



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **29TH DAY OF AUGUST, 2018** AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Lauren King, Deputy City Attorney; and Ovie Griggs and John Paolazzi, Sergeants at Arms.

Item Nos. 907 and 908 were pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

COMMUNICATIONS		Disposition:
902	Request of Gary Kunz to address Council regarding Oregon Air National Guard Overhead Descent landing maneuver (Communication)	PLACED ON FILE
903	Request of Shelly Caldwell to address Council regarding Oregon Air National Guard Overhead Descent landing maneuver (Communication)	PLACED ON FILE
904	Request of Andrew Pritchard to address Council regarding Oregon Air National Guard Overhead Descent landing maneuver (Communication)	PLACED ON FILE
905	Request of Frances Quaempts to address Council regarding fostering civility (Communication)	PLACED ON FILE
TIMES CERTAIN		
906	TIME CERTAIN: 9:45 AM – Appoint Crystallee Crain, David Barnard, Coi Vu and Jamila Dozier and reappoint Daniel Franco-Núñez to the Human Rights Commission for terms to expire August 28, 2021 (Report introduced by Mayor Wheeler) 15 minutes requested Motion to accept report: Moved by Fritz and seconded by Eudaly. (Y-4)	CONFIRMED
CONSENT AGENDA – NO DISCUSSION		
City Attorney		

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907	Authorize the City Attorney to appeal the Final Order in <i>In the Matter of the City of Portland</i> , Oregon Administrative Hearing Case No. 2017-ABC-00832, Building Codes Division Case No. C2015-0200, in regards to automatic sprinkler systems in nightclubs (Resolution introduced by Mayor Wheeler and Commissioner Saltzman) (Y-4)	37380
Mayor Ted Wheeler City Attorney		
908	Authorize City Attorney to appear as amicus curiae to support City's interest in recreational use of public lands (Resolution) (Y-4)	37381
Office of Management and Finance		
*909	Pay property damage claim of Fountain Village Development, LLC in the sum of \$7,296 involving the Portland Water Bureau (Ordinance) (Y-4)	189138
*910	Pay bodily injury lawsuit of Matthew Hamade in the sum of \$24,500 involving the Portland Bureau of Environmental Services and the Bureau of Transportation (Ordinance) (Y-4)	189139
*911	Pay bodily injury claim of Marilyn Hickey in the sum of \$17,428 resulting from a motor vehicle collision involving the Office of Management and Finance (Ordinance) (Y-4)	189140
*912	Authorize an Intergovernmental Agreement with Portland Community College and a grant agreement with the Portland Community College Foundation for \$577,204 for Future Connect Scholarship program (Ordinance)	189141
913	Amend franchise granted to LCP Oregon Holdings, LLC to transport liquid intermediates through its pipeline system (Ordinance; amend Ordinance No. 188554)	PASSED TO SECOND READING SEPTEMBER 5, 2018 AT 9:30 AM
Commissioner Dan Saltzman Bureau of Transportation		
*914	Authorize Intergovernmental Agreement for Right-of-Way Services with the Oregon Department of Transportation to define roles and responsibilities for the use and acquisition of real property for construction of public improvements related to the East Portland Access to Employment and Education project (Ordinance) (Y-4)	189142
915	Designate a prefix abbreviation for South Portland addresses effective May 1, 2020 (Ordinance; replace Code Section 17.92.020)	PASSED TO SECOND READING SEPTEMBER 5, 2018 AT 9:30 AM

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<p>916 Extend contract with Central Parking System of Washington, Inc. through March 31, 2020 for Parking Garage Management Services (Ordinance; amend Contract No. 30001972)</p>	<p>PASSED TO SECOND READING SEPTEMBER 5, 2018 AT 9:30 AM</p>
<p style="text-align: center;">REGULAR AGENDA</p>	
<p style="text-align: center;">Bureau of Transportation</p>	
<p>917 Authorize the Bureau of Transportation to permit construction of skyscrapers serving Assisted Living & Retirement Centers outside of the Central City District (Ordinance introduced by Commissioners Saltzman and Fritz) 15 minutes requested</p>	<p>PASSED TO SECOND READING SEPTEMBER 5, 2018 AT 9:30 AM</p>
<p style="text-align: center;">Mayor Ted Wheeler</p>	
<p style="text-align: center;">Bureau of Police</p>	
<p>*918 Authorize an Intergovernmental Agreement with Oregon State Police to provide Portland Police Bureau access to Oregon State Police's Automated Biometric Identification System not to exceed \$102,480 (Ordinance) 15 minutes requested (Y-4)</p>	<p style="text-align: center;">189143</p>
<p>*919 Amend an Intergovernmental Agreement with Portland State University in an amount not to exceed \$50,000 under the FY 2014 Smart Policing Initiative grant program to provide research and services to the Police Bureau for the study of the Neighborhood Involvement Locations program (Ordinance; amend Contract No. 30004383) 15 minutes requested (Y-4)</p>	<p style="text-align: center;">189144</p>
<p style="text-align: center;">Office of Management and Finance</p>	
<p>*920 Approve findings to authorize an exemption to the competitive bidding requirements and authorize the use of the alternative contracting method of Construction Manager/General Contractor and authorize a contract for the Sullivan's Crossing Bicycle and Pedestrian Bridge Project for an estimated \$11 million (Ordinance) 15 minutes requested (Y-4)</p>	<p style="text-align: center;">189145</p>
<p>921 Ratify a successor collective bargaining agreement between the City and Portland Police Commanding Officers Association relating to the terms and conditions of employment of Police Lieutenants for 2018-2020 (Second Reading Agenda 884)</p>	<p>CONTINUED TO SEPTEMBER 5, 2018 AT 9:30 AM</p>
<p style="text-align: center;">Commissioner Dan Saltzman</p>	
<p style="text-align: center;">Bureau of Transportation</p>	
<p>922 Create a local improvement district to construct street, sidewalk, and stormwater improvements in the SE 102nd Ave and Woodstock Blvd Local Improvement District (Hearing; Ordinance; C-10063) 10 minutes requested</p>	<p>PASSED TO SECOND READING SEPTEMBER 5, 2018 AT 9:30 AM</p>

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Commissioner Nick Fish		
Bureau of Environmental Services		
923	Authorize the Bureau of Environmental Services to acquire certain permanent and temporary property rights necessary for construction of the Hillsdale Crest Rainfall Derived Infiltration and Inflow Project No. E10941, through the exercise of the City's Eminent Domain Authority (Ordinance) 10 minutes requested	PASSED TO SECOND READING SEPTEMBER 5, 2018 AT 9:30 AM
Water Bureau		
924	Approve findings to authorize an exemption to the competitive bidding requirements and authorize the use of the alternative contracting method of Construction Manager/General Contractor in connection with the Bull Run Filtration Project for an estimated amount of \$350,000,000 (Second Reading Agenda 898) (Y-4)	189146
925	Authorize a contract with Brown and Caldwell, Inc. for the Program Management and Support Services for the Bull Run Filtration Project for a total not-to-exceed amount of \$67,891,398 (Second Reading Agenda 899) (Y-4)	189147
DUE TO LACK OF AGENDA THERE WERE NO 2:00 PM MEETINGS WEDNESDAY OR THURSDAY, AUGUST 29-30, 2018		

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

MARY HULL CABALLERO
Auditor of the City of Portland



By Susan Parsons
Acting Clerk of the Council

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

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Closed Caption File of Portland City Council Meeting

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

Key: *** means unidentified speaker.**

August 29, 2018 9:30 a.m.

Wheeler: Good morning everybody this is the August 29, 2018 morning session of the Portland city council, welcome everybody and Sue can you please call the roll.

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

Wheeler: Here, good morning. Legal counsel.

Lauren King, Deputy City Attorney: Good morning. 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 the city council meeting so that everyone can feel welcomed, 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 or 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 support for something that is said, please feel free to do a thumbs up. If you want to express that you do not support something feel free to do a thumb's down. Disruptive conduct like shouting or interrupting testimony or council deliberations will not be allowed. If there are disruptions, a warning will be given that further disruption may result in the person being ejected for the remainder of the meeting. After being ejected the person who fails to leave the meeting is subject to arrest for trespass. Thank you for helping your fellow Portlanders feel welcomed, comfortable, respected and safe.

Wheeler: Very good, thank you. Before we get to communications, there's one housekeeping item. We will read it later but if anybody is here specifically for item 921, ratifying a successor collective bargaining agreement between the city and ppcoa, that is going to be moved off of the agenda today so if anybody is here specifically for that, I just want to give you a heads up. First up is communications and it's my understanding that, sue, that items 902, 3, and 4 of the individuals would like to come up together as a group, is that correct?

Parsons: Correct. 902, 903, 904.

Item 902.

Item 903.

Item 904.

Wheeler: Come on up. Thank you for being here.

Gary Kunz: Thanks for having us.

Wheeler: The microphones slide around about this much distance seems to work ok.

Kunz: Bare with me I am new at this, but my name is Gary Kunz, I am a Portland native. I went to school in Portland, and I retired from the Bonneville power administration. I am

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here today representing the east Columbia neighborhood association. I am the neighborhood association chairman. Mayor Wheeler and members of the city council, thank you for the opportunity to testify. Today we are here to request your assistance in dealing with the port of Portland and the air national guard. Since May of last year the northeast neighborhoods have been involved with a test and evaluation of a spiral down landing pattern, the Oregon air national guard wants to implement. The pattern has been tested before and always rejected at the west end of pdx. Most recently in 2002, it was the port that rejected the maneuver because it increased noise within the neighborhoods close to pdx, and it introduced noise to neighborhoods that previously had none. I have given the clerk seven copies of a letter from 2002 written by the port of Portland where they reject the air national guard's request for this maneuver. Working through the pdx citizen noise advisory committee, neighbors and neighborhood related groups submitted petitions, letters and testimony that convinced the committee to recommend restrictions on this landing maneuver. Upon receiving those recommendations the Oregon air national guard decided to reject those that they did not like. This landing pattern causes the fighter jets to pass as low as 400 feet above our homes while making a hard turn. It is startling and loud. I am requested that you reach out on a government to government basis and ask that the advisory committee recommendations be followed. It is wrong to introduce this industrial level activity to our residential setting. It is wrong to run a year long public process and then reject the outcome because it is not what the guard wants. This will destroy the public's faith and confidence in our form of government, and I would be happy to come in and meet one-on-one with any of your staff and bring details to their attention and I have got a quick demonstration to illustrate what I am talking about.

