the activity. We have nondisclosure agreements with the company that we can't disclose a specific number. That agreement has even been tested in circuit court in this county and so it's backed by a court order.

**Fish:** More than 10,000.

**Benson:** More than 10,000.

**Fish:** Okay. I'm pleased to hear that you've tightened the code to make future greyball type violations unambiguously a violation of the code. What is your proposed penalty for such violations?

**Williamson:** I believe the maximum penalty would be the sanction for that violation with possibility of being revoked.

**Fish:** Have the regulatory agreement being revoked.

**Williamson:** Correct.

**Treat:** Strike one 500, strike two --

**Williamson:** We started at the maximum level for that particular line item. You're subject to suspension and revocation.

**Fish:** With respect to the background checks you're going to do, are you planning to go back in time or is this prospective?

**Williamson:** Just going forward.

**Fish:** Do you have the resources to meet the demand? We are preparing for that if council chooses to approve that, yes.

**Fish:** Would you pay for that? What would be the source of funds to pay for that additional capacity?

**Williamson:** Those additional positions would be funded by the surcharge and the permit fees we currently collect.

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**Fish:** On the reference you made earlier to permits being displayed on the window, I have observed from time to time permits displayed on tinted windows which make them effectively illegible. Does the code address that? Not illegible, unreadable.

**Williamson:** This modification is about the driver displaying their picture, photograph permit, inside the vehicle.

**Fish:** I'm talking about the amendment that dan brought a few years ago to require the permit number be visible on the car. Do we address the question of whether the tinted glass prevents you from seeing it?

**Benson:** No. Very directly, no. The code doesn't talk -- you're talking about tnc permits in the front and rear of the vehicle and if they have deeply tinted windows you may not see it.

**Fish:** Can we park that somewhere as something to go back to? I think it's a reasonable issue. Do we have good data on the average number of passengers per trip? Do we track that or just track trips?

**Treat:** We just track trips.

**Fish:** With respect to the larger enterprise here about congestion and climate action things will we at some point have the capacity to track the number of passengers?

**Treat:** The companies are certainly doing it themselves, so the capacity just would exist and requiring it as part of the data sharing agreement. If you and I get in a lyft together you pay an additional charge for every additional rider. That's into the app.

**Benson:** Our best chance at that is both uber and lyft, lyft line, uber pool, double ride sharing, they pick up people along the line like a carpool. Those are our best opportunities to start gathering that kind of data. We know there will be multiple customers in the car. But you hit on something that we have talked a lot about about being able to collect data on how many passengers are in the car. We're very interested in collecting that.

**Fish:** Perhaps it will create incentives for people to double up.

**Treat:** That's why we have been talking about if we truly want people to share cars and rides that's something we're very interested in. Thank you.

**Fish:** Director treat, with respect to my amendment that I have offered to item 519, which I gave you a copy of, would it be your intent to confer with each council office as you go forward with the next phase of the study here in terms of the composition, who you talk to, composition of any committee and the scope of the work?

**Treat:** Well, certainly interested in hearing everybody's perspectives on the council. I will take my commissioner's lead on how that should be structured.

**Fish:** If I have to make the amendment clearer I will do so because the intent is to engage council in this conversation and to facilitate the six months is a fairly tight time frame.

**Treat:** If this passes it clearly states that we'll be working with the council offices. So, we absolutely will -- I'm sorry.

**Fish:** I just wanted to clarify. I just want to be clear, the reason we're proposing to strike best practices is that we're not sure there are any best practices out there. Since it may be that this is fairly unique, we wanted to -- we didn't want to narrow the focus to best practices. We wanted to expand the potential scope of your inquiry to something beyond that. I'm not sure there is a model we can point to. We'll be a national leader in this regard. So thank you.

**Wheeler:** Commissioner Fritz.

**Fritz:** How many business licenses have been taken out by tnc drivers?

**Treat:** We'll have to get back to you. It should equal the number of drivers.

**Fritz:** I'm interested to know that. That is part of your check, that they have a business license.

**Treat:** Correct.

**Fritz:** You may need to look into this too. How have taxes that have been gathered from taxi companies changed since tncs came in? Are we getting more of the same or less?

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**Treat:** Commissioner -- for the ride fee? I thought you said taxes.

**Fritz:** The concern is because so many tnc drivers are making less than 50,000 so they are not required to pay business taxes, that's taking taxes away from the taxi business which then reduces the city's covers. I would like to know where that leads.

**Treat:** We'll have to follow up.

**Fritz:** Thank you.

**Saltzman:** We'll invite up our first panel.

**Wheeler:** Welcome.

**Michelle Graham, Vice President of Services, Travel Portland:** Good afternoon. Thank you for the opportunity for travel Portland to share industry perspective on the customer experience of the city's private for hire transportation program. I'm Michelle Graham, vice president of services for travel Portland. In my role my team directly supports the convention meeting planner and delegate needs of all city-wide conventions that select Portland for their programs. We have been engaged in the private for hire transportation process as an industry representative consumer demand generator of private for hire services and proponent of fair regulations that provide appropriate market flexibility, protection to public safety and adaptability to changing consumer expectations. Prior to the changes in the private for hire transportation program allowing more competition into the marketplace to meet demand Portland was not competitive with other cities in hosting city-wide conventions when planners wanted to host off-site events or delegates wanted to spread their dollars into neighborhood districts outside the downtown core area. Today we see a significant shift in customer feedback based on the success of the program and the inclusion of the tourism industry and regulatory conversations serving as a tourism stakeholder represented on the private for hire transportation advisory committee. We share in the past that visitors and other consumers of the transportation have a time limit and expectation that the transportation service they are asking for will be reliable, consistent and safe. Thus, we support the revised program purpose and provisions as noted in section 16.40. The largest issue prior to the new program changes was lack of consistent metrics to assess demand and importance for all riders. The changes created a more efficient and adaptable framework for Portland residents as well as visitors. Increased competition and better data metrics have forced all providers to up their game and improve their riding experience for all users. Since the program has been put in place with data metrics to track demand the visitor industry noticed a significant drop in complaints from visitors and city-wide convention planners because more options were available. The changes benefited visitors, but also local residents and overall ridership increased significantly to make Portland more competitive in this space. The visitor's industry is in support and believe new rules creating more efficient and adaptable framework for the city of Portland, Portland residents as well as visitors. Thank you.

**Nickole Cheron, Office of Equity and Human Rights:** So, I'm here to talk about the wave program. I do want to remind especially folks who weren't here when we adopted all of this, one of the things we did when we wrote the regulations we said any company providing transportation service in the city of Portland would have to comply with ada title 3, which is the provision in the law that covers public businesses. So, I think we're one of the only cities that have actually pushed. Why that's important it's not just about providing the wave transportation which we're very excited about and we think we have a really innovative program, it also means that there's a mechanism for people who use service animals to not be excluded from getting a ride, which is something that has happened in the past. The wave program is a premier program that we created because we knew from before this existed or before the tncs arrived that people were waiting sometimes 45 minutes to an hour to get a ride. There's lots of reasons for that. Part of it is a lot of transport medical companies or Medicaid rides didn't have enough vehicles, so they would

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contract with taxis and there wasn't a vehicle for someone who worked for the city of Portland and needed to get to a work meeting. We noticed stuff like that was happening, so when the tncs arrived it became an opportunity to create regulations that would really create some parity for people with disabilities but specifically for people who use wheelchairs. The idea of using a portion of the surcharge to fund this wave program was created. The big piece of that program is that we didn't want the regulation to be punitive. We wanted it to be incentivized, so we basically said we realize that providing wheelchair accessible transportation costs a lot more money than providing transportation for-hire an able-bodied person so we're going to give you \$15 back for every ride you do to offset the cost of the fact that your vehicle is more expensive, that gas is more expensive. The fact that you can't give as many rides because when you load up a wheelchair it takes more time. So it's really exciting. We're still at the infancy of it. We're not sure what those numbers are going to be. I have heard anecdotally from people in the community that they are really happy with the level of service they are getting, that for the most part people are getting rides within 20 minutes. Yes, our standard is 30 but we do think we can do better. The dispatch system which we'll launch in the summer will really kind of streamline everything because it will be a central point of contact that anyone can call to set up the ride. They will have the ability to say what type of vehicle they want because right now all we mandate that is every company has to provide the service. We don't tell them how they have to do it aside from safety regulations. So you have some people using like a short bus we call them or mini-van. We do think that people should have the ability to say what kind of vehicle they want to ride in, what company they want to use, maybe they are very loyal to rose city. So they can call the dispatch system and say I want rose city. Or they can say, who is the closest vehicle to me? I want to be on the road in 20 minutes. We really think we're doing something innovative and something that will be really effective.

**Wheeler:** Thank you. Sounds great. Thank you both.

**Saltzman:** Our next panel is representatives of uber and lyft, I believe. Good afternoon.

**Alejandro Chouza, Pacific NW General Manager Uber:** Thank you, mayor, commissioners, for the opportunity to speak to you today. I'm Alejandro chosa, manager in the northwest. I started in December as part of the new leadership team under our new ceo. I was born and raised in mexico city and came to the pacific northwest after helping launch outbound many cities across mexico. I took on this new role for the same reasons I helped uber launch in my home country, the opportunity to work with cities to improve transportation mobility options available to all communities. Two months ago in meetings with most of you and in a public letter I outlined my responsibility to help write the next chapter and implement a vision and expectation set by our new ceo. I acknowledge that we have made missteps and made commitments for how we will conduct ourselves moving forward. I'm here to reaffirm those commitments and our pledge to be a long-term partner in working with you to improve reliable, affordable transportation for-hire people in Portland. Now and in the future we will conduct our business with integrity, humility and a passion for improving the community. We are proud of how we have grown to provide flexibility employment opportunities to more drivers who serve more than 350,000 riders every month in and around Portland. We're proud of providing access and equity. We have seen the fastest growth with limited transportation options. We will continue to lean into partnerships with the Portland bureau of transportation public agencies and community organizations to improve urban mobility for all. We are proud to be working with organizations like trimet to promote mass transit by being a first and last mile partner working with pg&e to promote adoption of electric vehicles and supporting nonprofit organizations that promote equity and economic opportunity for historically underserved groups. We are working hard to be better listeners to all stakeholders including riders, drivers, community partners, and you. To understand how we can improve and do a better

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job. In this period, I will end by saying that we look forward to closely working with the Portland bureau of transportation, mayor wheeler and every one of your offices to make the proposals before you today a success for riders, drivers and the whole city. While we know much of the specifics will be developed in the future we're aligned with your priorities of listening to the concerns of drivers and promoting public driver and rider safety. Thank you so much. I'm happy to answer questions. I wanted to invite my colleague john Isaacs, public affairs manager for uber to help me in answering questions.

**Wheeler:** Thank you.

**Saltzman:** Go ahead.

**Rena Davis, Senior Public Policy Manager Lyft:** Mayor wheeler, commissioners, I'm Rena Davis, senior public policy manager for lyft. I appreciate the opportunity to offer comments on the matter in front of you today. Lyft was the first company to established peer on peer demand ride sharing which is known as tnc. It was created to provide the world's best transportation. We connect millions of people we have efficient, safe and affordable rides. We want to help people carpool more efficiently. Lyft's number one priority is safety of its community of drivers and passengers. Drivers are extensively pre-screened and must pass a thorough background check. What really distinguishes lyft is how we utilize technology to ensure safe riding experience. Every lift ride is tracked via gps. When a rider is matched with a driver via lyft they both receive pictures of each other and there's also a user rating for both rider and driver. Lyft's user rating systems allow a rider to provide instant feedback on ride experience. They are able to flag and rate for dangerous conditions. We're proud lyft is more than just a ride sharing application. We're bringing Oregon communities together. Lyft is aligning residents across the state that turned to earn supplemental income by using their private vehicle to ride share with their neighbors. More than 80% drive less than 15 hours a week. They don't fall into the traditional livery or taxi framework. The Lyft community is made up of retirees, single parents, graduate students, folks trying to get around and families trying to make ends meet. We reviewed data on driver earnings and for the first time we disclosed median earnings per hour for drivers across the country. It was around \$18.83 per hour. What we're seeing in Portland is consistent with that. That's about \$5 more than the current Portland minimum wage. Beyond providing economic opportunity and being contributing members of the community we have partnered with the gateway center to provide rides to their clients and ensure transportation is not a barrier in access to services. We have worked with PBOT to provide safe rides during time when alcohol consumption is high. A study showed that when ride share enters a market it reduced fatal accident rate by 6%, nighttime crashes declined by 18% and reduced dui on average 51.3% per year. Eliminating drivers driving under the influence is a priority. We are committed to Portland and have also put down roots here. We recently launched a Portland hub where we have a full-time staff that works with the local community and serves drivers who need support on a face-to-face basis. We enjoy serving Portland and look forward to continued partnership. Lyft is committed to a sustainable approach to transportation and envision a future where a personal vehicle ownership is eliminated or dramatically reduced in our urban course. What will Portland like in 10, 15 years and how many parking garages can be reclaimed for public use in how we can design infrastructure around people, not cars. We look forward to being part of those conversations. With regard to some of the matters before you today over the last several months our public policy compliance and legal teams have worked extensively to answer questions with PBOT and think how regulations can be both effective and efficient. We're discussing how to work together so background checks, audits and compliance measures help seamlessly regulate the tnc industry. We look forward to continuing our work together. I would like to bring up a few measures with regard to user data, paper record keeping and the congestion study. The current

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requirements require the exact pinpoint location of pickups and drop-offs. That is of concern to us. We believe passenger data should be more anonymized and need for exact location does not permit that. Based on our experience working across north America we believe there are other ways to ensure the city receives information for city planning logistical purposes without disclosing such detailed information on user data. We're committed to continuing work in figuring out how that can be done. Tnc drivers are currently required to carry paper copies of their various registration documents and we 100% agree that drivers should be able to produce the required documentation to regulators and to aid this process and provide an extra layer of security we believe tncs should be allowed to upload the documents directly into the app. That allows drivers to open up their app and have regulators assess the documents and ensure they are in compliance. We believe that Oregon currently actually permits drivers to have digitized copies of their insurance card and we don't believe tnc drivers should lose that privilege. Lastly, we applaud the city's forward thinking about congestion and city planning. Lyft is committed to working with Portland to reduce the number of personal vehicles on the road and think creatively about city planning. We believe congestion studies are part of the process and urge that any studies be approached holistically and we believe this will provide the clearest picture into current traffic conditions and how to solve future transportation challenges. I would like to make one clarifying point. The only rides where we collect per ride fees from multiple users are on shared rides for lyft classic, for their premier for the larger vehicles. There's just one per ride fee collected per trip. I thank you again for the opportunity to provide testimony. I'm happy to answer any questions.

**Fritz:** That was a lot of information. You mentioned insurance for the drivers. What is being done so that drivers are not at risk of losing their personal policy when driving for your companies?

**Davis:** So in terms of the way we approach insurance there's a national insurance compromise that was agreed to by the tncs, by the insurance providers. Those are outlined within that compromise. That's what our internal insurance policy is based on. Under that current policy which is in place in every area where we operate ride sharing in the country we found that it's been sufficient in terms of covering drivers for incidents with regard to their personal insurance. They are permitted to have tncs on those insurance policies so long as they work with their insurance policy.

**Fritz:** Could you explain what is in this compromise and how it provides coverage for the driver?

**Davis:** It's broken down into three periods. Period 1, 2, 3. One, a driver has the app on waiting for a ping to let them know there's a ride and they are connected to someone. Two is they have connected with a person and are traveling to pick them up. Period 3 is when that ride starts until they get out of the vehicle. So during period 1, lyft is primary insurer insuring party. Insuring individuals have to provide proof of their own personal insurance. We are primary during that period 1. Additionally in 2 that's when our \$1 million insurance policy kicks in. That's in effect for period 2 and for period 3.

**Fritz:** My understanding before was that the private policy says you're not going to use your vehicle for commercial purposes. How that is being taken care of particularly in period 1?

**Davis:** I'm not entirely familiar with the various products that are offered for each insurance provider. I'm sure they are different. For drivers if they are told by their insurance company that they have to abide by certain rules or add varying coverage to maintain their underlying policy, then we would expect that they would comply with that. However, a driver's lack of insurance even in the worst-case scenario is not going to prevent coverage from being provided by lyft in period 1, 2 or 3.

**Fritz:** To the driver?

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**Davis:** To the driver in terms of their --

**Fritz:** If they get into an accident in period 1, then their personal insurance doesn't cover them driving commercially, lyft will take care of them?

**Davis:** Yes.

**Fritz:** Same for uber? Do you check to make sure they have gotten the riders they are supposed get for driving their vehicle commercially?

**Davis:** We check to make sure they have insurance. We take note of the expiration date and if it's getting ready to expire we'll contact the driver. If it's not renewed, we will off-board them. In terms of their relationship with their insurer that's a contractual relationship that we're not party to. We would not be able to check into that.

**Fritz:** My understanding is most regular insurance policies don't cover commercial driving. Why don't you check to make sure they have the commercial rider?

**Davis:** We will always cover any incidents that occur.

**Fritz:** Then they will lose their personal insurance.

**Davis:** Again, I wouldn't know about the policies that are specific to each insurance provider.

**Fritz:** This is something we'll need to look into.

**Davis:** Yeah. I do believe that the staff at the Portland bureau of transportation are doing to be doing a deep dive. We worked extensively with them to provide data, to provide numbers and had several conversations over the last several months with members of our legal team, with our risk assessment team that oversee our insurance. We have been keeping the lines of communication open and will continue to do so.

**Fritz:** Have you provided them with information about crashes and insurance payouts?

**Davis:** Yes, we have had those conversations.

**Fritz:** Thank you.

**Fish:** Thank you both for your testimony. Resolution number 519, which is sponsored by all five members of council, so that's an important fact, directs PBOT to come up with a proposal for a tnc regulatory body or some would call it a wage board that is to be determined. I would like to ask each of you separately, on behalf of the companies that you are here representing, do you support the creation of such a body starting with uber.

**Chouza:** So we do support finding a way to accomplish the goals that you're looking to accomplish with that so we will happily work with you to try to find an operational process understanding what those motivations are. Yes, absolutely. We will work with you to try to find what that could look like.

**Fish:** How about Lyft?

**Davis:** I think similarly we support providing drivers with opportunity to give input. I think with the current structure where multiple forms of transportation providers are included perhaps there could be another party added on top of that, another function or body that would also work with those goals. We are also opening to having creative conversations around how to accomplish these.

**Fish:** That's a lot of words. Some questions do lend themselves to yes or no. I have not heard either of you say you oppose the creation of this new body. Is that fair to say?

**Chouza:** We do not oppose creation of a structure that -- I think the question is what that could look like. We want to collaborate with you to find what's most effective for all players.

**Fish:** Very good.

**Davis:** I think we would prefer to see the existing structure expanded, but we are open to having conversations around direction council would like to go.

**Fish:** Thank you.

**Saltzman:** Thank you both. I forgot a panel. I want to apologize to our private for hire advisory board members. They are next. So, thank you very much.

**Chouza:** Thank you.

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**Wheeler:** Good afternoon.

**Mike Greenfield, Chair Advisory Board:** Good afternoon. I'm Mike Greenfield, chair of the advisory board and my position is the riding public. I have some remarks prepared for you then we have other folks here. The arrival in pored of uber and lyft changed the landscape for taxi companies and platform companies, drivers, specialized transportation companies, passengers, restaurants, hotels and other companies that rely on these services. The advisory committee with designated membership for owners, drivers, riders has worked closely with Mark Williams and his staff, Mark and his folks have done a professional, effective job for Portland. While there are differences of opinion, members of the committee worked together effectively and collaboratively. We welcome public input and our processes have been civil. Thank you very much for the opportunity to serve on the board.

**Wheeler:** Thank you, sir.

**Andrea Lins, Member Advisory Board BrewCycle Portland:** I'm Andrea Lynn. I represent a very different part of the advisory board, but I like to say it's still important. It's been very interesting seeing the tncs and uber and -- that is uber and lyft, but it has been very informative for me to get my giant bikes regulations dialed in. We are a very unique thing. We don't have direct competition with another industry, but it's been very fine to get it down on paper to have black and white where we are such a weird industry. I'm thankful for the opportunity to sit on that committee and be able to have regulations that pertain to my smaller industry that still allows us to operate within the city streets. That's all I got. Thank you.

**Fritz:** Do you represent pedicabs in general?

**Lins:** I represent pedal power transportation. Pedicabs as well as the quadricycles which we finally got into code to have a specific -- we could put them in as brewcycles but quadracycles is more formal.

**Steve Hart, Broadway Cab Committee:** Steve hex, g.m. Of Broadway cab, vice chairman. I don't have anything new to add. I agree with Mike. I would like to just throw in some thanks. Mark has been at every meeting of our committee. I know that because I have been at every meeting. He's really worked hard. Also even though we have never met, Dan, your staff was available to me, so I thank you for that. I'm just here if there are any questions I could help with.

**Saltzman:** Thank you very much. Commissioner Fish has some invited guests as well?

**Fish:** Commissioner Saltzman, thank you for the courtesy of allowing me to invite a panel. I would like to invite the following three individuals to come forward. Tom Chamberlin, Oregon AFL-CIO president; Rebecca Smith, director of work structure at the employment law project and Owen, a tnc driver.

**Rebecca Smith:** I'm from Seattle.

**Tom Chamberlain, Portland Oregon AFL-CIO:** I would like to go first. Good afternoon, Mayor Hales, commissioners, I'm Tom Chamberlin, president of the Oregon AFL-CIO representing almost a third of a million members. I have lived and worked in this city most of my life. There are many things I love about Portland but what makes Portland unique, what sets it apart from other major cities, is our city's ability to take on difficult issues and find innovative solutions. Living wage ordinances, ban the box, investing in our infrastructure and recently I have watched you grapple with homelessness. Today you're bringing forward three resolutions that takes on the difficult issues of the evolving tnc industry. From your actions as city leaders it is clear you want a Portland that works for everyone where we have structures and systems and checks and balances that ensures that workers are not taken advantage of. And are provided with livable wages. Over the last 30 months we at the Oregon AFL-CIO have been working with uber and lyft drivers and have heard their issues and their problems with the current system. We have a tnc system

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in our city without checks and balances from the drivers' perspective, void of transparency, a system where workers' voices are not heard. The drivers of transportation fairness Portland are here today in support of 519 as amended. It will help us develop and implement a tnc board where drivers could not only address their grievances but create a system that is reflective of Portland's core value of livability. By taking this issue head on Portland once again will be in the forefront of developing systems that have a national implication. Today I'm joined by Rebecca Smith, director of work structures portfolio at the national employment law project, who has done extensive research on the impact of tncs on our communities. The national employment law project as you may remember was instrumental in developing Portland's ban the box ordinance giving ex-offenders a better shot at a good job. Portland led the way for the rest of the country. I'm also joined by Owen Christofferson, a driver for uber and lyft, who has been an active member of the transportation fairness Portland since its inception. We'll talk to the many problems and issues faced by drivers. Unless there are any questions I will turn this over to Rebecca Smith.

