



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **21 DAY OF NOVEMBER, 2018** AT 9:30 A.M.

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

Commissioner Fritz arrived at 9:31 am

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Karen Moynahan, Chief Deputy City Attorney; and Christopher Alvarez and Ryan Hintz, Sergeants at Arms.

Item Nos. 1190 and 1191 were pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

<b>COMMUNICATIONS</b>		
<b>1185</b>	Request of Lightning Super Creativity XXIPDX to address Council regarding Oak Leaf Mobile Home Park tenants relocation costs (Communication)	<b>PLACED ON FILE</b>
<b>1186</b>	Request of Joe Walsh to address Council regarding communication (Communication)	<b>PLACED ON FILE</b>
<b>1187</b>	Request of Norm Duffett to address Council regarding homelessness in NW Portland (Communication)	<b>PLACED ON FILE</b>
<b>1188</b>	Request of Injured and Pissedoff to address Council regarding wanted honest attorney and DOJ.gov (Communication)	<b>PLACED ON FILE</b>
<b>1189</b>	Request of Bob Schatz to address Council regarding homeless camps (Communication)	<b>PLACED ON FILE</b>
<b>CONSENT AGENDA – NO DISCUSSION</b>		
<b>Mayor Ted Wheeler</b>		
<b>1190</b>	Appoint Brian McCarter to the Portland Design Commission as Landscape Architect for a term to expire November 20, 2022 (Report) <b>Motion to accept report:</b> Moved by Fish and seconded by Fritz. (Y-4)	<b>CONFIRMED</b>

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1191	Appoint Andrew Smith to the Portland Historic Landmarks Commission as Architect for a term to expire November 20, 2022 (Report)	<b>CONTINUED TO NOVEMBER 28, 2018 AT 9:30 AM</b>
<b>Office of Community Technology</b>		
1192	Consent to franchise transfer from LCP Oregon Holdings, LLC to Zenith Energy Terminals Holding to transport petroleum and petroleum products within a limited portion of City streets (Second Reading 1168; transfer Ordinance No. 188554) (Y-4)	<b>189255</b>
<b>Commissioner Amanda Fritz</b>		
<b>Water Bureau</b>		
1193	Update Water code to replace gender-specific language (Second Reading 1171; amend Code Title 21) (Y-4)	<b>189256</b>
<b>REGULAR AGENDA</b>		
1194	Proclaim November 25 <sup>th</sup> to be International Day for the Elimination of Violence Against Women (Proclamation introduced by Mayor Wheeler and Commissioner Fritz) 15 minutes requested.	<b>PLACED ON FILE</b>
1195	Authorize City Attorney to sue or join as a party in litigation challenging federal government's refusal to disburse certain statutorily mandated funds to Oregon jurisdictions (Resolution introduced by Mayor Wheeler and Commissioners Eudaly, Fish, Fritz and Saltzman) 10 minutes requested (Y-4)	<b>37397</b>
<b>Mayor Ted Wheeler</b>		
<b>Bureau of Planning &amp; Sustainability</b>		
1196	Repeal Code for Single-use Plastic Checkout Bags and Polystyrene Foam Food Containers and replace with Code Prohibitions and Restrictions on Single-use Plastic (Second Reading 1181; replace Code Chapter 17.103; repeal Code Sections 17.102.300-400)	<b>PASSED TO SECOND READING NOVEMBER 28, 2018 AT 9:30 AM</b>
<b>Office of Management and Finance</b>		
1197	Establish the Special Appropriations Committee for FY 2018-19 and outline the review process for awarding one-time special appropriations grants (Resolution) 10 minutes requested (Y-4)	<b>37398A</b>
1198	Authorize limited tax revenue bonds to provide up to \$4.6 million to finance technology for the reconstructed Portland Building (Ordinance)	<b>PASSED TO SECOND READING NOVEMBER 28, 2018 AT 9:30 AM</b>
<b>Commissioner Amanda Fritz</b>		

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<p style="text-align: center;"><b>Water Bureau</b></p> <p><b>1199</b> Authorize a contract with the lowest responsive bidder and provide payment for the construction component of Road 10R MP 28.77 - 31.85 Project in the Bull Run Watershed at an estimated cost of \$1,540,000 (Second Reading Agenda 1176) (Y-4)</p>	<p><b>189257</b></p>
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At 10:42 a.m., Council adjourned.

