



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **27<sup>TH</sup> DAY OF JUNE, 2018** AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Fish, Presiding; Commissioners Eudaly, Fritz and Saltzman, 4.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Lory Kraut, Senior Deputy City Attorney 9:30 a.m.-11:14 a.m.; and Nicholas Livingston and John Paolazzi, Sergeants at Arms.

Item No. 706 was pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

The meeting recessed at 11:14 a.m. and reconvened at 11:26 a.m. for Extended Communications.

|                       |   | <b>Disposition:</b>   |
|-----------------------|---|-----------------------|
| <b>COMMUNICATIONS</b> |   |                       |
| <b>697</b>            | Request of Dorothy Carrol Holland to address Council regarding social justice and housing (Communication) | <b>PLACED ON FILE</b> |
| <b>698</b>            | Request of Susan Madar to address Council regarding social justice and housing (Communication)            | <b>PLACED ON FILE</b> |
| <b>699</b>            | Request of Thomas Getts to address Council regarding social justice and housing (Communication)           | <b>PLACED ON FILE</b> |
| <b>700</b>            | Request of Jacqueline Jackson to address Council regarding social justice and housing (Communication)     | <b>PLACED ON FILE</b> |
| <b>701</b>            | Request of Lew Church to address Council regarding social justice and housing (Communication)             | <b>PLACED ON FILE</b> |

|   |  |   |
|---|--|---|
| <b>TIMES CERTAIN</b>                    |  |   |
| <b>*702</b>                             | <p><b>TIME CERTAIN: 9:45 AM</b> – Conditionally exempt the construction of certain accessory dwelling units from Parks and Recreation, Environmental Services, Transportation, and Water system development charges and authorize the creation of a Revenue &amp; Tax Specialist V position in the Revenue Division to perform waiver compliance (Ordinance introduced by Commissioner Eudaly; amend Code Title 17 and Chapter 21.16, repeal Policy PRK-4.01) 30 minutes requested</p> <p><b>Motion to accept Eudaly 6/27/18 amendment package:</b> Moved by Eudaly and seconded by Fritz. (Y-4)<br/>(Y-4)</p> | <p><b>189050</b><br/>AS AMENDED</p>   |
| <b>*703</b>                             | <p><b>TIME CERTAIN: 10:15 AM</b> – Initiate foreclosure action on four properties for the collection of delinquent City liens placed against the properties (Ordinance introduced by Auditor Hull Caballero) 30 minutes requested</p>  | <p><b>RESCHEDULED TO<br/>JULY 18, 2018<br/>AT 10:30 AM<br/>TIME CERTAIN</b></p> |
| <b>CONSENT AGENDA – NO DISCUSSION</b>   |  |   |
| <b>Bureau of Development Services</b>   |  |   |
| <b>704</b>                              | <p>Reappoint David Nilles to the Structural Engineering Advisory Committee for a term to expire August 31, 2020 (Report introduced by Mayor Wheeler and Commissioner Eudaly)<br/>(Y-4)</p>   | <p><b>CONFIRMED</b></p>   |
| <b>Mayor Ted Wheeler</b>                |  |   |
| <b>Bureau of Emergency Management</b>   |  |   |
| <b>*705</b>                             | <p>Authorize application to the Oregon Office of Emergency Management for their Emergency Management Performance Grant Program in the amount of \$271,798 for administering an integrated all-hazard emergency management program for the City (Ordinance)<br/><br/>(Y-4)</p>  | <p><b>189041</b></p>  |
| <b>Office of Management and Finance</b> |  |   |
| <b>*706</b>                             | <p>Authorize settlement in the sum of \$25,965 in the <i>Tyler S. Bechtel v. City of Portland et al.</i>, lawsuit (Ordinance)</p> <p><b>Pulled from Consent Agenda and Referred to Commissioner of Finance and Administration.</b></p> <p><b>Motion to reconsider:</b> Moved by Fish and seconded by Eudaly. (Y-4)<br/>(Y-4)</p>   | <p><b>189056</b></p>  |
| <b>Portland Housing Bureau</b>          |  |   |
| <b>*707</b>                             | <p>Adopt and authorize the submission of the Action Plan fiscal year 2018-2019, for the Community Development Block Grant, HOME Investment Partnership grant, Emergency Solutions Grant, and Housing Opportunities for Persons with AIDS grant to the U.S. Department of Housing and Urban Development (Ordinance)<br/>(Y-4)</p>   | <p><b>189042</b></p>  |

June 27, 2018

|  |  |               |
|--|--|---------------|
| <b>*708</b>                            | Authorize a grant agreement for \$245,666 from the Department of Housing and Urban Development Continuum of Care program for the administration of the regional Homeless Management Information System (Ordinance)<br>(Y-4)  | <b>189043</b> |
| <b>*709</b>                            | Authorize an Intergovernmental Agreement with the City of Gresham for \$931,905 for the HOME Investment Partnership Program (Ordinance)<br>(Y-4)   | <b>189044</b> |
| <b>*710</b>                            | Authorize an Intergovernmental Agreement with Multnomah County and the City of Gresham to receive \$3,500 and \$10,000 respectively, for the production of updates to the five-year Consolidated Plan fiscal years 2016-2020, Annual Action Plans fiscal years 2018-2020, Analysis of Impediments to Fair Housing, updates and other plans and performance reports as requested of the Consortium by the U.S. Department of Housing and Urban Development (Ordinance)<br>(Y-4) | <b>189045</b> |
| <b>Commissioner Dan Saltzman</b>       |  |               |
| <b>*711</b>                            | Amend a grant agreement with El Programa Hispano Catolico Proyecto UNICA, a subsidiary of Catholic Charities to provide Spanish-speaking/Latina specific navigator services at the Gateway Center for Domestic Violence Services and administer client assistance funds for all participants at the Center up to \$5,000 (Ordinance; amend Contract No. 32000391)<br>(Y-4)   | <b>189046</b> |
| <b>*712</b>                            | Amend a grant agreement with Legal Aid Services of Oregon for civil legal assistance at the Gateway Center for Domestic Violence Services for an annual amount of \$120,000 (Ordinance; amend Contract No. 32000404)<br>(Y-4)  | <b>189047</b> |
| <b>Portland Fire &amp; Rescue</b>      |  |               |
| <b>713</b>                             | Authorize contract with Burlington Water District for fire prevention, suppression and emergency response services for FY 2018-19 for \$129,662 (Second Reading Agenda 674; Contract No. 30006346)<br>(Y-4)  | <b>189048</b> |
| <b>Commissioner Amanda Fritz</b>       |  |               |
| <b>Portland Parks &amp; Recreation</b> |  |               |
| <b>*714</b>                            | Amend contract with Leach Garden Friends for \$55,224 for the use of the Gardens' parking lot (Ordinance; amend Contract No. 53068)<br>(Y-4)   | <b>189049</b> |

| <b>REGULAR AGENDA</b>   |  |  |
|---|--|--|
| <p><b>715</b></p> <p style="text-align: center;"><b>Bureau of Development Services</b></p> <p>Appoint Kent Yu, Mark Tobin, Josh McDowell, Trent Nagele and Clinton Ambrose to the Structural Engineering Advisory Committee for terms to expire June 26, 2021 (Report introduced by Mayor Wheeler and Commissioner Eudaly) 10 minutes requested</p> <p><b>Motion to accept report:</b> Moved by Saltzman and seconded by Eudaly.</p> <p>(Y-4)</p> |  | <b>CONFIRMED</b>   |
| <b>Mayor Ted Wheeler</b>  |  |  |
| <b>Office of Management and Finance</b>   |  |  |
| <p><b>716</b></p> <p>Accept bid of 2KG Contractors, Inc. for the Peninsula Park Community Center Pool Improvements Project for \$3,679,000 (Procurement Report – Bid No. 00000890)</p> <p><b>Motion to accept report:</b> Moved by Fritz and seconded by Eudaly.</p> <p>(Y-4)</p>   |  | <b>ACCEPTED<br/>PREPARE<br/>CONTRACT</b>                             |
| <p><b>*717</b></p> <p>Authorize a borrowing of not more than \$57,700,000 in anticipation of the Fire and Police Disability and Retirement Fund levy for FY 2018-19 (Ordinance)</p> <p>(Y-4)</p>  |  | <b>189051</b>  |
| <b>Commissioner Nick Fish</b>   |  |  |
| <b>Bureau of Environmental Services</b>   |  |  |
| <p><b>718</b></p> <p>Authorize a contract with CH2M Hill Engineers, Inc. to provide design, permitting and construction support engineering services for the Columbia Blvd Wastewater Treatment Plant Secondary Treatment Expansion Program Project No. E07947 in the amount of \$28,300,000 (Ordinance) 10 minutes requested</p>   |  | <b>PASSED TO<br/>SECOND READING<br/>JULY 11, 2018<br/>AT 9:30 AM</b> |
| <p><b>719</b></p> <p>Authorize a contract with Stantec Consulting Services, Inc. to provide Program Management, Project Controls and Construction Management Support Services for the Columbia Blvd Wastewater Treatment Plant Secondary Treatment Expansion and Tryon Creek Wastewater Treatment Plant Improvements Programs Project Nos. E07947 and E10970 in the amount of \$21,800,000 (Ordinance) 10 minutes requested</p>                   |  | <b>PASSED TO<br/>SECOND READING<br/>JULY 11, 2018<br/>AT 9:30 AM</b> |
| <p><b>*720</b></p> <p>Authorize 14 grant agreements and Intergovernmental Agreements related to the Community Watershed Stewardship Program and Neighborhoods to the River N2R Program for \$126,930 (Ordinance)</p> <p><b>Motion to add emergency clause in order to begin the projects during the summer construction season:</b> Moved by Fish and seconded by Fritz. (Y-4)</p> <p>(Y-4)</p>   |  | <b>189052<br/>AS AMENDED</b>   |

June 27, 2018

|   |  |               |
|---|--|---------------|
| <b>721</b>  | Authorize grant agreement awarding up to \$73,000 in FY 18/19 to Southwest Neighborhoods, Inc. to provide outreach, technical assistance and community involvement for watershed projects in Portland's westside sub-watersheds (Second Reading Agenda 684)<br>(Y-4) | <b>189053</b> |
| <b>722</b>  | Authorize contract with Tetra Tech, Inc. to provide engineering services for the Columbia Blvd Wastewater Treatment Plant Main Substation Replacement Project No. E10897 in the amount of \$650,630 (Second Reading Agenda 685)<br>(Y-4)                             | <b>189054</b> |
| <b>Commissioner Chloe Eudaly</b><br><b>Office of Neighborhood Involvement</b>   |  |               |
| <b>723</b>  | Amend fee schedule for the Office of Neighborhood Involvement Noise Program (Second Reading Agenda 687; amend ENB-5.02)<br>(Y-4)   | <b>189055</b> |
| <b>EXTENDED COMMUNICATIONS</b><br>After the completion of the Regular Agenda, Commissioner Eudaly introduced two panels of invited speakers to give testimony regarding Immigration and Customs Enforcement and the FBI Joint Terrorism Task Force. |  |               |
| <b>DUE TO LACK OF AGENDA THERE WERE NO 2:00 PM MEETINGS<br/>WEDNESDAY OR THURSDAY, JUNE 27-28, 2018</b>   |  |               |

At 12:07 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.**

**June 27, 2018 9:30am**

**Fish:** Council will please come to order, welcome to city hall, Karla how are you.

**Moore-Love:** I'm good thank you.

**Fish:** Karla for the record, I want to say that last week when I called in on a particular vote, and I apparently made a lame effort of humor in saying that I was calling from the former soviet union. Where I was watching soccer. I actually never left my apartment, and I was watching soccer on television. So I regret if I mislead anybody, but I am hoping to be in France, I think, next year or the year after for the women's world cup. My daughter is poised to get some tickets, so Karla, do you want to kick us off?