*****: I am going great.

Kunz: Here's a visual of the pdx area. A conventional landing would line up on the runway about 10 miles out and they come in and land on the runway. The Oregon air guard had typically done this lineup way out here and come into the runway and the new maneuver is to bring four aircraft, that's to cumbersome assume this is four. In it, 250 knots, 2250 feet, and at the end of the runway, the first airplane breaks off in a spiral. Five seconds later the second airplane breaks off in a spiral and then the third, and then the fourth. When they are landing in an eastern flow, that is coming from the west, the third and fourth airplane on this end of the airport actually overfly cully, but these conceptual patterns shown here are roughly what they do. I put on some dots, the guard would typically be at 300 feet above the river, this red dot as they were coming in. In this new pattern, they are going over my home, my neighbor's homes, lots of our homes, and they are about 400 feet up, although they throttle back to a fast idle, you hear the turbulent noise. You hear the air frame noise. You do hear some thrust noise, but it is gosh darn startling. It is not as loud as a take-off but suddenly they pop up over your neighbor's roof, they pop up over the neighbor's trees, whamo, you have got f15 right there. It's visible for five seconds, and -- my time is up then it goes down over the neighbor's house.

Wheeler: Thank you.

Shelly Caldwell: My name is Shelly Caldwell, I'm the chair of the Woodlawn neighborhood association and I am here because we have got several members in our community that have approached me for answers as to why this is happening and why they are being woken up and startled and left shaken by the noise. So I am just here supporting this idea that we should encourage the air national guard to not be doing this.

Andrew Pritchard: To the esteemed members of Portland city council, thank you for your service as guardians of the public, please know that you have the opportunity to improve the quality of life for thousands of Portlanders and it would not take a dime out of Portland's budget. My name is Andrew Pritchard and I have lived in the cully neighborhood

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for a dozen years. As a founder and spokesperson for nojetsPortland.com I have sought to increase knowledge and awareness about the issue of ocda's over our homes and schools, this is amongst other things a public health issue, and I am convinced if more people know what is going on and people could imagine their own neighborhood and schools underneath the brand new flight path we could bring a stop it to these industrial polluting practice maneuvers over civilian residential areas. Therefore, my colleagues and I are, ask that the city council take action. Please have the government relations office contact the Oregon national guard and ask them to follow the recent recommendations of pdx's citizen noise advisory committee. The ocda, the overhead continuous descent approach is a complicated, convoluted issue, some people think that we oppose the guard's activities or fighter jets in general, let me be clear there is not the case. We support the guard's mission and understand and appreciate the important work they do as well as the unique fact that there is a military base at a major civilian airport, however, many Portlanders, including the neighborhoods of cully, concordia, east columbia, Roseway, sumner, woodlawn and piedmont specifically object to the guard's use of the ocda over civilian residential areas. They all say no to a practice that fundamentally alters the sound-scape and the psychological landscape of the city. Portlanders have a decades' long track record of opposing the use of the ocda because it's not appropriate to establish a new military flight path over historically unaffected areas, and it establishes an industrial practice in residential areas. For decades, the guard was mission combat ready and practiced the ocda elsewhere and it can do so again. The guard's actions speak louder than the words, its pushed to expand the maneuver has been officially opposed by the neighborhood associations of the impacted areas, belies its role as a good neighbor that says the right things. The guard claims to care about public process and community feedback, but at the end of the day, it once again blatantly ignored the desires of Portlanders, your constituents, and did whatever it felt like doing in spite of a lengthy public process. We will keep the guard in check. Incrementally the guard is flying the ocda more frequently and over more people for surrounding communities, it's death by 1,000 cuts. When does it stop? When is enough, enough. By its own admission the justification for using the ocda in Portland are its convenience and budgetary considerations. The guard is compromising the peace and quality of life for thousands of Portlanders in order to protect the peace and our quality of life and save on gas money. It does not make sense. Why does this matter? Noise pollution, it's real. The world's health organization agrees, at the citizens noise advisory committee, Portlanders testified the noise pollution caused by the ocda causes physical, mental, and psychological issues. It can trigger ptsd, people cannot work from home or hear themselves think, in my home the low flying fighter jets shake floors, windows and walls and induce the awful sensation of your chest cavity and skull vibrating. It feels terrible and I know that I'm not the only one who has lost a lot sleep because of the ocda. Put yourself in someone else's shoes just for a moment, just imagine if the Oregon department of transportation built a highway overpassed directly over your home and did so without it your consent and without it compensating you. How would you feel? What if the Oregon national guard flew a new flight path over your home, a home nowhere near military flight paths when you chose to move there, what happens when the next generation of fighters jets, which somewhere louder noise signatures, comes to pdx? Without consent, without compensation you would feel violated because your rights as a citizen are being abrogated in the interest of saving gas money or bureaucratic inertia. You would feel violated as I do now because of the sovereignty of your home, your little slice of the american dream is being sacrificed. The ocda is an industrial practice that is incompatible with the residential settings. It is a failure of imagination of leaders to not see this practice of these maneuvers as unacceptable, whether through or above civilian

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residential neighborhoods, just because the ocda occurs hundreds or thousands of feet above your head does not make it acceptable. Now is the time to address evergreen issues and social equity. The ocda usually does not occur over the wealthiest neighbors, the cully neighborhood which bears the brunt of the negative affects of ocda is the most diverse neighborhood in the entire state state. Many people in this low-income neighborhood don't have the means, knowledge or skills to engage with the public process and stick up for themselves. The guy who runs this site the cully tire fire is somehow still in business. Now the guard says that it will sustain from using noise pollutant behavior, is there any regulatory oversight for those who pollute cully, marginalized communities are no less deserving of a noise pollution less quality of life. Portland deserves to be treated equally regardless of color, wealth or class. Thank you for considering that the council take action with regard to this and make the recommendations that Portlands citizens noise advisory committee. You can make a difference in the lives of Portlanders for years to come your help is appreciated.

Wheeler: Thank you and I know commissioner eudaly wanted to say something in a moment, could I ask you a couple of follow up questions?

Pritchard: Yes.

Wheeler: So the -- to be clear, my question should not imply that I am not going to get involved or that I don't care. I am truly asking these questions out of curiosity. So the Oregon national guard is a branch of state government. Is that correct?

Kunz: Yes, that's my understanding.

Wheeler: That is my understanding that it would be a branch of the Oregon military department. And my next question would be, have you had a chance to meet with any of your state representatives on this subject?

Pritchard: Yes.

Wheeler: I believe that the airport is in the house speaker's district if I am not mistaken?

Pritchard: I have met with senator lew frederick. I have been in touch with him, and we have also had personal contact with the incoming, the new base commander of the 142nd air wing.

Wheeler: And what was that? What were your conversations productive?

Pritchard: We, basically, discussed our concern about our perception of the issue and that due to the lack of institutional knowledge there, our concern is that the next base commander, a couple years down the road, is going to come in and say hey, why don't we just do this thing more often and more frequently, not realizing that the community over the past couple of decades has said no we don't like this, we have been through this, please stop doing this and so what's to stop them from, in the future, doing that? So I think that we made our point clear on that, but it's not something that, anything that he will put in writing. We ask them to make those commitments in writing and the guard said no.

Wheeler: And just one final question. The maneuver that you are describing, is it new maneuvers, is that correct? And why are they doing it? I was not really clear on that.

Pritchard: So the overhead continuous defense approach, is basically this corkscrew landing maneuver, the reason they do it in practice is for landing in battlefield scenarios or on aircraft carriers. It helps them to avoid getting shot out of the sky, if they are under enemy fire instead of just a long straight in thin which historically they have always been part of the same airflow traffic as Alaska airlines and delta and united and whoever else, but they want to practice this one specific thing that makes their landing pattern bulge out into civilian residential areas. That's what we have specifically objected to.

Caldwell: But they have done it before.

Prichard: So they have done it before. They have done it for a few years now, but they want to expand its use of it now to, well, his neck of the woods.

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Kunz: They attempted it in the 1980s and it was too loud. They tested it over the east Columbia area of Portland, in 2002, and it was too loud, the port rejected it and now they have come back and tested it over that area again.

Pritchard: And in fact, we are going to give you copies of a letter from the guy who is the head of the port of Portland, of the airport, Steve Schriber where he said this is not acceptable now or at any point in the future.

Wheeler: Does the port have control over this issue? Did they play a regulatory role?

Kunz: The port is the airport proprietor can make recommendations to the FAA. I believe that we are getting a run-around from the port. The port tells me, I have met with them several times, that the guard will do what they want. Yet in the 2002 letter, we see that Steve Schriber was going to recommend to the FAA the maneuver not be allowed. I believe - - we believe that it's the FAA that is the controlling agency, not the port, but the port can recommend, and we don't believe that the guard gets to do whatever they want. Unless the FAA approves it.

Wheeler: Thank you. I appreciate those clarifications. Commissioner Eudaly.

Eudaly: So thank you for coming. I live in Woodlawn, I do not in the flight path but I have experienced this in other parts of the neighborhood, and it is truly alarming, so I definitely sympathize. It sounds like you know, and just for clarity sake, the city of Portland and our noise office has no jurisdiction over any noise related to aircraft in flight. However I can certainly tap my resources to support you however I can, and I do have some follow-up questions. I don't want to take up too much more time but if you could connect with Jamie Duhamel, my staff over there, I will have follow-up questions. It is my understanding that it is the port of Portland that has jurisdiction. But maybe --

Pritchard: So to be brief, it's a really confusing, convoluted, alphabet soup of acronyms and who has jurisdictions and rank, I don't think the council has time this morning to talk about it, but we came here today to stoke your interest in the subject, and we would love the opportunity to come in and talk to you and educate you more about the subject.

Eudaly: And I would be happy to raise the issue, as well. Thank you.

Wheeler: Thank you for coming. That was informative. Next individual, please.

Item 905.

Wheeler: Before you speak, thank you, by the way, for providing this written testimony. It is my understanding and I am looking at legal counsel that we cannot use graphic language because we have an FCC license as we are broadcasting, so maybe, we have the written testimony, if you could maybe abridge or allude --

Frances Quaempt: I am happy to do that.

Wheeler: I appreciate that. Thank you.

Quaempt: Good morning and thank you for your time. I am Frances Quaempt. I have been a citizen since 1997. I have gone ahead and spoke with the human rights commission here about this issue and I have asked them to relay my thoughts that I shared with them that I am sharing with you today. I would also say that I am happy to work with anyone, anywhere on this topic and issue. I am here today to plead for our leaders to be better examples of civility. Today I fear for my wife's safety, in the last six months my wife has been harassed in the vicinity of her workplace three times. Forgive my language, and I am going to try to alter it as best as I can. We had -- she experienced a trans-person calling her an f'ing, dyke. We had an elderly woman scream, co-exist, at her as she was being followed, and a black man refer to my wife as a long nosed, white, b word, and f word, faggot. He called her an "it" and he screamed I hate white people and threatened to f her up while bystanders stood by and said nothing. Mr. Wheeler, you asked for an administration and leader that cares for all citizens and cares for safety of families. Yet my family today because city leaders seem more interested in partisanship and pet

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projects is less safe today. Respecting citizens includes trying to protect them from undocumented rapists and criminals, needles left in family yards and parks and not inhibiting citizens and workers from moving about safely due to occupations and rampant homelessness. I believe that I speak for what we call a silenced majority, when I say we want a mayor and city council who listens and doesn't pretend to speak for all Portlanders. We want a city council who takes the first step to reach out to those who they may disagree and explore ways to work together. Do you want your legacy to be one of new residents leaving for fear of safety? Long-term residents turned into second class citizens so those who yell the loudest can intimidate an entire neighborhood? And minorities harassing and hating other minorities? We need leaders who foster civility and delight in working with creative and diverse ideas. So that our city can be an example to this country of respectful discourse and listening without it prejudice. I know all of you work hard and I do thank you for it. I simply ask for you to consider these words and do your best to make every citizen here, me, my wife, and everyone, including those you disagree with, to feel welcomed again, then we can have a city that we can all be proud of and a safer community to be a part of. Thank you again.