**2:00 PM WEDNESDAY/THURSDAY NOVEMBER 21-22, 2018**

DUE TO LACK OF AGENDA THERE WAS  
NO WEDNESDAY 2:00 PM MEETING  
DUE TO THANKSGIVING HOLIDAY THERE WAS  
NO THURSDAY 2:00 PM MEETING

**MARY HULL CABALLERO**  
Auditor of the City of Portland



By Karla Moore-Love  
Clerk of the Council

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

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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.**

**November 21, 2018 9:30 a.m.**

**Wheeler:** Good morning everybody this is the Wednesday morning November 21st meeting of the Portland city council. Karla, please call the roll.

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

**Wheeler:** Here. Colleagues, I've pulled items. This is a few housekeeping items for people who might be here for these I just want to let you know right up front. I've pulled items 1190 and 1191 off the consent agenda as they're new appointments. Today we'll hear item 1190 that's the appointment of brain Mccarter to the Portland design commission. It's my understanding he will be here or is here. I'm moving item 1191, that's the appointment of Andrew smith, to the Portland historic landmarks commission to next week when Mr. Smith will be able to attend the council session. Additionally, I'm moving the second reading of 1196. That's regarding single-use plastics, I would like to move that to next week based on the hearing last week at council and feedback from some of the stakeholders and bureau staff since that time. It's been signaled to me that there's some more work that needs to be done on that. I'm working on a specific amendment to address some of the feedback we've gotten regarding plastic straws in particular, so I would like to hold off on that until next week. Any substantive amendments that are introduced during the second reading next week will, of course, receive oral testimony at that time, so that's just the housekeeping items for today with that, I'll turn it over to the attorney. Good morning.

**Karen Moynahan, Chief Deputy City Attorney:** Good morning. Welcome to Portland city council. The city council represents all Portlanders and meets to do the city's business. The presiding officer preserves order and decorum during city council meetings so everyone can feel welcome, comfortable, respected and safe. To participate in council meetings, you may sign up in advance with the council clerk's office for communications to briefly speak about any subject. You may also sign up for public testimony on resolutions 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 the testimony. Individuals generally have three minutes to testify unless otherwise stated. When you have 30 seconds left, a yellow light goes on. When your time is done, a red light goes on. If you're in the audience and would like to show your support for something that is said, please feel free to do a thumbs-up. If you want to express you don't support something, please feel free to do a thumbs-down. Disruptive conduct such as shouting or interrupting testimony or council deliberations will not be allowed. If there are disruptions, a warning will be given that further disruption may result in the person being ejected for the remainder of the person. After being ejected a person who fails to leave the meeting is subject to arrest for trespass. Thank you for helping your fellow Portlanders feel welcome, comfortable, respected and safe.

**Wheeler:** Thank you very much. First up, communications.

**Item 1185.**

**Wheeler:** Good morning.

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**Lightning Super Creativity XX1PDX:** Good morning. Yes, my name is lightning I represent lightning super creativity. The main thing I want to make sure is these relocation fees on the oak leaf mobile home park, that everybody receives those relocation fees. You had a council meeting on 6/16/16 and we had this room filled. Those people the tenants deserve to get those fees and I'm going to monitor that, I want other people to take a look at that also and follow up on that to make sure they got those fees. Now moving on, again, Colorado, as you know, voted to end slavery for all people in the state of Colorado. This was a big deal that happened by looking at amendment "a" and changing some language in that and again, what they did is one of the first states to ever do this and I'm hoping mayor ted wheeler will follow their path on this. I want everyone to review this video and we'll go from there. Sir? Okay. Thank you.