**Moore-Love:** I will do the roll call.

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

**Fish:** Here, well welcome everybody, we have a lot to cover. The mayor is out so the council president, that means me, will be serving as the presiding officer. We have a tradition of beginning every meeting by having our counsel read the rules of the chamber, and I will ask you to do that first.

**Lory Kraut, Senior Deputy City Attorney:** 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 welcome, comfortable, respected, and safe. To participate in council meetings, you may sign up in advance with the council clerk's office for communications to briefly speak about any subject. You may also sign up for public testimony on resolutions for the first readings 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 done 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, please feel free to do a thumb's 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 rejected for the remainder of the meeting. After being ejected the person who fails to leave the meeting is subject to arrest for trespass. Thank you for helping your fellow Portlanders feel welcome, comfortable, respected and safe.

**Fish:** Thank you. So let me do a little housekeeping, just so that everyone understands the run of the show today. First with respect to our agenda, colleagues the auditor has asked that council item 703, which is a time certain for 10:15, be set over for two weeks for a time certain. Karla, is that possible? Do we have a time certain, two weeks, either Wednesday or Thursday?

**Moore-Love:** Yes. There will be 10:30:00 a.m. on July 18.

**Fish:** Would you please read council item 703 and I will formally set it over.

**Item 703.**

June 27, 2018

**Fish:** Without objection that will be set over for two weeks time certain at 10:30. Thank you Karla. In addition on our consent agenda the mayor's office has asked that the council item 706 be returned to his office. Karla would you please read 706.

**Item 706.**

**Fish:** Without objection that will be returned to the mayor's office. A couple other things. As we gather this morning we have just received news that the supreme court has issued it's long awaited decision in janus. For those who have been following this case, this is, in my view a significant blow to workers rights, which sweeps aside 40 years of settled law at the federal level. Notably the case was decided 5-4, which means that neil gorsuch was the deciding vote, and for those who followed this matter a couple years ago, Mr. Gorsuch occupies a seat that was effectively stolen from President obama, withheld from the president, and was given to his successor. I want to just acknowledge that the council has previously issued a resolution of solidarity with our labor partners, and I want to thank and acknowledge commissioner Eudaly who took the initiative to bring that forward. What we're going to do today is we're going to begin with communications. Each person who we call will have the customary three minutes to speak on any topic of their choosing. We will then vote on the consent agenda and then move to the regular agenda. It looks like we have a pretty thin calendar, so I expect that somewhere around 11:00 we should be concluding our council deliberations. Following the morning session I will take a five-minute recess, and then we will reconvene informally for the purpose of hearing a panel of concerned citizens address the issue of ice and the president's policy of separating children from their families at the border. That particular part of this, of today's agenda again an informal process will be chaired by commissioner Eudaly. With that, Karla, I think that we are ready to must have to communications. Would you please call item 697.

**Item 697.**

**Fish:** Is miss Holland present? Please come forward. Welcome. All we need is your name and you have three minutes and thank you for joining us.

**Dorothy Carrol Holland:** My name is Dorothy carol Holland and I live in a housing project building now for home forward. Next year our building is going to be coming under hud for project based. Now according to their rules they would come under hud and ben carson is putting forward 300% a rent hike for hud tenants. Now, we come under the voucher system in that project area and then people like me who are older citizens and on a fixed income, they won't be able to live in the buildings. They will have to go somewhere else and only somewhere else is out on the street and so what do we do? And I am requesting that you don't, or talk to someone who is actually in power, power like the mayor and so forth, to not pass this bill or talk to people in power and try to ask them not to pass this bill because we don't have any other place to go.

**Fish:** Miss Holland. Thank you very much as you noted the mayor also serves as the housing commissioner because you filled out a communication request and listed your phone number and email address, this information will be referred to the mayor's housing liaison, and you will get a response this week to your concern.

**Holland:** Great. Thank you very much.

**Fish:** Thank you very much.

**Holland:** And the second thing that I would like to talk about, and then that would probably be it, is, well, three things, actually. The second one is our management system in home forward. They don't seem to be getting good managers and there managers treat us like we are second class citizens, and also like we're crazy and we don't know what we're talking about when we try to communicate with them and tell them what is going on in the building that they don't know about and so, you know, I don't know what to do. We've gone as far as I can, and I have no idea of how to address that problem.

June 27, 2018

**Fish:** Ms. Holland you are at the right place because the city nominates and appoints a number of board members of what's called home forward. It will also be included in a referral to the mayor's office. I would note that your earlier concern about dr. Carson and the decision to raise rents in federally funded facilities and also to make changes in the hud section 8 program, those are changes that are generally opposed by the Oregon congressional delegation. We have two champions in the senate, as you know, wyden and merkley, who will be opposing those changes. Again, your concern will be giving to the mayor's housing liaison and you will get a response this week.

**Holland:** Great and the very last thing that I want to talk about is I live in the northwest part of Portland. And it used to be really, really nice, and you could get by on the sidewalks but now we have so many homeless people camping out on our narrow sidewalk, that you can't get around that, and you ask them politely to move, and they get belligerent. So you have to either go backwards and try to go a block around them to try to avoid a bad situation, and it's getting to where you can't go to the grocery store any more.

**Fish:** Thank you very much and again I will ensure that you get a response to your three inquiries this week.

**Holland:** Great. Thank you very much.

**Fish:** Thank you for joining us. Karla, please read 698.

**Item 698.**

**Moore-Love:** She's not here.

**Fish:** She's not able to join us. Could you please read 699.

**Item 699.**

**Fish:** Is Mr. Getts present.

**Moore-Love:** No, he's not here either.

**Fish:** Please read 700.

**Item 700.**

**Moore-Love:** Not here.

**Fish:** Miss Jackson is not here. Okay. Would you please read council item 701.

**Item 701.**

**Fish:** Mr. Church, welcome.

**Lew Church:** Good morning. Nick, Amanda, dan and Chloe. My name is Lew church. Currently I am organizing for the new chapter of Portland gray panthers, and I was asked by a minister who's working in our coalition to ask a couple of procedural questions. I have two versions, one is short, like Dorothy did, and one is a bit longer, and I think it's about five minutes. This is mark newton, working on measure 43. Specifically asked that there is a personal story that I want to do but it takes about five minutes, and it's fine if you say no.

**Fish:** Lew, our rule is three minutes so whatever you want, you have a full three minutes.

**Church:** Mark just asked me to ask. That's fine.

**Fish:** That can be put into the record.

**Church:** You have copies. It's the first article from the tribune in favor of measure 43. So it looks like there is two minutes left for the alternative version. Make sure that I am in the right place. I wanted to thank Dorothy for coming. Sally and Dorothy and I were planning to do a radio program last week on housing and social justice and Dorothy is in the hospital and wasn't able to come, so I'm glad she was able to come this morning. I also appreciated the comments although we supported Julia degray in the primary, that nick made on the political issues for labor against gorsuch and the other one as well. I wanted to thank Ted who's not here the mayor for having Portland police not try to evict protesters and occupiers with ice. It looks like outside there is 20 federal dhs cops today, this morning. And I also appreciate Chloe, sounds like you got to go and visit, occupy, physically yourself. There are developments, of course, good and bad today in the broad sense. In new york city, I am sure that the council noted that [inaudible] was able to win a

June 27, 2018

campaign in the primary with what may be the youngest member of congress, Alexandria Cortez against a long time incumbent. She had 100,000 or so in dollars and the incumbent will 20 times that. That was a positive development. And what else. One of the things that we're working on, gray panthers in Portland in the past, some of you who been here longer like me may have met bobby gary, she's been an organizer for gray panthers after Ron Wyden. She's someone I knew personally from the food bank when I did fundraising for interagency food bank. So we're trying to carry on in her tradition in terms of what bobby gary work on and Maggie cune, the original founder did, of having the gray panthers be an activist, radical militant group an additional group on the left in Portland and hopefully with the network nationally of other gray panther chapters, there is 20 of them at the moment. So the issues that we hope to, with 20 seconds left, to work on, and some of us that worked on these for a long type, housing, transit, measure 43, which is for gun safety and gun patrol, supporting joAnn in the city council run-off, I think that's probably close enough. I tried to stick to the three minutes. Thank you.

**Fish:** Thank you very much and thank you for the handout. That concludes our council communications. We are going to take up our consent agenda. As I noted item 706 has been returned to the mayor's office. Karla, have any other items been pulled?

**Moore-Love:** No other requests.

**Fish:** Please call a vote on the consent agenda.

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

**Fish:** Aye. The consent agenda is adopted. Folks we have one time certain this morning at 9:45. We are right on track. Karla, please read council item 702.

**Item 702.**

**Fish:** Commissioner Eudaly.

**Eudaly:** Thank you. What do we call you again?

**Fish:** I think it's council president.

**Eudaly:** We get to be called madam president so Mr. president, thank you Mr. president. All right. So a lack of upcoming council meetings due to summer schedules has created a circumstance where implementation of this program would not start before the other program expires. In addition this ordinance would create a new position, therefore we need to correct technology errors in the ordinance because of that I would like to introduce the following very thrilling technical amendments to be added to the ordinance, so everyone brace yourselves. Number one amend the end of the ordinance to state section 2, the council declares an emergency exists because a delay will create a gap in programmatic services therefore the ordinance shall be in full force and effect from and after its passage by council. Number two, amend council directive d of the ordinance to state Portland city code is amended as shown in exhibit a to take effect on august 1, 2018. Amendment 3, amend exhibit a, section 17.14.070f4c to change the processing fee date from July 1, 2018 to august 1, 2018. Number four amend council directive c to state the revenue division shall request an increase in the appropriation funded by increased revenue associated with program fees in the fiscal year 2018-19 fall supplemental budget process, and finally, amendment number five, amend ordinance title to say conditionally exempt the construction of certain accessory dwelling units from parks and recreation, environmental services, transportation, and water system development charges, and authorize the creation of a revenue and tax specialist five position in the revenue division to reform waiver compliance.

**Fritz:** Second.

**Fish:** Let's take a tentative vote so we can put the amendments on the table. Karla please call the roll.

**Fritz:** Would you mind if we wait till, I think we put then on the table because we had an instance where we were not able to change it.

June 27, 2018

**Fish:** So the amendments are on the table, they all seem to be technical in nature. Although the most substantive is that we are slapped, we would be adding an emergency clause to this matter. Commissioner Eudaly, do you have a panel?

**Eudaly:** Yes, we have a couple people from bds. Matt Wickstrom and I'm sorry I don't know your name.

**Tyler Wallace, Revenue Division:** Morning, my name is Tyler Wallace from the revenue division I'm the tax division manager.

**Eudaly:** That's why.

**Fish:** Welcome.

**Matt Wickstrom, Bureau of Development Services:** Hi, I'm Matt Wickstrom I'm from the bureau of development services, and this is Tyler Wallace, and he's here to answer any questions about the program and the position that would be created. Is that correct? Does that sum it up?

**Wallace:** Correct.

**Wickstrom:** And then I also want to let you know there is a lot of folks from other bureaus here as well so we have Sarah Huggins from parks, rich eisenhower from pbob. Elizabeth Reese-Cadigan from bds and Aaron mick from water.