Wheeler: Thank you. I appreciate you coming in. That concludes communications. Have any items been pulled from the consent agenda, sue?

Parsons: Item 907 and 908.

Wheeler: 907 and 908, please call the roll on the remainder of the consent.

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

Wheeler: Aye. The consent agenda is adopted. Next item is time certain 906.

Item 906.

Wheeler: Colleagues the human rights commission works to eliminate discrimination and bigotry to strengthen inner group relationships and to foster greater understanding, inclusion, and justice. For those who live, work, study, worship, travel and play in the city of Portland. In doing so, the commission is guided by the principles embodied in the united nations, universal declaration of human rights. During this time in our city and our country we need the Portland human rights commission and the roll that it fills more than ever before. The core mission of the hrc and the work of the dedicated commissioners both who are seated now, have served in the past, and like yourselves, will serve in the future. Our pivotal and furthering the cohesive message we need to send as a city government to our fellow community members. We need to commit as a city, to employing a human rights lens in all we do across bureaus and we are fortunate to have individuals like yourselves willing to serve as volunteers to ensure this mission and keep us all accountable. Here with us to introduce our appointees is Tatiana Elejaide with the office of equity and human rights. Come on up. Thank you for being here.

Tatiana Elejaide, Office of Equity and Human Rights: Buenos diaz. Thank you for having us. Tatiana Elejaide with the office of equity and human rights, equity and human rights advisor. Good morning mayor wheeler, commissioner Fritz, commissioner eudaly and commissioner Saltzman. I am really happy to be here today to introduce to you four new stellar appointees to the Portland human rights commission. They will be joining an already amazing group of dedicated volunteer community members who serve in their capacity as human rights commissioners. With me today, we will say all their names and give them an opportunity to say a few things about themselves. To my right I have coi vu, jamila dozier, dr. Crystalee crain and david barnard. Thank you.

Coi Vu: Hi there, I am coi vu, I am the program director of open school a nonprofit organization that serves underprivileged youth. I am also a board member of the united nations association of Portland and a board member, advisory board member with the Asian family center, irco. Many of them are partners of city of Portland. I come to you today

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as a woman, as a first generation immigrant refugees. As a community member who lived in Portland, an american who lived in Portland for almost 40 years now. Someone who cares and loves her community, who has been doing social services and social justice work for the last two decades. I want to make sure that our communities are represented by everyone in our communities, and that we are serving the most vulnerable populations of the community, which I consider my community as being part of that, so we are here. I feel that this is an incredibly, an incredible honor and also an incredible privilege to be here sitting in front of you today. It's not an every day opportunity for most of us to have this space, this platform, to share our needs, to share our voices and to amplify them in front of our community, so thank you very much for this opportunity. I look forward to serving our community and the different capacity, and I look forward to working alongside all of you.

Wheeler: Great, thank you for being here.

Jamila Dozier: Hi, my name is jamila dozier I am the assistant director of student engagement almost over at reed college. I live in the woodstock area. A few months ago I earned my master's degree at lewis & clark college in student affairs communication. I have extensive experience in restorative justice, crisis response, and campus responsibilities under title 9 around campus sexual assault. I focus a lot of my research on the campus responsibilities around the sexual assault and I interned with the attorney general, sexual assault task force, and I currently am a Volunteer with call to safety. I am excited to be here today to bring that experience and continue to work towards mitigating an equality by centering the most vulnerable. It is an honor to be here and I am very excited to serve our community and work closely with you.

Wheeler: Thank you, I appreciate it.

Crystallee Crain: Good morning, my name is dr. Crystallee crain. Again thank you for having us and giving us the opportunity to introduce ourselves to you. I am an assistant professor in the school of social work at Portland state university. I came here from California where I served for four years as a commissioner on juvenile justice at the county level, and so I am excited to be here in Portland and have the opportunity to work on the commission. One of the things that I am really interested in doing is making sure that we have a participatory process so that the decisions being made on these issues are being able to reach the corners and cracks where meetings are being held or where people are not able to get to. I want to make sure that we can get to them. So thank you.

Wheeler: Thank you dr. Crystallee crain.

David Banard: Good morning.

Wheeler: Good morning.

Banard: I am david barnard and it is a real honor and something I've never done before to have an opportunity to serve the city to the human rights' commission especially with the amazing people I just met for the first time. Having grown up in Chicago in the 1950s and 1960s, a turbulent in our nations history, the police riot that was about 50 years ago this week outside the democratic conventions. I have always been formed I think by a sensitivity to issues regarding human rights and social justice and made my career 40 years of teaching ethics and human rights law at medical schools and law schools. I retired about a year and a half ago, and with more time for the human rights commission seemed like a wonderful way of staying in touch with the human rights' side of my work. Last night it turns out that my wife and I saw the movie about mister rogers. I don't know if any of you are old enough to have watched mister rogers, but he was famous for singing a song to the kids on his program that we like you because of who you are. Just be yourself and it occurred to me during the movie that, in a way that sum's up the ideal of the international human rights movement which was rather radical notion that people are entitled to certain conditions and opportunities to live a healthy and dignified life simply by being human

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beings without regard to any other attributes. It is the role of government, including city governments who respect and protect and fulfill those rights. We have heard this morning that many people in our city who don't feel confident that their government will do that, so I think participation on the human rights' commission will be one way to be a voice to make sure that happens. So thank you very much for this opportunity, and it's wonderful to meet all of you today.

Wheeler: Thank you.

Elejaide: Also if I may I have one re-appointment for Daniel Franco Nunez. He has served faithfully to the commission. You all have at different times invited him to give invited testimony for the human rights commission. He is not able to be here today, but I am thrilled that he wanted to be reappointed, so thank you. I will entertain a motion on the report.

Fritz: Move to accept the report.

Eudaly: Second.

Wheeler: We have a motion and second, please call the roll Sue.

Saltzman: Well, welcome all of you to the human rights commission, and thank you for your willingness to serve and I was reading your bios here and listening to you and you are obviously very well qualified, and I look forward to your contributions. Aye.

Eudaly: Well, congratulations on your appointments and thank you for your service. You are all exciting additions to the commission and I already made notes on things that I want to talk to each of you about. I haven't had a chance to interact with the commission as much as I would like to in this first 19 months here, so I am looking forward to meeting with you and discovering ways that we can collaborate. Aye.

Fritz: Thank you mayor wheeler and Tatiana for bringing forward this amazing group of people willing to serve. Dr. Crane, your words about participatory values are absolutely my core values so I am looking forward to becoming the commissioner in charge of the office of equity and human rights and being someone who will serve you as the human rights commission just as the human rights commission serves the whole of Portland and indeed to advise the whole of council so I appreciate commissioner eudaly's comments. We all value the work that you do and look forward to amplifying those voices as you said. So I would have to say Mr. Banard that I am old enough to have watched mister rogers with my children and indeed as an immigrant to the united states, that was one of the things in the reagan years that gave me hope that there was a core value in the united states for neighborliness and kindness and treating people with respect, so I think that it's particularly important at this time that we go back to that. I think that we have lost it, both in Portland and nationally and there is a huge opportunity for us to do the right thing. Tatiana thank you for your ongoing work. I am looking forward to working with you again, aye.

Wheeler: The older I get the less that I believe that things happen just due to happenstance and this last few days has been an extraordinary example, it has provided numerous examples of the importance of the work that you do and why there is an urgency to the work of the commission. It is a coincidence the last person who testified during communications came in and talked about her and her wife not feeling safe in this community I am going to follow up with her because there were a lot of things in that story that were quite frankly shocking, and I did not feel comfortable asking her to explore that in detail in public. Those kinds of stories of people who are being targeted because of who they are becoming more and more frequent and we know that just factually there is more reporting of this bias and hatred, nationally as well here in the state of Oregon and locally. And we need to figure out, just as dr. Crane said, how do we get into the nooks and crannies, how do we engage people and how do we get as the prior speaker said, how do we get beyond partisanship and back to a sense of community? What also happened this

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weekend was senator John McCain died, and even that became politicized, and that, to me, I was thinking a lot about that this weekend. How did something like the passing of an individual, whether you agree with him or disagree, how did it become so politicized and so decisive? And what does it say about our society that things have become this divided? That we almost look for opportunities to disagree rather than finding the points of commonality and if we cannot figure out those points of commonality it will be very hard for us to thrive as a society moving forward so not to put too much burden on your shoulders, but the reality is that the farther I get into this I am seeing the quality of people who want to engage on these kinds of potentially emotional, potentially complex, potentially divisive issues, and I am seeing the quality of our candidates actually go up astronomically, and you are representative of that trend. I could not be more happy to see the four of you stepping forward at this time. I know that you are very busy. All of you. I know that you could be doing a million other things. I know the pay is not good, but I couldn't be happier that we have people like you in this community who want to help us not only be accountable, but help us to actually find that way towards being a community unified around basic principles of justice and fairness. Thank you for stepping forward, I vote aye. The report is accepted. Thank you for your service. Next item please will be 907 -- sorry, that's not what I want. [applause] could you please read 921? We're not going to move it so let's go ahead and read it now.

Item 921.

Wheeler: So, colleagues it is obvious we have an absentee today and I've had a request that we pull this and have it come back on the 5th of September when we have the full council present. so I will be returning item 921 to my office, we will hear it on September 5th. Next item please which will be item 917.

Item 917.

Wheeler: Commissioner Saltzman.

Saltzman: Thank you, mayor. This is a straightforward item that came out of the Terwilliger Plaza a request to consider a sky bridge for their proposed expansion. We know these facilities can be beneficial to the seniors and disabled adults who are part of a institution with multiple buildings and commissioner Fritz deserves the lion's share of credit for moving this forward. Staff is here to quickly walk us through the item and to answer any questions council member may have. This is a first reading and will move to second reading next week. I turn it over to Kurt Krueger.

Kurt Krueger, Portland Bureau of Transportation: Mayor, commissioners Kurt Krueger with Pbot, just a short walk down memory lane. In 1982, this is the adopted encroachment in the public right-of-way document, it's needing an update and so we're making a small revision to that today. I think this was done under the Mayor Ivancie terms. Around the time Pioneer Square was being built there was sky bridges being proposed in the downtown core and a strong urge to keep the people and pedestrians at the street level and activate our streets and keep people at that ground floor level. We have had three or four sky bridges come before this council in the last 10 or 15 years. They go through a tremendous amount of scrutiny, and there are certain exceptions that are allowed by you, the council. One of the things that is prohibited at the time right now is the sky bridges, for assistive living or retirement communities outside of the central city, so this ordinance allows and opens up the provision to approve those and let them come in and go through an application process, through the city's design review process and ultimately come before you for approval, but it removes the prohibition on that today.