**[video playing]**

**\*\*\*\*\*:** Did you know that slavery is still legal in the state of Colorado? Surprising, right? It's 2018, and slavery is still in our Colorado constitution. That's why we're fighting to pass amendment "a" this November. Article 2 clearly states there shall never be in this state slavery or involuntary servitude except as a punishment for crime. Amendment "a" changes it to state there shall never be in this state either slavery or involuntary servitude, period. We Coloradans could be the first state in our nation to move this deeply offensive language from our constitution. We tried in 2016 to abolish slavery and it failed by less than 1%. The language was confusing. People who want to abolish slavery unknowingly voted to keep it in the constitution. This time, it's clear that a yes vote abolishes slavery. Slavery is not a Colorado value. That's why 100% the Colorado legislature voted twice to place this measure on the ballot. Even our elected officials who often find the difficulty agree on this, it's time to remove slavery from our state constitution. Amendment "a" abolishes slavery. Vote yes on amendment "a" this November.

**Lightning:** Congratulations, Colorado. Congratulations. Absolutely great work. There shall never be in this state either slavery or involuntary servitude, period. Period. You, mayor wheeler, have the potential to push this forward for the state of Oregon. I wish you luck. Thank you very much.

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

**Item 1186.**

**Joe Walsh:** Good morning. My name is joe walsh, I represent individuals for justice, and we take no money from the city council. We ask that everybody that testify before you make the same statement or disclose how much money they do take because that is a bias. We are here today to disrecommnd some things in a positive way and not in a negative way because we get accused sometimes of just throwing rocks all the time and we don't. We suggest things, but they're ignored, so I'm just going to list them. The first one withdrawal from the jttf immediately. Two, once a month move the city council meeting into one of the venue 95 neighborhoods. I think it's 95. Move it to one of those once a month. Jo Ann and I agree on this, and I hope when she gets on the council, it's something that she pushes. Clean out the lead problem in our water system and stop denying that the violation of the standards. Four, have same-day sign up for communications and expand it to ten instead of five. Set up a standing committee to look at the police response to protests. This committee should have members from the aclu, the lawyers guild, and three other members that they decide on. Not you. There should be equal amount of police on the committee. Create a truly independent group who would look at the alleged misconduct of the police. Members of this group would be recommended by the committee. Number five, you would have the aclu and the cops. They would recommend who looks at the reports and figures out what happened. If there is an issue that must be talked about on the day of this meeting, there will be time allowed for that. We have a problem. You refuse to do anything about four weeks, six weeks to get to talk to you, so we can't do anything

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current. If we have a major problem on the street, we can't come and talk to you, so make some time at the end of the session or sit around and talk to us about it. Good relations. If we spend the time and we take busses and we come all the time to visit you, take the time. We just had another protest, and it went badly. The protesters felt like the cops were against them. Not the racists. Not the terrorist organization, but again against the citizens of Portland that come out and protest. Don't tell me that we don't recommend things because we do.

**Wheeler:** Thank you.

**Walsh:** We're on record now. Some of these are really easy to do.

**Wheeler:** Thank you.

**Walsh:** And you would be popular and you wouldn't be mumbling --

**Wheeler:** Thank you, Mr. Walsh. Appreciate your testimony. Mr. Walsh, your time is up. Mr. Walsh, your time is up. Thank you. Next individual, please.

**Item 1186.**

**Wheeler:** Good morning.

**Norm Duffett:** Good morning. Thank you for the opportunity to speak today. My name's Norman duffett, I live on northwest petty grove across from Wallace park, which is the home of chapman elementary school. In the last several months, we've gone from having one or two homeless people camping in the park to where we have a regular encampment of four to six, sometimes eight sleeping in the park. My request today is a simple one. One other point. That encampment is 150 feet. I've measured it from where the elementary school kids play every school day. My request -- and I have called the police a number of times and asked that they come out. Their response is, yes, we'll come out, but we can only ask them to move along. I'm in that park every night and every morning with my dog. After I make the question, as I request as I did last night, they're still there in the morning. Nothing changes. So, my request is a simple one. My understanding is there's a city ordinance against camping in parks, public parks. I just ask that the council ask the police to enforce that. Thank you.