**Fish:** Are they here as resources?

**Wickstrom:** They are here as resources for you guys.

**Fish:** Thank you.

**Wickstrom:** Okay so this ordinance is about the adu sdc waiver program and here's where we are at with adu and the sdc waiver. So system development charges have been waived for accessory dwelling units since 2010. In 2009 there were 24 adus permitted, and by 2016 there were 615 adu's permitted. And at that point, adu's were accounting for 10% of the overall permits issued for dwelling units in Portland. Research by psu found that 25% of the adu's are rented as short-term rental, and the current program to waive adu's is set to expire on July 31, 2018, and that requires a final inspection and certificate of occupancy needing to occur before June 30, 2019. On May 2nd city council issued a resolution directing staff to extend the adu, sdc waiver to involve six bureaus. The bureau of development services, the bureau of environmental services, water, Portland parks and recreation, and that should say, and the revenue bureau. The resolution required a covenant acknowledging that the adu will contribute to a housing capacity rather than the short-term rental market. For a period of ten years and it also asked the revenue bureau to incorporate the covenant administration and biennial reports into the work program. So six bureaus worked to create a framework for an adu, sdc waiver program. The revenue bureau is going to administer the covenant and they will also enforce the violations. Sdc bureaus will monitor the covenant for recording and there will be a program application and a fee for the program of \$400 to enter the program and that fee will help to support the position that's being created in the revenue bureau. The waiver program waives sdc fee's for property owners provided a covenant assigned. It does allow those without a covenanted to serve adu's as short-term rentals, they are not part of the adu sdc waiver program. They would have had to pay sdc's, in other words. It helps to fund the position in the revenue bureau and it assesses the violations at 150% of the current sdc rates, so if you violate the covenant and you are found liable for doing so you need to repay the sdc fees at 150% of the current sdc rate. And it's important to note that we have made a point in the covenant to acknowledge that posting or listing the adu or house on the site is, on an accessory short-term rental platform, constitutes a violation and that is something that we learned from mike Liefeld, who is in code enforcement in the bureau of development services, is one issue that they have is people will call and report an adu for not being registered with the city because they have seen it on a website, but just by seeing it on a website isn't enough for them to be able to enforce a violation. They need to actually find

June 27, 2018

that money has exchanged hands. So this we just want to make it clear, just don't post the adu or the house on the property on a platform or a register, or register it with the platform, that's off limits for ten years. We have got a lot of next steps still ready to go to get this program going. We are working with our tracs programming group in the bureau of development services on some programming in tracs to help incorporate the revenue bureau into the review of the covenant. We will work with the revenue bureau to create an application, as well as handouts and website materials, so people can be informed of the adu, sdc waiver program. The revenue bureau will come prepared biennial reporting on monitoring information, which includes rents charged for accessory dwelling units. That are part of the adu sdc waiver program and then we need to develop our process and protocol for how violations are enforced and communicated among bureaus. Commissioner Eudaly has already gone through the amendments on the table. These next two slides basically capture those amendments, and I have -- if it's helpful, I have copies of the ordinance and exhibit b that have the changes highlighted, if you need to see those visually. And the next slide also repeats what commissioner Eudaly has already brought forward. And so the direction, in addition to this being an emergency, the council direction would be to adopt the ordinance as amended, including creating a revenue and tax specialist 5 position in the revenue division, granting the revenue division read and write access to tracs and its successor data bases. The revenue division shall request an increase in appropriations through fiscal year 2018-19 fall supplemental budget process. City code would be amended, as amended, in exhibit a and there is a Portland parks and recreation policy document, prk-401, 4.01 that would need to be rescinded. And that's the end it. If you have any questions I would be happy to answer them.

**Fritz:** I have a question for Sarah Huggins, if you could tell us what prk-4.01 is. If you could come up to the microphone. Thank you. That was a very clear presentation.

**Wickstrom:** Thanks.

**Sarah Huggins, Portland Parks and Recreation:** Sarah Huggins with Portland parks. Prk4.01 was a policy document that we put in place previously to waive the sdc fees for adu's so when the prior council resolution directed the bureaus to waive all sdc fees that was the mechanism we used to waive them.

**Fritz:** Thank you.

**Eudaly:** Thank you, matt. We have lost our president.

**Fritz:** I guess I am the backup president so let's go to testimony.

**Fish:** Okay, Mr. Lightning.

**Lightning:** My name is lightning and I represent lightning super creativity watchdog. The only issue I have on this is that I would like to see the ten years reduced to five. I think they're extending out on the ten years is too long. I think that we should get more data provided before we would go out that long of a term. I think that we can do that within the five-year time frame, and then extend out if necessary, if, if it appears to be working. Again, from my position, I think that although you are removing the waivers themselves, the sdc waivers, the fees themselves, I think that by deterring the short-term rental aspect of the adu's is that in my opinion a lot of people want that additional income or that option of having that additional income in various forms, and in my opinion I don't think that that should be taken away from them. If you are going to not charge anything for the fees, just do it across the board and allow them the option to still do the short-term rental aspect of it. And again, I don't think that we have enough data provided to really make a determination on how it is really affecting the overall market because what we're seeing here is we're seeing a lot of different permits being pulled close to 600 recently, and so it's really being positive throughout the community at this time, so I don't really want to throw anything in there that deters people in any way. I think that the way it is going right now is an, in a positive direction. And again, so what I ask right now is just to shorten up the time frame

June 27, 2018

from the 10-5 until we have more additional data to really substantiate going out for the ten-year time frame and limiting the potential of what someone can do with their adu. Again, on their property. So I think you are limiting the property ownership's rights, thank you.

**Fish:** Thank you. Mr. Wittenberg. Welcome back.

**Jim Whittenburg:** I am here for a funeral, this man died a month ago, and he was one of my favorite people and I want going to go on record saying this is my last time ever before the city council.

**Eudaly:** Don't believe you.

**Whittenburg:** This is on record now, so you've got it now, I'm just telling you I'm here for a funeral. What we did was Bruce Huntwork was a doctor here in Portland, and he also served 40 years ministry in Iran, and all his four children were born there. So you all know Ann Huntwork the social worker, that spent six months in jail at age 70 for violating some warrants she had, I don't know, maybe in Atlanta I can't remember. Bruce is now dead and he's buried, he was one of my favorite people, he was worth coming up here from Sacramento here it cost me \$400 so far. What we considered doing was building a little home for them on the peace house community property when Bruce got Alzheimer's back in 2007 I think and was hurting a lot and losing your partner to alzheimer's. We tried to go through the paperwork, but it was just enormous and we couldn't do it. So we gave up and put him up in one of the rooms in the house and I moved out. I am glad to see that you are streamlining these rules so we can have another form of housing in the communities, and Bruce would have been, would have been happy to live there because he was happy with everything.

**Fish:** Thank you, Jim. This is not the first time you said this is the last time?

**Whittenburg:** It's on record now.

**Fish:** No, I am going to make a bold prediction and you are always welcome in this chamber.

**Whittenburg:** I am working on housing in Sacramento. They got 300 tents down there, now of people displaced.

**Fish:** We hope whenever you are back you will join us.

**Whittenburg:** Be back at Christmas

**Fish:** Karla, anyone else signed up to testify?

**Moore-Love:** That's all who signed up.

**Fish:** Colleagues we have two matters now before us, the first is a package of amendments which has been seconded. Let's take a vote on that, and we will vote on the amended ordinance, which has an emergency clause attached. Karla, please call a vote on the amendments.

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

**Fish:** Aye the amendments are adopted and now we will move to the ordinance as amended, which is now an emergency ordinance, Karla please call the roll.

**Saltzman:** Well, I am going to support this ordinance. I just wanted to get some comments on the record. A conversation that I had yesterday with commissioner Eudaly. When this was last before us, or first before us, I very much advocated that I would come back with an amendment that would require these accessory dwelling units to meet ada standards. Americans with disability act standards. The visibility standard, the divisibility standard excuse me. And I was hoping that we would have a one fee for people who want to build adu units that do not comply with the ada's visibility standard and they would have a lower rate for those units that do comply. That build the doorways wide enough, that build stairways short enough, and have bathrooms, have a bathroom on the first floor. I have had good conversations with commissioner Eudaly, and I know in her heart of hearts she supports this idea, too. From a pragmatic point of view it's hard to achieve right now to do

June 27, 2018

this, particularly when you consider how small many of these accessory dwelling units are. The idea of having an accessible bathroom on the first floor may not always be possible. But I still believe that this is a policy goal we need to work at very hard because there are so many more people that need accessible units and need them now and will need them as we want to encourage people to be able to age in place in our city. So I do hope that the future councils, when they take their annual look at this, will at some point see this has been wildly successful, we hope, and the people will be building adu's and getting them financed accordingly, but do I hope the council will, and I know many of the adu builders are striving to make their units as accessible as possible. So I do hope the future councils would could take a look at this on their yearly check-in on this. There may come a time that we need to institute something more aggressive than we have now to achieve that outcome of more accessible, accessory dwelling units in the long haul. Aye.

**Eudaly:** Well, I want to thank my colleagues for supporting this waiver, especially those that are giving up sdc's for the time being. Portland continues to have one of the lowest vacancy rates in the country. We are in the eighth year of an unprecedented housing crisis. I wish that we were unprecedented, but it's unprecedented. We are coming up on two years of a declared housing state of emergency. Adu's are a promising component of addressing our housing shortage and housing crisis. However, there is no loan product available for adu's, which means that average Portland homeowners, most average Portland homeowners can't afford to develop them. I see this waiver as really a way to kind of incentivize building housing that we need as well as acknowledging the challenges in financing adu's currently. To be clear people are free to develop adu's for short-term rentals, we're simply not going to subsidize them, and to me that's, as far as I am concerned, that's a fair and reasonable decision. We don't need more short-term rents units, we need more housing units, and we should not get into the business of subsidizing people's businesses. If we were to do that, I would be hard pressed to argue why we shouldn't waive the sdc charges for any small business in Portland. So this is a very targeted waiver meant to encourage people to develop the housing that we actually need. So we are going to be receiving yearly reports from the revenue bureau on this program, and we will revisit it as the situation we're in evolves. Whether we end our housing crisis, which is unlikely to happen any time soon, or we are able to bring a loan product to the market that makes this opportunity to develop adu's more accessible to more Portlanders. So thank you again and I vote aye.

**Fritz:** Thank you commissioner Eudaly, you and your staff and development services you've done an outstanding job of implementing the resolution we passed in May, and I appreciate matt Wickstrom and mike Liefeld noticing the loophole and fixing that loophole that's brilliant. Of course somebody will think of another way around the things but I am glad you were going to be adding a person in revenue to make sure that the waiver does go only for when they are at real homes and not short-term, so that took care of one of my concerns. Thanks to Sarah Huggins for her amazing work in parks on the system development charges. We will be bringing back to council shortly a revised code, now that the courts have upheld our new methodology in parks for how we assess the system development charges and reducing the fees for smaller homes, increasing them for larger homes. So I am very proud of the work that Sarah Huggins and the staff in parks have done, recognizing that this policy does detract from parks's ability to provide parks in places that don't have them, and to provide more amenities in the parks where there is a lot of development close by. Accessory dwelling units while providing housing do tend to take up space in the backyard making it more important for having adequate parks close by. I voted no on the resolution partly because of the lack of time that I felt council had to look at the issues. I believe the staff has done an amazing job and a short turnaround to refine these regulations. This is a trade-off. I support creating options that increase the

June 27, 2018

overall supply of affordable housing. I am concerned there is no expiration on the waiver, and the policies is still experimental on many levels. I am hopeful that the reports from the revenue division will give the council a clearer picture of whether the qualifying accessory dwelling units are affordable and that's something I know we all share that value. In the interest with respect to the policy passed by council in May and commissioner eudaly's great work on this I vote aye.

**Fish:** Aye. Before it's adopted there is a few other people that I want to thank. Elizabeth reese cardigan and joe blanco from bds, are you here? Thank you for your good work, and rich eisenhower and david Nassif from pbot, are you here? Thank you both, Erin Mick from water. Thank you very much and Tyler Wallace from revenue and financial services bureau. Good. Thank you all for your good work and I am pleased to vote aye. The ordinances as amended is passed. Colleagues I got my signals crossed on one item previously, and so I am going to make a motion to reconsider the action we took on item 706, and I would like it moved to the regular agenda.

**Eudaly:** Second.

**Fish:** Karla, please read 706.

**Item 706.**

**Fish:** Call the roll on the motion to consider.

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

**Fish:** Aye the motion is granted so now colleagues without objection I would like 706 moved to the regular agenda and heard at the end of the agenda. Without objection. Karla let's move to the regular agenda. Would you please read council item 715?

**Item 715.**

**Fish:** Commissioner Eudaly.

**Eudaly:** Thank you, Mr. President. Good morning I have the pleasure of bringing forward five new appointees to the structural engineering advisory committee. The structural engineering advisory committee is a citizen advisory board. It advises the director of bureau of development services and/or the appeals board in technical structural engineering matters relative to reasonable interpretation and to alternative materials and methods of construction. Amit Kumar from bds will present the proposed appointees.