Wheeler: Okay. Commissioner Fritz?

Fritz: And commissioner Saltzman mentioned Terwilliger Plaza, is Terwilliger Plaza outside of the central city?

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Krueger: It is.

Wheeler: Very good, public testimony on this item?

Parsons: We have one testifier. Charles bridgecrane johnson.

Wheeler: Very good. Thank you. Come on up.

Charles Bridgecrane Johnson: Good morning commissioners. For the record Charles bridgecrane johnson and it's interesting to know that Terwilliger plaza's outside of downtown area and the idea of a sky bridge, under Mayor Hales we also had some discussion about whether sky bridges are an adequate tool to reach our vision zero goal for elderly people, and I think it's appropriate to take this step, as long as we as citizens know that the various bureaus will be involved, and people will be able to voice their opinions and concerns about the sky bridge showing up on Terwilliger. The plaza itself is an obstruction for the natural view there, but I am sure that we will hear a variety of opinions from the citizens. The other thing is as we look at other parts of the city where there is assisted living, I hope that they will be facilitated and as we face the aging population, and people that have just found that they cannot age in place, recently the Odd Fellows home on Holgate went before the county which serves as the hospital board to get special financing, so far no sky bridge, probably going to need a bigger campus soon. It will be an interesting possibility to increase the safety for elderly people to access the park across from the Odd Fellow senior living there on Holgate, but as a city we concerned ourselves with preventing the sky bridges. Admittedly we are not Minneapolis, we don't have the same snow concerns, the way the climate is going maybe we will never see it again in Portland. It could happen on the second floors along with the sky bridge structures like we have just one block away at the former interstate now West Farge building. So I think that you should approve opening this doorway, and it's unfortunate when it's open for just one project like Terwilliger plaza, but maybe we will see increased safety for the elderly citizens. Thank you.

Wheeler: Thank you.

Fritz: I will be looking at Mr. Krueger for a nod or a shake. My understanding I don't believe that Terwilliger plaza wants to put the sky bridge over Terwilliger or they don't have buildings separated by Terwilliger. Just wanted to make that clear before we get screaming headlines that council approves putting sky bridges over Terwilliger, that will not be happening. Thank you commissioner Saltzman for bringing this forward. This is a thrill for me. It has been on my bucket list for ten years to get this done, not because of Terwilliger plaza who's just recently come forward, but because of Russelville Park. In east Portland 103rd and Burnside where there are two buildings, the apartments and the common areas where they have the dining hall are separated by the right-of-way of 103rd, so it's a one way street. It's just got the two structures on the other side of it, and it's not the snow Mr. Johnson, it's the rain that serves the seniors with their walkers are going out in the rain to get their bedrooms to their dinner, which has always seemed to me to be really not what we want to have happen. And yes, Commissioner Hales, Mayor Hales as well as Commissioner Hales, we are very concerned about losing the activity at the street level. There will be a process for an application to go through, they will still be required to pay for the privilege of using the city's right-of-way just like every other sky bridge does, but this opens up a huge opportunity. I need to declare a potential conflict of interest in that my parents live in Cherrywood Village in east Portland and I believe that the sky bridges are done in the past anyway and I don't know that there are any buildings that need to connect there. But potentially, from the main building to the facility is a potential there, so I think that the more that we can make it easy for people to receive care in a dignified way, the better, so thank you very much for the staff for doing this and thanks again commissioner Saltzman.

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Wheeler: Very good, thank you everybody. This is a first reading of a non-emergency ordinance. It moves to second reading. Next item, 918, please.

Item 918.

Wheeler: Good morning.

Jeff Morris, Portland Police Bureau: Good morning. My name is Jeff Morris, I'm a sergeant with the police bureau, I'm assigned to the forensic evidence division. Here today representing captain Krueger who has a previous engagement, as stated we are here to discuss and answer questions regarding a renewal of an intergovernmental agreement with the Oregon state police regarding fingerprint services. This is a long-term agreement dating back approximately 30 years. The forensic evidence division would also like to assure city council this system will only be used to search and identify fingerprints and palm prints. I would like to introduce Chris Wormdahl. He also works for the forensic evidence division as our technology coordinator and he's really the subject matter expert on this system, and the agreement.

Wheeler: Very good thank you. Good morning.

Chris Wormdahl, Portland Police Bureau: Good morning. I'm Chris Wormdahl, the program manager for the technology programs utilized by the bureau's forensic evidence division. I have a very brief statement, and then I can answer any questions you might have. The intergovernmental agreement is a continuation of an agreement that has been in effect for almost 30 years between ppb and Oregon state police. To access the western identification network's automated biometric identification system winabis for short. The system is utilized by the police bureau's forensic evidence division's identification technicians to assist in the search of fingerprints and verify the identity of more than 35,000 arrested subjects each year. It is also used by the division's criminalist to search and identify latent fingerprints and palm prints found at crime scenes such as burglaries, assaults, rapes and homicides. When as a regional system that consists of the following eight western states. Oregon, Washington, Idaho, Wyoming, Montana, Alaska, Nevada and Utah. Through our connection to osb and win we are also allowed to connect to the fbi's next generation identification system or ngi. This allows our criminalists to search latent prints nationally when they are not found locally. Win was created in the late 1980s to make the process of fingerprint searching and identification faster and more efficient. Through the system, though the system's architecture and technology has changed over the years, the usefulness has not. Avis allows us to identify arrested subjects in less than two hours as compared to the weeks and months it used to take. Latent print searches were practically impossible before the development of avis. Without it this agreement we will not be able to identify wanted subjects that give false names or help investigators solve crimes. Thank you.

Wheeler: Is this a contract in place, obviously, been in place, how long has this been in place?

Wormdahl: How long has it been in place?

Wheeler: Yes, this a five-year contract?

Wormdahl: Yes, a five-year contract, renewed every five years.

Wheeler: So renewing it for a five-year period.

Wormdahl: Yes,

Wheeler: You went to special pains to say this is only for fingerprints and palm prints. If it were expanded beyond that, what steps would be required and what would be the city council's engagement in that process?

Wormdahl: It is actually spelled out in the contract under section 2. Which is the scope of agreement, and it's basically two parts, it says that this is for specifically fingerprint and palm fingerprint searching and data. The system is -- has the capability for future

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expansion to include iris and facial recognition. It is not part of it at this point. The second part of section 2 specifies that any additional -- any future types of biometric data such as facial recognition or retinal would be -- would require an update to the agreement which the city council would then have an opinion and a vote on.

Wheeler: Very good, and obviously this is now becoming widespread in Europe, but I want to make sure that we have a public conversation before we go to that, if we go to that direction. Commissioner Fritz.

Fritz: I want to amplify what the mayor just said, so the user cannot -- there can be no change to this without it the city council's formal vote?

Wormdahl: It would require an amendment to the agreement, correct.

Saltzman: I am not sure I know what a latent print is.

Wormdahl: Latent print is a partial print left at a crime scene. So may just be a smudge, it may be a bit of a ridge detail. The crime scene person will go, you know, look over the crime scene, ask a victim if there were any specific things that they noticed moved and then look at that area, dust for prints and if there is something of value that they see or they think may be of value they will collect it and bring it back to the office, review it and search it into the system.

Saltzman: Okay. Thank you.

Wheeler: Further questions? Public testimony, please, Sue?

Parsons: We have three people signed up.

Wheeler: Good morning sir.

Dan Handelman: Good morning mayor and commissioner, I am dan handelman with the Portland cop watch and I am glad you had the discussion that covered my intended testimony, which is that I want to make sure that there is no expansion of this without city council having a saying in it. The state law that was passed around the use of body cameras for police specifically prohibits it being used for facial recognition and I want to make sure that we do not have that going on through some of the back door meetings. There are a lot of concerns about the invasion of people's privacy and the increasing technology that is being used around so-called biometrics and I think that we, we, you know, I would say that we are having this conversation rather than waiting, until those things open up, that our group would be very concerned about expanding What the data base is going to be used for. And one of the things that we noticed in this agenda item, and actually, we testified on this the last time it came up, too, is that you know, the captain krueger has moved from drugs and vice to being the forensic service division, and there are a lot of people in the community have concerns about captain Krueger and his past and some of the behaviors he's exhibited in the last few years. So I just wanted to bring that forward as another concern, particularly around the use of identifying the people based on perhaps their dna or their race or other biometric factors.

Wheeler: Thank you. Good morning.

Mimi German: Hi, so nice to be here again. So I was listening to the agenda, this agenda item, and I didn't know that it was going to be happening today. I just took notes, the fbi, and I thought, well, we are doing things that are joined with the fbi, wow. Anyway then I thought racial profiling, this is rightful racial profiling? Why wouldn't it be? Why wouldn't a cop who's already racial profiling to the extent that our cops do in the city, use this new program for racial profiling but to get you know, fingerprints and everything else, racism is on my notes, immigrant status is on my notes. Krueger is a and nazi is on my notes. There is no reason for this to cost anything as well, I cannot figure that out. It is a computer. If one set, if somebody has a computer program all they have to do is allow in the city so I am not sure what the \$102,000 would go for and I think that we have a right to know dollar for dollar what the \$102,000 would be used for. These are my notes, and in listening. This is

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absolutely Orwellian that this is going to lead to retina scans. The thing that did stop me, is that mayor you were saying we need a public conversation, not later though we need to have that conversation now before this agenda item is voted on. This should be opened up to the entire city because it affects every single community in our city that is not wealthy and white. I really, I really insist that until there is an open city conversation on this with all of us invited, that this can't even be voted on today.

Wheeler: Thank you. Good morning.

Charles Bridgecrane Johnson: Good morning commissioners. Actually I say Guten Morgen frounaren. It's interesting when anything comes before the council and has the fingerprints of captain krueger on it. Glad that Daniel, mr. Handelman from cop watch brought that to your attention, as well and the move of chief outlaw moving people from vice to forensics. One, actually kind of academic, kind of fiduciary point was clearly raised by miss german. Aren't our taxes already paying for this fricking crap? How is it that a certain percentage of the federal budget goes into the federal bureau of investigation which runs an fis, automated fingerprint identification system, should be fully funded by the federal government because god knows they are not giving us enough money to house homeless people so why do we need a regional network, win, to gouge us for 20,000 a year to get fingerprint records that should already be fully funded by the congress, department of justice, and the federal bureau of investigation? The fact that they go around and create or other interstate agencies have said, here's the opportunity for us to get \$20,000 a year from Portland, on a five-year contract, so that we can do something a little different with biometrics, but only fingerprints according to the 14-page contract pdf so I think as police commissioner and as a bean counter, commissioner, it's very reasonable for you to look into why aren't wyden and merkley and blumenauer delivering a department of justice and a federal bureau of investigation that does not need for each municipality to cough up a bit of extra money to get avis plus or whatever this is that we are buying. It just doesn't make sense, especially from a federal government that says oh, Portland, you have 10,000 homeless people? Tough noogy. No more money. Or for a crazy federal, you know, there is dozens of federal police cars that park at the bankruptcy court. Those cars could answer 9-1-1 calls from ice workers I suppose if they wanted to, so there is no need to grow our law enforcement budgets under illusions of public safety. What's unsafe is having people sleeping outside overnight during air quality emergencies ending up in emergency rooms and stuff like that. That is really where this \$100,000 needs to go to, so I hope that this contract never comes before the city again because we are all going to be diligent engaged citizens and ask Washington d.c. why this is not taken care of with all of the money they collect for federal taxes. Thank you.