**Wheeler:** Thank you.

**Rebecca Smith, Director Work Structures Portfolio at National Employment Law:**

Thank you. Good afternoon, thanks for giving me the opportunity to be here today. I'm Rebecca Smith. I direct the work structures portfolio at the national employment law project based in New York and d.c., but I'm a lifelong resident too of the pacific northwest, so why would I move to New York or d.c.? For decades we focused on the ways in which various structures of work, subcontracting, outsourcing, calling workers, independent contractors, affects income and wealth inequality, affects the ability of workers to come together and negotiate with their employers and in some cases perpetuate occupational segregation. More recently as Tom said I focused my work on the on-demand or gig economy talking to workers and worker representatives, reading literature and doing writing of my own. Assuming that projections about the growth of the on-demand economy and technological and automation related job loss are correct, it's really incumbent on policy makers to do everything we can to ensure that the jobs that are generated by the new economy are good jobs that all communities are served by new technology, and that city level transportation planners have all the information that they need to plan across all sectors of transportation. Portland and most major cities across the u.s. have now had a few years of experience with the transportation network companies and grappling with those implications for workers and consumers and planners. Here are some of the things that we know now that we didn't know years ago. More and more, studies are showing that workers are just not making enough money to get by. The most recent study by Lawrence Beshell of the economic policy institute came out last week and found that uber drivers earn about \$9 per hour. You'll hear larger numbers about what drivers earn but once you discount for their driving related expenses, once you discount for the fact that they are paying both the employer and the employee side of social security plus their income taxes plus some of the other expenses we talked about today, that's how you get at that number. There's an emerging body of work that questions whether racial discrimination is hard wired into the star rating system, but we don't have the data to show us whether that's true or hopefully not true. There's an emerging body of work that shows that tncs contribute to congestion as passengers migrate from public transportation to private transportation. And while tncs provide some flexibility to drivers, they also use a variety of behavioral nudges to get drivers to drive when and where they want and that amounts to a defacto scheduling system. The companies have at the same time vigorously resisted on one hand treating their workers as employees and paying their taxes and covering them under labor standards, and on the other hand negotiating with their drivers over terms and conditions of employment. Tnc drivers as I'm sure you know have complained in a variety of forums,

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have staged strikes, a brief boycott campaign talking about their pay union lateral changes in pay, unlawful deductions, unfair deactivations and on and on. While Seattle and New York are also exploring options, I think Portland has an opportunity to dig deeper into the impact of tncs on drivers and on communities. You have deep city knowledge about how the transportation network companies work and the implications of the rise of tncs. You have broad authority to act and I understand Portland like other cities is grappling with issues around inequality. The access to technology for all your residents. So that's where we applaud this resolution. In particular its focus on developing a new oversight committee that includes drivers' voices that focus on things like wage disputes and transparent accountability and equitable dispute resolution. I'm reminded of a saying in my house if drivers are not at the table then they risk being on the menu. So, I really applaud bringing drivers to the table to have a say in what the standards are. Finally, tncs generate and use a broad variety of data and I applaud your efforts to gather some of that data. In particular I notice the zip code level data that showed access throughout Portland. I understand that it's much more important to have much smaller areas to look at. That's why the pickup and drop-off data. As we all know zip codes are big. zip code level data covers a lot of different neighborhoods usually. So Portland can be a model for the country in how to create good jobs, equitable transit systems and in a way that brings together all of the stakeholders. I urge you to adopt the resolution.

**Fish:** Thank you very much. Mr. Christofferson, welcome.

**Owen Christofferson, Driver Uber and Lyft:** Good afternoon. Thank you, mayor, commissioners. I'm a Portland state student. I love the city. I started driving for both tncs in the fall of 2015 and it was a great way to balance work and school. I often have people tell me they wish they had had this opportunity when they were in school. I have driven tens of thousands of miles for them, given thousands of rides, worked snowstorms and holidays. I'm before you here today to say although those of us who drive enjoy some of the foremost technological information tncs have skirted labor protections many of which have been fought for over decades. We have the opportunity to give tnc workers a much-needed voice with this board. I also come before you to speak for the many drivers I have talked to who feel they will face retaliation from the companies for speaking up as this has happened in Seattle multiple times. We need a voice because we face a perilous work environment. Our earnings are erratic and often fall below minimum wage after driver expenses and between higher deductibles and liability we assume is significant. This can push us into poverty or homelessness in the event of a catastrophic event such as an accident. Lyft's insurance deductible is 2500. This is an outrage for low wage workers. I personally have known drivers who have had to wait up to nine months and file multiple claims with the insurance commission of Oregon just to get their vehicles fixed so they can start earning money again. A few months after I started driving uber and lyft cut rates with no warning. We have no guarantee of protection from future rate cuts so at a moment's notice we could be earning even less. We have no recourse in the event of an unfair deactivation or other grievance with the company. The tncs have unilateral authority to determine our ability to work and drivers have no ability to hold them accountable. As drivers we're exempt from federal labor laws including minimum wage, workers' compensation, unemployment insurance and the right to collectively bargain. Because of the extensive driver issues we need a way to hold these companies accountable. To protect our earnings, our safety, our liability and to make sure tncs work for everyone in Portland. This board will give us that voice. It will allow us as drivers and other members of the community to truly have a seat at the table when it comes to determining what tnc policy will be best for all Portlanders. I strongly encourage you to support creation of this board.

**Fritz:** I have a question. The deductible is 2500 even when there's a passenger in the car?

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**Christofferson:** Yes.

**Fritz:** Thank you. That's interesting information.

**Fish:** Miss smith, your testimony was very compelling to me. Do you have that electronically? Could I ask you to send it?

**Smith:** I did type it up. I'm happy to send it to you.

**Fish:** That will be great. Thank you very much.

**Saltzman:** Thank you all. That's the invited testimony.

**Wheeler:** Now is public testimony. How many people have signed up?

**Karla:** 21.

**Wheeler:** Good. Three minutes per person. Name for the record. When you see the yellow light come on that means you have 30 seconds left. When the red light comes on, that means your time is up. Please stop. Do not make me the microphone cop. I don't like doing that, so please when the red light comes on that is your queue to finish your testimony so that everybody else has their fair shot at it.

**Fritz:** Do you have written version of my amendment which is to resolution 519 which I have passed out? I now have it written out.

**Wheeler:** Thank you for that. As is tradition here if there are elected officials, people with small children, people with special needs, please find your way up to the council clerk and she will get you into the lineup sooner rather than later. First three, please.

**Darin Campbell:** I'm the state and local lobbyist for radio cab company. We met with you or a staff member in your office to show what battles the taxi industry and drivers are facing. Where we have a long list of requested code changes I would like to focus on just a couple and submit them into the record. Public safety should be the number one priority that means having the best possible policies in place. Having a background check system that works and is effective is imperative. In 2017 I wrote legislation for the legislature. During that process I had the ability to learn a lot about background checks. The idea of allowing a company to self-check and putting drivers into service for 30 days until the city verifies it is not only dangerous but has been tried by the Portland before and was decided then that it allowed too much opportunity to throw the wrong person to get through. We have already seen uber background check fail miserably. We know allowing the wrong person to be out serving the public in an environment where people are their most vulnerable is a mistake. The safety of the community cannot be played with and because a multibillion-dollar company needs to get drivers faster it should not be played with. I'm submitting a common-sense rewrite for the proposed code that will get the background check to a place that makes sense and clears drivers prior to their first interaction with the community that required fingerprint identity checks, a live scan system is available in at least 17 locations around the state. Many of them in Portland and something that PBOT can have installed in their offices. There's no reason not to do this right now. I do want to mention two other items that would have immediate impact on our ability to compete in a fair marketplace. Putting a cap on the number of vehicles a tnc can have operating at any given time on the app and placing a minimum on fair pricing. These would be supported by the taxi industry and drivers as well as tnc drivers looking for better working conditions 'you just heard. We can no longer allow drivers to work for pennies. Drivers are not able to make it and the city should not be standing by allowing this to happen. I'm here to answer any questions you may have regarding items in code. I have just touched on a couple of things I thought were most important, however we have many issues we would like to address and hope we will have more time to work with staff to accomplish these things, something we felt we have not been invited to the process nearly as much as some of our competitors. With that I will let my colleagues go.

**Wheeler:** Thank you, sir. Go ahead, sir.

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**Steve Entler, GM Radio Cab:** I'm Steve entler, general manager at radio cab. We have met with your staff or yourselves over the past number of months as he mentioned. My primary concern is the insurance aspect. It was one that was a great concern of yours roughly three years ago. I happened to bring along something that I wrote quite a long time ago. Has some bullet points. Basically, uber requires its drivers to have personal auto liability insurance. They lowered the bar in the code to reflect that same requirement to the taxi industry which made no sense whatsoever. Subsequently it got changed later on but some of the things didn't make any sense. The code has a requirement that uber and lyft must warn its drivers of their personal auto insurance may not be valid. Why doesn't the code simply require the drivers provide adequate and valid personal auto insurance? Why doesn't the code require acknowledgment from the personal auto insurance company authorizing the part-time commercial driving activities of its insured driver? Why doesn't the code address the problem of insurance coverage confusion caused by vehicles providing service for uber and lyft at the same time? Why doesn't the code require the commercial insurance information carried by uber and lyft be presented at the scene of an accident rather than allowing uber a and lyft drivers to show their personal auto insurance, as ow happens most of the time. It's highly unfair and passes off a lot of the cost to other personal auto insurance. There is a city council meeting in august of 2015, a lot of the commissioners were very concerned about the inadequate coverage provided by uber at that time. And commissioner Novick back then, he went so far as to put uber on notice that it would have to secure a higher limit of coverage for period one. Never happened. As a matter of fact, as I scan through the code, nothing has happened. There is no changes to any of the code to any of the revisions presented to you. We have provided a number of items that could be included, but we've been largely ignored by the bureau.

**Noah Ernst, Superintendent Radio Cab:** I am the superintendent at radio cab. I have Deja vu testifying before you. Three years I testified twice from the city council to comment in part upon how we could not get meetings with PBOT. We couldn't get our voice heard. And here I am again today listening as I did three years ago to uber and lyft talk about how extensively they have worked with the Portland bureau of transportation, and how open the Portland bureau of transportation has been to them, and we have emails going back, Mr. Entler and myself, a year from PBOT promising to meet with us to discuss the proposed code changes and the meetings have never happened. In fact, when you asked Mr. Williams about what input the taxi industry has, he said well, they could testify at the advisory committee. That's a big difference between being asked to testify at the advisory committee meeting and having extensive meetings and contacts with PBOT. You can tell all you need to know by the fact that uber and lyft were invited to testify with no time restrictions, and yet the taxi industry has to run on the clock. Additionally, you can tell all the influence the taxi industry has when Mr. Williams told you the committee rejected the code changes based on the invite of the taxi representative, but he thinks you should do them anyway and they are part of the code changes. We go nothing. I am here to talk to you about the fee structure, one of the things that the advisory committee tabled. While we do sometimes have said, or that the 50-cent ride fee was a handout to uber so they would not have to pay the per vehicle fee, and the per, the permitting fee, to put those fees on just the taxi industry is inherently unfair. You create a barrier into taxi driving for drivers, and by forcing them to come up with money up front that they would not have to come up with, if they drove for tnc. And it shifts the burden of Paying fees to the drivers from the public who can least afford it. Our company is surviving. Our drivers are dying. They are going broke. They are leaving the industry. And if you are not going to do anything, to protect the income of the driver such as reducing the number of vehicles or setting minimum rates, at least don't create a barrier to entry and additional fees on them. I also would ask the council to reject the changes related to driver training. While it makes sense

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for PBOT to request a particular training before issuing or renewing a permit, putting out training things willy nilly any time during the year and threatening to revoke people's livelihoods if they don't comply, is inherently unfair. And it creates, again, additional burdens on the drivers.

**Wheeler:** Thank you, all three of you. Next three. Good afternoon. Would you like to start?

**Ilene Brown:** Sure. I am the tnc driver on the private for hire advisory committee, so obviously I speak to a lot of drivers. And I have since 2014 when we first came to Portland. I mostly drive for uber. I started driving because I was stuck on a street corner at 4:00 in the morning waiting for a taxi, not the taxi's fault, they were just overwhelmed. Today I drive in my spare time, I run a warehouse that employs contract drivers. I would like you to take a look at it. I would try to speak to commissioner Fish on the radio. I understand your concerns about a driver board. I don't think that, in a community, you realize how many contract drivers are on the road every day doing thousands of different chores. Every name on that, and that is just a minuscule list compared to what's out there. Those, those - that many companies are using contract drivers every day to employ goods and services around this community. There is no concern for them. We only are having this conversation about tnc drivers. I am not sure why that is. But I know in my industry, who employs some of those people, we don't need a driver board. We need better conversations with our companies that we are contracted with. I have had several problems with uber over the years. I went right to uber and had my problem solved. I don't know that spending, especially ride fee money on the board is going to solve any of those problems, and I don't need, no offense to the afl-cio, I don't need them to speak for me. I can speak for myself, just like I am sure all of you are. Don't have a board to address your concerns with your employers. I don't think that that's a necessary thing to spend the money on. I would rather see it go to accessibility. My personal story getting the opportunity to drive in Portland today I mostly drive at night because I feel that driving people who are intoxicated or impaired is a great reward to me, and in the beginning of this, the people that got in my car would say, you know, if it wasn't for you we would have pushed the envelope. We have driven drunk, we would drive drunk. We might not go out or spend any money in the community. Today I never hear that. Today so many people would shame their friends, to think of doing something like that. I feel good about what I am doing in this community, and how many people we have helped keep the drunk driving rates down, reliable rides. I think that let's take that money and spend it for something a little more useful than trying to have a communication that is not really necessary. We should be communicating with uber and lyft.

**Fish:** If I could, we were on the radio together, and today you have confirmed what I thought yesterday, which is you are a terrific advocate for your point of view. I appreciate your comments yesterday and appreciate you live today.

**Brown:** Ditto.

**Fish:** I thank you for this list. This is not the place to air the argument, but I would just say that where there may be -- the heart of the disagreement that we may have is that in our community, we have people that we acknowledge are clearly Employees. I made that comment yesterday about the host of the show. He's clearly an employee. Sort of reviewed the downtime all the recourse that he has to administrative agencies and to legal process it all kinds of things. As an employee, he has a host of protections. And contract employees, we understand what the [inaudible] rules are. What strikes me is that tnc drivers, essentially, are in limbo. Depending on who you ask, and in the state of Oregon it would depend on whether you asked the labor commissioner, the legislature or a court, there is a wide range of opinions about whether they are employees or independent contractors. Because that status is therefore unclear, I am persuaded that, at least on a transitional basis, that we should have a place, a forum, a venue where people can be

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heard because it's not entirely clear that they have any other place to go. I am not here to score points with you. You are terrific on the radio and you are better live but that is one of the concerns that I have is that I believe uniquely this category of workers falls between the cracks. You are right, should not depend on who you go ask, whether you are an employee or independent contractor, but no one has decided that question. So as long as they are in legal limbo, I think that there should be a place to go to get justice. And that's why I am persuaded.

**Brown:** I think myself and all the drivers I speak to don't feel like that. We feel like independent contractors and we are comfortable with that. The drivers we employ at my company like Umpqua bank, uses independent contractor drivers to move their mail around is a perfect example or ohsu for specimens, those are all independent contractors, and are happy with the way things are going. I love driving uber and lyft and working in that other field that also employs contract drivers. I have never felt the need that I had to go to a board or

**Fish:** If we establish the board and set this up, it will not compel you to come before us. You are -- you won't have the capacity, the capacity to deal with over 10,000 complaints, so it's nice to know that someone is satisfied. We heard from a lot of people that feel like they would have to have a voice, and this is an imperfect solution, but it is an option. Hats off to you for your advocacy.

**Wheeler:** Good afternoon.

**Katy Kost:** My name is Katie cost, and I was born and raised right here in Gresham. I've been working in downtown Portland for the last 10 years doing hotel accounting. 2.5 years ago, my best friend who lives in New York finally set her wedding date. Well, I needed to raise quick cash to get the money to fly out There. So, I went to Facebook and asked how can I quickly earn about 1,000? In order to cover for the expenses? My friend max said that I think he would be a great uber driver. You are personable. Love your city, and you know it well. So, I signed up. Within a month I had enough to travel out to go to the wedding. So, I am here today in order to voice how I have not had any of the issues I have heard about. I am here because I love driving for uber. About a, a month and a half after starting driving for uber my husband lost his job, so I was like all right. I will step up my game. I signed up for lyft. Things have been running smoothly ever since. So, I drive for both companies to this day. After about six or eight months of driving for both companies, the radio in my car went out. So, I went in to trade in my car. And get a new one. I decided to go with a fully electric option so now not only am I driving part-time for lyft and uber while maintaining my hotel accounting job, but I drive a fully electric vehicle with zero emissions. I am very happy and proud to be an uber advocate, and I love talking about the electric vehicle aspect of it. And the fact that I have none of those additional charges and very low maintenance, means more money in my pock for every trip that I do.

**Wheeler:** Thank you.

**Adam Hernandez:** Good afternoon mayor and commissioners. I am Adam Hernandez. I drive for both uber and lyft. I am grateful that I am able to do so because I lost my job a year ago. This is to support my family. So, I am grateful. That being said, there is some things that I feel that we do need where we can be heard. Mainly because the things that -- I don't feel that there is a place that, unless we're talking about right now, the representative back there, that can actually hear and make a difference, that's how I feel for both companies. But the bottom line is that we don't make \$18 an hour, I think it's more like \$15/hour. If we were making just to get ahead and pay debt, then its okay I will be able to work hard and make the money I need to pay my debt. What happens when you lose your job and you need a steadier income? You can't be working 12 hours a day, 7 days a week to be able to survive is not possible. We are expected to do so and its not reasonable. Human beings are not supposed to sit in a car 10-12 hours a day to make

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\$7.5/hour. I wish there was a place where I can go and voice myself. Commissioner Fish asked a question and it was very interesting to hear that the need to actually how many people take the ride. Commissioner I can guarantee you, unless it's a shared ride, which accounts for only like maybe less than 5% of the ride, in the city, including the airport, the companies don't know how many. We can have four people or three or two or one, and mostly 95%, I would say, just one person in the car. It's cheaper to ride our cars than to take a max for four people going from one bar to the other downtown Portland. They share the ride. That's the only sharing that they do, young people, having fun.

**Wheeler:** Good afternoon. Wow like to start for us, please?

**Gail Larson:** I am Gayle Larson, a driver for uber. I appreciate the time to share. I want to mention something from the actual end customer perspective. I gave a ride to an elderly gentleman last month. Picked him up at Fred Meyer, taking him to a residence. During course of the ride he commented quite enthusiastically how pro uber he was. It was a great service. He had lost his license four months earlier due to his advancing age. He was so thankful for a service easy to use and he could afford. He said you show up in five or ten minutes, and unlike previous transportation services, he had used in the past, it was very dependable for him. When I dropped him off at the residence he brought a tear to my eye. He said my wife of 67 years is in this adult care facility. She's been here for six years bedridden. The best part of every day is when I get to come here, and kiss her and hug her. Of course, brought a tear to my eye, but after the fact I felt so good when I left that rider because I knew that he had a service that enabled him to see his wife of 67 years every day. I wanted to share that with you. As you make these decisions and regulations and such, and you have heard from drivers and taxi companies and the representatives from uber and lyft. You also think about the end user. I agree with the woman who talked about drunk drivers. I have three adult drivers who Regularly use ride share so they can go out on the town and have a cocktail and not have to worry. I experience it with the people I pick up, so I think it greatly benefits society to have that kind of a service available. That gentleman's story, I really wanted to share because there is a lot of people who have not only appreciated this service but have become dependent on it. It makes me feel good -- I wish that I could show you the notes that riders had left on my profile, that are just fantastic. That speak to a lot of perspectives. My time is almost up. I am happy to see the council is interested in making sure safety and all the concerns that have been addressed here today, but don't forget the end user, the customer. Let's not make it hard for them to take advantage of a good thing. To our city.

**Wheeler:** Thank you for your testimony. It's great testimony. If you ever have the privilege of picking up that gentleman again, can you please write down some of his tips for keeping a marriage like that for 67 years. That would have been the first question.

**Larson:** My thought is, that is love. If I could find somebody to love me like that man did, I would get married again.

**Wheeler:** He's a jewel. Thank you for sharing that story.

**John Orr:** I am John Orr, a radio cab driver, been doing it four years. Mayor and commissioner, thanks for having me up here to talk. A couple quick points. First, I was a little bit frustrated hearing the head of PBOT repeat uber and lyft's talking points. Talking about how great they are for providing jobs for the city. I am not sure if she has heard the famous Travis Calinek quote, the former ceo of ewinger who talked about how eager he was to get rid of the other dude in the car. Both of those companies are investing in driverless vehicle technology so I feel like proponents are touting how they provide jobs for people, you know, that's really not an argument that is going to be around much longer. At least as far as their investment is, if their investment is any indicator of that. Quickly on the city spending the money they are taking in on training programs. A lot of the people I drive with I've been at it four years. A lot of people I drive with have been doing decades. I feel

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that the time on the road, knowledge of the city is the best training and the company's need to be in charge of their own training and that's what the companies differentiate themselves, one thing that does, I feel like this is subsidizing uber's high turnover and need for training new drivers. That's their responsibility. Uber and Lyft, to train their new drivers. What I have come up to talk about has been touched on. We just want an equal playing field. Insurance background checks. Safety issues. That creates the caps, response time issues have been mentioned. I think someone from travel Portland was discussing the improvement of the service. That's not necessarily... this is not a controlled experiment. We did not see what would happen if we tripled the cap or, you know, increased the number of vehicles, 10 or 100 or however many folds that we did. We introduced tncs and we have 10,000 vehicles instead of 500. So, we can't say that that's tncs. We could just as easily say that's the result of having as many vehicles on the road as we do. I think uber and cab drivers briefly to wrap up, have a lot of the same concerns. It is our ability to make a living doing this. Setting caps and setting pricing would accomplish this. Merriam Webster law dictionary describes this as the practice of pricing goods below cost and incurring a loss in order to reduce or eliminate competition. So, your local cab companies might not invent the next great app, but we do strive to set ourselves apart and serve our customers and have customers choose us by doing what we do well. If we can't do that, if the playing field is not equal, and I wish that I had more time because this wheelchair program fundamentally is adding to that. The fact that uber customers can use their app but my customers Ordering a wheelchair accessible cab cannot call radio cab is a huge flaw. I cannot say enough how unfair that that is. That is part of our customer service call us and not the city. And by taking that out of our control, the experience that our customers get when they speak with our staff versus yours, that is fundamentally skewing the playing field.

**Wheeler:** Thank you for that input. Appreciate it.

**Orr:** I apologize for going over.

**Wheeler:** I was curious -- I would have asked a follow-up question anyway. Thank you. And welcome.

**Kat Entler, Radio Cab:** You took up all my time.

**Orr:** I am sorry.

**Wheeler:** You get your own time.

**Entler:** I am just teasing anyway. I am radio cab company. I work for radio cab company for approximately 30 years now, and the drivers at radio cab are my family. We all love each other and do things to help each other. We also are owner operated. It started out with the vets from world war ii, you know, forming this company. Now we have drivers that are homeless. We have drivers that are living in shelters. Some even have some tarps. It's just because we're so overwhelmed with between, you know, 15 and 20,000, which is probably a more accurate number of ubers on the street. And you know, and it's not really the drivers. It's, you know, because, I mean, being here is just knowing that they are not making any money, either. So there has to be a way to fix this so that everybody can survive. We used to be able to, you know, to put our kids through school and to do all that stuff, and we cannot do that now. In fact sometimes food is a little scarce. Several drivers that have food stamps now. And, you know, as far as the insurance goes, you know, commercial insurance, so that when there is an accident, everything happens the way that it is supposed to. It's a safety measure. By the way, I left my notes so I don't mean to be jumping around. And the biggest thing of all is the public safety. Please, please, don't let a driver go on the streets until they have a, a proper background check. I don't know if anybody you know, seen on megyn kelly a couple weeks ago, a room full of women that were terrorized by uber drivers. I just think that would be such a poor thing, and that would leave, I guess, whoever made the decision responsible for somebody, you know, being

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heard. And of course, the roads, another thing, you know, by the time that I get to work I am doing this. Because they are so bad. I mean, I am shaken because there is so many holes. And with the extra 10 cents, you know, per gallon on the gas, I have not really seen much happen in a year and a half. And also, you know, because we're required, and I guess we're not required any more, it's not to, to, you know, too bad of an idea for uber and lyft to maybe get their own accessible vehicles.