**Amit Kumar, Bureau of Development Services:** Good morning commissioners. My name is Amit Kumar I am the senior structural engineer with the bureau of development services I'm here today to present the proposed appointees to the structural engineering advisory committee. The city code titled 24.10.85 specifies that members of the structural engineering advisory committee consisting of six members, licensed in Oregon to practice structural engineering be appointed by the mayor and approved by the city council. Members may be appointed to no more than two consecutive three-year terms, unless the director recommends approval of the longer term and the mayor and city council approve the extended appointment. Memberships on the committee have all expired, there are currently no positions filled. The first appointee is dr. Kent yu. Doctor Kent yu is a ph.d. p.c., and a principal and owner of Seft consulting group in Portland. Kent has 18 years of structural earthquake and tsunami and forensic engineering experience. He's well-known for his expertise on seismic design, performance design, advance and finite analysis. Kent has served on the national and state committees including on the board of directors for applied technology council as chair of the Oregon seismic safety policy advisory commission, asce the american society of civil engineers, and tsunami and load affects committee asc and for structure resilience executive committee and he was a primary author of the 2012 Oregon resilience plan. The second appointee is Mr. Mark tobin. Mark is the principal with kpff consulting engineers, with over 20 years of experience as a practicing structural engineer. Mark's career has focused on seismic renovations, seismic evaluations, cool buildings and high rise buildings including advanced, non-linear and finite

June 27, 2018

analysis. Mark has served on the city of Portland, urban seismic retrofit projects technical standards committee and on the Oregon seismic safety policy advisory commission on critical buildings. The third appointee is Mr. Trent Nagele. Trent is the principal with VLMK engineers, in Portland, Oregon, and he's a registered structural engineer with over 22 years of structural engineering experience. He has vast experience in seismic evaluation upgrade of existing buildings and use of materials. Trent serves as the commissioner on the Oregon seismic safety policy advisory commission. He has served as the president of the structural engineers association of Oregon and served as a chair of the critical buildings group for the Oregon resiliency plan. He's also served on FEMA's project review panel for FEMA and 26 and is awarding a member of the American Concrete Institutes 551 committee. The fourth appointee is Mr. Josh McDowell. He's a principle and director of structural engineering and McKenzie a local architecture and planning design firm. Josh is a practicing structural and civil engineer with over two decades of experience. Josh oversees the structural design for a range of projects, including commercial, retail, and industrial facilities. He has an extensive background in assessment and remodel of existing structures involving seismic and code compliance. Lastly the fifth appointee is Mr. Clinton Ambrose, he's the principle and founding member of ABHT structural engineers. Clinton has over 25 years of experience as a structural engineer. His portfolio of work includes structural consulting for a wide variety of projects such as wastewater facilities, recreation facilities, educational facilities, office buildings, seismic evaluations and multi-story mixed use residential commercial facilities. ABHT structural engineers are Oregon certified MBE and DBE firm.

**Eudaly:** Thank you. Are any of the appointees here today?

**Kumar:** I don't believe so.

**Eudaly:** Before we move on I want to address a glaring issue that my colleagues raised last week about the lack of diversity on some of the BDS technical advisory bodies. I, obviously, share this concern and did some digging into the issue with our team, and I just want to share the results of that. It is definitely true that there is a lack of diversity in engineering fields, structural engineering is even worse than the overall civil engineering field when it comes to female representation. Nation-wide women only make up 6.7% of members for the structural engineering institute, a national professional organization that is affiliated with the ASCE, where women make up 11.8% of the general membership. Locally there are roughly 500 members in the structural engineering association of Oregon chapter. Less than two dozen of those numbers are female, the structural engineering team at BDS employs five of them so I am proud of that particular statistic. The structural engineering advisory committee advises BDS on highly technical matters related to structural engineering and code related issues. Members serving on this committee are required to have a structural engineer license and significant experience as a structural engineer. As part of the outreach effort to fill the vacancies on the structural engineering advisory committee BDS advertised the vacancies on structural engineers association website, the ONI website, the BDS website and the plans examiner email newsletter. In addition to these announcements BDS staff personally reached out to specific individuals and engineering companies employing women and people of color to request that they apply to serve on the committee, in response to these outreach efforts the city received only six applications, unfortunately none were women and only one identified as a person of color. The director Rebecca Esau reached out to her contacts and successfully recruited one additional person of color who was also a small business owner. Still no women expressed interest in these assignments based on the lack of diversity from applicants who are working with our equity and policy development section to strengthen our outreach efforts to these communities. BDS is continuing to develop and implement proactive measures to engage and incorporate representatives from all of our community and is

June 27, 2018

dedicated to continuing to improve on these issues as we look to fill new positions over the next three years. So I want to thank Amit kumar for this information, and for all of his great work.

**Fish:** I will entertain a motion.

**Fritz:** Can I just comment. Thank you. First thank you for the presentation. Thank you very much for that statement and for addressing the concern that I expressed last week. Did I hear you say that there are six members of the community and we only have five being appointed?

**Kumar:** Yes, the five that has been newly appointed and one reappointed.

**Fritz:** And if somebody is watching this and wants to volunteer, how would they go about doing that?

**Kumar:** So they can always submit their interest form to oni's website or they're more than welcome to submit their interest to me personally.

**Fritz:** And just one final suggestion, I met with rachael yesterday, and they, the representative of the professional technical employee local 17 and they have members who are engineers, and I am sure that I am very pleased to hear about the diversity of the staff in bds and congratulations on that. Perhaps, you and I both know that when you are in a field that is more dominated you tend to know the other people in the field. Perhaps having those folks reach out to some of their colleagues who want to might be helpful, but having been in charge of development services I know that this has been a challenge, and really appreciate your addressing it head-on.

**Fish:** I will entertain a motion to accept the report.

**Saltzman:** So moved.

**Eudaly:** Second.

**Fish:** Motion to accept the report and a second. Karla please call the roll.

**Saltzman:** Well good job to commissioner Eudaly and Amit for recruiting it looks like an outstanding field of candidates and I want to thank them for, in advance for their service to the city. Aye.

**Eudaly:** Thank you to our new appointees, and the reappointee. I am sure this is not the funnest advisory committee in the city to serve on and we really appreciate you lending your expertise and your time to the city. Aye.

**Fritz:** I've been serving on all the committees is fun because you get to make the decisions and if I was a structural engineer I would be like yeah, all right. So thank you for the work that you do. Thanks to rebecca esau and Dora Perry the equity and policy manager who have been addressing this for many years. And I appreciate the fact that commissioner Eudaly is revitalizing many of the committees in development services, some of which have been not needed for a while so it's good to know that they are now needed. Aye.

**Fish:** Aye. The report is adopted. Thank you very much. Karla please call item 716.

**Item 716.**

**Fish:** Mr. Pelatt welcome.

**Larry Pelatt, Procurement Services:** Good morning. Thank you very much. I am Larry Pelatt, procurement services. You have before you the procurement report recommending a contract award to 2kg contractors, inc. For the peninsula park community center pool improvement project for \$3,679,000. The engineer's estimate on this project was \$2 million, and the bureau's confidence level was moderate. On February 28, 2018, council approved ordinance 188832, procurement services to competitively solicit this project. The project was advertised in the city's electronic procurement system, bids were opened May 1. One bid was received in response and 2kg contractors is the lowest bidder at \$3,679,000, which goes 83.95% over the engineer's estimate. The original budget was developed keeping some of the current equipment in place. It was later determined that

June 27, 2018

the replacing of that equipment and accepting the bid alternates, which includes some new but significantly more efficient equipment would provide the city with both energy and maintenance savings, as well as greatly enhance the community experience. Sufficient funding is available in Portland parks and recreation's budget cost center p30218 and 30482. Portland parks and recreation along with procurement services identified an aspirational goal for certified disadvantaged minority women and emerging small business contractors, subcontractors and suppliers at 20%. There is a total of \$223,718, which is only 6.68% of the disadvantaged minority women and emerging small business participation for this project, including certified subcontractors and mbe at the full \$223,718 doing shoring work. 2kg contractors is located in Portland, Oregon, they are not a state certified dmwesb contractor. They do have a current city of Portland business tax registration number, and they are in full compliance with the city's contracting requirements. If the council has any questions about the procurement part of the project, I can answer those or I was expecting Joe from Portland parks and Mario from 2kg, they may be running behind, I don't know.

**Fritz:** Actually I got designated to talk for parks if anybody has any questions.

**Fish:** Alright colleagues any questions?

**Saltzman:** How unusual is it that we only get one bid on a project?

**Pelatt:** Pool improvements and rebuilding is a very specialized field. One bid is unfortunate, but frankly the work is very -- it's very specialized. Limited number of contractors, there is a whole lot of pool, I was on the board of directors for Tualatin hills parks and recreation, not truly a competitor but sort of for 12 years. We have nine pools, and I have noticed that we will get one bid, another pool might be two, and back to one bid, it's pretty specialized work.

**Saltzman:** As a general matter are we obligated as a city to accept the bid when there is only one bid? Is that stated-wide?

**Pelatt:** We are never obligated to accept it when we are 10% over we go to what's considered value engineering, called value engineering it was attempted with this project. The contractor did have some ideas. Portland parks and recreation determined that the ideas, while effective may not have been fit fully into the experience they are trying to generate.

**Saltzman:** Okay. Thank you.

**Fish:** Are there questions or comments? I will entertain a motion to accept the report.

**Fritz:** So moved.

**Eudaly:** Second.

**Fish:** We have a motion and second. Karla please call the roll.

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

**Fritz:** We had a full presentation on this project before including explaining why it's relatively a large amount, it's not just resurfacing the pool but greatly improving the accessibility of it. We are adding a wheelchair lift, lighting improvements and various other amenities that is going to make peninsula park pool great for the next 100 years, as it has been. Thanks very much to the voters who approved the 2014 fix our parks bond which is largely funding this improvement. Aye.

**Fish:** Aye. The matter is accepted. Thank you very much. Karla please read council item 717 and then I have a few opening remarks.

**Item 717.**

**Fish:** Colleagues, these were the remarks the mayor would have read had he been here. This ordinance authorizes the city to issue \$57.7 million in tax anticipation notes to finance the annual cash flow deficit in the fire and police retirement and disability fund. The city issues tax anticipation notes each year to fund retirement and disability expenses incurred prior to the receipt of property revenues, property tax revenues in late November. Because

June 27, 2018

fpd&r cannot legally carry over efficient fund balances to pay these early fiscal year expenses, it is necessary to issue tax anticipation notes to avoid a cash flow deficit. The city expects the sale of the tax anticipation notes to a competitive bidding on July 10, the notes will be repaid on or about June 26, 2019, Mr. Johansen, did I miss anything?

**Eric Johansen, Office of Management and Finance:** I think you have got it all commissioner Fish. The only update that I would give, it looks like the actual issue size will be closer to \$36 million. Rather than the \$57 million that's authorized as a matter of, matter of carryover, a balance that we did have in the fund so it is a smaller issue than we authorized.

**Fish:** So the way that this is drafted, it's not to exceed \$57 million, but you are telling us it's likely closer to 30?

**Johansen:** 36.

**Fish:** \$36 million.

**Johansen:** We're limited by the IRS to how much we can borrow for this purpose and limited essentially to the amount of the deficit that we expect to incur.

**Fish:** What's the interest rate environment out there today?

**Johansen:** Interest rates this year are higher than they were say a year ago when we did this borrowing. I think that we sold last year at a .9% interest rate for one year. This year closer to 1.6. So higher than last year, historically, though, still a favorable short-term interest rate.

**Fish:** Okay. Colleagues, questions? Karla do we have anyone signed up to testify?

**Moore-Love:** No one signed up.

**Fish:** Okay, this is an emergency ordinance. Karla, please call the roll.

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

**Fritz:** When I first started doing these ten years ago, absolute sticker shocker why are we borrowing millions of millions of dollars, but it is a matter of accounting and the way that the police and fire pensions are set up. So this is not something to be alarmed about, citizens, aye.