Wheeler: Thank you. Colleagues any further questions? Sue please call the roll.

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

Fritz: Thanks to Mr. Johnson for pointing out this is \$20,000ish a year for five years, and it goes for equipment and installation, training, manage support and similar services. It seems reasonable to pay into a system for those reasons as we all know, five years computers often we need servicing and additional maintenance and upgrades and seems reasonable. Aye.

Wheeler: I agree with those who share concerns about that technology. This is a technology. It can be used for great good, it is used for great good to identify perpetrators of violent crimes but in the wrong hands this technology could, obviously, be used for negative purposes with negative consequences and that's why I asked the question that I did about the extension of any biometrics. I am gratified that it has to come back to the city council if there is any expansion of this contract and I know that should that request come forward, it would be a very thorough conversation and one that would probably generate a

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lot of public input, but we will cross that bridge when we get there. I vote aye. The ordinance is adopted. Next item. 919.

Item 919.

Wheeler: Good morning.

Christian Peterson, Portland Police Bureau: Good morning mayor and commissioner, my name is Christian Peterson I am a crime analyst.

Wheeler: Christian I'm sorry I had a statement I was supposed to read as an intro to you, I blew it off, I apologize. As a rapidly changing city, it's critical that we invest in our communities with an eye towards [inaudible] and sustainability. With an increasing awareness that law enforcement practice is disproportionately affects communities of color and vulnerable populations the onerous is on city government to support a law enforcement model that supports the communities it serves. During my time as mayor, this council has seen a number of police items on the agenda. Several that have obviously been controversial. I have to say that I am excited by this potential partnership with psu. This iga speaks to my priorities as mayor around 21st century policing. We talk a lot about supporting 21st century policing principles without actually talking about what that means to the City of Portland. The core of 21st century policing rests on six key pillars. Number one, building trust and legitimacy. Something that we hear a lot about in this chamber. Number two policy and oversight. Number three technology and social media and people had just raised some issues around that issue. Number four community policing and crime reduction. Number five training and education, and number six officer wellness and safety. The work behind this iga uses technology to improve community engagement strategies and enhance ppb surface delivery so that officers are not just being responsive to those who think to report a crime, but also to those who are afraid of reporting a crime. We believe in policing with transparency, we believe in policing with compassion and respect, we believe in policing with accountability, we believe in strengthening the relationship between the Portland police bureau members and the people who are served so that interactions with law enforcement begin from a place of trust rather than from a place of fear. To serve and protect means to serve and protect all Portlanders. I applaud the Portland police bureau and chief outlaw for undertaking this endeavor and many thanks to our partners at Portland state university for partnering with the city on this important work. Thank you.

Peterson: Thank you and again good morning mayor and commissioners. My name is Christian Peterson, I am a crime analyst with the Portland police bureau and I am thanking you for the opportunity to be briefly discuss the technical amendment and answer any questions that you may have. Back in November of 2014 the city approved an ordinances that accepted a \$699,000 smart policing initiative grant from the bureau of justice assistance. In order to fulfill the grant on may 20, 2015, the Portland police bureau entered into an intergovernmental agreement with Portland state university. Part of the scope of work for the grant Portland state university and the Portland police bureau identified an opportunity to enhance the understanding and integration of community survey data into police interventions. Together we have continued, continued the grant work by developing a community survey tool kit which continues to be funded by the bureau of justice assistance. This kit will provide instructions and guidance to any organization, though targeted specifically towards police personnel for developing a community survey that follows scanning, analysis, response, and assessment, the sara model and a problem oriented policing strategy. This tool fulfills the deliverable of the scope of work for the grant, the target date for delivering this to toolkit to the bga and the police bureau is at the end of September. The technical amendment before you today is for the compensation to Portland state university for the work completed to date on the development of the tool kit

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and for the completion of the work and to the final delivery of the tool kit at the end of September. Fulfilling the scope of work requirements for the grant means that the agencies across the nation not only just here have an opportunity to understand and develop the community problem oriented surveys. That can be used to integrate the community feedback into interventions. Thus embracing the tenants of 21st century policing. Thank you. Any questions?

Wheeler: Commissioner?

Fritz: Was this an expected additional amount?

Peterson: This is not an additional amount. This is money that had been saved from other parts of it, and is just reallocating to expand the orthotic work.

Fritz: Thank you.

Wheeler: Public testimony.

Parsons: We have three speakers.

Dan Handelman: Good morning again mayor and city commissioners. I am dan handelman with the Portland cop watch. This is an extension of a contract that we testified about in 2014 and then in 2015 the compliance officer and community liaison, who is working on the doj agreement, referred to the niloc program in the quarterly report about the progress of the implementation of the settlement agreement. And what we wrote about that is that the program anecdotally caused confusion and fear in Portlanders. What are these cops doing in my neighborhood and talking to young people of color? It and may indeed be encouraging the biased-based policing activity such as stops and pat downs Until there is evidence that nilocs are not being used for intelligence gathering, consent searches and disproportionate contracts, contacts with young people, we are not sure how the coc can be can be blanket, praising this program we wrote. So it seems that if you read the agenda item carefully, that the psu survey discovered the same problem. That they found that people mistrusted the police and did not know what they were doing in their neighborhood and we told you that without it you having to spend \$750,000 on it. So you know, I don't hear anything about the question of bias being a consideration in this study and I am concerned about the over-policing of our low income communities and communities of color that are going to be the result of this because we had this discussion around other topics recently where those crimes that happened in a public area get more attention than those that happen in private boardrooms and in condos. So you know, while I don't think it's a bad idea to discover ways for the police to listen to the community, which it sounds like part of what this contract is about. Those safeguards have to be put in order for us to have any kind of support for what's going on. I also should add we are also waiting for those unarmed community officers to be put out on patrol which I think would be, perhaps, a better way to deal with it than sending armed officers into the "problem areas". If you have these officers who are not intimidating and not initiating same bulked up uniforms that might be helpful. In my last couple seconds I want to say I am sorry that I didn't get to testify about the human rights commission earlier because it was a report and the mayor is not allowing public and temporary, contemporaneous testimony on the reports. We did send in comments and I hope that you got a chance to read that.

Wheeler: Thank you. I directed the community officer program, be up and running by January 1. We ran into labor negotiations issues, those are coming to a conclusion and I look forward to that program being up and running. Good morning.

Mimi German: Good morning, my name is Mimi German, I would like to bring the name Jason Washington to the table. At psu recently armed security killed a man at psu, I think that it requires balls of the cops to come here to ask for more money with an agreement with psu for anything regarding arms, weaponry and to pretend that they are listening to the community. It is complete bs and I am offended. I am offended for everybody who has

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to look at these armed security guards and cops near them while they are trying to study to better their lives knowing that these security guards and cops will kill anyone who is of color in a split second as we saw in the reports that came out from testimony with people on the ground who watched Jason Washington get murdered. I am not like Dan who has all this information, which is so wonderful to bring to you, I am just a concerned resident and I come here to plead for your humanity. That's it everybody time I come up here to ask you to ask the right questions, questions that are not asked, never a question, every time regarding police wanting money for weapons, wanting something for technology to put away immigrants, to work with ice, to work with the fbi and so on. I actually believe that there are hearts in your bodies that we can tap, so far I'm on the losing end of that, but more than me the communities more at risk than myself are on the losing end of that. We cannot give psu, the cops, disagreements, anybody asking for more money until they can show us that they know what to do with the weapons they already have, and they know what to do with the word transparency and the word communication and wanting to communicate with community. They don't know how to do any of those things, so we can't gratify their wishes for more of the same that gets black people killed and immigrants put away because the city council continues to give them money and the rights to do just that. Thanks.

Wheeler: Thank you. Good morning.

Charles Bridgecrane Johnson: Good morning. For the record, Charles bridgecrane johnson, and I want to echo deepest sympathies and peace to the family of Jason Washington, navy veteran killed on the streets of our city by Portland public safety, Portland state university public safety. So we definitely need to invest \$50,000 and more in doing better. Today seems to be my day to talk, to preach about fiduciary duties. We have this item describing a grant over \$600,000. When you get \$600,000, I want to see the frickin gant chart, you can be dang sure if we got a grant for almost three quarters of a million dollars, somebody, somewhere, was paid to make a gant chart with a timeline about goals, objectives and outcomes. It's not in the presentation, t should be. Admittedly we're talking right now about less than 10% of that budget. We are tweaking \$50,000, but tonight I think at tabor space there will be a discussion about pcccp. Bring what the people are paying for, it's hard for, even those of us who are very engaged, I will have to discuss it a bit more with mr. Handelman afterwards but its like, \$407,000 of federal money that came to us to make policing more sensitive, more responsible, less lethal, especially for communities of color or for the elforts family, There should be a package that describes the scope of this work, what has been put forth and analyzes the failures, we know that Portland police have had situations that have resulted in deaths and in grenades, impacting into the back of people's heads, through helmets. So we probably need more than \$700,000 or \$669,000 from the feds to get right, but we are not going to get right until items like this come with a very clear transparent plan, a binder that shows the timeline, that shows what the deliverables are going to be from the people who are actually cashing the checks and putting that money in their pockets and feeding their families with this fortune chunk of federal money. So while it's not bad for you to vote yes right now, and tweak the \$50,000, you should all make a note saying oh, what am I getting for my \$50,000, how will it keep my friends and neighbors alive, how is it going to reduce racism inside the Portland police department. So, please take note of that, think about it and we will discuss it in the future.

Wheeler: Very good. Thank you all three of you.

Parsons: And one more lightning.

Wheeler: Good morning.

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Lightning: Good morning my name is lightning I represent lightning super creativity data attack dog. One of the concerns that I have on this, when we are talking smart policing, I don't think that psu has the intelligence to even do this report. In fact in my opinion it's almost like they have a monopoly on all these type of studies and reports and let's look at just recently the death over there. They should not be doing these reports, I don't think that they are intelligent, I don't think that they have the ability. I think psu is basically just subpar, and for them to do the report, we need to have some other people brought in to do these reports because frankly I am really tired of hearing the term, psu, and getting all of these type of reports as though they are the experts. They are incompetent, they are not the experts and that's the statement from lightning. Now issue number two, to the police commissioner, protect and serve all. All the people in the city, people that pay taxes, people that need the assistance of the police. That's my job as police commissioner as mayor to make sure that happens. Even if on somebody that works at the ice office and I am an employee coming out and I have concerns. Are you going to protect me, mayor Wheeler? Are you going to offer me that service? Or do you have some type of conflict of interest, some bias that might make you say you know what, I could care less if you get hurt and I hope you leave my city. That would be interesting, wouldn't it, mayor. That would be an interesting situation and I wonder if you have any lawsuits directed towards you right now asking for back compensation and the concern over this because if you do I would almost ask you to step down immediately. I would ask you to leave this city because when you ever decide selectively to enforce the police department, which is of the city of the people, not just you, police commissioner, and by the way, I agree with darrell Turner to analyze whether you should be the police commissioner or not and I think that that's what this study should be about on why the conflict of interest that you think that you can be the police commissioner and overlook the police department at the same time and make certain decisions as the mayor and voting on these grants is not considered a conflict of interest because in my opinion it is. The police commissioner should be completely separated from the mayor, and I hope mayor that you make it right on what you did to the federal employees.