**Wheeler:** Thank you for your testimony. Thank you all.

**Entler:** Thank you.

**Wheeler:** Next three

**Wheeler:** Good afternoon. Would you like to start?

**Scott Burege:** Sure.

**Wheeler:** Thank you.

**Burge:** Thank you. Commissioners. I am Scott Burge. I don't live in the city of Portland, I am the mayor of the city of Scappoose. I didn't feel my elected position should get me to the front of the line. I am happy to wait in line.

**Wheeler:** I appreciate that.

**Burge:** I've been an uber lyft driver in the Portland area and the greater metro area since it is not just Portland where we drive for the past two years. I do it as a supplement to other income, but it gives me the flexibility to get paid what I paid you to speak at the lamay conference a few years back, zero, because most mayors don't get paid anything. If you would like to double my income, please.

**Fish:** The last I checked, there is something like two or three mayors in the state of Oregon that are paid a full-time salary.

**Burge:** Most of the small town mayors are either a small stipend or a volunteer offer.

**Fish:** My guess is that your job is a full-time job as mayor.

**Burge:** Well, we have a city manager, but I do, you know, I go 28, 25 hours a week, where you are in meetings, discussing policy that's going to come up. The same things that you do in your office, but we're doing it as a volunteer basis.

**Fish:** How would you grade us as a deliberative body?

**Burge:** I didn't know if there was a signal when we were supposed to start chanting or how that worked. I really did, you know, running meetings, I really do like the thumbs up and thumb's down as people are commenting because it's interesting in a way that people can express themselves without trying to shout you down and get, and interfere. I think that's a concern that we all have in meetings. And this is going to cause me run over.

**Fish:** Karla stopped your time 15 seconds ago.

**Burge:** Okay.

**Fish:** As a courtesy.

**Burge:** Thank you. I would think that, and I have had some initial conversations with other mayors that I know because we all know each other, but I think that some of us would like to have a greater look at, I mean, city of Portland regulations are going to impact uber drivers that are out in Scappoose because they have to get certified through here or out in Beaverton or Tigard or the surrounding areas. So, any regulations that the city of Portland passes is going to have a wider impact, whether it's intended or not. I think sometimes we would just like to have a voice in what those impacts are going to be because we don't a, small towns like Scappoose don't have the capacity to do what PBOT has. But we also, you know, we might recognize that we like the fact that, or I like the fact it is self-regulated and every person that gets in my car rates me. Every person that gets in my car I rate, or at least the person ordered the ride. So, there is kind of a dual rating system that says, I am doing a good job. Or that rider is kind of sketchy, and we can see that and have active conversations by drivers are, there is riders that if they have too low of a rating they will not get picked up. They will just not take that ride because they are not seen as good riders.

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Either they are causing problems or whatnot, so for me, I like that type of self-regulation where we're self-set up and it's a high threshold, 4.6 is below that a driver can be deactivated. You have to be on your game and provide a good service. The income side, from my estimates, I also sell insurance, so I have got contracts with every insurance company, and two tnc companies you know, all of them have ways for me to work through the companies. I look at the income, and I am making plenty of money, and more than, I think, more than 18 after my expenses. And I have a high, a good car. I am running out of time. But I would think that and on the tnc board, I would think that maybe adding, adding a few people to your current advisory board, it sounds like a couple more taxi, maybe another driver taxi representative, another company and on the other side maybe a driver or two you know, some sort of -- I don't know if we need a wage board. I am not comfortable with that. I want to be an independent contractor, not an employee. I accept the -- there is a contract of adhesion and they give me the contract and I accept it or not. I don't want to accept -- I want to be that independent because I enjoy the advantages of that. I choose my hours, I choose when I can.

**Wheeler:** Thanks, mayor, thank you for being here. Good afternoon.

**Amanda Rain:** Thank you mayor and commissioners. So I love Portland. Our city is very special. I appreciate it in so many ways, and we are experiencing and have been experiencing growing pains. My hope is that the council sees ride sharing as part of the solution to those growing pains and there can be those creative solutions, those innovative solutions that the disruption that the technology is having in our world that is going to continue not just with ride sharing but many aspects of our lives that we are not aware of, that they can continue to have that innovative, creative solution mindset. I am an independent contractor. As an employee that requires a Certain dedication to the employer. When I am an employee of a company I have to be dedicated to that employer. I have to show up on-time and work my schedule and have a commitment there. With lyft I have no obligation to lyft. I have an obligation to the passengers, for safety. I have an obligation to myself to be a wise businesswoman, an obligation in the work I do in the, and the integrity I show up in but in terms of lyft I have no commitment to turn on that app or turn off that app at any time. I am completely independent in that way. And I actually need that. I am an independent businesswoman, an entrepreneur, and my commitment is to bring forward effective communication skills to help people have healthier relationships, the first time I made this jump when, soon after I moved to Portland almost six years ago I fell flat on my face. I ended up houseless, was a privileged houseless person, in that I had a minivan, right. I had friends who looked out for me. But outside of that, right now I am -- lyft is how I am making my life work in terms of having the foundations covered so that way I can be the entrepreneur I need to be, be available for my clients that I am slowly building, and doing the work that I am here to do in this world, and it is my life's demand, like there is a demand on me right now that I do this Work and bring this forward for whatever impact that I can somewhere, and lyft is an integral piece. If I were to become an employee of lyft my freedom to be on and off when I need to be on and off is going to be dissipated or diminished or gone. And for me that's terrifying because I do not want to end up houseless again, and I have to -- once I turn 40, none of my birthdays had an impact but when I turned 40 I was like, it's now or not. I have to bring my gift forward and if I don't I will not be able to die happy so I am on a mission of dying happy. With that, I do want to add that lyft has an advisory council local specific to Portland that they are currently forming, and I have applied to that. They have had so much demand that they have taken extra time to make their selections so just so you know there is an outlet that's happening where it is going to be at least a couple times a month there will be cafe sessions where drivers can come in and have their voices heard. Lyft is a strong partner. So the solutions needed we can totally create those.

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**Wheeler:** Thank you for your testimony.

**Fritz:** Can you give us your name?

**Rain:** Amanda rain.

**Wheeler:** Thank you, both of you. Thanks mayor. Next three.

**Tory Powell:** I am torri powell, proud to be a lyft driver here in Portland, and I started drive For lyft back in July of 2015, and the reason I start was because I needed some how to find that opportunity to allow me to go to school and completely support my family as the sole provider and actually have that time to spend time with my family while doing so. I am also a very proud veteran. Many have a difficult time transitioning into the civilian lifestyle once they come off active duty. A lot of these veterans end up going from one job to the next and sometimes weeks and sometimes months, and it takes them a while to get on their feet. And one thing I love about lyft is that it, actually, affords these veterans a chance to support their families, without having the pressures of finding and keeping a conventional or regular job. They can work whenever they want to, whenever they need to. And as much or as little as they can. If they are having a bad day and they cannot be around people for whatever reason they don't have to work and there is no consequences before that. Now this gives them the ability to slowly transition and gives them the independence and empowerment they need. One of my favorite experiences was lyft came around thanksgiving two years ago, there was a navy ship for repairs which means the sailors cannot leave the area and are stuck on the ship for the duration. I worked with one of the chiefs to put on and adopt a sailor Event where members of the community came on Thanksgiving Day and picked up a sailor and took them home for a family experience, home cooked meal. And the -- I reached out to some of the veteran groups here in town and also the lyft Facebook page, and I had more volunteers and more people in the community than I had sailors to go around. Which was absolutely a phenomenal problem to have. In addition to this, I was talking to one of the sailors that I was giving a ride to and found that there were no real good options for getting off swan island. Everybody once in a while car to go would be available. The busing system, the times were varied, and they were far apart, so lyft and uber were the main options. They were getting really expensive. So, I talked with Lauren here at the lyft office, and she gave me a code right away and gave these, or these passengers a 50, 60% discount on their rides in and out of swan island. So the fact that they were so willing and eager to give back was amazing. For the record, say drive about 50, 55 hours a week. And I just did the math before I came up here, and I am averaging before expenses about 26, 27 an hour. Thank you, commissioner and mayor.

**Wheeler:** And thank you for your testimony and thank you for your thoughtfulness in terms of servicemen and women. That's greatly appreciated, and I am glad so many responded. Commissioner Fritz.

**Fritz:** When lyft gets a code, does that mean that the driver gets less?

**Powell:** Absolutely not. As a driver any code, any discounts that a passenger may have, as a driver I am not aware of it. It does not affect my pay whatsoever.

**Fritz:** Doesn't your pay represent what they pay?

**Powell:** The pay is based off the ride itself so we lyft and uber both, how they operate is that they will give me a bill, and that breakdown is for a normal ride, if it's a primetime or a surge rating they will also take that into effect. Now if the passenger has a discount, that's on the passenger's receipt, not on -- does not reflect on what I make.

**Fritz:** Thank you.

**Wheeler:** Very good. Would you like to go next, please?

**Guy Auken:** Good afternoon. I am guy auken. I am a proud uber driver. I just want to say that uber is -- I take ownership in uber. Uber is my company. I run it like it's my company, my business. If I look familiar to commissioner Fritz, Saltzman, and Fish, I was here three

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years ago testifying for my company, uber. There is -- I am also a flight attendant for a local airline here. I've been here for pushing 20 years. And uber gives me the opportunity, well, let me go back a bit. I am just -- kind of getting burned out with the airline job, and so now I just work there part-time. And because of uber and the flexibility of uber, it supplements my income. And I love it. It's awesome. There are a couple things that I do want to cover here. The number one thing, and I am not kind of mentioning this, I would actually like to see these numbers. I have asked before. I don't know where to get them. But I want to see the drunk driving numbers before and after my company has come into Portland. I would like to see those numbers. See if they have gone down. Someone testified nationally but I want to see them in Portland. I want to see the crashes. The drunk driving deaths and arrests. And now I know on the arrests, Portland police is very shorthanded, so it might be off but gives us an idea, and I am requesting, I would like to see those, so maybe if I could call your office,.

**Fritz:** That's in my notes to ask for so I agree and I want to see those numbers.

**Auker:** Good, I am glad. One other thing that I would like to mention, I would like to cover is the congestion in Portland. I just get a feeling that they are trying to throw my company under the bus and blame us for all of the congestion in Portland. It is stupid. I mean, let's look at everyone who is moving into our great city here. That's why we have the congestion. Okay. So that really bothers me that they are going to blame my company, and lyft, for that. That's ludicrous. It's dumb. One other thing that I would like to mention here is people, we have a big convention business here in Portland. People come to the convention center, and I am, and a lot of people get into my car, and they say that the reason that they pick Portland, one of the reasons, major reasons, is because my company is here. Tnc is here. And that's why they pick it so that the economic value of that is really great.

**Fish:** Can I ask you a question? I appreciated you were here three years ago. You won't be offended if most of us say we don't recognize but that's probably because we had 10,000 people come since.

**Saltzman:** I remember you.

**Auker:** Thank you.

**Fish:** That's why dan is a successful politician of 25 years. He recognizes you, probably had you over for thanksgiving. But I just -- I am having trouble reconciling some of the testimony we're getting here today to the actual issue that's before us. So I just want to step back for a second and just, just hit the timeout button because you are free to testify about anything That you want. We are glad you are here. What's before us is an ordinance that proposes to make some improvements to the code, which have been reviewed by an oversight body over which there is some disagreement about whether we need some of it or have gone far enough. That's one piece. Seems to me reasonable people can agree or disagree about those changes. The city is proposing to more aggressively review the, what is it called, the driver --

**Auker:** Background checks?

**Fish:** Background checks. The city is going to take a second look at background checks. It seems to me one could argue that, you may do that as redundant but if the city wants to do that I see no harm. There is a couple of resolutions directing bureau staff to collect data and information to inform a subsequent discussion about possible policy. So in light of that, which is what is before us, your testimony, and a few other people who testified, in my mind, as I listen to it, it sounds like someone has told you that the city is thinking of revoking the regulatory agreement with uber and lyft. Have you been told that that's a possibly?

**Auker:** No. Absolutely not. No.

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**Fish:** So okay, so that's, and that's -- that's not my understanding. That's not on the table. I found nothing, no reference to That in any of the matters before us. So I just, for the benefit of people who are going to be testifying subsequently, and it's wonderful to hear good stories, sir. You were in my office the other day, and I wish you had told the story about matching service people with families on thanksgiving. That blew me away. But those are very wonderful stories. I applaud people for the choice that is they make, and we are hearing different versions of different stories about whether people like to work for tncs or not. Cab companies for three years have had some of the same concerns that I share. But the matter before us is whether we're going to make some code changes and direct staff to do some further fact-finding. And I just want to be clear. It's not my understanding that we are here to debate whether uber and lyft are continuing to operate in our city. That question was decided over my objection. And it seems to me the case has been made. And I don't see any circumstances in your term where that's going to change, but it is helpful to me as a policy-maker to have testimony that addresses the question that's before us. Rather than renewing the case as to whether tncs should be allowed in, and that decision has been made, and I think it's more helpful to hear about the specific matters before us and Why you either agree or disagree with what's being proposed or, in your case, I think you are saying that we should not bother collecting the data in these things but the council could like to make an informed decision, and that's why I think that commissioner Saltzman's proposal that we wait six months, get good data, and then make a policy decision makes sense. I think we do our best work when we have more information.

**Auker:** Can I just say one thing, I promise it will take five seconds, maybe ten. Nothing should be changed. I think it works like a well-oiled machine. It works great. Don't change it. Nothing should be changed.

**Fish:** Fair enough.

**Wheeler:** Thank you. Good afternoon.

**Jeanette Thibert:** Good afternoon. Mayor, congratulations. I have not been before you since you have come in. Thank you, commissioners. I am Jeanette Seibert. Up until a year and a half ago I drove a wheelchair accessible taxicab. I am here independent of any company coming before you. I will say this, I have had the privilege to sit in on more than a majority of the for-hire transportation subcommittee. Or committee here. Process. So, I have witnessed quite a bit the last three years. I am going to hit a number of small topics, and then at the end I am going to give you a solution. But through the course of listening today, I have added a few notes to what I want to say. I would like to -- I do support the caps on tncs, the safe background provisions, and the insurance and the pricing issues. During Campbell Steve antler brought up. I am not going to -- beyond that I will not go there. I am going to ask you to take a look at a broader vision of things that connects the dots to the detail of what is happening. We had a, a couple of large corporations, venture capital by a too big to fail bank that came into this town and told elected officials just exactly how they were going to operate, and a lot of regulations have shifted. I am asking you to take a look at who is being marginalized here. Uber and lyft could have supported all of our communities, but they balked at the wave vehicles -- they still aren't providing service to people who don't have conventional banking. That's one. Now in this regulation, it is going to tie a cab driver's ability to bank with whom they choose to. And I think that, that it affects their ability to be independent contractors. It takes one more element of what it is to be an independent contractor, takes that out. Let me say this, in -- and I would be happy to explain that in a little more detail. Commissioner a couple.

**Wheeler:** Why don't you take 20 more seconds, you had A broader idea, and I would like to hear what your idea is.

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**Thibert:** Commissioner eudaly, I think the question is, when exactly, how many months was the taxi rep seat on the private for hire committee vacant? And exactly when was it filled? And basically, how much business took place while there was no representative at the table? Okay. How many times was it convenient to shush down the peanut crowd or gallery in the back of the room, okay. Because we were not part of the table. We might have had 20 or 30 years worth of experience. We might have had ideas or simple solutions. But Robert's rules of orders ran supreme. Let's get this meeting over by 5:00. I think that that was part of what people were experiencing. As far as my personal concern is gps coordinates versus, and how, and one of my personal concerns is, how data is dealt with by the city. And will the city be telling passengers, or will the city officials be telling the community at large that you are gathering our data? Because you have been. And when there are buildings in this town that deal specifically with one medical issue or another, and some of those buildings take an entire city block. I am thinking of the cancer treatment facility over the Broadway bridge, okay. Heaven forbid I be thinking of some of cap's or an aids Facility. When you want exact longitude and latitude data, is that a violation of hipa? And I certainly don't want to give you my data. So is there an opt-out for me?

**Wheeler:** Commissioner Fritz had a couple of questions.

**Thibert:** This would be my solution. How many of you can read the number at the bottom? This is about trade dress. This is a symbol. Taxicabs are required to have on two sides of the vehicle. One of three options. The word taxi, taxicab, and cab. You choose. Has to be on both sides, and we know how big the letters are, okay. I will give you another opportunity. What's the number at the bottom? Better yet what's the word? What's the new symbol? Could I ask? The name can be put on the t-shirt. Why can't it be put on the decal? And why cannot the decal in Portland tell a pedestrian, a visitor, somebody else that the car behind them or near them, that this vehicle is registered in Portland, and has the appropriate insurance. Okay. So that the one on the other side of me in traffic that has this emblem and out of state plates, I noticed you are clear because they may not have the level of insurance. That somebody, that had gone through the full process in Portland would have to do.

**Fritz:** You said you drove a Van for wheelchair accessible up until a year and a half ago. The fee was supposed to help drivers like you. What happened?

**Thibert:** What fee? The 50 cents? That hasn't been implemented, that we're still talking about, that the wave service is still months from happening. Okay. You collected it. This is part of my question when I say look big picture, what I am asking you to do is to follow where the power and where the control went because so much of what is is going from -- it's the power from the city to the companies, okay, and it's not getting to the drivers.

**Fritz:** Is there a wheelchair driver, cab driver on the board? On the advisory committee?

**Thibert:** There is now, not a wheelchair, pardon me, a cab driver but not a wheelchair.

**Fritz:** Okay. Thank you very much. I appreciate you taking the time to come back.

**Wheeler:** Thank you all. Appreciate your testimony. I believe four more?

**Karla:** Seven.

**Wheeler:** Very good.

**Wheeler:** I don't want to lose my quorum, so we will be more tight with the three minutes. We really enjoyed the testimony today, folks. It has been fabulous. I hate to hold people to the three minutes but just given the hour we will have to do that. Good afternoon sir.

**Michael Harrington:** My name is Michael Harrington, an inventor, and we will keep this short. Driving statistics really quick in the city of Portland, fatalities are down to 38.8% from the 1982 figures. Okay. For drunk driving. Now at the same time, however, is hard alcohol sales since the 1980s has been dipping until recently where it is finally equalized to the 1980s. So, we're having more hard alcohol at the same time as we're having more Lyft rides. Less fatalities. This is not necessarily correlation. But it's indicative that there is a

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cause and effect going on somewhere. And it's probably lyft and uber, ride share vehicles involved. The affordability is a big deal for many of the drunks that I handle at night. And I do handle a lot of drunks. I stay out until 2:00 a.m. However, I want to get to some of the gps, as well. The problem that you are creating is one of security. Literally, if the largest financial institution in the united states that does our credit background checks can be hacked, the city of Portland can be hacked, too. The fbi has been hacked numerous times and the nsa. This data is information that has extreme value in the outside world. Collecting it induces risk. Risk to every citizen in the surrounding cities because you will be collecting data from rides that start outside of Portland and go into Portland and vice versa. I am the owner, I plan my rides, I plan where I am going. I plan every little bit of my business. At times I make really miserable money. The other times I make amazing amounts of money. Okay. From \$70 to \$350 in a day and the next, this is the kind of things that the businesses experience. My average, however, is 20 to 25, 20 in the slow season and 25 to 30 in midsummer. Okay. It's a business. Drivers need to go and find the areas that work, not everywhere is a business-efficient location. Every store knows that. Okay. We're not stores, but we have a connection to where the rides are currently at.

**Wheeler:** Thank you sir, appreciate it.

**Chris Holmquist:** I am Christopher Holmquist, born and raised here in Portland, yes. When I was shopping for insurance, I got ride share insurance. My insurance agent told me that I would not be declined. My claim would not be declined, and I would still have them. I will leave my business card if you want that. And I will be happy to give it to you. I am also a board member of the Oregon electric vehicle association. I am working with Katie to help develop uber electric. It's the first of its kind program. I drive an all-electric Nissan lyft. Driving these tires, in Portland, as a native, shows visitors that we were progressive thinking, forward-thinking communities. We are. When they see an electric vehicle on the platform, it is a sense of pride for our visitors, and I want to be able to say that our community supports the electric vehicles. For you to get rid of uber and lyft would mean that would show that we don't care. Plain and simple. I am grateful for the opportunity that uber and lyft, uber and lyft has given me to help to counsel other drivers on which cars to find for them, for the opportunity to educate other drivers and represent this progressive thinking place that I call home. And I am very proud to be a part of that.

**Wheeler:** Thank you. Appreciate you being here. Good afternoon.

**Orlando Lopez:** Good afternoon commissioners and mayor. I am Orlando Lopez. A quick response here of the comments made before. First of all, didn't uber have a breach in data and they failed to report it within days, weeks, or months? That was something that happened so, I mean, people's information is already at risk. I am Orlando Lopez, like I said before and I am a driver with lyft, driving for a while now, almost a year. And in the beginning I really enjoyed my job. I get to set my own hours, and I can turn off and turn on the app, and this is something that attracts a lot of drivers. What we are proposing is not going to change that. Also, they offer driving bonuses for meetings, meeting a number of rides given during week. But as time has gone on, like I am beginning to resent the fact that I don't get to voice any of the changes that lyft or uber makes. When I started driving for lyft they told me that they were only going to be taking 25% of ride fares, and that I would be keeping the remaining 75. This has not been the case because in addition to their 25%, they are adding a booking fee and increasing the booking fee without consulting drivers. When I started driving you only had to give 25 rides, 15 of which were given during peak hours to qualify for the first tier of bonuses. That number has increased to 45 rides, which 35 have to be given during the peak hours. Peak hours is essentially when people are going to work, coming back or during the weekends when people are out in the bars. This leads to strange schedules with little rest to achieve these bonuses. I talked to several drivers who have worked more than 56 hours to chase these bonuses. That was before

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the last increase. The lyft ceo released a statement discussing how he has been inspired by drivers who have been resourceful in trying to save on our cost to increase our profits and decided to invest by providing discounts on oil changes, coffee and refreshments, discount car rentals, bathrooms, extending the hub hours. These are things that providers provide to their employees, so like why do we have to wait so long to get these things? If lyft is really on our side, they would be increasing the rates as gas prices go up and consult the drivers for increasing booking fees on a whim. They would restore the rates they had before they reduce them in 2016. That has not been the case. You may be wondering why lyft, if lyft is so bad why am I driving with them? It is not easy to answer that question. More than anything it's because of the flexibility. What other job can you set your own hours that's very few? I did want to comment on something that commissioner Fritz talked about, about equity. I am really glad you brought that up because tnc is not equitable. The cheapest ride on lyft is \$7.80. And that does not matter if you are going one block, two, that's the cheapest ride. And then providing discounted fares during the holidays, that's not equitable. Typically, the people drink or have means to do so, not low-income folks. There are different ways to use Those resources equitably. I am a transit advocate, one of the things that others are using, Chicago is using that to give bus prioritization, it's the low-income folks who use buses and tncs are driving or taking the way, taking away drivers from buses, not like low income riders. Taking choice riders, those who have the means to pay tncs. What is going on is the congestion going on is causing people to be delayed, and therefore, they don't see them as a reliable option.

**Wheeler:** Thank you. Thank you both for your testimony. We appreciate it. Next three please.

Good afternoon. Sir, would you mind starting for us?