**Fish:** Aye the ordinances is adopted. Karla please read council item 718 and 719 together.

**Item 718.**

**Item 719.**

**Fish:** Thank you very much. Colleagues the bureau of environmental services operates the Columbia boulevard wastewater treatment plant, and the Tryon creek wastewater treatment plant to provide wastewater treatment for the city of Portland. Bes is implementing large capital improvement projects at both plants, with similar timelines to ensure the city is in compliance with the Oregon Department of environmental quality applicable permits. Paul Suto, principal engineer and Muriel Gueissaz-Teufel, senior engineer from the bureau of environmental services are both here with the presentation about these projects. Welcome.

**Paul Suto, Bureau of Environmental Services:** Thank you. Good morning, for the record I am Paul Suto with Bes. We are here to request approval for two consultant contracts to support the two large programs that both the city's wastewater treatment plants, Columbia boulevard and Tryon creek to improve reliability and capacity. Both programs are necessary to maintain permit compliance into the future and are both the largest at the two treatment plants in two decades. One contract will be focused on design consultant services, specifically to Columbia boulevard and the other is a focused program support contract that will support the Tryon creek and the Columbia programs. Muriel Gueissaz-Teufel is here, and she's a program manager for the Columbia boulevard program, and she will present the details of the contracts.

**Fish:** Thank you. Welcome.

June 27, 2018

**Muriel Gueissaz-Teufel, Bureau of Environmental Services:** Thank you. For the record I am Muriel Gueissaz-Teufel. So the -- all right, so I will give an introduction of the two treatment plants. The two treatment plants are located north and south of the city as shown on the map, in the upper right corner. So you can see the map, Columbia Boulevard is to the north located near Smith and Bybee lakes and charging treated water to the Columbia river. The Tryon creek water treatment plant is located in Lake Oswego and discharges to the Willamette river. Both plants have served the Portland residents and watersheds for 54 years. Columbia boulevard was constructed in 1952. It was expanded in 1972, it is the largest treatment plant in Oregon. It treats a combination of sanitary sewage and stormwater flows because of this there's a really large difference between average daily flows and peak wet weather flows during the storms. The facilities cover approximately 80 acres, where most of the treatment units are located on 37-acre to the south of the Columbia slough. The Tryon creek wastewater treatment plant, which is shown on the bottom figure, in the slide, was constructed in 1964, expanded in 1976, and located in Lake Oswego. The plant is owned and operated with the city of Portland under an agreement with the city of Lake Oswego where it flows from the two cities are treated and discharged to the Willamette. In 2017, the two treatment plants treated more than 32 billion gallons of sanitary and stormwater protecting water quality on both the Willamette and the Columbia river. So we have two authorization requests today. I will start with the contract authorization focused on services related to improvements for Columbia boulevard, while the Columbia boulevard plant has reached retirement age we have plants to keep it running for a very long time. In 2011 the city entered into a mutual agreement in order with the Oregon department of environmental quality, Oregon DEQ. The order relates to the collection of combined sewer overflows and the treatment of the Columbia boulevard plant, the city has complied with every requirement of the order to date. Last year BES proposed to comply to the last part of the order, via the addition of two new secondary clarifiers. The photo on the slides, on the slide shows the existing secondary clarifiers. The clarifiers are large tanks where the microorganisms grown on the pollutants are allowed to settle, and in essence, clarifying the water. And the clean water goes to disinfection before discharge. So the main core, the program is the addition of more secondary clarifiers similar to those in the picture. The expansion proposal was accepted by DEQ along with the compliance schedule to complete the improvements by 2024. So the core of the program relates to the addition of the clarifiers. You can see those big circles on the picture illustrating graphically where the clarifiers would be put. So you can tell that there is many other facilities under in that same location. Most of these facilities were built in the early 70s, so at the time of looking at the program planning, we incorporated other needed projects, in that area that were planned so that we could minimize the risks of construction when we add these new clarifiers. The background photo you see is a planned view of the main campus of the treatment plant. You can see the existing clarifier to the middle of the page to the top where you can see four, or eight square shapes, one of them is empty for maintenance those are our existing clarifiers. The highlighted area represents the main area we are going to put the new clarifiers. The total program covers four or five acres, including underground utility tunnels, electrical equipment and mechanical equipment structural improvements, and civil site improvements. So this is a complex designing construction project with heavy site civil, mechanical, electrical and control aspects and risks. So at the same time in October of 2017, council authorized the use of a construction manager general contractor approach to minimize the construction risks due to the complexity of the project. At the same time BES solicited services for two professional expert services to support the delivery. So this photo provides a different view of the clarifiers and the side view of the structures and the facilities needing the demolition, you can see the silos in the back. So these are big structures, and it will need careful

June 27, 2018

demolition and replacement to maintain plant operation. A few firms have the qualifications to provide engineering services for these programs. So solicitation was advertised for competitive qualifications in September of 2017. Bes received two proposals and conducted interviews in December. The selection committee recommended the award to ch2m hill engineers. The negotiated fee for the contract is \$28.3 million. It has an optimal level of confidence. The scope of services covers pre design, detailed design, cmgc optimization support, guaranteed maximum price development, assistance, construction engineering and start-up and commissioning support. The certified disadvantaged woman own and emerging small business participation is at 25%. For a contract of this size it is a significant amount of participation. The consultants and bes have worked to develop meaningful contractor opportunities including architectural design, electrical studies, wastewater operation support, environmental permitting, sustainability design, instrumentation, controls, programming and also a task specific for dmwsb development support. So the program budget for item 718, the total program cost estimate in 2017 was \$146 million. With construction cost estimates of \$100 million. Since no design has been completed, those, those cost estimates have a lower level of confidence. The project will extend over seven years due to our meo. The photo here just shows an area of the tunnel where you can see the level of complexity of the equipment that is in some of the facilities that we have to deal with. The program schedule has designed between 2018 to 2022 and construction starting in 2020, early 2020, 2021 extending to 2024. This is when we realized that we had the two programs going concurrent between Tryon creek and Columbia boulevard and would put a strain on the resources at not only bes staff but a certain skillset was needed to manage these large programs. At that point this is the point where bes selected to issue the solicitation for program support. So program support services item 719 was an approach that was successfully used on the cso program, it would support both Columbia boulevard and Tryon creek water treatment plant programs that provides the expertise in large implementation program and cmgc delivery and additional staff support to bes. It was also advertised in September of 2017 and stantec consultants were recommended for the award. The negotiated fee in this case is \$21.8 million, with a high level of confidence. The dmwsb participation is 25% for this contract, and stantec is using a different model where they are truly mentoring the certified firm as deputy manager into program controls and providing cm and inspection support. The scope of services will also include cmgc support for community benefits agreement which will come from the cmgc contract. A big part of the role for the program support consultant will be to monitor and provide qaqc assistance as part of the program execution. So for the two items combined, for 718 and 719, the Tryon creek and Columbia boulevard programs total about \$261 million with construction estimates of \$169 million. Currently they both have low level of confidence because of the -- where they are in the design. Tryon is a bit ahead in the design, but Columbia boulevard has not yet started. We wanted to just bring up the past council actions to these two programs. In October 2015, we had authorization for the planning efforts on Columbia boulevard. September 2017 was the authorization for the cmgc contracting method, and in the future we will have reports on the cmgc guaranteed maximum price and community benefits agreement. The Tryon creek, a few more actions, 2012 was when the planning effort started, 2016 the consultant contract authorization with black and vich 2016 is the cmgc authorization, and future actions include amendments for the black and vich contracts and reports on the cmgc actions. So, we are here today to recommend approval for the contract with ch2m engineers for predesign, design, and construction stance related to the expansion program in an amount not to exceed \$28 million. Item 719, approval of a contract stantec consultants to provide support services and program controls related to both. Secondary treatment expansion and Tryon creek improvements in an amount not to exceed \$21.8 million.

June 27, 2018

**Fish:** Let me kick things off Muriel and Paul by thanking you, but these are incredibly complicated engineering issues and you know, I've been spoiled over the years, colleagues cause I get a preview of these power points before they come to council, but I really think that you have established a standard for the way that you present this information. It's highly technical information. You do it in a way that I think invites the council to follow clearly what you are doing. Doesn't mean that council will agree with everything that you propose, but you lead us along. And then I especially appreciated the end, that you include prior council actions. So council can be reminded of where we are in the time line. So I personally, and I am, obviously, as the commissioner in charge, biased but I believe that you do the gold standard in how you present these power points so I want to thank you for that. Colleagues, questions?

**Fritz:** I have one, I agree with that, very well done, and minimizing these acronyms so well done on that. Are you planning to have just one contractor, general manager for both, to do both of the projects?

**Gueissaz-Teufel:** No. Each have, they will each have separate. The tryon creek is under negotiation finalizing that contract. And the Columbia boulevard, we reached the, we have gone through the first steps of solicitation, the qualification step, and we have three firms short listed and we will go through the rfp this year.

**Fritz:** Thank you.

**Fish:** Okay. Karla, has anyone signed up to testify on these matters?

**Moore-Love:** No one signed up for either.

**Fish:** All right. These both 718 and 719 proceed to a second reading in two weeks. [gavel pounded] Karla would you please read council item 720.

#### **Item 720.**

**Fish:** Colleagues I am pleased to bring forward these 14 agreements to support the bureau of environmental services efforts to protect our community watersheds, bes's community watershed stewardship program provides many grants to support activities like natural area revegetation, environmental education, and watershed stewardship. Grantees include verde, depave, johnson creek water council, friends of zanger farm, among others, these partnerships strengthen both our Watersheds and our communities. Jennifer devlin is with us. Jennifer and b. Castra nemeci from the bureau of environmental services are both here to give us a brief presentation about the grants, esmeralda sanchez will be available to answer questions from current grantees. Following the presentation we will hear from a couple of grant recipients. Terrance moses and pat opdyke from neighbors helping neighbors, matthew lee from verde and the columbia slough watershed council. And after the testimony colleagues, I will be asking you to consider an amendment to add an emergency clause so that we can begin the work this summer. Jennifer, welcome.

**Jennifer Devlin, Bureau of Environmental Services:** Good morning everyone. My name is Jennifer devlin, I am managing the community watershed stewardship grants program, which began with council authorization in 1995. Each year we bring a slate of grants that we would like you to authorize so we can work with folks for the coming year. This grant group will include our 300th grant. The program really develops partnerships, and is also is a model of partnerships itself. The program delivery is done by students from Portland states, indigenous nations program and I have two of our staff people here from psu. Esmeralda sanchez and b. Castra nemeci. Esmeralda sanchez is just here in case anyone has any questions that we cannot answer but b is going to be giving the presentation about the upcoming grantees. B has been doing some amazing outreach to all kinds of people throughout Portland this year, and so she has got an interesting group of people.

**Fish:** Welcome.

**B. Castra Nemeci, Bureau of Environmental Services:** Good morning, my name is b., and it is an incredible honor to be here with you this morning. I am a student at psu and I

June 27, 2018

am here with the indigenous nation studies program, and I wanted to take a moment this morning with your permission to highlight three of our grant recipients for the upcoming year that serve as a model of the work that this program accomplishes for the city of Portland. The first is a group called neighbors helping neighbors, pdx. This grant project will collect trash from Portlanders experiencing houselessness and also provide ecological education to minimize the negative impacts of camping. The Kenton neighborhood project is led by the spirit of Portland award winner Terrance Moses, and also a long time neighborhood activist pat opdyke. They have been a joy to work with so far. Recently I published a case study about passed grants that funded work that included unhoused Portlanders to inspire more cohesive community work for environmental benefits. The second project I would like to highlight is verde's cully community rain gardens grant. This project will provide resources, education, and assistance for low income residents in the cully neighborhood. Verde will work with residents to plan, install and maintain nine rain gardens in the neighborhood. The project is being spearheaded by nester campos of verde. The third grant I would like to briefly describe is the Columbia slough watershed council's project who, that is being led by their stewardship director Matthew lee. Mr. Lee will engage the industrial and residential community to restore a natural riparian buffer along an industrial area on the Columbia slough and they will also be removing invasive species and planting native species in their place. So unless there is any questions right now, we would like to invite our community partners to say a word.