**Wheeler:** Thank you, Mr. Duffett. We appreciate you're being here.

**Item 1188.**

**Wheeler:** By the way, Mr. Duffett, while injured is coming up one of the first things I did when I took office was I issued a statement to the police bureau asking them to enforce the restrictions on rigid structures in parks and public right-of-ways, so that is on the record as my desire. I appreciate your sharing that story. Thank you.

**Injured and Pissedoff:** My name is injured and pissed off and I talked here October 31s and today, of course, is the 21st of November. That was trick or treat. Of course, I addressed an uninvited guest publication that was printed in Willamette week august 9th of 2006. They've had a rule here that you're not supposed to talk publicly since then of 30 days. Well, I went down there after talking at trick or treat here and told them that I talked here. I guess they had forgot it. Again, I also must be getting esp, but I talked November 1st at the Multnomah county board meeting, the a.m. session, and told them that I'd had talked here trick or treat. At that time, if you remember, I had said you deleted the name ed tabor. Well, if somebody reads the minutes from the Multnomah county board meeting of November 1st, apparently you deleted the name ed tabor again. I'm beginning to think that the city council, the city auditor, or the city attorneys or you yourself, Mr. Mayor, have something against ed tabor. As I've explained, he is a polygraph examiner now. He was a former Pendleton police officer, chief of police, in fact, twice and I had run-ins with him about my service animal, and he was contacted by the department of justice. He was explained the law and ever since that time, well, I called him up some two weeks after he explained that I could be arrested traveling with my service animal in stores. The united states department of justice said they were going to straighten him and I guess they did,

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because I called him up two weeks later and said everything was just fine. I could take the dog in stores, but my service animal had been attacked seven times here. Ignorance of the law is no excuse. I pointed that out to you with the service animal law, Mr. Wheeler, after five dog attacks. You wrote a letter January 16<sup>th</sup> and of course, I've had two more since then. Ohsu was telling me my operation of November 16<sup>th</sup> of 2010, it would be after I explained seven dog attacks. They said it could be catch-22. Well it is catch-22 until the city gets sued with an honest attorney.

**Wheeler:** Thank you.

**Item 1189.**

**Wheeler:** Welcome. Thank you for being here.

**Bob Schatz:** Hello. My name is bob schatz. My wife and I bought a home in southeast Portland 28 years ago, which we raised our children in and they went to the same elementary school that my wife went to, so we're long-term residents of Portland. About five years ago, we started contacting city council because the homeless people all over our neighborhood, peeing in our trash cans, sleeping on our front lawn, and nothing was done. We called the police. The police told us that city council has told them not to do anything. About two years ago, contacted council again saying either they go or we go. Got no response, so we moved out of Portland a year ago. I also invest in property here in Portland. One of them is at 123 southeast 97th avenue. I've been reporting the homelessness around that property for several years and pretty intensely for the last six months. I've been reporting them every week, two, three times a week sometimes for at least four months solid and this camp of 5 to 15 to 20 tents have been there the entire time. They come and go a little bit, but there's always someone there. Two years ago, we built a new building on that property. It's a beautiful parcor gym. We have parents that come here with their kids, trying to be healthy, doing the right thing. A block away, we have homeless camp. It is like this endless stream of drug users, they come on our property, they poop on our property, we find needles on our property, we find people back there camping on our property, they dig through our trash, they put trash all over our property and there's nothing that is being done. At what point -- we're just fed up. I've called a broker. We're going to sell our property over there as well because we're done with this. This final picture right in front of our gym where some homeless guy decided to use the storm drain as a public toilet. That's what we've got to work with. I'm here -- I heard you say earlier that you've asked the police to go ahead and do their job, but they're not. I've talked to them for five, six, seven years. Many, many officers keep telling me that city council has told them not to do anything. I tend to believe that.