**Kirk Foster:** I am kirk foster. I have wapato source transport. I am kirk foster. We do emergency transportation, or non-emergency medical transportation. I just wanted to say I am glad the wave program, Nicolle and Jeanette already said most of what I had to say so I will cut it short. I am glad the program is starting to come online, commissioner Fritz in response to your statement about the fees, they have been charged for three years but the subsidy hasn't been going to anybody yet. That was the delay in getting the companies up and running. We are just talking about implementing it this summer. It hasn't started yet. We've been talking about this for at least eight, nine years trying to get this through. Last year was when we got to speak and make a case to get it to go. That's the reason for the delay. There are a lot of reasons drivers have gone off the road because of the delay. We got it going. The one concern that I do have, we won't, my company so I don't have a dog in this fight won't be participating inside program because we don't do these rides but I have a lot of customers that schedule rides that have expressed some concern that they don't want to have to call a central line, that they would rather call the for hire driver, which is not us so I don't have an argument for them. And since the tncs are allowed to work with their, or clients able to contact the tncs, I think that there should be some vehicle for people that would rather go with another company to contact those companies directly and rather, those companies now, if they have a direct communication, with their passengers will lose access to the fee or the subsidy. There should be thought. PBOT is looking at this as a pilot but as soon as it is done I think that's something that should be addressed closely. And that's about all that I had to say on the wave thing. I am -- I wanted to make sure when you collect, if you are going to collect the gps labeled data the city has to do a campaign to let the passengers know this is happening. Because that's very, as we Sensitive information, as Jeanette said. If they are going to medical appointments, a precise location falls under the federal privacy protections so that's something the city might need a lawyer to look at. The last thing is what Mr. Entler brought up, this is a side note, is the background checks and fingerprinting. Our industry is required by any transit

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authority to run fingerprint checks. What we found is they will not disclose what they find. Just give a thumbs up or down to the driver. We have one out of 50 drivers, I have run through the current background check system, come back with nothing, and the transportation authority says tri-met or that trans-link will say thumbs down, you cannot have this person, there is something that we found that does not show up in the city's background check process. It should be researched a bit.

**Wheeler:** Thank you. Good afternoon.

**Douglas Wright:** I am including wright. I've been a ride share driving for lyft and uber for six months. I do not support the idea that there needs to be a new city board to oversee the operations. I still haven't seen any substantial evidence that makes this necessary. In my experience. I see this as a full-time driver who did occasionally make minimum wage after expenses for a short time when I first started out. What happened I continued to do the job with the idea that I could make more money and over time I did, quite a bit, a lot more. Now I average 20 to 30 before taxes and expenses, which I say to the people that say that I make \$9 an hour or less, or minimum wage, after expenses that's garbage. To the people, so I find the idea of a need for a government mandate, a living wage ridiculous. Nothing could incentivize drivers to be worse more than a policy like this. If you think about it, what we need to do is leave the app on in an area that they know would be guaranteed not to get a ride and then let the money pour in. And you could put in safeguards against that like shut them off, but they could do it again. And there would be no way to prove it. That's a messy idea. When I hear the idea that ride share companies are exploiting people, I laugh at that. If the business is not working, the job is not a good fit, they should do something else. It is not considered as a last resort. You should not do this out of desperation but as you would any other job that you think you would be good at. There are a ton of opportunities in Portland and I have nothing to be, for anybody making complaints, you agreed to the terms of service. So, if you do narcs, you cannot complain about the terms and expect me as a driver to care. I don't. I want to make one other point About how we got here.

**Fish:** Does your view about terms of service and not complaining about them extend to consumers as well? Do you think consumers who get in a car and are subscribing to the terms waved their right to complain about those terms, from the driver's perspective?

**Wright:** From the passenger perspective?

**Fish:** Yeah. When a consumer gets in your car and agrees to a term of service, that waives all kinds of rights, mandates arbitration of disputes. Do you believe that's fair?

**Wright:** Is that the case?

**Fish:** You seem to be knowledgeable about the industry. You are not aware?

**Wright:** I am not an expert. I am just stating like how I feel about what I see happening.

**Fish:** You've been speaking on behalf of a lot of people and I appreciate that, but you seem to be an authority on the other drivers, I was going to give you an opportunity to ask, to answer the question of whether you think consumers who wave their rights by getting in your car are being well served by terms of service that, for example, mandate arbitration of any claim that they have, is that fair?

**Wright:** Yes, sure. If there is terms that are unfair, and people can respond to that.

**Fish:** What's the forum for a consumer to complain about a term of service? If a customer had that concern? What's the forum you recommend they go to, to express their Displeasure that they may have a claim of sexual violence involving a driver and disagree with being required to arbitrate that claim. Where would you send them in.

**Wright:** To the lyft or customer service where they have been 100% helpful with every situation I have encountered.

**Fish:** I am simply trying to make a very simple point here which is I think it is dangerous for us to generalize about the experiences of others beyond ourselves. I appreciate you have

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had a positive experience. But when I hear, and you are not alone, people come before there body and essentially say the claims of other drivers are invalid, and that they don't need to have a forum to have those issues addressed, it almost sounds like the taxpayer who says I am never going to have a fire so why do we have a fire bureau? Or the person who says, I am not litigious so why do we have a court system? Or maybe Zaza Gabor's husband say we love each other, we don't need a prenup. At what point do we take that to an extreme place?

**Wheeler:** I want to borrow that one.

**Fish:** From my point of view, I find it much more compelling to hear from people about how to make this body work for those who need it, not to have people lecture people, other people about their ability to have any of their claims. It seems to me, I appreciate your view that under no circumstances do you think that You would ever need an administrative body to resolve a claim. You are perfectly free to say that, and I appreciate that because with over 10,000 drivers we cannot adjudicate 10,000 claims a year. But how on earth does that address the fact that others may have a different view and what is the harm of having a forum where we can have a conversation and a transparent way about these kinds of claims? And if in the course of that we learn that there is a problem with the industry that we can fix, isn't that our job to protect the workers and consumers?

**Wright:** I think it's your job to demonstrate a substantial need, and I've been seeing that demonstrated, and uber and lyft haven't responded to it. I have not heard of any specific instance of them ignoring someone and stuff not happening. It seems like we are trying to come up with a bandaid for a wound that is being worked on by the ride share companies. It does not seem necessary to me.

**Fish:** I appreciate that, that to me sounds like we don't need to do it because there is already other recourse through the company or through the private for hire board. That's helpful testimony. That you believe that not that it's -- people don't have valid claims but you think that there might be other places that they can get relief. Absolutely. That sounds different than why are everyone complaining, and Why do we need a body to resolve their claims. I appreciate that.

**Wheeler:** You still have 37 seconds to testify.

**Wright:** The last thing that I wanted to make a point about was it's interesting, how we got here, talking about this, because when I first saw this with all the stories, we are claiming this was an impetus by drivers. I did a walk-by of the rally outside, and I noticed that over half the people were clearly not drivers. They had union shirts on and maybe union drivers, I don't know. It seemed like the majority of people were not drivers. And it was a small number. I heard a claim that there was ups of people that they talked to, but it seems weird.

**Wheeler:** Thank you.

**Dirk Warninghoff:** I am dirk [inaudible] and I am here to put to task about the PBOT rules, the 156-page revision poorly written by mark Williams and the handpicked committee. The committee that I was told last year I cannot be on because I was not an immigrant. The biggest concern that I have is the insurance requirements for all transportation. Do you know when you approved the tncs to come to this market in 2015 that not one insurance company in the state of Oregon offered them insurance for a year and a half until November or December. So that means that drivers with Oregon licenses did not have any insurance by anyone. And meanwhile without having this, they were able to put People at risk and you let the tncs get a grip hold since they did not have the same insurance requirements. So, people running around on 50,000 policy that may be null in void in case something happens doesn't seem right and I am here asking you to make a half million for everyone, none of this period one, two, three, baloney, make it happen. I have to pay that and so should they. The second issue to have in my humble opinion is that private for hire

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needs to have a permit issued by the city for everybody. Nine men are asking to talk to the ccos about better background checks, 100 uber drivers are accused of sexually assaulting u.s. Passengers in the past four years, at the state meeting when uber lyft tried to go around your back and pass statewide regulations they had lobbyists argue background checks was racist. Require a private for hire permit for all drivers. Tnc companies said that they would not surge price during a state of emergency yet during last year's snow storm with government brown declared a state of emergency they were surge pricing like crazy, a similar ride by radio cab ran 70, meanwhile an uber lyft it was 300. During the state of emergency, just like they said that they would not do. Tncs have a rating with the better business bureau, have them do higher insurance requirements, and yeah. Insurance requirements, better background checks. That will be awesome.

**Wheeler:** Thanks all Three of you for your testimony.

**Greg McCoy:** I am Greg McCoy, I drive for uber lyft. What I was going to say has been said previously. It seems like a bunch of, a bunch of people asking for a bunch of things, they want help for things that they are not willing to change themselves, comes from both sides, competition, could be some of the drivers. The issue about the background checks, I don't have a problem with. I do know a couple of felons that drive for taxis now, so I don't know how they got by. If it's an additional cost, I heard somebody wanting to know who is going to pay for that. From what I understand it's 3 million from the city's coffers from the fees they have gotten, nothing is being done with, can't they use that? If they decide to go along with this? Or can they use that to make a better stop for lyft and uber to pick up people getting off the max? Make some spaces for that? I hear about congestion, funeral processions congest traffic a lot, victims of drunk drivers. Everybody is concerned with the business end of it. This week's Willamette week, Portland's drunk history, we are a drinking town. Hard liquor sales are beer, 9%, 10% alcohol. People get drunk to wash away their troubles because they cannot buy houses and they hate their roommates, get drunk and go home. So, everybody is drinking day and Night. So, everybody needs to take a hard look at the bad drivers, taken -- taken off the road, the potential victims, you won't have a video of the potential victims because they are not victims. Somebody took uber or lyft home. So, I am sure that there was something else that I wanted to say oh, yeah, as far as, I worked for 20 years for fed-ex, and it was non-union, I am getting a precedent, early union organizing kind of going around, and getting that vibe. We did not need it. And as we said before, with the guy sitting here before, this seems to be a way to resolve the problems that come up with the passengers, passenger safety and all of that. From where I sit, there is -- they have got outlets. So, I don't know how much anything needs to be situated or set up to deal with that. So, thanks.

**Wheeler:** Very good. Thank you everybody who testified. We always appreciate it. Do we want to -- do you want the staff to come back up? Director treat? You and your team could come up, please. Commissioner Fritz?

**Fritz:** I asked you to, and you said you would get me the taxes for the cab taxi companies, what they paid since the tncs came into town so I would like to know that. I would like to know the dui stats, the year before, the tnc, and now, thank you. And I have a question about Background checks. Are you -- is the proposal to allow drivers and tncs to drive for 30 days before getting the check?

**Williams:** The proposal is to allow any company that chooses to run their own background checks to the drivers, rather an emt, taxi or tnc to get a permit, conditional permit up to 30 days. We anticipate that we will probably be able to screen those you know, rescreen, if you will, the background checks within a week.

**Fritz:** Okay. We just heard testimony that one in 50, when you do the fingerprint check, they get rejected, and that is relatively high in my opinion. So I know, I lost on this three years ago about having tnc drivers fingerprinted. I really think that needs to be looked at.

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Again, so I think that there may be opportunities to look for things as part of the ongoing study. On the resolution of 519, that sets the drivers, regulatory board commission, we heard testimony about tnc drivers having to drive extremely long hours, you know, and-or first thing in the morning and late at night in order to catch the peak periods. Could we add to the be it further resolved, you have the proposed list to create a new oversight body that focuses on the wage disputes, transparent accounting and equitable dispute resolution? Could we make that just be transparent accounting, comma, Driver safety comma and equitable resolution?

**Fish:** Are you working off of the original draft or my amendment? I think my amendment makes changes, can we use that?

**Fritz:** You are right.

**Fish:** Maybe after public safety?

**Fritz:** Yes. So driver safety, coma safety and reliability for passengers. I am concerned about drivers. And how, how we track. I know that we had in the regulations how many hours a day, and hours a week, and how do we track that? So, I think that that would be a good thing to do that.

**Wheeler:** Is that before we move off of that legal counsel, can that qualify as a friendly amendment?

**King:** Yes, commissioner Fritz, are you comfortable with that?

**Fish:** I consider it a friendly amendment. Do we say public and driver safety or public safety, comma safety? Either way I accept it as a friendly amendment.

**Fritz:** I would suggest separate so it's clear we want both.

**Fish:** I accept that.

**Fritz:** Okay.

**King:** Just so we are here, it's public safety, coma driver safety --

**Fish:** Right.

**Wheeler:** Very good.

**Fritz:** All three of these are important. I appreciate that. Is it correct that the wheelchair accessible vehicle users cannot call direct to the Companies that they like to use?

**Treat:** That is corrected but they can call the dispatch service and specifically request the company that they want.

**Fritz:** What is the purpose of that?

**Treat:** To have the central wave dispatched, and part of what we are trying to do is make sure that the vehicle that is closest to the person requesting the ride gets so the ride so we are trying to speed up the service but if they don't want the closest vehicle available they can request, make the specific request. If they want radio cab.

**Fritz:** Can they request a specific driver?

**Treat:** Yes. They can.

**Fritz:** It seems inequitable, if they want a specific driver, if I don't need a wheelchair I can call radio cab and request a specific driver. If I need a wheelchair, I can't do the same thing?

**Benson:** Just expand a bit on that, commissioner. To get the ride subsidy, they have to go through the central dispatch, but a rider could, if they wanted, or radio cab or Broadway cab, they could call directly and ask for a specific driver. They can still do that and those will be dispatched, but it's only for the subsidy it allows us to track those rides.

**Fritz:** I think that's something that I would ask you look at again because it's not fair if there is a different set of rules so people with disabilities as opposed to people who don't.

**Benson:** I expect during this pilot we will learn a great many things, and that may be one that we can alter.

**Fritz:** It seems the cab is there and a mechanism for the driver to say it was occupied by somebody in a wheelchair. They would then be able to bill for the subsidy. I think that's of

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great concern. I would like to see a wheelchair accessible driver on the board. I think that that's essential.

**Treat:** Okay.

**Fritz:** And then there was -- in the resolution, I know we are going to be looking at the insurance question. That is my greatest concern. There was a question raised in the testimony about if there is a crash in period one and the driver is on both uber and lyft, who is insurance covers. I think that's something that I would like to be ironed out and specified, and I would like you to involve me in the discussions on the insurance investigation so that I can give you further information about things that I am particularly concerned about.

Thank you.

**Wheeler:** Commissioner Eudaly?

**Eudaly:** Thank you, mayor. I would like to voice my shared concerns with commissioner Fritz about the wave pilot. I think I understand the intention. I think that the spirit is right on. But I am concerned that we're setting up a system that's going to, that's separate, separate but equal but maybe not quite. So, I would also like to see a stakeholder from the disability Community on that. On that committee. I don't see why we cannot have people can't have two options. It does make sense to have the central line to call if someone is in urgent need of transportation and needs to identify the closest vehicle. But it does not make any sense at all to me that they would not be able to directly contact their company of choice and-or driver if that is not, if urgency is not an issue. So, this has been an interesting discussion. I want to thank everybody who came today. I share a lot of similar concerns with most of my colleagues, I think. I really want to see parity between the tncs and cab companies. I understand that while tncs and cab companies may be a different breed, I see them as the same species. While I am not concerned, whether they both have the same meters or both have lights on top of their vehicles or, you know, any other minor details, I am concerned about insurance, background checks, and safety checks and things of that nature where we are not holding them to the same standard. I am frustrated by the lack of transparency about how many cars are actually on the road. If we have 10,000 cars on the road, that means that we have one tnc for every 64 residents of the city of Portland, and that's extraordinary number, that does not include cabs at all. And I am very interested in limiting the number of those cars on the road. It's great topics or issues that were brought up today. Number one it's undoubtedly creating congestion in our city, adding to pollution. It's impacting mass transit ridership. And it's the exact opposite of what we want to see happening on our roads right now. I am always intrigued when I hear people advocating their own interests, and while I enjoyed the testimony of the last community member who got up his last remark sticks in my craw about working for fed-ex and not needing a union. Well, let's talk about why he did not need a union, that's because unions have delivered things like weekends. Breaks at work. Paid vacation. fmla, sick leave, social security. Minimum wage. Civil rights acts. Eight-hour work day, overtime pay, occupational safety and health act. 40-hour work week. I could go on and on and on. But I think that everyone gets the point. It's absurd to me to suggest that tnc drivers don't need to have a voice and should not be allowed to organize and respond and make demands. We are looking at a reality where 40% of our workers may be working in this kind of unsecure work. I've been enjoying the thumbs down back there today, gentlemen, especially, Especially the thumbs down on workers having a voice. Mind boggling to me but thank you for the entertainment. Just absurd. I don't have any amendments to make, but I am looking forward to this continued conversation.

**Wheeler:** Commissioner Fish.

**Fish:** We heard from a number of taxicab leaders, and the testimony I want to go back to a couple of the questions and comments we got earlier, and I don't remember anyone asking this question, so we asked, you know, how many drivers, tnc drivers do we think that there

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are and you said over 10,000, uber said they have 7,000. And how many, do we know how many people drive a taxicab in -- taxicab?

**Treat:** We know the number of permits issued.

**Fish:** That's roughly?

**Treat:** I think we're like roughly 700.

**Williams:** I think it's probably a little bit higher, make about 9.

**Fish:** But permit, a permit doesn't mean that someone is using it? So it does not correspond to a driver? I could have a permit, but it could be dormant?

**Williams:** It could be. Right now, permits are actually free for taxi drivers so you may find a driver that gets a permit and decides that maybe they want to do something else. We show that as an active permit.

**Fish:** Have we tracked over the last say three years whether there's been a significant decline in the number of Permits?

**Williams:** We actually did. So back in early 2015 when counsel deregulated the more to remember, we saw the number go up significantly. So right now, there are more taxi drivers permitted than there ever were.

**Fish:** Permitted, but don't know whether they are driving?

**Williams:** Correct.

**Fish:** That's a weird distinction. Do we have the capacity to bridge that divide and know, you know, on any given period of time how many taxicab drivers there are?

**Williams:** I think that we can work closely with the companies to find outstanding of the number of permits we show are certified by your company, how many of these drivers are currently driving. We could get that information.

**Fish:** If every permit was in operation, during normal business hours, we are talking about something like 700 or 900?

**Williams:** 900 to 1,000.

**Fish:** So a 10-1 ratio between tnc and taxicab drivers today? Is that right?

**Treat:** Roughly, yes.

**Fish:** And director treat I am not as familiar with the code changes, and that's going to go to a second reading anyway. We're not voting on that today. Were there any issues raised at the beginning of the hearing that were new to you in terms of things you want to take a look at? In terms of the proposals in the code?

**Treat:** No. Quite well prepared, and, for this, there were not any surprises and I think it's reflective of the work we would like to undertake.

**Fish:** Thank you.

**Saltzman:** I was intrigued about using gps. Is there a reason we need gps-specific data as opposed to whatever we use now, like the corner of 5th and main?

**Treat:** I think it's -- maybe you could answer this better, but we just have zip code data which does not tell us a lot. We can only know where someone is traveling in a certain zip code, so we are trying to get at a more granular level to understand movements in smaller segments to understand where people are going, are they taking lyft to transit or somebody taking uber to a meeting or using it to commute? So, having more granular data will help us dissect how people are using the system.

**Saltzman:** Won't that give precise history of somebody's movement?

**Treat:** It will come to us anonymously.

**Williams:** We receive the data currently, but for clarification, the code does not require gps data. All the companies volunteer gps data. Initially that request was made to help us to better charge them a more accurate surcharge since we have some zip codes that border line with Beaverton. If you gave us the zip code and the ride picked up in Beaverton we should not charge you a surcharge so over time, the companies all initially are, or

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Overtime they volunteered the gps data. Now we're putting the language in code, but it is the current practice today.

**Wheeler:** Could I ask a clarification on your line of questioning? I feel like I am hearing two slightly different things. Is the data that we get and your stewards of and we are to protect, is it anonymous data or coming in specifically to individual users?

**Williams:** That is correct, anonymous. So we do not know who it is or --

**Wheeler:** If there is a data breach it is your belief it could not be tracked back to an individual user, is that correct or not?

**Treat:** The data that we have --

**Williams:** It is not.

**Treat:** The city data could not.

**Wheeler:** I am not talking about uber or lyft or anybody else's but once we are the stewards of that data. It is disaggregated. Is that correct?

**Williams:** Correct.

**Wheeler:** Thank you.

**Fish:** So the other data breach is the data that they have about their customers and when there is a breach, of that fire wall, someone could improperly obtain information that might otherwise be protected by federal privacy laws.

**Williams:** On uber?

**Fish:** Yes.

**Williams:** I don't know how to respond to that question.

**Fish:** We know that there was a data breach so, and I have to say this is one of the things about the new world of technology that I loathe is the Complete absence of privacy. I've been public with my battle with cancer and from time to time I will google information about cancer, treatments, data, and almost I want variably I get unsolicited emails offering me discounts on burial insurance and other kinds of things. It is mind boggling the lack of privacy that, that we now take for granted, and those things are disheartening.

**Wheeler:** I don't know if I interrupted your line of questioning here. This is the second time today in the context of two separate conversations and two council sessions that we have had this data conversation. We had somebody this morning testifies around data stewardship and transparency. On one hand there is the protection of critical data about our residents and the city of Portland is a frequent target of cyber-attacks to gain access to the data that we have. That's one concern, the other is the reality that we can no longer break data -- we have an obligation as a public entity to be transparent and accountable to the public and therefore people can request data. Sometimes it is clear we can protect that and sometimes it is less clear that we can protect that data and sometimes we think that we can protect the data but in reality, we cannot protect the data. That's up to the courts to decide and we comply. So, we have our office of community technology looking at this question of data in the modern world and our obligations Around transparency and accountability and how we manage that. The whole conversation about body cameras in the police bureau is really a question about data, accountability, who gets to manage the data and how is it managed and what is disseminated when. So, I hope that this conversation around data management becomes part of the larger conversation that we are having with office of community technology and all the bureaus around the stewardship standards for data. And I was really appreciative of the people who today testified on that subject. It's a very hot, very pertinent, very timely subject. Commissioner Fritz? Commissioner Eudaly? Very good. All right. Commissioner Fish.

**Fish:** I would, since it is late in the day, and we have an ordinance, I would just move to a vote, to vote the amendments to 519.

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**Wheeler:** Let's do it in order, please. First item 518, this is the first reading of a non-emergency ordinance, moves to second reading, as amended. [gavel pounded] next item is 519. We will call the roll on the Fish amendment. Please call the roll.

**Fish:** Aye. **Saltzman:** Aye. **Fritz:** Aye. **Wheeler:** Aye. The amendment stands. Next item is the Fritz amendment. Item 519.