**Fish:** That's wonderful. Thank you very much. Thank you, b. So we will welcome Terrance moses and pat opdyke and Matthew lee and the Columbia slough watershed council to join us. We will take a moment to get the technology right. Karla we have a blue screen. Who will like to go first.

**Terrance Moses:** I think we will go first. Thank you commissioners. Thank you for hearing us out. My name is Terrance Moses. and I am one of the neighbors helping neighbors organizers and I wanted to come before you today to talk about what we do. One of the majority of the things that we do is we provide our houseless neighbors with food, hygiene items, clothing, and water, but the most essential part that we do is we provide them with trash relief. We picked up about 3,200 pounds worth of garbage and trash from encampments, roadside, rvs and along the Columbia slough and Willamette rivers, and we do this because the impact it would have, if it was to reach our waters would be great. And on another note we also talked with our houseless folks and engaged them, and one of the things that we asked that they do is when we provide them the trash bags, is that they bag their trash, and they do that, and they also load our trailer so that we can haul it away and they receive this with great appreciation, so we come before you today to thank you for hearing us and for hopefully providing us the necessary funds to get a new trailer that will allow us to continue to pick up these large amounts of garbage, and remove them from our neighborhoods and continue to build the bridge between our houseless and our housed neighbors. And also what we do is we also educate them on the need to recycle, the need to, if they do have a substance abuse problem, to use our approved containers to put their discarded needles in, and they are receptive to that as well. And also what we do is working good with the Columbia slough watershed, we're able to locate these waterways where encampments are and remove the trash in a timely manner, and without this funding, the trailer that we are currently using, will not last much longer or take the strain off the people that are volunteering to unload it down at the dump facilities. I want to thank you again, and thanks for your time.

**Fish:** Thank you Mr. Moses for joining us. Who is next.

**Patt Opdyke:** Commissioners my name is pat Opdyke and I also am connected with Terrance's neighbors helping neighbors pdx. Thank you for the opportunity to be here today and I just want to give you a bit more background. The person sitting here next to

June 27, 2018

me on my left is the one who started this all on his own, spring of 2016. He came, became involved because he became aware that there was some people who were housed, two men in particular on the peninsula crossing trail who were threatening our houseless neighbors and so approached them, and said you know, approached the houseless folks and said we're here to help, tell us what you might need, and the first thing that they said was, we need some help getting rid of this trash. That was the start and now two, two and a half easier on Terrance's work continues. I joined in helping and I am now doing program management and community organizing which is sort of my background and hoping to expand that and to bring our neighborhood volunteers together to help Terrance. Anything from going around and helping with the loading and meeting with the houseless folks, to making peanut butter and jelly sandwiches, we distribute on average 160 of those sandwiches each week and basically, we have several desired outcomes that we are looking for. Looking to achieve with this program, we've been able to isolate those based on Terrance's experience over the last two plus years. The first is to reduce the waste that gets into either our stormwater systems or into our waterways. The Columbia slough and the Willamette river to, in our area that we work in north Portland. This not only impacts water quality and preventing water pollution, but also affects wildlife habitat. The other goals are more directly related to our houseless community, as well as our housed neighbors. One we want the houseless community to have a healthier and safer environment in which they live. Unsheltered though it maybe we can at least rid them of trash that might attract rodents and other things that are health risks to them. The sec thing is neighborhood livability. By removing 3,000 plus pounds of trash from our neighborhoods, and our industrial and commercial areas each week, we increase the likelihood that our neighborhoods are cleaner and that they are more enjoyable places to be in. Following out of that is that we reduce the hostility and friction from our housed neighbors. And the fourth is equally important. One of the things that we aspire to is that the, through the interaction of our volunteers who are housed and as they come to know and understand that many of the houseless folks are just like them but for different circumstances. That there will come to be a mutual understanding and respect, and slowly and/or organically that this can may be spread out in our community. Thank you for the opportunity to speak.

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

**Matthew Lee:** Thank you for having us. My name is Matthew lee I am the stewardship director with the Columbia slough watershed council, and I am here to talk about the verde cully rain gardens project and the industrial restoration riparian project. The first, mr. Campos who couldn't be here to speak on that, was a continuation of a project or program he created through verde. The Columbia slough watershed partnered with them this past year through the crisp program to install six rain gardens in the cully neighborhood and it epitomizes the intent of this grant program because it brought together four community organizations in the community to address stormwater issues. It builds rain gardens on low income homeowners in the cully neighborhood. So, those households were identified through habitat for humanity. The actual installation of the rain gardens was conducted through the Multnomah youth cooperative, which is an alternative learning academy through the reynolds school district and that provided youth to learn technical skills around storm water management and engineering to be able to install the rain gardens on the properties. It also brought in technical expertise of nester at verde and the council support through advocacy and outreach. Seeing that this program would be continued into the future with nine more rain gardens installed in the neighborhood would be addressing both great environmental issues that the neighborhood needs as well as bringing a lot of community organizations together to really further the mission of the program. The second project is doing riparian restoration work along the Columbia slough a very industrial part

June 27, 2018

of our watershed. The council has an initiative to do greater outreach and partner with more businesses and landowners to be able to do the restoration work needed to improve water quality and wildlife habitat. This site that we're potentially doing the project on is a landowner called hedro, formerly known as sapho. They own three industrial properties adjacent to the slough so this project would be a great example and a model for other businesses not only for hedro, also for other businesses in this very industrial area of the city to partner and work with the council to provide resources, volunteer labor, to be able to restore our waterways so that they are healthier for the community and also healthier for the wildlife.

**Fish:** That's wonderful. Questions, colleagues?

**Fritz:** I have a question for neighbors helping neighbors. Who pays for trash disposal?

**Opdyke:** So peninsula odd fellows contributes \$120 a month and has been supporting us since last year. The average dump fees anywhere between \$40 and \$75, so about \$60 a trip. That's two trips a week and we also accept donations. For a long time Terrance had the deep pockets and supported that and we still thank him. Then also we have made an arrangement with metro's regional illegal dumping program. Stephani lawson's coordinates that and they sent a team to Terrance's house every Tuesday morning and unload his trailer and truck and put it in their truck and then they take it away. That's about a savings of about \$3,000 a year for us.

**Fritz:** So if somebody either in this room or watching at home doesn't necessarily have the time or capacity to help go out and pick up trash but would like to help you in this worthy cause, how would they donate to you?

**Opdyke:** Thank you. They would -- we have a Facebook page, and it's just neighbors helping neighbors pdx and on that they will find information on how to do that. Then the other way that they could do that is through the peninsula odd fellows at the moment we're using their website. So it is keepPortlandodd.com, I believe and on that they will see a donation page. Thank you for asking that.

**Fritz:** Thank you.

**Fish:** I want to thank you for taking the time to come share your inspiring stories. By way of background it's important I acknowledge the other recipients. So if I could take a moment. neighbors helping neighbors, pdx, in this particular ordinance would receive \$10,000, lower Columbia estuary partnerships, Vernon stormwater phase 2, \$10,000. Friends of zanger farm school, \$8285. Depaves, depave project enhancement and education program, \$10,000. Lents school pta garden communities Lents school watershed studies program, \$7400. Spring mountain christian academy springwater corridor bike and cleanup, \$1,000. Johnson creek watershed council's 11th annual Johnson creek cleanup, \$5819. Camp also which is experience life science outdoors, adventurers program, summer 2018, \$10,000. Wilshire nature scape group and friend of Wilshire park's Wilshire nature scape, project. \$9125. Friends of Tryon creek's Tryon field ecology internship, \$5,000. Portland state university's native American student and community centers restoration and nascc rooftop garden, \$10,000. Tryon watershed council's watershed mobile one on one training program, \$8400. All very worthy recipients and very inspiring. In addition n2r program funding will support the following community based projects. Verde's cully community rain gardens, \$10,000 and Columbia slough watershed council's hydro series 2, \$9930. So thank you all very much.

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

**Fish:** Karla, has anyone signed up to testify?

**Moore-Love:** No one else signed up.

**Fish:** Colleagues because this we would like these projects to begin this summer I would like to offer the following amendment. To section 2, quote, "the council declares that an emergency exists because it's necessary to award agreements without delay in order to

June 27, 2018

begin community watershed projects during the summer construction season; therefore, this ordinance shall be in full force and effect after passage by council”.

**Fritz:** Second.

**Fish:** The amendment has been seconded, Karla, please call the roll.

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

**Fish:** Aye. The amendment passes and now Karla would you please call the underlying ordinance as amended.

**Saltzman:** I want to thank bureau of environmental services for their continued support of community groups doing good things for our watersheds and our water bodies. Certainly evidenced by the great presentations we had today by fantastic organizations. Aye.

**Eudaly:** Thank you to the presenters. It's great to hear stories like this. I would love to hear many more. I vote aye.

**Fritz:** Thank you very much for all of your work. It's good to hear that there are things people can do to improve their watersheds in their neighborhoods. I appreciate that very much. Thanks Jennifer Devlin and predecessors in this program. Some council members will know I got one of the first grants back in 1995. I think you helped me with that, pat. So thank you for your ongoing dedication. That grant was \$3500 and I believe the leveraged amount by the end of the project at markham elementary school was close to \$50,000. What's not clear this very small amount of money in many cases gets lots and lots of volunteers, donations, in-kind contributions. It is definitely good use of ratepayer money. Commissioner Fish, thank you for keeping this program going with me during throughout the recession when various administrations tried to cut it.

**Fish:** I remember.

**Fritz:** It's days like this you feel happy to have a vote on council and I do right now. Aye.

**Fish:** I want to than Jennifer, b and esmeralda for joining us today and coordinating the presentation. I thank our outstanding community partners who took time to share their inspiring stories. This is a very small investment with a big impact in our community and it's a beloved program in our community. Thank you very much, I'm pleased to vote aye. The ordinance is adopted.

\*\*\*\*\*: Thank you so much.

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

**Fish:** Colleagues, just a quick update we now have three consecutive second readings. We have one item pulled from the consent agenda which will just take a couple of minutes. We'll take a five-minute break then reconvene to hear a presentation on ice and the trump administration's policy with respect to immigrant families and children. So Karla, the next three are second readings starting with 721.

**Item 721.**

**Fish:** Vote only.

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

**Fish:** Aye. The matter passes. Karla, please read 722.

**Item 722.**

**Fish:** Vote only. Karla, please call the roll.

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

**Fish:** Aye. The ordinance is adopted. Council -- Karla, excuse me, please read council item 723.

**Item 723.**

**Fish:** Vote only. Please call the roll.

**Saltzman:** Aye.

**Eudaly:** Well, I would like to thank our noise officer Paul van orden for presenting last week. I also want to thank and acknowledge the good work of the noise review board and appreciate them bringing this forward. I vote aye.

June 27, 2018

**Fritz:** I have seconded all those thanks and also Mary Sipe who is our community expert on noise issues. Appreciate your continued attendance at council. You made good points and I know Commissioner Eudaly will take those into account. Aye.

**Fish:** Aye. The ordinance is adopted. Colleagues we have a final item then take a brief recess. Karla, please read pursuant to the earlier motion to reconsider item 706.

**Item 706.**

**Fish:** We have Karen Moynahan to make a very brief presentation to council. Our esteemed lawyer. Welcome.

**Karen Moynahan, Chief Deputy City Attorney:** Thank you, commissioner.

Commissioners, we're seeking approval to settle a matter that was in litigation for the amount of \$25,965. This was litigation related to a public records request and under the public records law the government entity has to pay attorneys' fees in the event that any of the records withheld were supposed to have been disclosed. We had a split decision from the court regarding some records that the city had withheld. Therefore, we are subject to attorneys' fees. The attorney fee request has been sent to the city attorney's office and this amount of a compromise figure that we believe would obviate the need. We know would obviate the need to further litigate the matter.