Wheeler: Thank you and I will speak briefly to that since you raised the question and you used the trump administration's talking points. Please call the roll.

Saltzman: Aye.

Eudaly: Well, I want to thank dan handelmann for coming and giving comments on this item and the one previously. I generally agree with his concerns and appreciate the comments on this. I don't think that it's fair to conflate the psu administration with the academic side of the university that actually does the research. I personally support disarming psu campus police, but that has no bearing on this item on which I vote aye.

Fritz: Thanks to the staff who brought this forward and for clarifying that this is moving money previously allocated, thanks to Janine gates who looked into the equity impacts for me, she notes that this is doing what we want police to do which is to seek feedback from the community about how they can improve and in particular that neighborhoods including parkrose, king, humboldt, and the hawthorne business association district were contacted, but particularly I appreciate that multiple black churches in north and northeast Portland were visited and that means reaching out to people where they are and getting feedback from some of the people most impacted by police activity and communities they serve, so I appreciate this process is moving forward. Aye.

Wheeler: So I appreciate this process as well and I want to remind everybody because sometimes the testimony gets a little far a field and into the land of the fanciful. The money from this grant, which is accounted for, is going to the hatfield school of government. It is not going to the police bureau and the stated purpose of this study is one that I support,

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which is how do we continue to work together given all of the changes taking place in the community, given the changes that are expected around policing, particularly around accountability and how do we best interact with the community that we serve in order to strengthen the trust between the police bureau and the community that the police bureau serves? I think that is a very noble cause and I think it is a very important cause because it will help us be better in the delivery of services to the people who not only live here but the people who pay the bills, so I am strongly supportive of it. Number two I want to state again, and I am sorry that I have to keep stating this, I have spoken often and publicly about the dual role that the mayor of Portland serves both as the mayor of this city, the presiding officer of the council, and the police commissioner. It is a very unique role and there are times when it looks like those roles come into conflict. There are times when it looks like those roles are inconsistent with each other, and I will tell you what I said many times, including during my last state of the city address, I have not been shy about this, I have not been coy about it, we should look at this and we should ask ourselves as our city grows and as our city becomes more complex and as our city becomes more diverse, is the form of government we currently have in this city serving the best interests of our residents. It is a fair question to ask. Now with regard to ice. It galls me when I keep hearing the administration's trumpeted talking points, misleading talking points, reiterated here and elsewhere around the nation and even around the world. To be clear I do not support the ice policy of separating children from their families. I have said it repeatedly. It is unconscionable for an administrative action to lead to the separation of children from their parents. Who here can tell me that will not have lifelong consequences for those children? That kind of trauma? Excuse me you spoke and now I get to respond. You had your three minutes and now I get mine, that's the way it works around here. Excuse me. So the question was did we leave ice officers calling for help on 9-1-1 unaided? The answer is, every call that came into 9-1-1 as is required by law got a response and the chief police has been very clear on that. The police chief has actually released the data on that. I have no reason to believe that there won't be follow-up investigation or litigation, and let the chips fall where they may, but I have no regrets about the way that we handled that situation, and I have no regrets about the way that the police bureau was directed by the police chief during that time, and if I am asked five years or ten years or 50 years from now how I feel about the policies of ice, I am not going to change my opinion one iota. It will remain the same but as police commissioner, I understand everybody in this city is entitled to the protection and the security of the Portland police bureau, and part of what this study is trying to do is to help us to be better in achieving that goal, so with that I vote aye. [gavel pounded] the ordinance is adopted. Next item, 920.

Item 920.

Wheeler: Commissioner Saltzman.

Saltzman: I will turn this over to our staff for a presentation.

Dan Layden, Portland Bureau of Transportation: Thanks commissioner Saltzman, mayor Wheeler and members of council, I am dan laden, project manager from the bureau of transportation and joined by Lester Spitler, the chief procurement officer. We are here to discuss the request to exempt the sullivan's gulch crossing, bicycle and pedestrian bridge from competitive bidding in order to move forward with the solicitation for the construction manager general contractor. I will give a brief presentation on the bridge and the project itself, and then last we will talk about the findings that we have identified. You can see on the drawing, a rendering of the bridge will look like. It is a bridge that will connect northeast 7th avenue across I-84 and sullivan's crossing from lloyd boulevard to the central east side, it's a 24-foot wide bicycle and pedestrian bridge designed by Kpff engineering a local Portland firm that we came to you about a year ago with the contract for. It's been widely

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praised for its design by the design commission and by two public open houses that we had on the project. The schedule for the project, we are currently at 60% design. If you approve our desire to go with the cmgc contract we would expect that contract to be in place by January of 2019, with construction from may of 2019 through December of 2020. The project budget, wait a minute, the project budget is \$13.5 million with \$11 million of transportation system development charge funds, and contributions from prosper Portland, go lloyd, and the central east side industrial district. The project has a series of complex project elements that will require, we feel, would be beneficial to have a construction manager, general contractor, probably the easiest way to describe the complex project elements is that the construction will be over both interstate 84, the union pacific railway, and the sullivan's gulch. It requires the installation of two, 300-foot-long steel arches over the railway and interstate freeway, in order for that to happen the freeway needs to be closed. That is, obviously, a very challenging thing to do. We have worked with the Oregon department of transportation to discuss a weekend closure, and the work needs to occur very quickly during that time frame. In addition we are also installing some drilled shafts in close proximity to an aging large diameter sewer line. For those reasons, we feel it's important to be able to have a contractor who can work with us and work with our team during the final design phase to modify the design, to approve the constructability, and plan a very complicated construction phasing process. In addition the other major benefit in cmgc is the steel could be purchased earlier and then with the design build project which would reduce the price uncertainty in a very volatile market. I am now going to turn it over to les to discuss the findings that we've come up with.

going to turn it over to les to discuss the findings we came up with.

Wheeler: Can I ask a question before you jump off? You mentioned the question of steel and that's been on my mind along with everything else, apparently. [laughter]

Layden: There's a lot to be on people's minds these days.

Wheeler: We have all these tariffs that are impacting the price of steel plus there's a lot of competition for the existing supply nationally.

Layden: Correct.

Wheeler: Given globally there's an expansion boom. Are you looking at some data that gives you confidence that the price of steel is going to continue to go up or are you expecting it to plateau? You mentioned part of the theory behind cmgc, we can lock in today's steel prices. Is that that a good thing? I really don't know.

Layden: That's the \$64,000 question. I don't think anyone can answer that with a great deal of certainty. What we have seen over the past few years even before the tariffs took place is that steel prices have been rising at a pretty steady rate. One of the advantages of this project is that because it's not a federally funded project we have a little more availability in the market. We don't have to use steel that is completely produced in the united states. However, the tariffs have changed that dynamic somewhat because they are bringing those prices more competitive with u.s. steel. It's really hard to say. I think our general estimation that I have heard from the construction industry is the sooner the better, but that could very well change.

Wheeler: Thank you.

Lester Spittler, Procurement Services: I'm going to review the findings. You're familiar with the process to exempt a construction project from the competitive low bid procurement process. An rfp for a cmgc is not expected to discourage competition. The rfp would be a competitive solicitation where we would ask proposers to submit proposals in response to information we request in the rfp, that usually includes experience, qualifications, project approach and certain cost considerations for the project. We expect because of the complexities and the potential risk that a construction contractor would

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have in the traditional design bid build delivery method that we think that we'll get more competition by doing a qualifications based value solicitation. Cost savings, it's expected the cost savings will be achieved by bringing the contractor on the project team before the design is finalized. This allows the construction contractor to advise on constructability issues which greatly reduces number and scale of change orders and also helps to make the project construction more efficient. There will be specialized expertise and construction methods that are required a project of this scale and with as many possible complications as this one requires the contractors be experienced and knowledgeable to ensure the project is successful. It's also critical to have cooperation between the city, our designer and contractor before the design is finalized. This will likely result in a faster total delivery so a traditional design bid built delivery method is a linear process whereby we engage a designer to fully design the project, bid it out to the construction community and then build it. For cmgc method the city will be bringing the construction contractor on board prior to finalization of the design to receive their input, this method not only shortens the overall project schedule, but reduces the potential for change orders, it encourage cooperative selection of alternative products and promotes good communication between the city, the designer and the contractor. Also as noted in Dan's previous slide, by bringing the contractor on early and allowing them to start sourcing the steel that could be an advantage to the city. Better cost control, cmgc delivery method provides the city with better cost control by involving the contractor and the finalization of design. This allows the construction contractor to advise on constructability issues, it also affords them the opportunity to propose recommendations to the city for consideration and value engineering and different means and methods to accomplish the project. Lastly we feel like a cmgc method would benefit the public, the taxpayers of the city of Portland benefit from this delivery method for all the reasons previously stated. Cmgc delivery method for this project will benefit the taxpayers by ensuring the bridge is optimally designed for constructability, usability, ongoing repair and maintenance in the most cost effective and efficient manner. So in addition to satisfying the statutory requirements for an exemption to the low bid process cmgc method allows better disadvantaged minority owned women owned emerging small business enterprise participation and allows the contractor to work more closely with the city to develop, construct and commission the bridge with more hands on participation. The cmgc method also allows pbob to have contract terms and conditions that stipulate dmwesb participation and provide penalties if those goals are not met because of the estimated amount of the project the contract will use a community, equity and inclusion plan during construction. Using that plan for this project was mandated by council last year when council established the overall community opportunities and enhancements program. And lastly, dan Layden, myself, pbob, procurement services asked that the council accept the findings and authorize exempting this project from the low bid competitive solicitation requirement and authorize use of the cmg construction delivery method and rfp. Dan and I are happy to answer any questions.

Wheeler: Can I ask you a question? Go back to the beginning of the presentation. You showed a graphic of the actual crossing. Is that as designed or just a for example or what are we looking at.

Layden: That's an artist's rendering of where the design is currently at. That is we had a series of different options that we reviewed with the public in an open house in December and online and this was the option that was chosen because of the constraints of the site there are not a lot of choices in how the bridge can be designed. I'm not a bridge engineer, so I can't go into great detail, but essentially the circumstance we have is on the south side of sullivan's gulch we don't have any room because odot owns the bank and the freeway, of course. On the north side by lloyd boulevard there's a fair amount of right of way which

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is why you see that larger foundation on the north side because we have more access to that side. Odot has asked us to keep the south bank of the freeway clear for the potential for future expansion of the freeway. So this, the bridge design is sort of driven by that factor. The idea of the arch is really intended to be a very elegant sort of high profile I guess landmark design and it's been well received by the public and by the design commission.