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

**Wheeler:** Aye. The amendment is adopted. Call the roll on the resolution as amended.

**Fish:** First I want to thank commissioner Saltzman for bringing the ordinance and the two resolutions forward. I want to thank PBOT staff for their outstanding presentation and the public for taking time to testify today and share their perspective on this. And I appreciate my colleagues and commissioner Saltzman accepting the proposed amendments to the resolution. I have listened carefully today to the testimony, which I thought was very thoughtful, and the principal argument that I have heard for why we should not consider having some kind of tnc regulatory body or wage board is a number of driver's could not imagine a circumstance in which they would need to use it. I appreciate that. And I think that's a fair argument to make. If they believe it's either unnecessary or redundant, that's as good as any to oppose a new body of this kind. I think that there is a compelling reason for us to embrace this idea and be a leader around this concept. I am I am persuaded the drivers do not have a meaningful voice in the workplace. I heard a couple of people testify that they heard in the Distance the drumbeat of labor here and as if that were to discredit this movement. I want to be transparent how I came to this position. I was approached by tnc drivers. I have talked to local labor organization asks talked to community advocacy groups. I have done homework and I have read a lot of materials about similar movements and other cities, and I actually would be very proud to live in a city that was the first city to establish a board of this kind that gave tnc drivers a chance to voice their concerns. We have a clear policy, which is strict neutrality in labor matters. We are opposed to people putting unnecessary or illegal barriers in the way of employee choice. But beyond that, we respect the right of employees and workers to decide if they want to be represented and by whom. And it would be entirely inappropriate for the city of Portland to become directly involved in those movements. At the same time, what I have learned in my research is that tnc drivers do fall into a gray area. It's an area that I call legal limbo, if I were a driver I would be frustrated by the fact that my status and other people's view of my status changed depending on who I talk to. If I talk to the state labor commissioner, he's been persuaded I am an employee. If I talk to certain members of the legislature, that were prepared to preempt our authority to regulate, and to Declare by fiat that the drivers are independent contractors, they were persuaded otherwise. Most of us have a clear understanding of where we stand. And where we stand as contract employees or employees triggered a host of rights and responsibilities. I think it is unfair to criticize people who ask for a place to have justice done, to criticize them by claiming that well, this question has been decided, as far as I can tell, the question of the status of tnc drivers has not been decided. And I don't think that I would be as committed to this cause if that issue was clearly resolved one way or another. I thought commissioner Eudaly made an eloquent point earlier when she talked about the benefits of the labor movement but she also talked about the benefits of being an employee by implication in our employee. Employees have substantial rights, places that they can go to get recourse and exercise those rights. They go payroll taxes paid for by their employer. They have places that they can go if they have wage disputes. They can go to court or do many things. A unique feature of contract labor in this country is systemically contract labor is seeing their rights diminished. And systemically justice is in the form of a private arbitration done out of public erring where the deck is stacked against that individual. And I want to compliment uber and lyft for what we've been Reading the last few days where the national level they

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reversed course and announced that particularly women who brought forth claims in a class action of sexual assault and violence in the workplace, in the setting, they are no longer going to require that those claims go to arbitration. Instead it appears they are recognizing the importance of having those claims aired in a public courtroom. I believe that the tnc drivers deserve a voice in the workplace. I think that the kind of body that we are contemplating here is modest. It is an opportunity to have those claims heard. I have confidence PBOT will come back with a workable solution. We appear to have the funding so there won't be any general fund hit. And I commit as a member of the council to working with my colleagues to make this work. Aye.

**Saltzman:** I want to thank the bureau of transportation personnel and leaders who have worked on these issues for some three years now. And, or private advisory committee for transportation or private for hire committee. For the hard work that they do. On wrestling with these issues and putting forward recommendations that we are considering or will be considering in the next week at the second reading, but also today in these resolutions. Everybody who showed up today, you provided us with a very host of great perspectives, on, you know, an industry that as I said in my opening remarks, three years ago was not here. So, and they were barely you know, go back eight years, and almost -- there were no tncs ten years ago maybe. So, it's really had a transformative effect. We have heard the positive and the negative effects. I do think that, you know, on the balance of when I supported this three years ago, there's been a lot of, you know, people like the flexibility of tncs, and I think that people, you know, including myself, I respect taxis, and they are still my first mode of choice. In fact, I don't have an agreement with tncs, so it's taxis or walking for me when I need other transit. But I do think that the tncs cater to a certain type of individual who really likes that, either working for it, they like primarily part-time -- I remember hearing from a lot of working mothers when we were considering this three year ago, how much this meant for them to be able to supplement their family's income by working for uber or Lyft. So, there is a lot of different perspectives, people bring to this issue and I respect all of them, and my job here is to sort through this and make sure that we have good policy that protects our customers and our residents and visitors to our city. And I think really everybody is meeting the mark on that. I was inspired by the pride, the drivers showed in the video but also here today about the pride That they have sort of being the representative for the city of Portland to many people from out of town. And anyway, I am just very proud of everybody and pleased to support the resolution, and aye.

**Eudaly:** Well thank you to my colleagues and thank you to the city staff, even though this is only has been three years, there is certainly a mountain of information and history to work through in order to gain a working understanding of where we are at today. All I would like to add is that corporations do a great job looking out for their own interests of their investors. Workers, whether they are considered employees or independent contractors have a right to organize and advocate for their rights. And it's our duty as elected representatives to look out for their rights as well as out of the public and the safety of the environment. So, I will just say once again if you enjoy things like eight-hour workdays, 40-hour work weeks, which we don't, we are not protected by those kinds of laws, sick pay. Vacation. Etc., don't forget to thank a union whether you are a member of one or not, aye.

**Fritz:** It seems like yesterday and forever that was three years ago and thank you to those back again, and it seems like many of the hopes and fears from three years ago have in fact been realized. There are many people who enjoy driving for tncs, who find it for multiple reasons the best thing ever and now we have heard from tnc drivers that they cannot make a living and that the wages are subject to whatever uber and lyft decide. And that's what we heard today, I am reflecting this, so whether you agree with this or not that is a fact we heard for some people this is not working out. We heard from taxi drivers they

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would go out of business and heard some have and there would be more opportunity for more taxi permits and so I think that the jury is still out on who is really benefiting and obviously one of my concerns is, is the city of Portland, and winner or loser on the, taxes? That's a big part of the economy. And I think that in a true Portland fashion the big winners are the petty cabs because three years ago we forgot about them, and the people powered vehicles and now we have got a big bus representative who is a prominent person on the board so yeah for that and I am glad that's not forgotten. Commissioner Fish thank you for bringing the driver board proposal forward. I wholeheartedly endorse it. Commissioner Saltzman thank you for being willing to look at the insurance issue, in particular again, and I am glad that we are able to get that done while you are still in office. I hope that we get to vote on it while you are still in office. It remains one of my big concerns. I would have to say I am thankful that we have not had a Disaster here. We have not had a bad crash. We have not had to my knowledge an assault or a failure of a background check and that is a good thing. And lets not continue to count on our electorate to make sure we don't. So that is -- I am glad that we are taking another look at that. It needs improvement. I am disappointed that the wheelchair vehicle program is not yet happening. I am glad that we have had the money come in, and I want to make sure that it's easier for people who use wheelchairs to choose the way that they want to access that, and it's easier and rewarding for any driver who wants to provide that service to get that premium pay by providing that service, so I know that that is shared by the bureau of transportation. Thank you for your diligent work on this, and I thank you for your services and your team as well. Aye.

**Wheeler:** I tipped my hand right at the beginning of this conversation. I cannot outdo my colleagues in terms of their eloquence. I want to be sure that I say this, I want to thank everybody who stuck it out for 3.5 hours this afternoon and testified. There is a lot of great insight that people in this community have on all sides of this issue. The liability is important, the insurance issue is important. And I think it's entirely appropriate and desirable for us to create this forum for the people who are engaged personally to be able to provide Information and advise us on the path forward. We do this in a host of other contexts and I don't see any reason why this should be any different. I wholeheartedly support the resolution. I vote aye, the resolution is adopted as amended. Please call 520.

**Fish:** Aye.

**Saltzman:** I wanted to thank Matt Grumm of my office and Tia Williams a -- formerly of my staff and the people of PBOT, aye.

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

**Wheeler:** Thank you everybody. I vote aye. The resolution is adopted. And we are adjourned.

**Adjourned at 5:26 p.m.**

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**Closed Caption File of Portland City Council Meeting**

This file was produced through the closed captioning process for the televised City Council broadcast and should not be considered a verbatim transcript.

Key: \*\*\*\*\* means unidentified speaker.

**May 24, 2018 2pm**

**Wheeler:** Good afternoon everybody, this is the May 24, 2018 afternoon session of the Portland city council. Karla please call the roll.

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

**Wheeler:** Colleagues pursuant to pcc 3.02.025 commissioner eudaly's participating by telephone because of illness and without commissioner eudaly's participation by telephone there's not a sufficient number of -- it would jeopardize the public interest, health, safety or welfare. Therefore unless there's an objection by any member of the council commissioner Eudaly will participate in today's hearing by teleconference for the entire council session.

**Fritz:** I do have a problem with that. What is the health jeopardy?

**Wheeler:** I'm just reading the script. Legal counsel can you get clarification, please? I'm reading two different ones. The first script citing state statute says without participation by telephone there's not a sufficient number of council members present to conduct all of the city's business.

**Fritz:** That's not true.

**Wheeler:** That doesn't seem appropriate. The second one I have been handed says unless there's jeopardized public interest, health, safety or welfare -- I think it's so she can participate by phone if she would like.

**Fritz:** Would you specify what the public health --

**Wheeler:** I'll leave this to legal counsel.

**Linly Rees, Deputy City Attorney:** I wasn't aware that there would be electronic communication today. I will discuss this section. Council has typically interpreted that very broadly to allow persons who are not available to attend to attend. You could identify that it is in the public interest to have all the commissioners available for something as significant as the items on council today. At this time -- I don't have access right now to other opinions we have made on that. I can -- we definitely interpreted it fairly broadly in the past. That would be up to council.

**Eudaly:** Is my ability to appear by phone being contested right now?

**Fritz:** I'm asking questions about it, commissioner.

**Eudaly:** I say that my participation is in the public interest. I want to give my opinion and vote today. That's why I'm appearing by phone when I should be in bed.

**Fritz:** I apologize if I appear cranky. I'm not well myself so I got myself here.

**Wheeler:** Is there an objection or not an objection? I'm not hearing an objection. Is that correct? Very good. So we will continue. Legal counsel. Thank you for the statement.

**Rees:** Welcome to the Portland city council. The city council represents all Portlanders and meets to do the city's business. The presiding officer preserves order and decorum during city council meetings so everyone can feel comfortable, welcome, respected and safe. To participate in council meetings you may sign up in advance with the council clerk for communications to briefly speak about any subject. You may sign up for public testimony on resolutions or first readings of ordinances. Your testimony must address the matter being considered at the time. When you're testifying state your name for the record and disclose if you're a lobbyist. Presiding officer determines length of testimony. It's typically three minutes. When you have 30 seconds a yellow light goes on, when your time is done

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a red light goes on. If you're in the audience and would like to show support for something that is said please feel free to do a thumbs up. If you want to express you do not support something, please feel free to do a thumbs down. Disruptive conduct such as shouting or interrupting testimony or council deliberations will not be allowed. If there are disruptions a warning will be given that further disruption may result in the person being ejected for the remainder of the meeting. After being ejected a person who fails to leave is subject to arrest for trespass. Thank you for helping keep your fellow Portlanders feel welcome, comfortable, respected and safe.

**Wheeler:** Thank you. Colleagues yesterday we set over item 508 from the agenda to a 2:00 p.m. certain item today. Karla can you please read item 508.

**Item 508.**

**Wheeler:** Commissioner Saltzman.

**Saltzman:** I'll turn it over to staff. Art Pearce, Liz Hormann and Steve Hoyt-McBeth.

**Wheeler:** Good afternoon.

**Art Pearce, Portland Bureau of Transportation:** Good afternoon. I'm going to provide a quick introduction and then staff are going to go into more details. A little bit of context about this specific fee. This was one that was deliberated and adopted in 2016 as part of a broader work on the transportation system plan and comprehensive plan and is specifically trying to help support a healthy eco-system in our centers and corridors specifically those mixed use zones. This is where we anticipate about 30% of growth to be coming as we're looking ahead over the next 20 years and is also areas that we're emphasizing transit service and other amenities to try to make it possible for someone to live without relying heavily on automobile and have a lot of transportation options in those areas. This change was adopted right at tandem at the same time as when we changed increases in far floor area ratio in those areas and also when we repealed requirements for off-street parking in that area so there's a very specific benefit being provided to the developers at that time to try to help with that benefit. So this is a very important component we think particularly for the people living in those areas. That they have the adequate tools to adjust their travel behaviors and options as they are learning how to live in a mixed use neighborhood. I think I'll pass it to Steve Hoyt-McBeth and Liz Hormann who can go into more details of the proposal itself.

**Steve Hoyt-McBeth, Portland Bureau of Transportation:** Thanks Art, thank you commissioners and council. So I'm going to give a brief history and overview then turn it over to Liz for the details of the program, but I wanted to make sure first everybody recalls a transportation demand management it's the kind of title you cover your eyes glass over when you hear it. Essentially it's a group of strategies to reduce reliance on automobile trips and to encourage trips made by transit, walking, carpool and biking and I want to reiterate what today we are asking council to do. There are two things we're asking council to do. One is to exempt affordable housing units from the multimodal incentive within the commercial mixed use zones. The second based on previous council direction is to amend the transportation fee schedule for the remainder of this fiscal year to include the multi model incentive which is part of the requirements of the new code. What I wanted to reiterate is that we're not asking council to do today is to amend the zoning code or take new action on policy aside from the waiver of affordable housing. Council already took that action in December of 2016 as part of the update to the comprehensive plan and the transportation system plan council unanimously approved changes to require transportation demand management actions in the commercial mixed use zone for developments that are of ten units or more, are within what we define as frequent service to transit, which is a 20 minute line. Again I wanted to reiterate what transportation demand management is. It's something we have been doing in Portland for a long time, it's a series of strategies to reduce driving. If council members are participating in Sunday parkways,

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have participated or are aware of our smart trips program or of the subsidized transit programs both the city and thousands of employers do in our region those are examples of transportation demand management. Lastly, just to reiterate what art said earlier, the reason for creating this new requirement, one to mitigate the transportation and parking impacts from new development along our mixed use corridors, to reduce transportation costs behind housing, transportation was the second highest cost that households endure, and lastly to provide more travel options to Portlanders to help meet our climate action goals and congestion reduction goals. With that I'm going to turn it over to Liz.

**Liz Hormann, Portland Bureau of Transportation:** Thank you, Steve. Before I dig do the details of our requested action I want to provide overview of the tdm code requirements and some of the detail about developing implementation process for that adopted code. As Steve mentioned this tdm requirement really applies to a very specific subset of development which are outside the central city plan district in newly designated commercial mixed use zones, include more than ten new dwelling units and are located close to transit. If the development meets all of those thresholds then it must have a transportation demand management plan approved prior to issuance of a building permit. This map is really to demonstrate where those commercial mixed use zones are located. So, as you can see that zoning is really concentrated around our main corridors and our commercial centers across the city. The comprehensive plan set the stage for this zoning have new and denser housing, shops and services that are well accessible by transit and are easily accessible by walking and bicycling. Additionally through the comprehensive plan mixed use project that Art talked about these developments in these zones have a lower parking requirement which on the one hand reduces over all development costs, however there was also recognition that with less parking but this access to transit there needed to be programming in place to help people utilize those modes of travel available to them and reduce the neighborhood parking impacts and impacts on the transportation system. Portland is not leading the way on tying transportation demand management to new development. There are a number of other cities that require some sort of tdm in their development or development review process. These various ordinances from other cities can take on many forms from tying into zoning code requirements to building site approval processes and are also tied to specific parking requirements for new and existing development.

**Fish:** I want to state my firm objection to the implication that the great city of Portland, Oregon, is lagging behind Arlington, Virginia. [laughter] that's for the record.

**Hormann:** Thank you, commissioner. I also want to point out that in addition to development related tdm requirements the cities also have robust employer-employee focused programs which Portland does have and is doing a great job on. While these various tdm programs utilize different which use different leverage points but work in tandem to offer tdm information and incentives to more people and has helped us move the needle towards our modes goals, climate change goals as well as helping mitigate the impact of more people on our transportation system. So in Portland the zoning code outlines two options for a developer to meet their tdm plan requirement. The first is custom plan which is a type 2 land use review process, where a developer must develop their own tdm plan, get approved through the land use review process then are responsible for implementing those approved tdm strategies at occupancy. The second option is a preapproved tdm plan which is much more administrative process. The developer is subject to a one-time multimodal payment for tdm incentives that will go directly back to the residents of that building that contributed the money. That's really the fee we're talking about. This payment goes towards a package of multimodal incentives for the tenants, this will include value on a hop pass, bike share memberships, car share passes, things like that. Also at occupancy a developer must allow pbot to disseminate transportation options

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information and administer an annual transportation options survey of the building tenants for the first four years of occupancy. Its these code requirements that were approved in 2016 by city council and council subsequently directed pbot staff to develop administrative rules and implementation process. Pbot staff has been working with other bureaus for the past eight to ten months to really work to ensure that permits are reviewed and approved properly in a timely manner. At time of adoption the code was written that the multimodal financial incentive requirement is equal in value to an annual trimet pass per unit. That current value is \$1100 per unit however as staff worked with the bureaus implementation concerns were raised around the impact of affordable housing. Therefore we're proposing a separate rate for the multimodal incentive fee for affordable units in the transportation fee schedule and then to exempt those units from the multimodal incentive fee for two years through June 30, 2020. Again, just to sum up why we're here today and bringing this one piece of the implementation package to you the current transportation fee schedule does not include the multimodal incentive fee component. We need to amend that schedule to include multimodal incentive fee's for market rate and affordable units and the second component is providing this exemption for affordable units to the multimodal incentive fee element for two years through June 30, 2020. Finally we are bringing this as an emergency today because we need this exemption for affordable housing and these lines in the transportation fee schedule to be in place as the comprehensive plan is enacted this afternoon. So again thank you for your time. We do have invited testimony but we can answer any questions now or after that piece.

**Wheeler:** I have two amendments I would like to put on the table and maybe it would be helpful to put them on the table prior to invited testimony. I would like to put two amendments on the table for your consideration. I do this acknowledging that a tremendous amount of work has gone into shaping this ordinance long before I even sat here and I want to be respectful of that but I put these forward as amendments that I hope you will see as strengthening the commitment around affordable housing, but I'll let the chips fall where the chips might. The first amendment I would like to propose would be a section d, under the, it would be section 2d. There's a 2c currently, this would be addition of a d, the amendment language would be where exempt dwelling units are within building with other dwelling units subject to the multimodal incentive fee the same multimodal incentive fees will be offered to all units in the building regardless of which generated the fee. Any unclaimed or unused incentives will be offered to the exempt unit first, to the exempt units, plural first. The reason for that is the cost to provide the incentive per unit and build into the pro forma of any given development equivalent to the cost of providing a transit pass for one year, \$1100. Since the incentive is calculated on a per unit basis any unclaimed or unused incentives in my opinion should first be prioritized and offered to the affordable units. So that is the spirit in which I offer amendment language d.

**Saltzman:** Second.

**Wheeler:** There's a second.

**Fritz:** Could I ask a clarifying question?

**Wheeler:** Commissioner Fritz.

**Fritz:** I don't understand what it means by unclaimed incentives will be offered to the exempt units first. Does that mean they only get to have them if the units that paid get first dibs?

**Hormann:** The way the multimodal incentive payment comes in it's collected on a per building basis. So when at occupancy we'll go out and speak with tenants and the property managers to distribute those multimodal incentives so we can prioritize those units right from the get-go.

**Fritz:** Don't you want to say incentives will be offered to the exempt units first. I don't understand why it says unclaimed or unused.

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**Pearce:** I think that's just the, perhaps with the perception that they might have been tied to the unit, which they are not, they are by the whole building. So, it would be fine to say that they will just be prioritized for those exempted units.

**Wheeler:** I would accept that as a friendly scrivener's addition.

**Fritz:** But deleting any unclaimed or unused because it gets confusing.

**Wheeler:** There's a motion and second on that. The second one, colleagues, would be adding amendment language paragraph e, immediately following d, obviously, the Portland bureau of transportation is directed to report back to the council by September 30, 2018, with options for how to fund an equivalent level of multimodal incentives for the exempt units for the duration of the exempted period. Funding priority will be given to buildings where all units are exempt. The purpose for this, colleagues, is that under the current proposal, any affordable unit 80% mfi or below that has a covenant with the city around affordability, 60 or 99 years, is exempt under the ordinance. We want to make sure that we balance production of the affordable housing without cost burdening our partners with ensuring tenants of affordable units receive the same transportation benefits as tenants of market rate units. In other words this is a study, it's geared towards if you think about organizations like reach they are currently exempt from this ordinance. They neither pay the fee nor do they provide the passes. This simply is an ask of the bureau of transportation to do a hard look and see if there isn't a way to potentially fund passes for the folks in those buildings where they are exempt but living in affordable units.

**Saltzman:** Second.

**Wheeler:** And commissioner Saltzman seconds that, thank you.

**Fritz:** Again I have a question. This only counts where all the units are exempt or where there are more exemptions than nonexemption units because couldn't your first amendment be exempt units are going to offered it first? I'm not quite sure what it means equivalent --

**Wheeler:** That would be in a building, however, where the building itself is not exempt. The project is not exempt or as in this case they're completely exempt. I don't know if staff has anything to add.

**Pearce:** This would be an entirely affordable building looking for a funding stream to be able to provide those incentives to the residents of those buildings.

**Hormann:** So, does that a building that doesn't have any market rate, so yes 100% affordable units in that development.

**Fritz:** Then it would be more sensible to say fund an equivalent level of incentives for buildings where all the units are exempt.

**Wheeler:** I will accept that language, I have no problems with that. Commissioner Saltzman are you okay with that?

**Saltzman:** Second.

**Wheeler:** With that language correction? Very good, thank you for your indulgence. You have a panel. Good afternoon.

**Chris Smith:** Good afternoon, mayor, commissioners. Chris smith, vice chair of the planning and sustainability commission presenting the commission's recommendation. So we consider this part of the tsp, and included in the comp plan as you did. I think it's important to establish the context that our comp plan isn't going to work if we're not successful in a significant shift in the modal choices that people in Portland make. If we had a trip generation rate per resident at the same rate we have today in 2035 we're going to be in big trouble and causing that transition to happen will take a lot of tools, it will take infrastructure, it will take new transit services and it will take programmatic action. This is one of the programmatic actions and we felt it was important to root this in the zoning code so at the time of occupancy you're incenting new residents to make changes in their behavior. Honestly some of us would have preferred if it wasn't just at occupancy if it was

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every new resident coming into a building got this package. We don't have the economics to support that yet, but this is an important program and very much looking forward to you putting it into action. We did not look specifically at the affordability issues that you're talking about today. I would say of course the psc is concerned about the cost of affordable housing as you are. Would reflect that in some ways the dollar will go further with residents of affordable units because they are in general less likely to own automobiles. They will often also be eligible for trimet low fare programs so a transit pass for somebody in an affordable unit on average will probably cost less than a transit pass for someone at market rate unit. Appreciate your efforts to extend the benefit everywhere. I think that's important on an equity basis, but also your consciousness of the affordability issues, thank you.

**Wheeler:** Thank you sir, appreciate it. Does that complete your panel? That's a heck of a panel. Thanks, Chris. You're holding down the entire table. Good work. Do we have public testimony on this item Karla?

**Moore-Love:** I'm sorry, I did not set out a signup sheet.

**Wheeler:** Is there anyone who would like to testify on this item? Could I see a show of hands if anybody is interested? Very good. Is this yes or no in the middle here? That's a no?

\*\*\*\*\*: We're here for the next item.

**Wheeler:** Very good. So, Karla could you please call the roll on amendment number 1 and just to clarify, again, that's the one that will prioritize the unclaimed -- the new language that commissioner Fritz offered prioritizing affordable units. Please call the roll.