**Fish:** Miss, Moynahan can you tell us why this is an emergency item?

**Moynahan:** Primarily, two reasons. One to settle for this amount, the attorney who is seeking attorneys' fees has agreed to take a little bit less if we pay him faster. We would like to get this done immediately and to get it taken out of this year's fiscal year resources.

**Fish:** Colleagues, any questions?

**Saltzman:** Is this in relation to the siting of shelters?

**Moynahan:** No, commissioner. This is with respect to the -- I may not have heard you, but it's with respect to the southeast foster shelter.

**Saltzman:** That's what I meant. Siting of shelters.

**Moynahan:** Sorry, I didn't hear.

**Fish:** Any questions? Karla, anyone signed up to testify?

**Moore-Love:** This was pulled from consent. I don't have a sign-up sheet.

**Fish:** Anyone wish to be heard? Seeing none please call the roll.

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

**Fish:** Aye. The ordinance is adopted. So we are going to take a five-minute recess and will be reconvening. Commissioner Eudaly will be chairing the next portion of our council proceedings. We'll take a five-minute recess.

**At 11:14 p.m. council recessed.**

**At 11:26 p.m. council reconvened.**

**Eudaly:** Okay we're back, welcome everyone, first of all I would like to thank my colleagues for extending this courtesy to me. This is a public meeting because we have a quorum, but it's kind of an unconventional gathering in chambers today. We are going to be hearing from a couple panels. We're not taking public testimony today. We need to wrap this up around noon but because of the timeliness and urgency of this matter I wanted to give community members a chance to express concerns and state their demands to the council. We'll be reconvening in two weeks and it's my hope and belief that we will be bringing something forward at that time. Next I want to thank the occupiers and the protesters for what you have done. [cheers and applause] we know that our immigrant and refugee communities have been fighting against these forces for a long time and now they are more vulnerable than ever and perhaps not comfortable or safe to take the kinds of actions and participate in our grand and long-standing tradition of civil disobedience, so I thank you for standing up for them and with them. As many of you know I visited the site on Monday and I joined the growing chorus of voices calling for the abolition of ICE. [cheers and applause] I do not have an update for you on that, but we have several members of

June 27, 2018

congress working on legislation to do just that. I'm tempted to read a little history of ice into the record, but I don't want to take up too much of our time today. There's definitely a lot of misunderstanding in the public about what ice is, how long it has existed, what its function is. We have been getting some interesting phone calls from constituents expressing their concerns about what would happen if we did abolish ice. The fact is it's only existed for 15 years and we have been dealing with immigration for a lot longer than that. So before I call the panels up, I want to address a few of the concerns and demands expressed by -- sorry. Social democrats -- democratic socialists. Sorry, I apologize. [laughter] and a particular question about the site that ice is currently leasing. In 2011 council voted to overturn the portion of the hearing officer's decision denying conditional use for a detention facility in order to revoke this permit we have to demonstrate the conditions of approval have been violated. My office is currently exploring that path and in conversation with the city attorney so there's no promise that we can revoke it but if we have any grounds to do so I want you to know that I will pursue that wholeheartedly. As to universal defense, it was one of my -- the highlights of this budget cycle that the city and the county did fully fund the request of Oregon ready for standing up their universal defense program and that was a \$500,000 each from the city and county. Now I'm very committed to helping them leverage those dollars and seek funds from other jurisdictions such as the state who have also declared sanctuary status and should be putting their money where their mouths are. The office of immigrant and refugee affairs was the second request or recommendation advanced by the sanctuary city task force we convened, and we are actively exploring the most efficient and effective way to stand up an office whether it's a stand-alone office or an existing bureau, as well as how we can offer additional services and supports in the meantime. So, although that is going to take longer than finding funding for universal defense it is a high priority and it is an active conversation. On jttf, I have met with the fbi, one of the weirdest moments of my tenure here so far. [laughter] to understand the scope of the city's involvement with jttf. I also met with representatives from aclu, counsel and American, Islamic relations Oregon and brandon mayfield to hear concerns regarding the city's involvement with the task force. I'm concerned by many of the points expressed by advocates but want to acknowledge there are also immigrant and refugee community leaders who are against the city withdrawing from jttf and feel that we benefit from having a relationship with them. I am completely open to this conversation, I have no idea where my colleagues stand on it and ultimately it's something that we would have to persuade the mayor on, so that's where that stands. Then I think the final item, unfortunately the mayors not here today, I don't know if we have a spokes person from his office, but as far as I know his stance on using police resources or interfering with the occupation of the ice building remains the same. That we're not going to commit any city resources to that. There was also a request around homeland security surveillance. I would like to hear more of that because I'm not up to date on what is happening and if we are somehow aiding that, I don't believe we are, I want to hear from community members. Just a moment. So many things to cover. Before I introduce the next panel, commissioner Fritz and if any of my colleagues want to make comments, please do.

**Fritz:** Thank you very much everybody for being here, thank you to the occupiers, people who are standing up, and thank you for letting us get the rest of our agenda done this morning, greatly appreciate that. As an immigrant I know we don't have compassionate, reasonable, enforceable immigration laws and until we do this ice is stupid and, let that not get into the newspaper, it's not reasonable, compassionate or enforceable. So, that's the underlying problem and congress needs to change the immigration laws so that people can be with their families so that somebody like me who comes here on a legal visa, falls in love, could actually marry an American legally, which I did, by the way, but that was a long time ago. I was on the council when the conditional use happened with the current

June 27, 2018

building on macadam. The fact of the matter is the federal government can do it anyway, so partly what we did in having that conditional use process was to try to put some side boards around what they can do so I think that needs to factor into the consideration of whether or not to revoke that condition at use permit, they can just tell us they can do whatever they want. I have voted against accepting the report of the joint terrorism task force every year since the first time it came back. I hoped when I voted to go back in that we would find out more information about what they are doing. We have not, we have found out less and I don't support spending Portland taxpayers' money in investing police time doing whatever they are doing, which we don't know even as a council member I don't know with the joint terrorism task force. Finally, I have to mention the new Portlanders program that started in the office of human relations is now in the office of neighborhood involvement and Portland united against hate. It's been clear for a long time that immigrants and refugees need to be welcomed in our community and that Portlanders do welcome them. We have expanded the parks Portlanders program in Portland parks and recreation while I have been commissioner charge of that. There's various different ways we can be supportive. I very much appreciate what commissioner Eudaly did in leading the council in getting the money for universal representation, that's clearly necessary. All of us can do something and each of you is doing part of your something this morning. I just want to thank you for being here.

**Eudaly:** Anyone else? Okay. Thank you for being here and thank you for being friendly and respectful and I want to encourage that to continue. On this issue I really feel that although we may not entirely agree as a body what the next steps are, that we are all on the same side. We really want to hear what the community's priorities are in order to help us kind of advance in their next steps towards protecting our immigrant and refugee community. With that, I would invite our first panel, all members of the new Portlanders policy commission that commissioner Fritz just mentioned. We have co-chair Sho Dozono, please come up welcome, Jamal Dar and June Schumann. Welcome, please state your name for the record. I did ask everyone to keep their comments to three to five minutes.

**Sho Dozono:** Good morning, commissioners. Thank you for this opportunity. Thank you, commissioner Fritz, for forming the new Portland policy commission. My name is Sho Dozono one of the co-chairs for the commission. Last night we met in city hall and voted to have two people speak on our behalf in support of what is going on in our community. June Schumann and Jamal Dar will be speaking on behalf of the new Portland policy commission. Thank you very much for your time this morning.

**June Schumann:** Good morning. My name is June arema Schumann, I am a resident of Portland, Oregon, I am here as the chair of the advocacy and education committee of the new Portland policy commission which was established by the city in 2017. Most of us on the commission are immigrants or refugees along with those who are native born Americans. We are immigrants who have been in the united states most of our lives as well as more recent arrivals from all parts of the world. We are all Portlanders now, and we are here to raise our voices to address grave crises in our country that threaten the lives of people as well as democratic ideals on which our country was founded. We are here to stand in solidarity with migrants arriving at our southern borders seeking better lives for themselves and their families, just as we did and all who preceded us. We are here to decry the criminal violations of human rights by our government by separating migrant children from their parents and using the abduction of the children to create fear with the intent to deter further migration by people of color. We oppose in strongest possible terms policies and practices that are designed to exclude certain people based on race, national origin and religion. We expect better from our government. Principles of fairness, equality, and justice ought to guide the u.s. immigration policy. The guarantees of due process ought to be accorded to each migrant as the norm and as the law requires. Our country

June 27, 2018

flourished on the ideals that all are welcome and that immigrants bring new vitality and creative energy and contribute to the economic life of the community and in the process, the presence of newcomers enriches the lives of all. We know from our country's past that terrible wrongs were committed when government leaders acted based on racial stereotypes and deeply held myths and fears. The crisis at our southern border and the separate detention of children and families without due process reminds us of the incarceration of people of Japanese ancestry during world war ii. 120,000 people, children and elderly included were imprisoned in America's concentration camps. Decades later we learned from the findings of a presidential commission that the Japanese incarceration was caused not by military necessity for security but by racial prejudice, war time hysteria, and a failure of political leadership. Native American children taken away from their families to be educated and raised in distant places run by white people is another example of racist policy with long term consequences that should never have happened. What is happening now on our southern border and the presence of migrant detainees including young children separated from their parents in our city should not be happening. When people of Japanese descent were taken away from Portland 76 years ago Portland city council actively assisted in the process while good people remained silent. Let's not repeat the mistakes of the past. Let's not allow bullies and lies to dictate what is right and what is wrong. Let's get beyond the superficial pronouncements and do all we can to resist and turn the tide of hateful policies and action. Thank you for this opportunity to present.  
[applause]

**Eudaly:** Thank you.

**Jamal Dar:** Council, commissioners, my name is Jamal Dar. Alsalam ealaykum warahamah allah wabarakatuh peace be with you all. Part of the new Portland commissioners policy as well as the Africa union and community organization that's where the seven Muslim countries that's been painted to come into the united states. I'm of Somali Muslim who arrived 20 years ago from the largest refugee camp in the world. I'm extremely lucky and I have nothing again to say about the great things of this country, what had has done for me. I believe in the American dream, I contribute to our economy and building a healthy and welcoming nation from the first day I lived through that dream and have witnessed that dream. Civil rights and religious advocacy groups across the country reacted to the court's decision yesterday. In a passionate chaos they call it hateful, historic and faithfulness of values. To discriminate a ruling that will go down in history to come to the supreme court a great failure. Supreme court a given a green light to religious discrimination that is okay to hate. Let's face it. There's no higher authority than the supreme court. Is that right? I'm not sure. You were right was talk amnesty international the credit this hateful policy is a disaster around the globe, not only the united states. Economic stress is strongly enough that current American policies is permitting religious discrimination for many Muslim countries. American people care dearly about their own freedom, particularly their religious freedom. Freedom lies at the core of founding of our country and its a model of which we continue to strive. With concern of religious freedom a lot of human rights reflected value that are not assertively an American. Our task we're committed to do the right thing. To protect ourselves, our people, our religion and respect everybody's dignity and faith. There are universal values recognized by almost every country around the globe and expressed in the universal declaration of human rights. Yesterday's message to more than 70 million Muslims said you are not welcome here. We don't want you here. We want you -- you're not welcome to travel to join your loved ones living in the united states. The same message also was sent to more than 2 billion Muslim people around the world, particularly over 3 million living in the united states. I was so strong until yesterday but I felt so weak, hopelessness, frustrated, but never give up hope. I hoped supreme court would do the right thing. We know the united states, we know

June 27, 2018

America and I felt our constitution is strong and fair but I wonder since I'm a Muslim, am I not American? I was us to attack the supreme court to approach concessions, something like -- be in the middle but also something to say that u.s. citizens can have visas to their families. America has changed. This administration is building hate in many people's hearts and our morals and American dreams has been questioned here and around the globe. The supreme court's decision was shocking to many of us who want relatives in our own homeland to join us. What we will say, what do you say to a five years old who was born in the united states but never seen his dad, but knew that his dad would pick up his visa from the embassy. Monday, July 2nd. Has that changed? Is that child, American child, would ever see his dad. That is the question. What would you say the mother who raise four young daughters who has been shot dead in front of them by extremists in Somalia, who waited over four years for this moment, completed all the paperwork and did not receive the visa. Nearly 2 million people were killed, more than 30 years for the past 30 years, four or five countries that's been -- they were looking for opportunities. They were looking for American dreams that we all hear. We live in America. This is a land of immigrant. Parents and children who want to be reunited with their loved ones are shattered than ever before. But you know what? What they are resilient. Resilient people and if they survive 27 years in the refugee camp, two more years are nothing. The American dreams will prevail and their dreams will prevail and we will not give up hope. Thank you for your time today.