**Wheeler:** Let me be crystal clear. And I will -- if you can get your contact information to Michelle right there, we will follow up with you. I put it in writing because I've heard the same things that you've heard. I have friends. They've called the police. They've heard the same things and I've been very clear in my roll calls. I've been very clear in my public statements. I've been very clear in press conferences. I give myriads of speeches on what is our strategy around homelessness. I think we have a pretty good strategy. It just isn't scaled, we're investing in shelter, we're investing in services, we're investing in the transition off the streets into housing, we even got the business community to throw in more of their business licensing taxes to this cause, but I think everybody in this community can agree it's not enough and that the problem continues to -- it continues to be an issue. There's too many people living outside, there's too many people in the elements, and it's creating a sense of conflict, so it's something I want to address with a sense of urgency. As you can see from the people behind you, there are people who think we're doing too much, so there's not a lot of consensus on this, but I do sense your frustration. I hear it from lots of people, and I'd love to have a follow-up with you.

**Schatz:** I would love that.

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**Wheeler:** I appreciate your taking the time to come in.

**Schatz:** Okay. I would love that because you have a full color brochure of all the things that you're doing, which is like you've mentioned. None of it mentions people like me who are trying to run a business, trying to rent property, or live in their own homes and have people put a cardboard box in your front yard and use it for a toilet. How are we supposed to deal with that?

**Wheeler:** We've actually got some good relationships now with the nonprofit, the faith sector, the business sector, and we're working on basic things. More public restrooms, more port-a-potties, more shower facilities, helping to keep the community clean, we have people in homeless camps that are actually working with us, we hand out trash bags, they do fill them, we go back and fill them up. So there are partnerships that are developing that are showing some promise, but I do sense your frustration and I want to acknowledge it.

**Schatz:** Thank you.

**Wheeler:** Commissioner Fritz?

**Fritz:** Thank you mayor, I want to make sure people saw the article in the Oregonian this past weekend about the decrease in the number of homeless students in of Portland public schools over the last two years and I'm hopeful that is an indication that there's been one of our first priorities is getting families with children into permanent housing. The issues didn't start with this mayor, they started many years ago with Ronald Reagan slashing the federal budget for providing housing for people, and Portland can't solve a national crisis by ourselves. If we were to house everybody tomorrow, then we would get a whole bunch more people coming, so we have this strategy as you acknowledged. I just hope we stay the course, and we need to address the livability and the criminal activities such as you point out. As the mayor said, he has directed the police to address those, but thank you very much for coming in.

**Schatz:** All right. Appreciate it. Thank you.

**Wheeler:** Michelle, can you please get his contact information? Thank you. All right. I've pulled 1190 and 1191. Has anything else been pulled from the consent agenda?

**Moore-Love:** No, nothing else.

**Wheeler:** Very good. Please call the roll on the remainder.

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

**Wheeler:** Aye, consent agenda is adopted. 1190, please.

**Item 1190.**

**Wheeler:** Time heron come on up.

**\*\*\*\*\*:** Good morning.

**Wheeler:** Good morning.

**Tim Heron, Bureau of Development Services:** It is my pleasure to introduce Brian McCarter to my left. He has put forward an appointment to you-all to fill the vacant position on the Portland design commissioner previously held by commissioner tad Savinar. Brian is a Portland based principle urban designer and landscape architect for zgf since 1985. He has over 40 years of experience, focus on urban design, landscape architecture, and planning in the public realm. He brings an extensive background to the design of campuses, neighborhoods, parks, plazas, and streets as well as major transit and pedestrian facilities in urban settings. He has developed a close working relationship with designers with different disciplines to effectively create a marriage of architecture and engineering in the public realm. For these reasons, we feel that Brian is an exceptional candidate, particularly good fit for a landscape architect position on the design commission. If approved, his appointment would begin from today for the next four years. Maybe longer if he does really well. That's all I have. I'm happy to answer any questions, I brought Brian with me today. If you had any questions, he's ready to go.