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

**Eudaly:**

**Wheeler:** Commissioner Eudaly, are you on mute? All that work for nothing.

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

**Wheeler:** Aye. First amendment passes. Please call the roll on the second.

**Eudaly:** No one can hear me?

**Wheeler:** Now we can hear you just fine, commissioner Eudaly. Please call the roll on the second amendment.

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

**Eudaly:** I have been responding. It's aye.

**Moore-Love:** We're calling roll on amendment number 2.

**Saltzman:** If she's watching channel 30 she should turn it off.

**Moore-Love:** Commissioner Eudaly?

**Eudaly:** Yes.

**Moore-Love:** Are you voting aye on the second amendment?

**Eudaly:** Yes, aye.

**Wheeler:** Aye. Second amendment is adopted to the main motion. Commissioner Fritz was skipped.

**Moore-Love:** I'm sorry. I checked you off.

**Fritz:** Aye.

**Wheeler:** Very good. Please call the motion, main motion as amended.

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

**Wheeler:** Aye. The ordinance is adopted as amended. Thank you, everybody. So now, folks, I would like to start off the afternoon by taking notice of the fact that the new 2035 comprehensive plan went into effect today at 1:00 p.m. So congratulations and thanks to everybody here who worked so hard on that. That's Portlanders obviously care a lot about land use, so this is an important moment. The council is often in a position of making difficult choices on development issues. For a while now we have been making those choices based on the policy framework adopted originally in 1980. While in many ways the

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1980 plan was innovative and forward thinking it didn't address many of the pressing issues we have today in 2018. I appreciate the very hard work and thoughtful conversations and deliberations of my colleagues and previous councils that have spent a lot of time developing this new plan over a period of a number of years. It really reflects the best thinking of many community leaders, many who are here in this room today, and the input of thousands of Portlanders. Joe Zehnder, would you like to remind us of this afternoon's sequence, please.

**Joe Zehnder, Bureau of Planning and Sustainability:** Thank you, mayor. Good afternoon everyone. This afternoon is a big milestone like the mayor just said. We have been working on this comprehensive plan for the last five years, and longer in the case of the central city plan, and the we in this case includes city staff and hundreds of others. Community members, organizations, businesses, advocates and others. So today we're taking the final steps to implement the new plan and getting one step closer to finishing the central city 2035 plan. These plans lay the groundwork for some bold changes in the years to come. Physical changes to the city, better opportunities and outcomes for Portland residents, changes in the way that we do this work, and changes that embody our commitment that was expressed in the Portland plan to advance equity. So this afternoon we're going to finalize some actions that implement the new comprehensive plan. These are the first folks you take with using this new plan as of 1:00. As the legal basis for our decisions about growth and development. So, the three items are, first, we'll hear from Portland bureau of transportation and take the final votes on the new transportation system plan. Second, we will take final votes on the code reconciliation and map refinement projects. Those two projects in particular are full of details we had to cover to have a smooth transition to the new codes and both of those are emergency ordinances set to take effect immediately since the bureau of development services will be taking in permits under the new plan and new code tomorrow. Finally there will be a series of votes on the central city 2035 plan and they set up these votes adopt the plan as amended and set up second reading for that on June 6. Thank you for your leadership and perseverance that it took to get here and with that I'll turn it back to the mayor.

**Wheeler:** Karla, could you read the first two tsp items and after that commissioner Saltzman will introduce them. If you could read 521 and 522 please.

**Item 521.**

**Item 522.**

**Wheeler:** Very good. I'll turn this over to commissioner Saltzman then after that we will be taking a vote on both 521 and 522 separately. Commissioner Saltzman.

**Saltzman:** I will gladly turn it over to Courtney Duke who will speak eloquently on the subject.

**Courtney Duke, Portland Bureau of Transportation:** Thank you. This is Courtney duke from the bureau of transportation. Thank you, commissioners and council. Just a quick reminder, joe went through it pretty well, but this is the third and final stage of the update. Stages one and two were components of the comprehensive plan and were updated as part of periodic review and voted on by council in June and December of 2016. Stage 3 is a part of the comprehensive plan but was not necessarily a part of that process. In march of 2018 some minor amendments to this stage were proposed by commissioner Fritz related to automated vehicle policies which were approved by the council vote and this will be your second reading and vote on that for resolutions and ordinance to complete the tsp update and finalize tsp-3. A yes vote will implement the changes proposed. I wanted to say on a personal note, possibly emotional note, we'll find out as I read it. The comprehensive plan, the tsp and the Portland plan has been over 10 years and over half my career at the city of Portland. I started working on it when my son was three and he just turned 13. This plan leads the building of the future for him, his cohorts and descendants, not just for me,

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current voters or current community members, is a forward looking documents that reflects the changes to Portland within the years it was developed and the changes to come. The policy shifts in the use of the right of way as public and shared space, the inclusion of trails, contact sensitive design and pattern areas, emphasis on safety and emphasis on equity and inclusion are obviously positive important additions to our policies and goals. Our commitment and policy changes to include all Portlanders and users of the transportation system in decision making and development of policies and projects reflects and celebrates the changes in our city. I look forward to collaborating with my colleagues on the implantation and integration of these policies into pbots strategic plane, our works plans, our codes and our way of thinking. Much of this work will be implemented by newer faces than mine at pbots, colleagues that I'm confident will lead the city well and be excellent stewards of the tsp. Thank you.

**Saltzman:** Thank you for all your work on this.

**Wheeler:** Thank you very much. If there's nothing more I'll call the roll on 521.

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

**Fritz:** This has been an epic process. Thank you to you and all of your cohorts. Thanks to former commissioner Steve Novick and Leah Treat and all the work that they have done. The massive number of people throughout the bureaus, not just the transportation bureau it really does tie everything together because the streets are our public realm and I'm very proud of this. Aye.

**Wheeler:** Also proud to vote aye. The ordinance is adopted. Congratulations.

**Duke:** Thank you.

**Wheeler:** Please call the roll on 522 Karla.

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

**Wheeler:** Aye. The ordinance is adopted. Thank you for your great work. Karla, please read the code reconciliation items 523 and 524, and after that Joe will elaborate or perhaps Eric will.

**Item S-523.**

**Item S-524.**

**Wheeler:** Good afternoon, Eric.

**Eric Engstrom, Bureau of Planning and Sustainability:** Thank you, commissioners, Mayor Wheeler. This is the final vote on this item as an emergency ordinance it would take effect immediately. The first ordinance amends the zoning code title 33 and the second one amends the related other city codes titles 11, 18 and 32. The reconciliation project amends city codes to ensure compatibility with zoning code amendments adopted in December 2016 to implement the 2035 comprehensive plan. It included many technical amendments to correct code references it clarifies things in response to BDC's questions that have come up as we've been training staff to implement the new code. The most significant element was to reconcile the new mixed use zoning designations and several plan districts with inclusionary housing codes. The item that got the most testimony as you recall was a suggestion to simplify the code by removing the buffer overlay which we withdrew that in response to testimony generated. You held a public hearing on this project March 21st and you discussed it subsequently in April including several votes on amendments which have been incorporated. You then moved the substitute ordinance to final reading today so I believe this is ready for that final vote. Finally I want to thank the project manager Barry Manning, who couldn't be here today, who shepherded this process through.

**Wheeler:** Very good, is there any further discussion? Karla, please call the roll on S-523.

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

**Fritz:** It's challenging for people at home I'm sure to understand exactly how complicated this particular item is. I very much appreciate Barry Manning's work on it and I hope we

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have everything right. It's likely there may be a few things we might have to come back and look over again, but I want to thank everyone who participated in this process from the community they helped catch things and suggest things that have made it better, thank you very much for your work. Aye.

**Wheeler:** Aye. The ordinance is adopted. Next item S-524.

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

**Wheeler:** Aye. The ordinance is adopted. Karla, could you please read the map refinement item, that's S-525.

#### **Item S-525**

**Wheeler:** Very good. Marty Stockton will briefly remind us what this includes.

**Marty Stockton, Bureau of Planning and Sustainability:** Great. Good afternoon, my name is Marty Stockton with the bureau of planning and sustainability, I'm the southeast district planner and the project manager on this ordinance before you. Today is the final vote on this item, it's an emergency ordinance and will take effect immediately. This ordinance amends the comprehensive plan map and zoning map on a number of sites to accomplish several things. Number one, respond to the December 2016 city council directive otherwise known as exhibit o. Number 2, reconcile maps that with recent bureau development services land use reviews that occurred after June 2016, number 3, address recently identified nonconforming situations. Number 4, other technical and policy related map changes as appropriate. For example, changes to facilitate affordable housing and address city bureau coordination, overlay zone corrections recently identified nonconforming commercial uses and additional split zones. You held a public hearing on this project on March 14. You discussed proposals and testimony on April 4th, April 25th and May 2nd. You voted on a number of amendments actually just over 50 amendments from council which have now been incorporated. You then moved the substitute ordinance to final reading today. So I believe you are ready for the final vote.

**Wheeler:** Very good. There's nothing more, colleagues. Karla, could you please call the roll on this vote. S-525.

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

**Fritz:** I am going to reflect like Courtney Duke, it's been a very long time, thank you for all of your work. It goes back my participation beyond ten years ago when I first on council, to mayor potter and his community connect project and all the things that happened as part of that. This has been one of the central things I have worked on in my time on council with first mayor Adams, then mayor haes, now mayor wheeler. Throughout that discussion and particularity prompted by the community affordability and anti-displacement are at the heart of these changes leading to the adoption in June of 2016. With the new comprehensive plan and central city plan we're allowing for 249,000 additional units of housing in Portland by 2035. According to metro's regional growth forecast Portland is expected to add 123,000 households in the next 20 years, so in other words we have double the capacity that in this new map that metro assigns to us. Who this housing benefits through what means and ends is the crucial part of this conversation which we will continue in the context of the residential infill projects and on various different development projects. It's essential that we focus our efforts on affordable housing options and commercial options that serve all Portlanders particularly those who are low income and at risk of displacement or further displacement. In upholding the policies of the 20-year plan that was at the core a collective labor of love for the city. Thank you, Susan Anderson, for seeing this through, joe Zehnder and the excellent team at the bureau of planning and sustainability for providing technical support and expertise throughout the process. The planning staff who worked closely with mine include Eric Engstrom, Deborah stein, who has since retired, Marty Stockton, all of the district liaisons and Barry manning. Thank you to members of the planning and sustainability commission who did a lot of the hard work.

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Dozens and dozens of hours of weeding through community testimony so that things that came to us were well vetted already. Lauren King, Linly Rees and now retired city attorney Katherine Beaumont, thank you for your work. My staff in particular Clair Adamsick, Pooja Bhat, Tim Crail as well as my former chief of staff Tom Bizou. Finally thank you to the 10,000 plus community members who gave you blood, sweat and tears on committees, at workshops, at hearings every iteration of this plan as it came together. It's better because of the participation that the community of Portland and that's what we mean by comprehensive plan. This is a landmark, it's not just a land use plan, it's not just a transportation plan. This is a plan for Portland, it includes things that were in the Portland plan like health and education and place making and things beyond what we might normally think of as in the realm of planning and zoning. It's truly a remarkable feat that we have managed to get through it all. Thank you very, very much to everybody who has been involved. Aye.

**Wheeler:** This is a national model made better. As commissioner Fritz indicated, this is spanned over many years, three mayoral administrations. I'm certainly honored to have participated for the last 16 months and helped contribute my bit part to this, but it really was the community coming together and helping to define the future of this community and it is not just a document. It's a road map and it's one that not only our community will continue to look to in the years ahead, it's one that other communities around the nation and around the world having just visited our sister city in Suzhou China, that people all around the world will look to as the kind of road map that helps lead to a clear vision for the development of the community in the years ahead. So I'm very proud of all the work that many, many people have put in. Excellent, excellent work. Thank you to the community for your hard work on this and helping to create our comprehensive plan. I vote aye. The ordinance is adopted. That concludes our final vote on the comprehensive plan matter. Thank you all. Feels good to have that wrapped up. We're back today then to move on to the next phase. We're here to begin to finalize our work on the central city 2035 plan. Just a reminder that the record is closed and that no further testimony will be accepted. Karla, could you please read these items and that includes all items 526 through 530.

**Item 526-530**

**Wheeler:** Very good. Susan, you didn't get very much time to celebrate your last victory. Welcome back.

**Susan Anderson, Director, Bureau of Planning and Sustainability:** We have learned to party fast. Good afternoon, Mayor, Council Susan Anderson, Director of Bureau of Planning and Sustainability with the comprehensive plan now done and officially effective as of one hour and 48 minutes ago we are here to finalize the work on the central city plan. All along we knew that we wanted to line up all the other work we wanted to get done but we needed to get the comp plan done completed first. So we kind of worked on these things together and here it's worked out that we have the comp plan done and are able to bring the central city plan right on its heels. For some of you on Council this has been a long road working through all of the different quadrant plans, policies and codes and new ideas that we brought you around housing and transportation and jobs and looking at industry in a new way. The creation of this plan provides a framework for the next 20 years to help ensure that the central city not only remains but it grows more prosperous with 10,000 new jobs, more safe and resilient, that it's easy to get around, that it's green, healthy and beautiful and most importantly that it's a great place to call home for more than 10,000 new residents of all incomes. Two more big steps to get done. Today we'll review and vote on the last amendments and on June 6th you will take your final vote. Unfortunately we thought today might be the last day in the vote and so I have to be out of town next week. So I'm going to take just a minute to thank you and to thank several people who are here and who have worked on the plan. I'll keep the list relatively short. I do want to take this

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opportunity, there are literally hundreds of people who spent hundreds of hours on the central city plan working on committees, drafting plans, working in their neighborhood associations, working with environmental organizations, civic organizations and bringing their comments to us. So, thank you to all those who helped on the committees, also thank you to local residents and businesses for your thousands of comments. Thank you to council for your leadership and also to mayor Sam Adams, who sort of started this process and to mayor Hales for continuing it and thank you to the planning and sustainability commission, especially the chairs of those commissions and I say chairs because we went through three chairs during this process. Thank you to Katherine Schultz, our current chair, Andre Baugh and Don Hanson. Thank you to my fellow bureau directors. Leah Treat, Kimberly Branam, Mike Abbate, Mike Jordan, Rebecca Esau and their staff some of whom are here and lots of other bureau directors. This is not just BPS's plan, this is the city's plan and will be the framework for much of the work that goes on in all of the bureaus. Last but most importantly I want to thank my staff. As you all know I'm going to leave this job in the fall and it's a hard job to leave because of the amazing staff, creative, talented, hardworking, knowledgeable, credible, very tenacious and it will be hard to leave. I do want to thank eight or ten special people who worked specifically on the central city plan. First of all, the planning manager for all of this effort, Sallie Edmunds, who often quietly and almost behind the scenes makes it all work and then it just comes together, so appreciate her. Rachael Hoy, Mindy Brooks, Troy Doss, Nicholas Starin, Mark Raggett, Debbie Bischoff and Shannon Buono and many others in my office and in the other offices around the city. Most importantly I want to thank my colleague and friend, Joe Zehnder. Over the past nine years when we started working together when we created the bureau of planning and sustainability Joe and I and Eric and Deborah and Michael Armstrong, we have all kind of mentored each other. We brought very different skills to the table and a lot of different knowledge and I think this plan really reflects that. Great results. I would like you all if you would to give my staff a round of applause. [applause]

**Fish:** Can I just also acknowledge that anybody that has been watching the formal side of our process, which is council hearings and seeing all the technical things that we deal with on a regular basis, anyone watching that would think that that's a full-time job for the staff that you have just identified. I also want to acknowledge that each of us on this panel have different levels of experience and understanding of the very complicated issues that we have been dealing with, which means we have all been getting briefings in addition to these council proceedings, we've been getting briefings in our offices from key staff people at every juncture of the day. I would hate to add up all the time that, that has consumed of your staff, but it has allowed us to participate more deeply in this process and hopefully more thoughtfully. So, I just also want to add my thanks for all the extra work that your team does in getting us up to speed on these issues so that we have these what I think have been very high functioning council proceedings.

**Anderson:** Thank you. It's time to get this done. So, back to the mayor and Sallie.

**Wheeler:** Thank you again Susan and thank you for your incredible leadership and of course congratulations to you and your team and we look forward to continuing to hear great things from you in the future of course. So, now we'll move on to the business of the day, Sallie, do you want to go ahead and introduce today's session, please.

**Sallie Edmunds, Bureau of Planning and Sustainability:** Yes. Thank you very much. So as Susan said we're taking the final steps to prepare for our June 6th vote. I want to point out that the central city 2035 record is in the room and I think it's probably upstairs, there's 25 boxes or so. So I want to direct your attention to a revised memo that I believe Karla just distributed to you. There's a couple of things that we have added to that, so we'll want to take a look at that. In particular there's a new amendment on page 5 and then we revised a map to put the names of the streets were not properly named, so that's in there

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too. Since we saw you last in April we have been preparing a set of revised recommended drafts based on the actions that you took at our many meetings. So much of what you'll do today is to move, second and vote on amended and substitute ordinances, resolutions and exhibits. We also split the main ordinance into two parts to allow commissioner Saltzman to vote on the main ordinance and so he wouldn't have to vote on -- he could recuse himself from the river place ordinance. But as we prepared the final package we did identify a few things that need changing so we have a few minor amendments that are in the memo that I just distributed. Also since last time we met commissioner Saltzman developed one final major amendment that he would like council to consider so we'll get to that a little bit later. So, then on June 6th you'll take the final vote. We had also planned to have you adopt some administrative rules right after your final vote, but since the rules are so technical and detailed such as which bird-safe fritting pattern might be acceptable we found another path forward and added a directive to the main ordinance to provide bps with the authority to adopt administrative rules for both bird safe and low carbon and we'll begin that process as soon as council takes its final vote and we'll report back to council staff with the results there.

**Wheeler:** Very good. This makes sense and thank you for saving us for having to take up a detailed and lengthy debate on window fritting patterns and I also want to acknowledge the work bureau of environmental services did with the Audubon society produce a draft of what I believe to be the first ever first bird safe administrative rule of its kind in the entire country.

**Edmunds:** That's our understanding.

**Wheeler:** That is buried in here as well and I want to acknowledge that. So okay, the first item of business is on 526.

**Fish:** Mayor I just have one question.

**Wheeler:** Commissioner Fish.

**Fish:** Sallie, we're not taking testimony today?

**Edmunds:** That's correct.

**Fish:** So when you identify something we're going to vote on as a minor or technical amendment or amendment package, what we can assume at least with respect to these issues is that we have not received any commentary from the public that's opposed to the action we're taking. Is that fair?

**Edmunds:** That's correct. These are truly errors that we found. For example in one case we found that you had adopted an additional map that you didn't need to adopt so we're removing that map. Couple of other cases there were missing words that were in an earlier draft and were not carried over into -- yeah.

**Fish:** That's helpful. Thank you.

**Wheeler:** Very good, first item of business is on item 526. That's to accept the substitute main central city 2035 ordinance. I move to accept the substitute main central city 2035 ordinance.

**Fish:** Second.

**Wheeler:** And all the associated exhibits as described in attachment b on the May 24<sup>th</sup> bps memorandum. I have a second from commissioner Fish. Is there any further discussion on these items? There being none, Karla, could you please call the roll on the vote to accept the substitute ordinance and exhibits.

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

**Wheeler:** Aye. Substitute ordinance and exhibits are approved. Next up are additional amendments to the substitute main ordinance on 526. Rachael, want to get us started?

**Edmunds:** Rachael is not here at the moment so as I said next we have a few minor and technical amendments that we found through the course of preparing the draft and think you could move as a package. If there are any you would like to know more about we

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would be happy to go over them.

**Fish:** I move them as a package.

**Wheeler:** Ok we have a motion and we have a second to approve the minor and technical amendments to the substitute main central 2035 ordinance. Is there any further discussion? There being none, Karla, could you please call the roll on the minor and technical amendments.

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

**Fritz:** Thanks again to staff and to Claire in my office for going through these with a fine tooth comb. Aye.

**Wheeler:** Aye. Motion carries. Next we have a major amendment to the amended substitute ordinance for item 526. Commissioner Saltzman, I believe, this is your amendment. Do you have a motion to make?

**Saltzman:** Yes, I do I move to adopt the new chinatown/japantown amendment as written in attachment a, part 2, of map 24 of the map 24 bps memo and this amendment increases the bonus height on the western half of block 33 to 200 feet. The base height remains at 125 feet for the full block. The affordable housing bonus is required to be used if the bonus height is used. It also increases the base floor area ratio to 9-1 on the full block. If all floors above the ground floor on the western one half of the block are in a residential use. This amendment also increases base height on the four northern blocks of the new chinatown/japantown historic district to 200 feet, which is still a reduction to height on these blocks that exist today and I'm offering those because I do believe as when I offered it before that couple things. One, what sways in e to go from 160 to 200 feet is the extra affordable housing that we will get on block 33 and finally I just believe we need to infuse old town japantown with activity and there is none there now. We need people to live there as well as work there. It needs help and I believe these amendments will do that.

**Wheeler:** I will second this. I was persuaded the last time. I like the fact that this not only includes block 33 but also blocks to the north for consistency. It addresses the height, the far and the need for housing. I presume there will be discussion on this item.

**Fritz:** I would like to discuss it.

**Wheeler:** Commissioner Fritz.

**Fritz:** Thank you to everybody who came here today. Commissioner Eudaly you can't see there's more than a dozen people here who have signs saying things like quality for old town, bps got it right, 160 the max, keep the sun shining on lan su garden, shade, preserve history. The one that speaks to me most is, another Albina, question mark exclamation mark and I think this is a serious mistake that is going to repeat the mistakes that previous councils made in Albina, destroying an historic district and destroying a cultural district. This is the only cultural district, historic district that is specific to cultural communities in Portland. This amendment is opposed by the old town Chinatown association who previously supported the block 33. They are greatly concerned about the impact on the lan su Chinese garden which was developed by the city is our main asset one of the main assets in the city and this proposal is going to completely shade and destroy the atmosphere around it. It also will take out half of the historic district. Half of the historic district. It's a small historic district to start off with. It's now going to be just four blocks and that isn't a viable. I would like to read -- it reflects what I think that this is from terri chung, the Portland Chinatown history foundation board chairman and past chair of the old town community association. The new proposal to rezone four blocks of the district is no longer a death of the district by a thousand cuts but is now taking the sword and cutting the body in half. When it was presented by the developer that block 33's increasing heights would not endanger the historic district what will the removal of four of the eight blocks do if not lead to delist the historic status of the district? The removal of Portland's only recognized cultural district is a blow to the historic significance that Portland's ethnic minorities have

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played in the establishment of cultural enclaves in the city of Portland. We have lost the original Italian neighborhood, the Greek neighborhood, the african-americans enclaves, the Jewish and the German and white Russian enclaves. What will be left to make Portland unique? What is it that tourists will want to see when they visit a new city? Not more high-rises or shopping places that replicate what is at home. Portland needs to create a new unique brand for itself based on its historic diversity. Please maintain the historic district of the Chinese, the historical presence of the Chinese and Japanese within this cultural boundary. To that end there now exists within and close to this proximity the lan su Chinese gardens, Oregon Jewish museum, the nikkei legacy center, Japanese and new Portland Chinatown museum scheduled to open June 7<sup>th</sup>, Naito parkway and the memorial plaza within the cherry blossom tree's. Why does the city not help and encourage the addition of more historic or cultural sites within this district? The african-american community would like a site, encourage the Greek community to have a site. It could easily be a tourist magnet center with the city helping the development of more sites by offering incentives, cultural glance, seismic credits, land mark preservation grants, development grants. Within five years Portland could join then ten's of thousands of additional tourists and then new dollars for businesses. Please think historic and cultural progress for Portland. This amendment put forward has no guarantee as to what will be developed. Gentrification is what is being promised at the expense of the cultural and historical perspective of its residents. And I also want to read some of what Lisa James the executive director of the Lan Su Chinese garden which is owned by the city of Portland. I might induce today as your partner, your operator and your advocate for the Chinese Lan Su Chinese garden, this garden is more than a tourist attraction that you own, it is a friendship garden with Suzhou China and a statement of historical recognition for the discrimination and inequities suffered by Chinese immigrants in a century in old town Chinatown. Why weren't we notified of the amendment today that would add four city blocks to get another height increase for block 33? These walls of 200 foot towers directly across the street on the west of the garden will undeniably have a detrimental impact on long term viability and our legitimate biological connection. This rushed spot zoning is disingenuous to all the community planning that went into the design guidelines recently approved by council which by the way cost the city \$175,000 to develop the design guidelines. We entertain visitors from Seattle, Missouri, Texas and anywhere else striving for more than a decade to build something compatible. Tomorrow we entertain visitors again from the famous Huntington botanical gardens and library in Pasadena who are hiring our Suzhou designers to build something similar. The national arboretum has worked for more than a decade to build what we have that this and its care and maintenance are issues for another discussion on another day. Daily we have been trying to work with the developers. We above possibly anyone else want a thoughtful process to redevelop the neighborhood and we are currently poised to participate on a grand scale to address more than decades of planning for a needed world class cultural and heritage center. We have endeavored not only to meet and exceed the expectations of us as your partner and operator, but to assume your responsibilities for major capital repairs because we are dedicated to such a high degree to the preservation and mission of lan su. We hope you will rethink this rushed process. Then finally, I want to read from Helen Ying, the chair of the old town Chinatown association. At this time we cannot support the blanket amendment for the four northern blocks of new chinatown/japantown historic district that is proposed this Thursday. We've had no opportunity to discuss the merits or concerns of this amendment. We have not learned of any planning developments in the other blocks being considered and have not had the opportunity to examine the impacts of additional height on those blocks in the neighborhood. We have a very unique neighborhood with respect to cultural and historical aspects therefore we do not subscribe to the fairness premise

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discussed by council and the bureau of planning and sustainability. In this district each block should be evaluated uniquely with careful consideration of these matters. Of most impact is any impact on the lan su garden the protection of which may not be adequately addressed in the current or proposed zoning code. Therefore our support for the height and density increases only block 33 at this time. Knowing that three of the council have decided to approve this I looked into can we do something in the zoning code to protect the Lan Su Chinese garden and I believe the answer is no. When we're talking about affordable housing we're going to get affordable housing if there is residential development anyway, and what old town Chinatown community association has been on record saying that they don't need more affordable housing, they need more market rate housing and people coming to live there with a diversity of income. This change is against policies which we just adopted in the comprehensive plan and central city plan, policy 4.48 encourages development that fills in vacant and underutilized gaps within the established urban factory while preserving and complementing historic resources and policy 4.49 says refine base zoning in historic district to take into account the character of the historic districts in this historic resources in the district. This amendment is in direct conflict with these policies. If the district's northern blocks are given 200 feet height for base height it would create incentive for demolition of smaller contributing properties in the 10-block new town Japan town historic district and will put the district at risk for being delisted when these contributing properties are gone. We have heard from historic preservation advocates and members of old town Chinatown community association that increasing the height on 40% of the districts, 50% with block 33, without any consultation with the district is unacceptable and we will be putting at risk the health and success of lan su Chinese garden. The property on block 26 to the west of the garden is not subject to the shadow study standard that intended to ensure that parks and open spaces are not negatively impacted by reducing access to light and warmth. Block 26 is not subject to the shadow study standard as it's not eligible for bonus height. And to that end and actually it's even beyond that with the increase in the floor area ratio there can be unlimited transfer floor area ratio from the historic properties which I believe will happen under this amendment. So, colleagues, let's not do another Albina, let's not rush into something because certain developers have asked us to. Why don't we see whether it works to increase the 130 which was the compromise and now its being asked to compromise in the compromise and come back if we don't get the kind of development we want?