**Eudaly:** Thank you. All right. Our next panel is from occupied pdx and Portland democratic socialists of America. Olivia Katbi-Smith, Jacob Bureros, Christian Calzada. Please come up and state your name for the record. Three to five minutes. Thank be you for being here today.

**Olivia Katbi-Smith:** Hello commissioners. Thank you for allowing us time to speak, thank you especially to commissioner Eudaly. My name is Olivia Katbi-Smith I'm here with the democratic socialists of America, I'm also as a concerned daughter of an immigrant. Ice didn't even exist when my dad came here but since its creation they have destroyed millions of lives across the country, ripping babies from their parents' arms, sending people who are just seeking asylum to their deaths. This is how ice functions by design, they are a terrorist organization and they along with everything that was established with the same suite of legislation including the department of homeland security and the patriot act need to be abolished, but we realize that's not a demand we can make of city council. There are some things you can do thought, we sent you a list of actions you can take right now as Portland city council to protect our city's vulnerable residents. I encourage you to review that list. I want to focus on one in particular. As someone from a Muslim family I'm personally begging you to withdraw the city from the joint terrorism task force. The city has withdrawn before and it can easily do it again. Ice is a member of the jtff meaning Portland's pledge to be a sanctuary city is threatened by Portland police officers participating in the task force. Portland was not a part of the task force from 2005 to 2011 based on the inability of the police chief and police commissioner to have the same top secret clearance as the officers they oversee. That issue has not changed. President trump has made it clear he plans to target people based on their religion, national origin and political beliefs. Any jtff activity along these lines violates Oregon law. The city cannot participate in the jtff and call itself a sanctuary city. Jtff operation have resulted in surveillance, profiling and false accusations against members of the Muslim community. Innocent people have gone to jail because of their operations. Elite ice memo has show that ice informants are impersonating lawyers, journalist and doctors. The vast majority of ice detention happen after the detainee has had contact with the local police force. This man Gibril Jarju is a Muslim from Gambia who married a u.s. citizen and had no criminal

June 27, 2018

history in the early morning last month he was ripped from his wife and young daughters in Vancouver by ice and deported.

**Eudaly:** Just move the mike back a little bit. The sound gets real --

**Katbi-Smith:** The travel ban targeting Muslims was just upheld by the supreme court yesterday. This is a time when the Muslim community needs white liberals to stand and say no more. That time cannot come tomorrow, that time cannot come next week. That time must come right now. I already saw a bunch of emergency resolutions happening today. I know that the city council has heard from aclu, the council on American Islamic relations and many other well respected organizations urging you to withdraw from the jtff. You cannot say you support immigrants and refugees and people of color while leaving out the millions of Muslims who are affected by these policies. If you truly believe that the jtff makes this city safer we want to know why, we want to see a report, we want to know what they are doing that outweighs the danger of our community's are being put in through our city's participation in this task force. Portland cannot continue to participate in this task force without recognizing that you are complicit in whatever actions ice and the fbi are taking to harm these communities. Please listen to your constituents and do the right thing. While we appreciate the time to speak we also recognize this is not an official part of the agenda so we urge you to make this an official part of your business. Please discuss this as apart of your agenda at the next meeting. We also urge you to hold an evening hearing so members of our community can properly weigh in on the crisis of ice in our community. Thank you.

**Jacob Bureros:** Hello, commissioners, thanks for having us here today. Thank you, commissioner Eudaly. My name is Jacob Bureros and I'm with direct action alliance and a member of this community and a father and the son of an immigrant. I grew up in the Philippines until I was 15. I was lucky enough to be born here, so my residency here has never been threatened, but I lived there my whole life and moving here was very difficult. What I want to talk to you about today is just the power that you have so many Portlanders right now are livid. So many Portlanders right now are terrified while family separations at the border is a new policy family separations in our own city have been going on for a long time. How many dreamers don't have parents to support them? How many dreamers don't have their uncles, their aunts, their grandparents, how many dreamers have been deported themselves. Family separations are an everyday activity of ice. Not long ago we fought a war over the same thing, people hunting down people for not having the right documents. That's happening now in our city and all of us want to do something so many people are down there putting their freedom and liberty on the line. We're getting threatened with federal charges but what can we do? What other recourse do we have? We are breaking laws, but what about the laws that our federal government are breaking? What about the laws about amnesty, what about the crimes against humanity they are committing. Right now we cannot respond the usual way. Desperate times call for desperate measures. Justice Kennedy just announced he's retiring, this is a major, major blow to us. The federal level is crumbling on watching the country I immigrated too and grew to love fall apart in front of me. The only thing we can do is act locally and we need you to act locally not just walk the line, not just do the bare minimum. We need you to take extraordinary measures. Commissioner Eudaly, what you're doing looking for a way to get them out of this city, thank you. That's what we need. We can't just do the usual. There are families being torn apart. This is your city, this is our community, this has happened over and over and over again in our past with native Americans with Japanese Americans, to my countrymen in the Philippines. When Americans came over there and colonized this is an old practice but you have a chance to say not in our time. Not in our time, not in our name, not in our city and I ask you to take extraordinary steps. Extraordinary steps to do what it takes to defend your community. Please withdraw from the joint terrorism task

June 27, 2018

force. Please do everything you can to support the recommendations of the sanctuary city task force. As long as we cooperate with the modern day gestapo we are complicit and we absolutely cannot be complicit. You have so much more power than all of us because you voice the collective power of Portland. Please voice our outrage. Please step up. Thank you.

**Christian Calzada:** Hello, everybody, my name is Christian Calzada, I'm undocumented. Growing up I always grew up with fear, fear of not knowing what was going to happen next, if I was going to go home and see my family. I grew up seeing how my parents were treated as criminals when in my eyes they were nothing more than heroes. Heroes because they took a brave action of traveling across a border through the deserts, me as a baby, carrying them in my arms -- carrying me in their arms. Sorry. Through a hard journey where many have lost their lives, seeking more than an American dream but once getting here realizing that the American dream does not exist for me. As long as my skin is brown and not white, this system will do everything in its power to make sure that I am viewed as a criminal. The city of Portland can make the drastic change real soon. We can be a leader for the rest of the united states showing the power that this city holds to the rest of the world that we will not stand with ice. Ice is a terrorizing group as other people have said, they separate families for a living and ripping families apart is considered genocide when you don't have a plan to reunite them. The supreme court -- not the supreme court, a federal judge yesterday gave 150 days to cvp, homeland security and ice to reunite the families. This is not enough. We need to make sure that you with power and also our white allies, white people that say they stand behind us take actions that show that they really mean it. We don't have time like was stated earlier to be passive. Families are being separated, many people are happy just liking a post on Facebook, retweeting something, but we don't have time for that anymore. If you really say that you have our backs, you with privilege, will come out with us, march, stand and occupy with us. You will contact your elected officials and make sure they know what's happening in the city of Portland. The city of Portland is housing ice. Is housing terrorism. Knowing this is an embarrassment. We will contact you elected officials and make sure that they know what's happening in the city of Portland. The city of Portland is housing ice, is housing terrorism, knowing this is an embarrassment, let them know that can also ask you and other allies to please donate to groups that support our migrant families and fight your own biases. I know many people say they are not racists, that they are for immigration. Check on that daily, make sure the actions you take are not speaking otherwise. Once again, I am undocumented. I'm directly being affected by this. So please, with a lot of urgency, take action, be brave, use your privilege, use your power. If not, the city of Portland will respond against you and we will make sure that those seats are being used by people who really do care about us. Thank you.

**Fritz:** Thank you for your courage in being here today. Appreciate it.

**Eudaly:** Thank you, everyone, for coming. Commissioner Fritz?

**Fritz:** Thank you to commissioner Eudaly for leading this, thanks' to commissioner Fish's chief of staff Sonia Schmanski who worked with the others to help develop the concept. Just in terms of next steps we don't have a meeting next week. Then for the following two weeks I'm going to be in England visiting my mother, who is 88. So I recognize the urgency and I want to make sure you know that you may need my vote if we're going to discuss jttf, so commissioner Eudaly made the point that much is dependent on what mayor wheeler chooses to do. We will have a new commissioner in January. I think the key to this to me is endless pressure which is endlessly applied used by mike houck. For us we are in it for the long haul, we are united against hate and we must be united against hate and while we have had differences of how to go about doing that, we have to show love even when we have differences. Especially amongst each other. So thank you for

June 27, 2018

joining together, figuring it out. It's bewildering to see what's happening at the national level and every minute it seems like there's something new coming in to get despondent about. When I see you here and see commissioner Eudaly's leadership, my colleagues listening respectfully it does give me a glimmer of hope that we can do things differently here in Portland because we have to. So thank you very much.

**Eudaly:** Thank you, commissioner.

\*\*\*\*\*: Dan, fuck you, you piece of shut.

**Fritz:** Don't spoil it, don't spoil it.

**Eudaly:** Let's not end this on a negative note.

\*\*\*\*\*: Fuck you, nick

**Eudaly:** All right.

**Fritz:** We came so close.

**Eudaly:** I think I understand how angry people are. I understand that some people are looking for a target for that anger. I hope that we have demonstrated today that we do have a sincere and earnest desire to hear from the community and act on these issues. [audio not understandable]

**Eudaly:** Okay. No more disruptions, please. Ted had a planned absence weeks ago and frankly, we have just as much, almost as much power as the mayor, so the notion that somehow this is a less desirable body to speak to because the mayor is not here is a little bit insulting. I'm going to return to my remarks now. You give me hope. I can't imagine what I would feel like today if the results of my election had been different. My source of hope really only comes from the power that I have now as an elected to serve and help my community, and I just want to acknowledge what a privilege that is. Oh, boy. That did not sound good. Sorry. I want to thank the panelists again. That was very moving testimony. I want to repeat what I said on Monday, which is our federal government is violating human, civil and constitutional rights of people in our country and I don't care whether they are undocumented or documented. Legal or illegal. It's not acceptable in the city of Portland should not be condoning or supporting that in any way. Our federal government is sending a message that immigrants are a threat when we know that's a lie. We know that immigrants are less likely to commit crime. Yeah. We know that although I don't think someone's values should be based on their contribution to our economy, we cannot disregard the fact that our immigrant community gives so much to us whether it is economic, cultural, religious, spiritual, moral. You bring so many gifts to us. It really is painful to think how you must feel right now living in this country. It's just a shameful episode in our history. I don't have many updates. I have been trying to gather a little information as the panels progressed. I just want to reiterate I'm very open to the jttf conversation. Although I said that I met with all these groups and individuals I still don't feel like I have a real working understanding. So let's work on that. My office is initiating review of the appeal on the conditional use permit on the ice facility. I don't want to get anyone's hopes up, but I don't know, I just got a strange gesture from the back of the room. I don't want to get your hopes up that that avenue is going to be successful, but it's one of many, many avenues we can take. So I'm going to adjourn the meeting and maybe I'll see you guys outside. [applause]

**At 12:07 p.m. council adjourned.**