**Fish:** I have a couple questions.



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**Wheeler:** Commissioner Fish.

**Fish:** And Brian thank you for putting your name in the hopper here. I'm just curious because my sense is zgf's footprint is growing pretty dramatically locally and then beyond our boundaries. How many people work for zgf locally?

**McCarter:** About 275 in our Portland office.

**Fish:** Wow. You have offices in how many other states or cities?

**McCarter:** Five other cities. Kind of west coast to east coast.

**Fish:** That's terrific. In the Portland office, do you have a sense of the percentage of work that you do that's here in Oregon versus around the world?

**McCarter:** That's a very good question. It fluctuates up and down depending on big projects. It could be anywhere from maybe 20% to 40% depending on if we've got a big, large local project.

**Fish:** Well, it's interesting. I'm next week taking some time off and I'm going to be down in San Diego. I mentioned to someone at zgf that I was going to be at the university of California San Diego. Of course, the response I got was zgf designed many of the buildings in their medical complex. So, the reach of your firm is pretty extraordinary. Again, thank you for your willingness to serve.

**McCarter:** Thank you. Appreciate the opportunity.

**Wheeler:** Very good. Please call the roll. I need a motion. Sorry.

**Fish:** Move to accept.

**Fritz:** Second.

**Wheeler:** Motion from commissioner Fish, second from commissioner Fritz. please call the roll.

**Fritz:** Thank you so much for being willing to dedicate as you know a significant amount of time for this, aye.

**Fish:** From the written materials and what we've heard about you, we couldn't ask for a better qualified candidate, so thank you for taking on this assignment at a time when we're deeply committed to raising the bar on design standards for our great city, so thank you, sir. Aye.

**Saltzman:** Thank you for your willingness to serve Mr. McCarter and I also want to thank tad Savinar for his many years of good quality services and design commission member. Aye.

**Wheeler:** Brian I'm thrilled to appoint you to the landscape architect position on the design commission. As you heard from the testimony, Mr. McCarter is a very, very experienced urban designer and landscape architect he has been with zgf since 1985. According to my notes, over 42 years of experience focused on urban design, landscape architecture, and planning in the public realm these are exactly the skill sets that we need. He brings extensive background in the design of campuses, parks, plazas, streets as well as major transit and pedestrian facilities in urban settings. You have a reputation for working very well with other people and other players in the landscape and design and architectural arena marrying both architecture and engineering in the public realm. You are going to be an exceptional contributor to our commission, and I'm just sorry that the salary isn't commensurate with the skill set you're going to be bringing to the table, but we're pleased to have you, your term will run from November 21 to November 20, 2022. Unless as previously said if you do a great job, we would love to have you stick around for a little bit longer, so thank you for your willingness to serve. We know there's many ways you can use these skills. We're just really thrilled you're using it for the public good. I vote aye, the appointment's accepted, thank you so much for being here.

**McCarter:** Thank you.

**Wheeler:** 1191, please.

**Item 1191.**

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**Wheeler:** Colleagues, Mr. Smith would like to be here and is not able to be here today, so I'd like to hold this item over until next week please. Next item, please. We'll go to the regular agenda, 1194, please.

**Item 1194.**

**Wheeler:** Commissioner Fritz.

**Fritz:** Thank you, mayor. According to the U.N., United Nations, 1 in 3 women experience violence in their lifetime across all social status, class, race, country and age groups. For many of these women, social movements such as the #metoo and resources as those provided by the Zonta club of Portland and the gateway center have not been yet able to reach them. Today we stand at a pivotal point. Our awareness of the inequity of violence women all over the world endure across all cultures and backgrounds has shown us when we come together, listen and act, it is possible to challenge the dynamics and systems that's encouraged the discrimination and violation against women and girls. Challenging. At least we are speaking up, we don't always succeed and that's why proclamations like this one are so important. Thank you the Zonta club of Portland for your work around the world and also the gateway center. I'll turn it over to our distinguished guest. Thank you for being here.