**Wheeler:** Commissioner Fish.

**Fish:** Thank you.

[applause]

**Wheeler:** Folks just as a reminder the council rules, just let everybody speak. Thumbs up if you like something, thumbs down if you don't like something. Just helps us keep the flow going. Commissioner Fish then commissioner Eudaly.

**Fish:** Mayor, I have three questions and I don't know whether they are directed to staff or to the sponsor, but having -- joe, are you going to join us? Joe Zehnder?

**Joe Zehnder, Bureau of Planning and Sustainability:** Yes, sorry.

**Fish:** Are you going to join us for a second.

**Zehnder:** We're troubleshooting here.

**Fish:** So, I have three questions and I don't know whether they're appropriately directed to you or to the sponsor, but I'll pose the question and ask either of you to respond to it. Like commissioner Fritz, I have received a fair amount of correspondence mostly in the form of emails and letters from people raising significant principled objections to this amendment. First question I want to ask is do we have anything in the record currently from any community organization, any of our advisory bodies or anyone in the community that supports this amendment?

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**Zehnder:** The amendment for the change of height north of Everett I'm not sure that we have testimony and support of that.

**Fish:** Ok, the second question that I want to raise.

**Zehnder:** Excuse me, commissioner. We have testimony absolutely in opposition of reducing the heights there from property owners. So, that's the other part of this.

**Fish:** The second question I want to raise is we spent a fair amount of time during this process addressing the concerns of one property owner at block 26, and I'll refer to that as the Menashe property because Mr. Menashe was the owner and potential developer who felt most aggrieved by a decision we made to reduce the height limit on his property from over 300 feet to 160 feet. We had some extensive conversations as a council about whether 160 feet was the proper limit or not. My recollection is despite Mr. Menashe's pleas and his lawyer's pleas the council finally agreed that 160 feet should be the height limit on his property. Is that correct?

**Zehnder:** Correct.

**Fish:** And Joe would you remind me, what was the principal reason -- Mr. Menashe is obviously in a different position than the developer in block 33. Because here we're contemplating increasing the height. In his instance, in his case he was faced with a significant reduction in the allowed height for his property. What was the principal reason that we settled on 160 feet at block 26?

**Zehnder:** It was based on the height of the existing structure just to the west of this block. So already in this district that could get up to 425 I believe with bonus there's an existing tower of 160. So, even though and the historic district is adopted I believe after the 160 foot tower was built. So, the datum, the ceiling has already been set there. If we're going to try to bring heights down to something closer to what the heights should be rather than the 425 that predates the historic district, we use that existing precedent to set the bar. Part of what we're thinking is if the precedent really now is what we're proposing to see done in block 33, we would just apply that. That's the new ceiling. There's no particular science to that.

**Fish:** Okay and I guess prior to this hearing my assumption was if you raise the height and I think it was the assumption of most of my colleagues after the last hearing, that if you made an adjustment on block 33, we would have to in all fairness make an adjustment on block 26. How did that grow to the four northern blocks? Why has this expanded to cover more space?

**Zehnder:** You know, one of the principles that we try to build into this kind of allowance decision is treating properties in like situations in a like way. So making the distinction between the other three blocks or four blocks in that area compared to this one, the Menashe block is what we're calling it, we didn't see a clear case. One could make a policy case for that distinction. We chose to apply it to treat all like blocks in the same way.

**Fish:** My final question is probably maybe to the mayor. I was the author of the amendment that now requires that in order to access any bonus, height bonus the developer must use inclusionary housing. So whatever we decide today there is now baked into what we have decided a requirement that the height is linked to inclusionary housing. I think that's --

**Zehnder:** On block 33 that's true.

**Fish:** On block 33, but not on the other locations?

**Zehnder:** On the other locations it would be base height.

**Fish:** So it would not be subject to a bonus.

**Zehnder:** It would be subject -- well. They have 9-1 floor area, commissioner. To get to what it would take to build to that height they are going to need extra floor area, so they do have access, I believe, to the inclusionary housing bonus they just don't get bonus height. They have base height.

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**Fish:** So, I guess the question that I would ask of the sponsors is now that we have settled the question that additional height is subject to inclusionary housing, I guess we can argue about whether there are some additional units to be gained between 160 and 200 feet, but I understood the bigger concern out of coming out of the last hearing was whether 160 feet and the terms we established were sufficient to generate development at that site. I guess my question is, has the developer informed anyone on council that the current zoning for that site would not be feasible for development? Commissioner Saltzman said this change could potentially give us additional housing. I care deeply about housing, and I was the author of the amendment, but what I understood the last time we had this discussion and this is beginning to feel like groundhog day, was that the concern was whether it would be economically viable to develop this site under the terms we set, and my question is, has the developer notified the city that it would not be feasible to develop under existing zoning?

**Wheeler:** I will answer that question for my part. I have not had such a conversation with the developer, but that's not my reason for voting for this and I'm listening to the conversation and I'm still persuaded. You mentioned the difference between and we were talking about a 40 foot difference here. We're talking about a practical decrease in the existing heights to the north, and let's not forget what block 33 is and has been for decades. It's a surface parking lot. This city went to Salem along with others for the purpose of declaring surface parking lots to be defined as blight and therefore something that is not desirable. So we have waited for decades for there to be development on this site and we have not seen it. We're now near the end of the development cycle that is broadly accepted. I believe with 200 feet based on what I understand to be the process and I'm going to ask a few follow-up questions in a moment, there's not a substantial difference in terms of impact yet there's potentially a significant difference in terms of affordable housing opportunities as well as housing generally in this area where currently people could build higher to the north and there's nothing built on block 33. So I want to go through a couple of these cause commissioner Fritz made some very compelling statements and she read what I thought was some really thoughtful and detailed testimony, but I don't buy a lot of it and so I guess I want to ask a couple of questions. Could you tell us what the process is if a developer decides they want to develop let's say on block 33, what is the process they go through with regard to historic district, with regard to shading, with regard to lan su, and its impact things like that.

**Zehnder:** Well on block 33 what is intended is that it's in the historic district. So we go through landmarks commission review that would review the proposed building in light of both the allowances on the site and the historic district guidelines that were recently adopted and developed and adopted as part of this project. So, that's the process it goes through. It's a type 3 I believe.

**Wheeler:** Sorry to interrupt. I want to jump to the punch here. If the historic landmarks commission decided that what was being proposed would jeopardize the historic district wouldn't that be an opportunity for them to intervene?

**Zehnder:** The landmarks commission indeed could determine that the plan as submitted is not acceptable and that it would be appealed.

**Wheeler:** Tell me about shade particularly on Lan Su. We all love Lan Su. I was engaged at Lan Su. [speaking simultaneously]

**Zehnder:** It would be affected by the menashe building, not block 33 and we have a height or shade study requirement that defines certain days of the year where you have to model the design and massing of the building and demonstrate whether or not a certain percent of the affected parcel, the park, is in shade. I don't know the exact times and dates but staff does.

**Fritz:** The council is very familiar with that because we just waived that on the Fremont

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apartments. So, there's absolutely no guarantee that would protect lan su.

**Wheeler:** Is there anything we would be voting on that would change that requirement with regards to shading?

**Zehnder:** Not the ability not to -- the appeal -- if it was -- if it did not meet the standard --

**Fritz:** The standard could be modified or adjusted, right?

**Zehnder:** The standard could be modified and adjusted.

**Wheeler:** We could do that regardless.

**Zehnder:** It could be modified or adjusted or it could be chosen not to be modified or adjusted and then it would be kicked back to city council.

**Wheeler:** Thank you.

**Eudaly:** Mayor.

**Wheeler:** Commissioner Eudaly.

**Eudaly:** Thank you. Yeah I'm not buying many of these arguments either. First of all I just have to say, the raising the specter of Albina in this conversation is absurd. Albina was a thriving business and residential community, predominantly african-american, which was decimated by urban renewal and Emanuel hospital and the freeway and at the coliseum. Our Chinatown historic district unfortunately is not a thriving business or residential area. For anyone and businesses are struggling, and they could certainly use more housing. Secondly, I would never think that anyone who is remotely familiar with my position on housing would never think that the argument that we don't need affordable housing would fly with me. I frankly find that offensive. Market rate housing is affordable to people earning 120% or more of median income and when we're talking about affordable housing in regards to inclusionary zoning, we're talking about housing that's affordable to people at 60 and 80% of mfi, median family income. And those are many people who do vital work in our city and are not somehow less desirable neighbors than those who can afford market rate rents. Thanks for reading the letter, I'm going to read a letter from john tuft from the heritage consulting group. Dear mayor and commissioners I welcome the opportunity to comment regarding the proposal to modify the height limit on block 33. As many of you know my company heritage consulting group is a national leader in cultural resource evaluation and particularly in securing rehabilitation tax credits in the redevelopment of historic buildings. We count amount among our clients individuals, local and national developers, affordable housing agencies as well as local, state and federal governments. I founded heritage in 1982, for many years my office was in the merchant hotel in old town. I was fortunate the council, Naito and Bing Sheldon are personal friends have been involved in most major rehabilitation projects in Portland, our city hall, to the Multnomah hotel and the Benson house, Montgomery park. In total we evaluated thousands of buildings and have listed over 350 properties on the national register. The discussion before you is an interesting one. The first aspect I would like to comment on is the question of the national register district being delisted. It's put out every time there's a major change proposed in an historic district. You will recall that the same people today saying the district will be delisted said the same in the dirty discussion in 2010. To the best of my knowledge no national register district in the country has ever been delisted. Still there there have been individual properties removed from the national register. Only automatic removals are those situations where the building is removed from the national register. The only automatic removal are those situations where the building is moved or the entire resource is destroyed. I don't think a surface parking lot counts as a historic resource. The process to delist is a reverse of the listing process. Someone would need to proactively prepare a nomination that explains why the district no longer warrants historic designation. That nomination would be reviewed and commented on by the Portland landmarks commission, Oregon state preservation office and the Oregon state advisory committee. It would be unheralded for the national park service, the state historic preservation office or the

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national trust to undertake such an effort. I also want to remind you that the district was listed for its association with Japanese and Chinese communities in the city. Unlike a architectural resource the national register typically has greater flexibility when the site is important for its associative value. That's from the 16 story 160 foot pacific tower apartments was built in 2003. Later the state historic preservation office, nor national park service felt compelled to question integrity or viability of the district. I can comfortably say I have never heard anyone denigrate the historic value of this district because of pacific tower. The second offset that I think is important here is that this development will not involve demolition or alteration of any historic building in the district specifically referring to block 33 to be cleared is not referring to the three other blocks. I just wanted to be fair and note that. The property of the surface parking lot is a plan the district restated and has been named so for the past three decades. I think there's general agreement that developing block 33 would preferable to leaving it as a surface parking lot. There have been a number of development concepts explored but none have come to fruition. The way the reality is that the development cycle that the city has enjoyed for the past decade is trending down and that the cycle has a near term end. Put another way I believe this proposal is the best opportunity for this generation to see this site transformed for surface parking. Only specific to the question of height I would ask you to think specifically about how the district and neighborhood would be damaged by additional floors. Looking specifically at pacific towers would the district be any different if the towers was taller or shorter by a few floors? A need to impact the [in discernable] to actually distinct, rather the more important issue is to trust in the new design guidelines of how the subject connects to the surrounding street scape. I do believe that in granting a benefit the city could establish a higher bar in terms of lower level materials and design intergrading specifically the district and surrounding buildings. This project should not be an alternative architectural statement, but should integrate and promote the heritage and built environment of the district. In conclusion the fundamental question was whether the district on surrounding areas will benefit more or less by this project. It has been suggested that the height would be enjoy less, pacific towers tells me that is not so. Its also been said that the district has suffered and continues to suffer from economic challenges. Since turning the surface parking lot into apartments and commercial use, would substantially build the critical mass necessary for a viable retail environment moving demands for the properties and making the district more valuable. The way the added height does no damage to the district, but makes the project viable and enlarges the critical mass to make this one thriving neighborhood successful again. Sincerely John Tuft. So really what remains for me, because we know that any development on these properties will go through landmark commission, and will very likely be appealed and come to us eventually, is the question about the Lan Su garden and I have been assured by bps staff that we can prevent any impact to the garden. That is absolutely my only consideration, I find it hard to believe as a sense of justice that the future councils would sacrifice a valuable property and cultural gift to the city by making exceptions to our shadow standards, which unlike the situation with Fremont apartments could truly harm that area in the garden. So, I would like to hear from staff I guess a stronger reassurance that the concerns we are hearing raised about the garden are not credible threats.

**Zehnder:** So to paraphrase the question, is the allowing of taller buildings on these blocks in the context of having to do a shadow analysis sufficient protection for the garden?

**Eudaly:** Sure, that sounds good.

**Zehnder:** Ok, well, the shadow study would set a standard that the building would be designed, have to be designed to meet unless that standard is modified through the -- in this case, I guess it would be the landmarks review process, or at city council on appeal. But what this does is we have not done extensive analysis to know that it's impossible at

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these heights to design a building that can meet the standard. That's part of what -- how the shadow analysis and these standards work. It could have problems getting through -- so let's just focus on the shadow analysis. If it needs some modification, landmarks could allow that. If they found that it was an acceptable impact and was mitigated in a way that met the purposes of the shadow study requirement, and it then got appealed to city council, that decision and evaluation would be put in front of city council. To do, and you all could find yes, it is an adequate mitigation or acceptable impact or that no, it's not. We just haven't really designed all the permutations of what these kind of height limits would allow on that site to do that. And you know the other part of this is that we were always operating from a context in which before we started the central city 2035, the allowances on these blocks was significantly taller than 160 or 200. So we were sort of counting on a version of this tool and this analysis to make the situation right anyway.

**Eudaly:** And that's something I think needs to be made clear to the public over and over again. We are actually significantly reducing the light on most of these blocks, and even with the increased height they were not redeveloped. I think it's also fair to say that even if we do grant 200 feet to block, is it 26 the Menashe building? They may not be able to fully realize that height. It might just not be possible to build that tall and comply with whatever the findings are through the shadow analysis. So I think that, that satisfies the remaining questions I have. I am sorry to hear that the association no longer supports this. They did support the increase on block 33, and I understand that they are concerned about the garden and concerned about the historic integrity of the district, and I certainly respect that. I do not, however, have not found compelling evidence proposed that the concerns are warranted.

**Wheeler:** Very good. Any further discussion, commissioner Fritz?

**Fritz:** Yes, I have a question for Joe, the height would be 200 feet by right would the shadow study even be required?

**Zehnder:** That's what the scurrying around right now that staff is doing is.

**Wheeler:** I'm gonna offer a technical amendment.

**Zehnder:** Right, we have a technical amendment to make it clear that it would apply to base height.

**Fritz:** Okay. Commissioner Eudaly thank you for reading that letter, that obviously just addressed block 33 and the four blocks that are additional all have contributing historic resources on them. So that is much more significant, that's half of the district.

Commissioner Saltzman, I am wondering if it might be worth spitting out your amendment and doing block 33 as one amendment and then the other four blocks as a second one? Which would then comport with what old town Chinatown community association is asking us and also allow more time for the study of what the impact might be.

**Saltzman:** You know, my original interest was in block 33, but I've been persuaded sort of by the I guess the equity arguments around the other three blocks that has been made by staff. And I think the feelings on others, including yourself about, you know, spot zoning being a bad thing, so this seems to be the right balance in my opinion.

**Wheeler:** Call the roll.

**Fish:** We've been at this for a long time, and it's only appropriate that we conclude this process with a little drama. I want to thank everybody that took time to reach out to our offices and to express your concerns. I can't identify everybody in this room or who sent a communication, but I particularly appreciated hearing from the historic landmarks commission, from restore Oregon, from the community association, and from people in the neighborhood who have spent a lifetime working to preserve the cultural history of this section of our city. I believe we're making a mistake today in adopting this amendment, and I can't support it. I have a number of reasons, but I've made clear previously when this came up, and we've had multiple discussions about this particular block, that I thought that

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160 feet was the limit, and at one point that was actually an amendment of one of my colleagues, and I was persuaded that, that was the right compromise. I acknowledge that the reasonable people can agree or disagree on any of these issues, but I have found the concerns raised by the community compelling, I have not felt that there was much community support for the amendment. I am a little bit taken aback that in the name of equity at the 11th hour we are extending it to other portions of the district without really doing any analysis or having much of a conversation I think that that's unfortunate. I guess for me there is two categories of concern. One is what I have heard from key stakeholders about issues of history and process and equity and fairness and those are very important principles. Each of us are going to make our own judgments about how they apply to any issue before us, but I found in the totality those concerns compelling. While I appreciate the exchange that I had with Joe Zehnder, who has spent a lot of time coaching me on the basics of land use and zoning, I still frankly cannot reconcile the way that this council approached, block 26, and then block 33 and I thought that the council was very clear about why they thought 160 feet was appropriate at block 26 and after all Mr. Menashe came into this process at the beginning. He had a lawyer advocating for him throughout, he had a, I thought, a particularly compelling claim since he had owned the property for a long time with a height that was well above where we landed and yet, this council felt that 160 feet under those circumstances was appropriate. This is not even an 11th hour appeal to the council. Completely reversed equities, no promise of any future development. The only thing that we know for sure is that through this action, this land is going to become substantially more valuable with no promise of any future development. I can't square the two and because of the limited amount of time that we have to evaluate this, I have to go on my instinct and my instinct says that we are making a mistake. While I am very pleased and grateful that this council has made clear that whatever our decision, any future height increases will be linked to a bonus for affordable housing, and I think that was very important, and frankly, I compliment staff for having crafted that mechanism because we, essentially, imported something that did not really apply to a historic district from outside the district, and so regardless of the outcome of this vote, we have ensured that there will be affordable housing. I cannot support this amendment and therefore, I vote no.

**Saltzman:** Aye.

**Eudaly:** So we really don't have consensus in the neighborhood, with the residents, the community members, the businesses and even advocates for historic preservation are not in agreement on this item. So it's been a tough job to sort through these issues and we have spent many hours reading all the testimony, listening to the staff, and subject matters, and members of the community. And to be clear, there are many people, in particular business owners in that neighborhood that are desperate for change to come in order for it to become a more viable place to live and do a business. As I said before, my two primary concerns are the integrity of the historic district status, which is not necessarily at risk, and because any future developments will have to go through landmarks, I feel moderately comfortable with, and any impacts on the garden, which I think we all agree were committed to avoiding, and that may mean the developer doesn't get to take advantage of the full height that we are extending. What, I think what we have to consider today is what does the city need, and the city needs more housing and the city needs more vibrant neighborhood in Chinatown old town and the businesses need more people on the street. So I think, that's it I vote aye.

**Fritz:** This is a really sad day, and I am sorry, thank you for those of you who came representing the Chinese, Japanese communities, thank you for those who came for the Lan Su Chinese garden. We know what we are doing here, we are destroying the district. Half of the district will be gone and the developers would not have asked for the increased height if they did not plan to demolish the existing buildings, so four contributing buildings

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will be gone and four or five blocks does not make a historic district. There is no support. I have heard no support from the community for the additional four blocks. We are supposed to be doing treating zoning where people should be able to expect that they can develop something like what the zoning code allows them to do, and that was one of the reasons that we reduced the height because the historic landmarks commission told us that it was almost impossible. In fact, impossible to develop at the heights that were previously allowed. So that this whole central city plan and the comprehensive plan have been looking at, let's be reasonable in our expectations and that people could reasonably be able to develop in a compatible manner at 200 feet or whatever it is set at. There was a proposal to develop on block 33 at 125 feet, which was just waiting for this central city plan to be adopted because the previous height limit was 100, and that proposal, that was what was all that was necessary. Now suddenly, not only is 125 not big enough, but 160 is not big enough, 200 is not big enough and to add insult to injury literally, we are destroying the district and I am really sorry. Thank you for testifying. Thank you for being here. No.

**Wheeler:** I actually think we're doing the opposite. I think we're vitalizing the district. I want to remind us what we are talking about. We are talking about lowering the height from existing height in part of it, and in the other part we are talking about a surface parking lot that has been a surface parking lot for many decades and that the city has been trying to have developed throughout that time having declared it blight. There are plenty of checks and balances in this process. I have heard lots of prognostications about how this ruins the district, how this will lead to demolition. How does lower the height actually further encourage the demolition of a building when the heights are actually being lowered over existing height requirements? We have heard that there is a check and a balance in terms of the shade and I'm in a few minutes going to offer technical amendment that will make that crystal clear. Third, the historic district will still have the responsibility to weigh in, and there will be a public process and that is just, that's the fact. So I actually am proud to support this amendment. I vote aye. The amendment is adopted. Now that we've made that decision I understand that we need to substitute a new exhibit A to the substitute ordinance on item 526 to replace the one that we just accepted. Karla will you please distribute the new version of substituted a, findings report and then colleagues I'm gonna suggest we vote on this and take a ten-minute break. Thank you.