Wheeler: Thank you. I appreciate that. Commissioner Fritz.

Fritz: Thank you for bringing that back up, mayor. What are the sides made out of?

Layden: The sides?

Fritz: Like the fence at the sides.

Layden: The fences will be unfortunately there are some requirements that we need to meet in order to meet the requirements of both the railway and the freeway. It's a wire mesh material that will provide visibility through the material but will also prohibit or prevent people from throwing items onto the bridge and will also deter the ability of people being able to climb the bridge.

Fritz: That was my question.

Layden: We're still working on the details of that, but that is a major concern.

Fritz: I think there's a challenge between making it so people can't climb it versus making it graffiti proof. I'm glad you're considering that.

Layden: Making it transparent. Yeah. That's definitely been in our thoughts.

Wheeler: I'll say the same thing I said the other day when you were talking about another cmgc exemption, I have been doing a lot of reading on this subject because I'm not a procurement expert on large capital construction projects and cmgc seems to be very much in favor right now on large capital construction projects, but what is less clear is as you read the literature out there on the subject is whether or not it actually saves you money. What it does is it hedges and says it has the potential to save money provided that you're highly engaged, highly accountable and you really push hard at the beginning of the process with your construction partners to make sure that the estimates that are being provided are actually realistic estimates as opposed to cushioned estimates.

Layden: Correct.

Wheeler: What I'm hoping we do given that we now have several cmgc projects lined up, I would like to keep our own data pool. I would like us to evaluate internally -- I'm happy to make the exception here, it makes sense conceptually, but I would like to know are we really saving any money with cmgc over the conventional procurement methodology. I would also like more information nationally what we are learning about cmgc, given that there are more and more projects that are being procured under this methodology. It's almost as though cmgc is becoming the norm as opposed to the exception. I just personally as one member of the council where we have to make this decision to allow the exemption, I would like a little more data and a little more fact in terms of whether this is really the right thing for us to be doing or not.

Spitler: We can certainly compile that over time.

Layden: Sure.

Wheeler: Anything else? Public testimony Sue?

Parsons: We have had two people sign up.

Wheeler: Very good. Good morning, thank you for being here.

*****: Thank you.

Charles Bridecrane Johnson: I'll go first. Let's talk about -- charles bridge crane johnson for the record, no relation to this particular bridge. [laughter] and this tower it's actually more of a tower crane conversation. Who can believe that we have a tower crane I think in sullivan's gulch near northeast 20th just across i-84. In addition to the mayor's important

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suggestion that we become better at data analysis about the cmgc exemptions, construction manager, general contractor exemption or change from the regular purchasing process, I hope the mayor will go further and kind of create a working group or task force to maybe work with the chief purchasing officer to report back on the effectiveness of this. Is it really improving our ability to engage small business, women and minority contractors or is it just something give a paperwork advantages to some gcs, whatever. I want to talk about the larger scope of the project in the equity lens and gentrification because it somewhat makes sense that an expensive possibly \$11 million, bridge would not be created in an area that's just treading water or stagnating, but when we look at over all expenditures in community development in Portland, we want to make sure really that we're not letting the developer tail wag the dog. There's a one-project I think going in in this vicinity where the tower crane is. Those people paying perhaps above market rent are getting the advantage of this \$11 million amenity. When we look at the overall pbot budget we want to make sure that there's an inclusion, some great things have happened, the gateway discovery park around 105th, so I think we're doing a good job, but as has been emphasized we should look at metrics so that when somebody says, oh, the lloyd mall is failing and you tried to save it with an \$11 million pedestrian bridge we say that's not exactly why, but even if you think that's why look at the great things we have done at gateway greenway and other more remote locations that aren't the inside cesar chavez boulevard. Thank you.

Wheeler: Thank you. Good morning.

Jeanne Connett: Good morning. My name is Jeanne Connett. My concern here is where the money goes. As far as I'm concerned why don't we take that money, tell the homeless people here's the spot, and here's all you need to make a little tiny house? Because I don't like -- the hardest part for me was when some rock star said if you want to go to a living sewer, go to Portland, Oregon. Now, I'm from st. John's. We had our own police force, so we didn't have to bother with Portland police and stuff like that and I miss it terribly, but I think that policing and getting to know neighborhoods is a really, really good idea instead of just gobbling them up as you did -- as they did to st. John's. My concern is where the city money goes and we're nationally known for our homelessness. I mean it's all over the place about how bad Portland is. You took my hometown so I'm supposed to say I'm from Portland, but if you want me to say I'm from Portland you guys are going to have to step it up and pay attention to what's going on in Portland and deal with that, because that is the most important thing right now going on in this state right now and city. That's all I have to say. Thank you for your time.

Johnson: I just want to apologize we talk about sullivan's gulch, we should recognize it goes out practically to gateway and there are probably hundreds of our houseless neighbors sleeping there. I think we all need to see what's in the city budget in the joint office of homeless to make sure those people are getting the assistance at removing their trash and maintaining the best quality of life you can when there's no homes for you.

Wheeler: Thank you. Very good. Please call the roll.

Saltzman: Well, this is a very exciting project and I appreciate the mayor's questions about construction management, general contracting process. It does seem to have become the norm in how we procure things these days for large capital projects. I would remind all of us that it has benefits. I think it does and I think this is why it's become more favored. It does tend to reduce the level of adversarialness that develops when you do a low bid construction project. There's often subsequent change orders and litigation that I think is minimized in the construction management general contractor process although I think that bears further scrutiny and it does give us more latitude because we're doing a request for proposal as opposed to low bid document. It does give us more latitude to be

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more diligent about making sure that minority, women and emerging small business subcontractors or contractors are involved in the project and we can be more demanding of our partners in that regard. Having said that I'm very pleased to support this exciting project. Aye.

Eudaly: Well, thank you, mayor, for raising your concerns about the cmg issue. I'll be looking closely at that as well as I'm set to inherit this sizable bureau. Thanks, I guess. No, just kidding. I'm really excited to learn more about transportation and to dig into all of this. I want to acknowledge the frustration expressed by a community member about money being spent on something that seems less essential, certainly, than housing, but I do want to explain that these funds are coming from sources that we cannot allocate to housing. Pbot funds are coming from the transportation system development charge revenue. We can't simply reallocate that to housing and my apologies, I'm not clear on where the prosper -- which pot of money the prosper Portland funds are coming from. But it is very likely that those are also strictly delegated. I hear you, I just wanted to clarify that. I vote aye.

Fritz: Aye.

Wheeler: I think this is a great project and I appreciate everybody who has worked so hard on this. The transportation bureau, commissioner Saltzman, your team it's a great vision. I vote aye. The ordinance is adopted. 921 we have moved. So that brings us to 922.

Item 922.

Wheeler: Commissioner Saltzman.

Saltzman: Thank you mayor, this is a local improvement district on southeast 102nd and woodstock boulevard that will bring much needed improvements to the area. Projects such as these allow us to progress on reducing the backlog of unpaved streets in east Portland and in the Lents neighborhood so I thank the community. I want to thank staff and the community partners who worked tirelessly to move this project forward with a special mention to chuck lawrence, a local property owner who has been a key proponent of this local improvement district. I'll turn it over to Andrew Aebi.

Andrew Aebi, Portland Bureau of Transportation: Thank you Saltzman. Andrew Aebi, local improvement district administrator. I'm pleased to announce that we did not receive any remonstrances against the lid formation so this is a nice way, commissioner Saltzman, to finish off the last lid item you're introducing before us. I think you know commissioner the lids have been used since the city founding. One of the first lids we did in the city of Portland if you go to salmon street and hang a left, had that lid not been approved by council we would have a gravel street downtown on salmon street. I looked through and saw that you have brought forth eight local improvement districts to council during your relatively short tenure, effective tenure as transportation commissioner and I did the math and we have averaged a new lid every 11 weeks with you at the helm of pbot, commissioner. Just wanted to thank you for your consistent support of lids and we look forward to getting most of those lids under construction next year. Thank you.

Saltzman: Thank you.

Wheeler: Excellent. Any public testimony on this item?

Moore-Love: No one signed up.

Wheeler: That makes it easier. This is a first reading of a nonemergency ordinance it. It moves to second reading thank you Andrew. Next, 923.

Item 923.

Wheeler: Colleagues, commissioner Fish is out this week and he asked me to introduce this item. Before us today is an ordinance that authorizes environmental services to acquire certain property rights via eminent domain in order to construct a sewer and stormwater improvement project in hillsdale. This project will protect public health and our

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environment through upgrades that will reduce the possibility of sewer overflows into the streets, private property, and creeks. Project manager Henry Young is here from the Bureau of Environmental Services for a brief presentation on this ordinance.

Patty Nelson, Bureau of Environmental Services: Good morning. My name is Patty Nelson, I'm a senior engineer with Environmental Services, Bill Ryan apologizes he was not able to attend so I'm here in support of Henry. With us we also have John Dale from our Right of Way Department to answer questions on the ordinance as well and Erin Abrams for our public involvement and outreach.

Henry Young, Bureau of Environmental Services: Good morning, Mayor, Commissioner. My name is Henry Young, I'm the project manager for this project. This ordinance before you is to authorize Bureau of Environmental Services to acquire sewer easement to the eminent domain process such that we can construct the Hillsdale Crest project. This project along with other works accumulates all the work we have done so far to try to control the sanitary sewer overflow at the Dewitt manhole in the Hillsdale area. The Hillsdale Crest project, the RDI project when constructed, will reduce inflow and infiltration into our sanitary sewer system in the northern portion of the Hillsdale neighborhood, in southwest Portland. These storm lines were constructed in the '50s and as our sanitary system ages they develop cracks and separations. These deficiencies allow stormwater and groundwater that infiltrates into the system at large flows they can overwhelm the system and result in sanitary overflow and it gets into the ditches and then eventually into our rivers. So what we are proposing to do is using a cure in place pipelining, CIPP methodology to line 18,500 linear feet of pipe as well as 226 laterals. This project started when we have frequent sanitary sewer overflow at the Dewitt manhole. If you take a look on your top right, that is where the overflow is. In 2011, Bureau of Environmental Services and DEQ enter into a mutual agreement and order to control this sanitary sewer overflow. The MAO mandates 40% reduction in infiltration and inflow, so BES has taken four projects so far, and two of them are completed and one is in construction and the other one is the Hillsdale Crest project that is currently in design.

Fritz: Tell me again what an MAO is.

Young: Mutual agreement and order.

Fritz: Thank you.