**Anita Marks:** Thank you, commissioner Fritz. Good morning, commissioners. Mayor.

**Wheeler:** Morning.

**Marks:** My name is Anita Marks and I'm a member of the Zonta club of Portland, I'm joined here today by fellow club members Helen Garber and Dr. Kelly Scott, our current president. I would like to briefly tell you a little bit more about our organization's work here locally and why we're asking the city for this proclamation. As you noted, we are a group that is charged with empowering women through service and advocacy locally and globally. Locally, we perform hands-on service activities on behalf of the Salvation Army West Women and Children's Center and domestic violence resource in Northwest Portland. We provide informative programs and other events on local, national, and international issues impacting women and girls. We offer access to local and regional scholarships to aid in the education of tomorrow's leaders, and we offer fellowship amongst the women and men who make up our membership. We're one of six Zonta clubs in Oregon, all of whom share this common mission other clubs are located in Coos Bay, Corvallis, Eugene, Springfield, Grants Pass and Roseburg and we're all affiliates of Zonta International. Zonta member Helen Garber will tell you more about why it is so essential to recognize November 25th through city proclamation as an important day locally as well as internationally. Helen?

**Helen Garber:** Good morning, Mayor Wheeler and Portland city commissioners. My name is Helen Garber, and I'm a member of the Zonta club of Portland, which was established in 1929. I also serve as the United Nations chair for this region of the Pacific Northwest states, including the Canadian province of British Columbia. We are excited that the city of Portland is considering our proposed proclamation to raise awareness about violence against women locally and globally. I would like to share some sobering thoughts with you. According to the United Nations, some 35% to 70% of women worldwide have experienced physical or sexual intimate partner violence. Half of all women homicide victims worldwide were killed by intimate partners or family members. Here at home in Multnomah County 1 of every 7 women age 18 to 64 was physically abused by an intimate partner during the past year. Some 21,000 children in Multnomah County were exposed to domestic violence in the last year. It should be noted that young men who witness their fathers using violence against their mothers are significantly more likely to commit intimate partner violence themselves. Another form of sexual violence primarily impacting women and girls is human trafficking. Just this past Friday, anti-human trafficking posters went up at 30 highway rest stops in Oregon. This signage was posted by the national human trafficking hotline based on its 2016 record for some 300 calls from within Oregon. That's nearly one call per day

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over a course of the year. Sadly, that number is expected to increase following the installation of these posters. Clearly, despite progress brought by individual efforts and global movements such as the #metoo, hearmetoo and time's up, violence against women and girls continues to be a pervasive rights violation and global epidemic, it knows no national or cultural barrier. It takes place at home, in work space, in open spaces. It impacts millions of women and girls in both peacetime and in conflict. Violence against women and girls threatens countries, inhibits economic progress, and prevents women from contributing to their community and creating better lives for themselves and their families. Please join us and organizations worldwide in raising awareness on November 25th as the United Nations International Day for the Elimination of Violence Against Women. We respectfully ask the city of Portland to adopt our proposed proclamation. Kelly? Thank you for your time and consideration.

**Wheeler:** Thank you.

**Kelly Scott:** I'm Kelly Scott. I'm the president of Zonta. Mayor Wheeler, commissioners, thank you so much for allowing us to speak today. I also have to thank Travon Myrie who got us on the docket within the shorter time frame than usual. I'm really thankful for where women have come. When Zonta was formed in 1919, there were not any women on this city council. In fact, women couldn't vote then until 1929, so we have come a long way. We've almost got 50%, but as you heard, there's an awful long way to go, so we personally as a club would like to invite any of you who aren't in San Diego on Sunday at 5:00 to join us underneath the Morrison bridge while we turn the bridge orange. Orange is the color designated by the United Nations to symbolize our fight against violence against women, and we would love to have you join us. Thank you.