**Fish:** Mayor, can you tell us again what this is?

**Fritz:** What the heck is this.

**Wheeler:** I will let staff do that. Sallie is eager to tell you all about it.

**Edmunds:** Yes, one moment.

**Fish:** Is this just everything we voted on?

**Sallie Edmunds, Bureau of Planning and Sustainability:** What you have before you is a replacement package of the findings for the central city plan and because you just made the decision that you just made, we need to update the findings package to support the decision that you just made. So the packet you have replaces the packet that was filed with the clerk's office earlier.

**Fish:** So, for this, may I ask legal counsel a question? Cause I want to make sure I get this right. The vote to make, to adopt the amendment was 32. Now we have this document, which includes the findings from that, and apparently other things. Is this now pro-forma? Even though I dissented on the amendment, is this now just a technical issue of adopting the findings, and so it should just be voted on?

**Linly Rees, Chief Deputy City Attorney:** I won't presume to tell you how to vote, but I will tell you that in order to defend council's decision, which was the decision to adopt those amendments, these findings are necessary to support that decision. So yes.

**Fish:** And does it extend beyond the amendment? Does it have the minor amendments and the major amendment?

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**Edmunds:** The findings report that you have before you addresses all of the decisions that you made over the last number of months and.

**Fish:** Includes things any member of council may have agreed with or disagreed with?

**Edmunds:** That's correct and so we filed a packet with the clerk's office last week that included, that supported everything you had made so far. You have made some additional decisions today. So, you need to adopt this replacement.

**Fish:** Okay, thank you.

**Wheeler:** Very good, I move to substitute and accept this version of exhibit a. The findings report to replace the version that council accepted earlier today, do I have a second?

**Saltzman:** Second.

**Wheeler:** Any discussion? Karla please call the roll.

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

**Fritz:** This just excuses and has things in it which is completely not true, the testimony was received for and against the increased height and that it is in compliance with policy 4.47 and 4.48 which I read out before, no.

**Wheeler:** Aye. The motion carries. I recommend we take a ten-minute break. We are in recess.

**At 3:50 p.m. council recessed.**

**At 4:07 p.m. council reconvened.**

**Wheeler:** Very good, welcome. So colleagues as I promised a few moments ago I have a technical amendment number nine, it is a thick looking packet which you have all been provided, Rachael's going to give us a more technical explanation, but in short what it does is per the conversation we had earlier about the blocks in the north and in the district that we were discussing, this will ensure that those blocks are subject to a shadow study. Rachael you probably want to give us a better description than that?

**Rachael Hoy, Bureau of Planning and Sustainability:** Thank you, Rachael Hoy with the bureau of planning and sustainability, this is an amendment that we found bringing this forward to you. Just a little bit of background, in central city 2035 we have applied the shadow study requirement to more open spaces and parks around the central city and that is to have less shading on our parks. Today it applies mostly to the Park blocks. We have added it across the whole west side of the river and in doing that, the shadow study has always been tied to bonus height. Not every property in the central city is eligible for bonus height, so it was always our intent that this new shadow study requirement would apply to parks and open spaces that we have mapped through the central city 2035 process. So what this amendment does is it -- the code here and there's a lot more code than what's been changed. I have shaded the areas that actually have been changed. We have tied the shadow study requirement to our base height map, and the correction now applies to both base and bonus height. The other thing that I would just like to add to that is that while you have this section in front of you, base and bonus height in general base and bonus heights are not modifiable. The shadow study is a modifiable standard.

**Fritz:** So if I wanted to add, amend this to say adjustments and modifications to this standard are prohibited, where would I put that?

**Hoy:** So if you wanted to put that amendment forward specifically, it would be on page 3, letter d, at the end of that standard.

**Fritz:** So, colleagues, in order to be absolutely sure that we are not going to -- that future councils are not going to shade the Chinese garden I would move that we add to d on page 3, adjustments and modifications to this standard are prohibited.

**Wheeler:** Does the bureau have any problems with that amendment?

**Hoy:** The standard would then -- it would not be modifiable or adjustable. They would need to meet the standard at all of the parks across the central city.

**Sallie Edmunds, Bureau of Planning and Sustainability:** Not just the garden.

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**Hoy:** Not just the garden if that's commissioner Fritz, if that's the was the intent of your amendment?

**Fish:** Can I make a suggestion? This has been a long week, and two weeks, and I am very loath to sign onto something where I don't understand the full implications, its one of the reasons why I actually voted against an amendment that was offered recently. And I just wonder in the name of collegial functioning we can find some way to make what appears to be a fairly routine change just to kick this to next week and then we can have regular order. That's addressed to my colleagues, not to staff. I think from time to time we do push things forward even if we have a disagreement with the matter just to keep things on track, and I don't have the brain power right now to sort out all the implications of this. It just seems like the matter before us is not a big deal.

**Wheeler:** So sounds good but I'd like to know if there's implications you've heard there from the bureau or legal.

**Fish:** No, no I am suggesting that we keep it clean and not put a prohibition against any amendments or adjustments cause I don't know what that means, and under what circumstances that could be triggered.

**Wheeler:** Are you proposing just putting commissioner Fritz's amendment to next week or the whole technical amendment package?

**Fish:** I am saying if we can accept the technical amendment package without that amendment just so this matter goes to a second reading.

**Wheeler:** I see. Commissioner Fritz?

**Fritz:** Can it be changed at the second reading?

**Linly Rees, Chief Deputy City Attorney:** So, this is moving to its next reading on June 6th. If it were amended on June 6th, then it would have to be pushed to a further reading, which would push out the effective date so at this point it's June 6th so that it can become effective July 9th.

**Fritz:** The challenge commissioner is that I have just received this right now so I don't even know whether the base amendment is--.

**Fish:** I may be completely missing this right now but do we have the option of setting this over to next week?

**Rees:** Yes, cause that would just push us.

**Fish:** No, no without changing, cause it still give us.

**Rees:** Yeah, we have two weeks until June 6th.

**Fish:** That's what I was thinking, so if we set this over until next week, to give commissioner Fritz a chance to have her concerns addressed, and if she is satisfied, could we then vote on the amendment and still be on track to have the final vote on June 6th?

**Fritz:** Yeah, that's a good suggestion.

**Rees:** If there is a vote taken next week, yes.

**Fish:** Mayor, may ask to put this on for time certain next week?

**Wheeler:** Yeah, that's great and the time certain Karla would be?

**Moore-Love:** Its at 10:15 May 30th.

**Edmunds:** On Wednesday.

**Wheeler:** 10:15 a.m. Wednesday, May 30th. City hall, be there. Technical amendment 9 and any amendments and perhaps we can even work those in.

**Fritz:** And commissioner just so its published would you mind seconding my proposed amendments so we can discuss it?

**Fish:** Happy to.

**Fritz:** Thank you.

**Wheeler:** Very good, we have a motion from commissioner Fritz and second. The amendment is on the table. Very good. Next up is a new ordinance to separate out RiverPlace amendments. Commissioner? Next step is a new ordinance, you've got to

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come back in 30 seconds. Next up is a new ordinance to separate out the RiverPlace amendments from the substitute main ordinance. We just accepted so that commissioner Saltzman can participate in the vote on the main ordinance. As people are aware he has recused himself from the discussions around RiverPlace, but would like to participate in the discussions and the vote for the main ordinance. We've already heard testimony on these amendments and a number of previous hearings barring any further discussion from council or staff.

**Moore-Love:** Excuse me mayor, commissioner Eudaly has requested to reconnect.

**Wheeler:** Do I need to read the script again? We have not adjourned the meeting so I assume --

**Rees:** You do notice need to but that certainly provides the opportunity to address the amendment issue with the map. So, you may wish to do that, allow staff to do that.

**Wheeler:** So this is with regard to RiverPlace specifically.

**Rees:** Correct.

**Wheeler:** Cause in the interest of collegiality, I think we've already put off technical amendment number 9 and any amendments to next week and I would like to uphold that commitment with, that we've made. Before I move this item to second reading on June 6th, there is a technical amendment that staff would like to present and commissioner Eudaly, this pertains to RiverPlace item 527.

**Edmunds:** Yes, mayor, we have an amended map 5104, map 3 of 3. That we need you to move and second.

**Wheeler:** So moved.

**Fish:** Second.

**Fritz:** What's the change in the map?

**Wheeler:** One moment, please.

**Rees:** I apologize. So this map reflects the shadow study, technical amendment number 9, so what I would suggest you do is pass this to second reading next week on the 30th at 10:15 along with the amendment.

**Wheeler:** Now there are two amendments, is that correct? Ok, so very good, so addendum to the May 24 packet, technical amendment number nine. Plus, two amendments, one from commissioner Fritz and one of a technical amendment pertaining to the map from staff. Those will be moved to next Wednesday, May 30th, time certain, 10:15. was that correct?

**Moore-Love:** Correct.

**Wheeler:** 10:15 a.m. Portland city hall.

**Rees:** So for clarity for Karla that would be both items 526 and 527.

**Fish:** Karla, what would we do without you?

**Moore-Love:** What would I do without them, I don't know.

**Fish:** What would we do without both of you?

**Wheeler:** A virtuous circle of extreme intense knowledge. Very good. So has this then included, the map that you had requested with regard to RiverPlace or do we also need to put that on the table?

**Hoy:** Mayor, that is the same map.

**Wheeler:** Very good. Very good. So then item 527 passes to second reading. June 6th.

**Rees:** May 30th at 10:15.

**Wheeler:** May 30 at 10:15, as well, thank you, good. I'm going to just will just quietly move away from that one now. So item 528, the -- commissioner Saltzman if you are listening, which he isn't, he's out in the hallway talking to his fans. He can come back in. Item 528 is the environmental and scenic ordinance outside of the central city. The reason that we have this ordinance is to clarify the process for managing vegetation to protect views. I move to accept the substitute ordinance and all associated exhibits described in

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attachment b to the May 24th, bps memo. Do I have a second?

**Fish:** Second.

**Wheeler:** We have a second from commissioner Fish, any discussion.

**Fish:** Mayor Hales, that's no problem happens all the time.

**Fritz:** I have a question and that is I noticed some of the open, the scenic resources being added to park properties, have these all been reviewed by parks staff?

**Moore-Love:** Turn the mic on. Press the green button.

**Mindy Brooks, Bureau of Planning and Sustainability:** Hi, Mindy Brooks with planning and sustainability. Yes, we've been in contact with parks about it, in fact, they were one of the ones who initiated the request for the standard to be applied back to the parks property, so they can better manage the vegetation.

**Fritz:** Thank you.

**Wheeler:** Very good. Karla, can you call the roll.

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

**Wheeler:** Aye. So we have accepted substitute ordinance and amendments. The next item up is item 529. It's the actions, urban design diagram, and target resolution. We need to move and second the amended resolution and substitute exhibits. I'll move to amend the resolution and associated exhibits as shown in the versions of these documents distributed to council and described in attachment b to the May 24th, bps memo. Do I have a second?

**Fritz:** Second.

**Wheeler:** We have a second from commissioner Fritz, any discussion? Karla, could you please call the roll on this resolution and Exhibits.

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

**Wheeler:** Aye. The resolution is adopted as amended. Next step, 530, the green loop resolution, with this resolution, the city council endorses moving forward with the green loop, one of the big ideas in my opinion in the central city plan. It's an initiative that will add to the central city network of great public spaces with formal and informal places to gather integrated into new developments like Broadway corridor, redevelopment of the old post office, and the omsi redevelopment of its riverfront campus. It can become a recognized and attractive route connecting central city destinations and neighborhoods like the park blocks, the Portland art museum, psu, the central east side, and the moda center and it starts to become a reality in the Lloyd district with some of the first projects to be completed after the plan. We're going to hear next from a panel of representatives from city bureaus, private business, and a nonprofit who are going to be part of this. I would like to welcome Susan Anderson, who we all know as the bps director. Leah treat, of course, the pbot, she is not here, she's being ably substituted in today, we appreciate it, thanks Art. Wade Lange vice president and regional manager for the American assets trust, and jenny Taylor, the administrative and transit program manager for go Lloyd. Good afternoon.

**Susan Anderson, Director, Bureau of Planning and Sustainability:** Thank you mayor. Susan Anderson director with the bureau of planning and sustainability. So now that the central city plan is almost adopted we wanted to showcase one of the initiatives, and you'll begin to see things being brought forth by council over the next few months that are represented in the central city plan, and this is one of the first initiatives that we wanted to feature. It will tie the central city together early on in the community process. There were many discussions about the idea of a pathway that could link all the disparate parts of the city, the central city together, it was called the green loop. Everything from starting over in the central east side, at south waterfront, past psu, along the park blocks, up to the post office over the Broadway bridge through the Lloyd district and then back down to the south back to the central east side and while the loop is about each of these individual places, it's also very much about what I call the spaces in between. These are the spaces, the

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green spaces, the businesses, the restaurants and stores that are along the route. We will create six miles of space as a green ribbon that will weave through the central city for people to meander and walk and bike and shop and eat and work and play through some of the most urban and vibrant parts of the city. We've had many groups and organizations endorse the idea. They're very interested in the idea. Everyone from travel Portland to pnca, university of Oregon, psu, Oregon walks, American society of landscape architects, design week Portland and many others. Both in the private and public sector. It's also really important to note that the green loop is not just about the central city. It's not just the central city initiative. The new comp plan calls for a citywide system of greenways. I should say the new comp plan that was effective today at 1:00 p.m. It's a web, this whole system would be a web of loops and pathways to link neighborhoods, employment, parks and open spaces together. The idea is catching on, Lents green ring is pushing forward, in fact, in a couple of weeks city staff will join green Lents on June 2nd for a community forum, on the Lents green ring to nurture that vision. So today as the mayor mentioned we wanted to focus on a segment of the green loop where we think the first projects are likely to happen, and that's at the rose quarter and Lloyd district. There is already investments that are planned for that area such as the Sullivan crossing pedestrian and bike bridge across I-84, potential partners such as go Lloyd and the Albina vision trust, and others make this a really strong candidate as a place to start. We have a few partners here today that want to provide their perspective and then art Pearce will talk a little bit about why this is important to pbot, and he may touch on this, but just in case, the green loop I wanted everyone to know is going to be open on a trial basis for one day only on July 22nd, and that's when Sunday parkways will weave through the central city on the future green loop route. I will turn it over to art and then to the members of the panel from the public. Thank you.

**Art Pearce, Portland Bureau of Transportation:** Good afternoon. Art Pearce, policy planning and project manager for pbot, standing in for Leah treat. So we're very happy to support this resolution. Pbot, we've been supporters of the green loop as it contributes significantly to the use of our central city and encourage the use of the streets in particular for people, which is great. When completed the green loop will be a signature thoroughfare for people walking and cycling to travel around the central city core, and importantly it will provide a much more comfortable system to navigate than our existing infrastructure, which is a great benefit to families, younger, younger citizens and older folks. It's very also important as a city dedicated to vision zero, half of our high crash intersections are in the central city, so half of those intersections for people walking and biking, and the green loop will emphasize those streets in particular making a very inviting route that can anchor around the districts of the central city. The green loop is also a major part of our central city in motion plan which is our investment strategy for streets in the central city that is underway and the goals will be making the entire system more navigable and consistent making the central city a more inviting place than it is today. The green loop will get people out of their cars, help encourage them to walk, bike, and stroll, to those destinations throughout the central city, and acknowledge the place that our streets are for the use for people. The green loop also is a very innovative approach to balancing the needs of our freight community and for people walking and cycling. In early conversations with the stakeholders in the central east side it became clear that the connections between the Tilikum and the recently funded Sullivan crossing over I-84 were going to be a key issue and so we knew we needed to work collaboratively with them and we have done so partnering with the central east side industrial council, the bureau of planning and sustainability we've studying in more detail the active transportation connection and how they may intersect with the freight mobility in that central east side. One of the first solutions as part of the green loop is the Sullivan's crossing so we are very excited that we

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are continuing to proceed with engineering on the Sullivan's crossing bridge over I-84, so very excited that, that project continues to progress well and I think that will be complicated well with the Clackamas crossing bridge that will be implemented as part of the rose quarter i-5, I-84 project. So again, as Susan mentioned we have a chance to experience at least a taste of what the green loop will like in late July and so we certainly invite council to come and participate that with us.

**Wheeler:** That's be great.

**Pearce:** I will pass it on to wade Lange.

**Wade Lange:** Hi, I'm wade Lange with American assets trust thanks for letting me speak today. I've worked in the district for 21 years now, and I serve on the boards of go Lloyd, Lloyd and enhance service district, the Lloyd eco-district, the Holladay park partnership, Portland streetcar, among others, and all of those boards, all of those organizations have worked collectively together to really enhance the experience in Lloyd, and if you have not been over there lately, Lloyd is really changing. It is -- it's becoming all the things that 21 years ago and longer that we have discussed. We're actually seeing a hotel go up that we started talking about decades ago. So, we're excited about the changes, when I work on 2035 plan, a couple of years ago, a few years ago now, talking about what Lloyd could become, with the comprehensive plan and talking about the bridge the Clackamas street bridge, connecting moda center, which is part of Lloyd, which never gets referred to as such and connecting to our neighbors to the south and the central east side, and truly making us a, a more connected neighborhood. Our group, our neighborhood, our community got together about three years ago and asked the city to reduce the number of lanes in Multnomah. That does not happen very often, whereas the business community has to reduce street traffic. We did, we did that to enhance the pedestrian experience, the bicycle experience, and to activate the retail spaces, all of that has happened and more, and we see the green loop as a continuation of that vision of activation of the pedestrian experience within Lloyd. So, we are excited about it going forward. We are excited that Lloyd is among the first to experience this and we know it's going to be a public, private investment, and American assets trust is a developer in the area. Is looking forward to the next phase of development and looking forward to partnering in making this a vision that comes true. Thank you very much.

**Jenny Taylor:** Good afternoon. My name is jenny Taylor, I am a program manager at go Lloyd. Go Lloyd is the transportation management association for the Lloyd neighborhood representing 150 member businesses, more than 10,000 employees and a growing number of residents. Creating connections between people and places is what go Lloyd does, and we wholeheartedly support the green loop as a vital connection among central city neighborhoods. Moreover, we believe the Lloyd neighborhood would be an excellent first choice for the first segment of the loop. Access to Lloyd is constrained on multiple sides by freeways and arterials, by Sullivan's gulch and the Willamette river. The green loop will connect us to adjacent neighborhoods and provide people walking and biking with a convenient and safe way to move back and forth. Safety is a major priority for Lloyd as we have several high crash corridors and are a community of concern due to our low income and senior citizen populations. The green loop would be a tremendous amenity for our growing neighborhood. While Lloyd has been, long been a major business district the past several years have seen us transforming into one of the city's most accessible places to live. We currently have hundreds of residential units under construction, including home forward's 12-story affordable housing development and many more developments in the planning stage. In 2015 Lloyd had an 11:1 jobs to housing ratio. Our near term goal was to get that to 8:1 or better. By creating stronger connections to the rest of the central city and by adding some much needed public green space, the green loop will make Lloyd a more livable place for current and future residents and entice more developers to build there.

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Unlike some other neighborhoods we do have an infrastructure system in Lloyd that can support high density development, both commercial and residential. Lloyd is a community that is engaged and open to partnerships, in fact, we have a long history of public, private partnerships as evidenced by the Lloyd partnership plan, the Broadway weidler quadrant plan and the Lloyd development plan among others. We see value in sharing ideas, listening to stakeholders, and brokering compromise in order to reap the highest public benefit. As part of this process, the Lloyd community would be willing to work with the city to explore funding strategies and help make the green loop a reality. In fact, much of the Lloyd success to date is due to our willingness to invest public and private dollars in our transportation network, that includes bringing Portland streetcar to the east side, creating protected bike lanes on northeast Multnomah street and northeast 16th avenue, installing transit trackers at most of our bus stops, investing \$2 million annually and employee transit passes and providing support for the northeast 7th avenue bridge project currently known as Sullivan's crossing. We believe the green loop is a game changing innovation, and we want to support it the same way. This long-term investment in Lloyd and the greater central city will improve access for workers, residents and shoppers as well as visitors to Portland. Lloyd of course is home to several major regional attractors, including the Oregon convention center, the mode center and memorial coliseum and Lloyd center mall. The green loop will help to create stronger connections to our inner east side and downtown neighbors and encourage our interested but concerned populations to choose active modes of transportation and help make us a safer, healthier and more livable urban community. In addition to all of this by making Lloyd the first neighborhood to receive investment in the green loop, you get go Lloyd as a partner in promoting it. As a private nonprofit organization, with stable funding we are prepared to work with the city and all our partners to make the green loop a long-term success for Portland. Thank you.

**Wheeler:** Thank you. Commissioner Fritz.

**Fritz:** I just want to thank go Lloyd for your partnership for the excellence that you have demonstrated over many years in raising the money to tax yourself to put it back into the district it's one of my favorite areas, in particular, thank you for welcoming right 2 dream 2 to the area and for recognizing that everybody has to succeed. And so I very much appreciate that. Thank you.

**Wheeler:** Very good and I want to add my thanks and my praise. I think the green loop is a fantastic vision and it's one that I look forward to seeing being, perhaps, not completed during my tenure but I would certainly like to see it well underway, and see the city be engaged and excited by it, and committed to seeing the vision to its fulfillment. I think it really could be just an extraordinary iconic asset for this city, and I really appreciate those of you who are taking an early leadership and early advocacy position. It's always hard to beat the pointy end of the spear, but at the end of the day everybody will show up and say they were right with you all the time. Thank you for that. Colleagues any further discussion? I move to amend the resolution and accept the associated exhibits as shown in the versions of these documents distributed to council and described in attachment b to the May 21st bps memo. Do I have a second?

**Saltzman:** Second.

**Wheeler:** We have a motion and a second, any further discussion? If there is no more, Karla could you please call the roll on this vote to amend the resolution and exhibits.

**Saltzman:** Well, I appreciate all the work that's been done, and I don't know if that was a news headlines about this not be completed before your tenure's over, but I hope it is I hope your tenure still is going on when this gets completed.

**Wheeler:** We will see.

**Saltzman:** We'll see.

**Wheeler:** At my expense.

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**Saltzman:** It's been a visionary project and it really will I think as the mayor said it's going to connect Portlanders in a way that they've never felt they've been able to connect safely throughout our city and around the city and I think it will be one of those projects that's going to really just really help redefine how we get and how we get keeping our residents safe, but protecting their abilities to get around as well. So good work. Aye.

**Eudaly:** Aye.

**Fritz:** This is a wonderful project. Thank you for explaining it at this late hour. Susan Anderson this is, since you're not going to be here next week, we're told you have a long list of thank you's for the comprehensive plan and central city plan. I pay tribute to the work you've done leading the bureau and really making a difference in your time here at the city over many years so thank you very much. Aye.

**Wheeler:** I, too, have enjoyed my very brief time with you, Susan. You have been an extraordinary leader and a visionary and a doer and you will be missed. As I said previously, but you are not really going anywhere, which is great. We'll see you when you get back from vacation. Thank you everybody. I vote aye. The amendment and related exhibit is approved. Okay. So listen patiently and make sure that I got this exactly right. We will be back on May 30th, 2015, at 10:15 a.m. for items 526, 527, and the remainder we're going to pass to June 6th to take the final vote on the central city 2035 plan ordinances and resolutions. Is that accurate? We are getting thumbs up. All right, that concludes the central city 2035 matter for today. We are adjourned.

**At 4:37 p.m. Council adjourned.**