Young: After we constructed the two projects, the upper Hillsdale and middle Hillsdale phase 1, we stepped back and we looked at -- we took data from gauges that we set in the manholes and we evaluate how effective these -- the work that was done to control the overflows. We found that when we lined the main line, the public and private laterals, we got a 73% reduction in inflow and infiltration. In the main line if you just do the main line only we got a 57% reduction in inflow and infiltration. So these works have been really effective in controlling the inflows and Hillsdale Crest is the last project that we need to complete to satisfy the MAO. DEQ has already closed the MAO as of July 5, 2017. These areas were previously in the unincorporated Multnomah county. When we have this project we started looking at doing research and found that a section of Southwest Sweet Breyer Drive was vacated by Multnomah county. We have sanitary lines along the vacated areas, so part of our work is trying to reestablish this right of way and this right of way kind of bounds two property owners that we are going to need to get right of way, easement from. BES public involvement as well as PBOT right of way staff have been in contact with both property owners to inform them of the effort to acquire the easement and this acquisition work will have really low to moderate impact on the properties and we have funding available to acquire the easement. With the Mayor and Commissioner authorizing this ordinance would allow us, BES and PBOT to begin the appraisal process and the negotiation

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with property owners to acquire the easement. Thank you so much for your time. We'll be happy to answer any questions you may have.

Wheeler: Commissioner Fritz.

Fritz: Will you have to dig up the properties to fix the pipe?

Young: No. This is a cipp is a minimal invasive process. We shoot the lining in from the manholes. So that's why we choose that because we don't have to dig it up.

Fritz: I appreciate that you contacted both property owners. I'm assuming have you heard any concerns?

Young: No. They are aware. They say they were very receptive to that. So both public involvement as well as the right of way have contacted them.

Fritz: Thank you.

Wheeler: Very good. Thank you. Public testimony on this item?

Parsons: No one signed up.

Wheeler: This is a first reading of a nonemergency ordinance. It moves to second reading. Thank you. Next item, 924, is a second reading.

Item 924.

Wheeler: This is a second reading of a nonemergency ordinance. We have already heard the presentation and taken public testimony. Is there any further discussion on this item? Seeing none please call the roll.

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

Fritz: I received preliminary briefing on this from the director Mike Stuhr and I'm satisfied that this contract doesn't lock us into any particular quantity method or location for the services. We will be establishing a public process to look at those three issues and bring those back to council in the fairly near future. With this I'm very comfortable with this contract. Aye.

Wheeler: Aye. The ordinance is adopted. Item 925, also a second reading.

Item 925.

Wheeler: Please call the roll.

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

Fritz: Thanks to commissioner nick Fish for getting both this and the previous item done in his last days as the water commissioner. I appreciate getting them tied up, finished up. I'll be bringing my last parks thing next week which I hope will also be of service to the city in terms of finishing up various projects. This is just getting started, obviously. Particularly interested to see that there's a shared responsibility for the community benefits agreement with brown and caldwell to help figure out what exactly that looks like for this project and again there will be community involvement on that project. Aye.

Wheeler: I want to particularly thank commissioner Fish and the entire staff of the water bureau both for this item and the prior item. They were large, complex issues, and I felt very well served by those who are providing briefings and information and follow-up. I want to thank everybody for their hard work on these that they have done and the hard work yet to come in terms of delivering both these projects. I vote aye. The ordinance is adopted. We have two items I believe Sue that were pulled. Was it 907 and 908 we pulled from the consent agenda?

Parsons: Correct.

Wheeler: Very good. I believe we have legal counsel is going to --

*****: Who pulled them?

*****: Want to do 907 first and call the item? There are different attorneys for each item.

Wheeler: I'm sorry 907.

Item 907.

Wheeler: Very good.

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*****: It's my understanding that lightning and Mr. Walsh pulled the item.

Wheeler: Is there somebody from legal counsel?

*****: There is.

Saltzman: We also have our fire marshal Nate Takara.

Wheeler: Good morning.

Naomi Sheffield, Deputy City Attorney: Good morning, Naomi Sheffield from the city attorney's office and Nate Takara, our fire marshal. I'm happy to answer questions or I can give a short rundown of what this is. Whatever you would like.

Wheeler: Mr. Walsh, why don't you give your testimony and that will help legal counsel and the fire marshal.

Joe Walsh: We really would like some of this stuff answered because in reading the supporting documentation it's very confusing and it sounds like.

Fritz: Excuse Mr. Walsh can you come to the microphone so the captioners can get what you're saying? Thank you.

Wheeler: Thank you sir.

Walsh: Good morning. Again, my name is Joe Walsh I represent individuals for justice. Lightning and individuals for justice had concerns about this because we were a little confused. It seems when you read this supporting documentation that you can get on the computer by clicking on the number, it sounds like the nightclubs are saying to you that they don't want automatic sprinkler systems in their establishments that would have a requirement of over 100 people. So to what they were saying to you was we're not going to put sprinklers in even though we have 100 people in the place. Even though in the last year or so we have had nightclubs that have really wiped out a lot of people. Is our understanding correct? I know there's a lobby and I know there's hearings, and I know there's an administrative decision that you want to appeal. Normally I'm on the wrong side of the city attorney, but when we read this we said that doesn't make sense. Why would someone say to you we're not going to do this and make the people feel safe when they come into our establishment? So we were confused. We never want it on the consent agenda because if we're right that's an outrage. You know, we should be outraged with these people that are influencing this kind of decision. We should fully support you on this one and we hope you win. We would really like to see you kick butt: [laughter] now, I don't know the position of Mr. Lightning. Often we have different positions, he pulled it and I said I would speak on it. I don't know what to say in his position. I think he had the same problem, I hope, that it just didn't make sense. You know? So we support you. If what I'm saying is accurate.

Saltzman: Why don't I take a stab at giving my overview of what this is all about then the fire marshal and the attorney can fill in the blanks. When I became fire commissioner in 2013, my first action was to bring an ordinance to council to require existing nightclubs that didn't have sprinkler systems to install them if they have a certain occupancy. Very simple. Intended to save lives, avoid tragedies that have happened to other cities and we believe we have the full authority under our fire code to do this. The state has kicked and screamed every bit of the way ever since we did that. They have taken us to court, they defied court rulings and have written new orders to get around this. They believe they have the authority and only the state has the authority, and I'm sad to say that these are people who work for Governor Brown. I have talked to Governor Brown about making this go away because I feel we are on the side of the angels here trying to save lives particularly of young people. This has been fought now, for we're in our what seventh year, sixth year of fighting. We have already done it. The nightclubs have done the work because we required them to do the work, but they are still -- they have the ear of the state and the ear of the

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state still says fight, fight, fight. So this is where we are, we're in another appeal of another state decision saying we were wrong.

Walsh: We hope you keep fighting on this one because you're right. You're on the side of angels.

Saltzman: We will.

Wheeler: Thank you Mr. Walsh and did you pull 908 as well?

Walsh: I didn't pull 908. It's a little confusing to us, but it sounds like what we are going to do is say that we approve or we like this. We would like a little bit maybe explanation of what we think and this seemed to be that you were going to file a brief in support.

Wheeler: Why don't you hang tight. I didn't want you to have to go back to your seat if you were also going to testify on that. Why don't we take up item first, please call the roll on 907. I'm sorry 907 is a nonemergency ordinance. Moves to second reading.

Parsons: It's a resolution.

Wheeler: Thank you for saving us. Please call the roll on the resolution 907.

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

Fritz: Thank you, commissioner Saltzman, for your leadership on this and for continuing to press. It's something I think we should take up with the league of Oregon cities because it is an infringement on home rule. Aye.

Wheeler: This is a no brainer of the things that come to the Portland city council frequently they are difficult, challenging, its hard to see what the right -- this is not one of those issues. This is a very clear issue. All you need to do is google ghost ship san francisco and you see the consequences of not taking steps like this and of course we should have the ability in the city of Portland to enforce codes around life safety matters. I vote aye. The resolution is adopted. Next 908.

Item 908.

Wheeler: Greetings.

Denis Vannier, Senior Deputy City Attorney: Good morning Denis Vannier for the city attorney's office. I'm happy to answer any questions about this item.

Wheeler: Could you give us a couple of sentences for those watching?

Vannier: Yes. As mr. Walsh stated, this has to do with the city filing a friend of the court brief. Mostly in support of the state in two cases. Two recent decisions by the court of appeals, the mccormick and ortega case. Those have to do with the recreational use immunity statute. What that statute does, it was enacted by the Oregon legislature quite a while ago. The purpose is to encourage recreational use of land both public and private land. The way it does that is by essentially saying landowners whether private or public if you open your land to recreation, then you will be immune against certain types of claims. Basically negligence claims. The idea is to incentivize public use of land. I'm sorry, recreational use of land by the public. The two recent decisions Ortega and McCormick have really cut down on the scope of that immunity. They are part of a trend in decisions by the court of appeals recently. The concern is that it would -- the reasoning of those cases would disincentivize the recreational use of public land and private land. So we want to weigh in on that aspect to just again further the legislative purpose which is to encourage land to be open to the public for recreation.

Wheeler: For those of us who have rusty latin, amicus curiae?

Vannier: That stands for friend of the court. Essentially we're not a party to the case, we're simply providing our own perspective about the case to the court.

Wheeler: Very good. Thank you. Who else had pulled this or wanted to testify on this matter? [audio not understandable]

Wheeler: Mr. Walsh, any further thoughts on this?

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Joe Walsh: We're more nervous about this than the previous one. However, we haven't read the brief. There's no way for us to take a position on this. We're really not sure what the city is saying here. It seems that it's outside the parks system and it's land that the city owns, and they want to open that up to recreation but there's a piece of it that bothers us that they don't want to take responsibility if there's something goes wrong. That's the way we read it. Again, we haven't read the briefs. So we're a little bit handicapped on this. We would take just a neutral position on this because we can't endorse it and we can't fight it because we don't have enough information. I would say this in the general sense, on the first item, 07, it was exciting that you are doing that and you put it on the consent agenda. I don't know how you make your decisions on consent agenda, but there are times where you ought to bring stuff out that you're doing really good stuff. We like to hear that. You know, most of the time I sit up here and I nail you. You just vote anyway the way you want to vote and we know that. We just go on record to say that there's opposition, but a lot of times you use consent agenda for things that you should celebrate and take it to the people of Portland. Look what we're doing, we're doing really good stuff here. So I don't understand how you make the decisions on consent agenda. It's supposed to be noncontroversial, nonproblematic issues that go on the consent agenda. Good example, paying the light bills. Nobody is going to argue about that, so you put it on the consent agenda, you box it all and you do one vote. That's the way it should go, but often you guys miss opportunities to brag, and there's nothing wrong with bragging if you're right. It's got to be right when you brag. But on this one you could have bragged and you did. You bragged to commissioner Saltzman and I appreciate that. On the second one, it was confusing and we get a little nervous and we haven't read the briefs. I don't know what lightning was going to say about this, so I have to end it.

Wheeler: Thank you, sir. Please call the roll on the resolution.

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

Fritz: Thank you for your work. Aye.

Wheeler: Aye. The resolution is adopted. Thank you and we are adjourned.

At 11:45 a.m. Council adjourned.