**Wheeler:** Thank you.

**Garber:** In addition to the Morrison bridge, monuments around the world will be turning orange, including the Eiffel tower, the Sydney opera house, the CNN tower in Toronto, Niagara Falls, so all over the world monuments will be turning orange on Sunday.

**Fritz:** Unfortunately, I'll be in California visiting my daughter. Next week, colleagues, those of us who are here, let's try to remember because the 25th is in between the two council sessions. Perhaps those of you who have orange ties might be able to sport one, it's a little easier for me. Mayor, I want to thank you and your staff for getting this proclamation done. Particularly faced with the protest we had last week at the #himtoo ridiculousness. It is important that you made space for this on this agenda and got this done. There's many different ways to protest and to stand up to people who are doing bad things, and this is one of them. Thank you.

**Wheeler:** Thank you.

**Saltzman:** I have to confess I have never heard of Zonta club before. Are you a service organization?

**\*\*\*\*:** Yes, we are.

**Scott:** Classified service organization. Best kept secret.

**Garber:** It's an NGO, and it also has consultative status with the United Nations.

**Saltzman:** And is Zonta a name or a?

**Garber:** It's a Sioux Indian word meaning honest and trustworthy.

**Saltzman:** Good name.

**Wheeler:** Very good. With that, I have the honor of reading the proclamation on behalf of the city council. Whereas the city of Portland is an inclusive community which supports gender equity which actively seeks through our ordinances and policies to eliminate gender-based violence; And whereas Zonta Club of Portland in continuous operation in Portland since 1929 works to empower women through service and advocacy and to eliminate violence against women and girls; And whereas Zonta Club of Portland is a local affiliate of Zonta International, a nongovernmental organization, NGO, which acts on behalf

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of women and girls worldwide and which has general consultive status with the United Nations in these matters; And whereas since 1999, the United Nations has recognized November 25th as International Day to Eliminate Violence Against Women; And whereas Zonta Club of Portland seeks to increase public awareness of the United Nations International Day for the Elimination of Violence Against Women, on November 25th by lighting Portland's Morrison Bridge orange at dusk on that day; And whereas this bridge lighting is in solidarity with Zontians worldwide lighting public landmarks orange to recognize this day, including as was mentioned Niagara Falls, the Eiffel Tower, and the Sydney Opera House amongst others; And now therefore I, Ted Wheeler, the Mayor of the City of Portland, the City of Roses, do hereby proclaim November 25th, 2018, to be International Day for the Elimination of Violence Against Women in Portland and encourage all residents to observe this day. We'll suspend the rules. [ Applause ]

\*\*\*\*\*: Thank you very much.

**Wheeler:** Thank you. Thank you, Commissioner Fritz, for bringing this forward. We'll take those little rails down. We'll meet right here for a photo.

**Wheeler:** Thank you for bringing that. That was good. 1195, please, Karla.

**Item 1195.**

**Wheeler:** Welcome.

**Denis Vannier, Senior Deputy City Attorney:** Good morning I'm Denis Vannier senior deputy city attorney. The resolution before you today would authorize litigation to secure the city's entitlement to federal burn justice assistance grant funds, the so-called burn jack funds. I'll provide some background about those jack funds and some of the litigation that's happened in other jurisdictions about this, and then I'll be happy to answer any questions that you may have. This litigation would be related to the city's and other jurisdictions sanctuary status. As the council is aware, two years ago when President Trump assumed office, he issued an executive order that directed the attorney general to deny federal funding to jurisdictions that were deemed to be sanctuary jurisdictions by the federal government. Council authorized our office to litigate, to challenge that executive order, and as council is aware, we won that litigation and the executive order was struck down. As a general matter, at this point the federal government is not generally withholding federal funds from sanctuary jurisdictions, the executive order is no longer enforced. However, that is not true for the specific grant, the burn jack grant and it is a grant that actually this is timely. I was thinking of the previous item. It is a formula grant that is related mainly to human trafficking statistics, so it's what's called a formula grant. The Congress has appropriated money to jurisdictions that meet certain statutorily defined criteria based mostly on crime rate and specifically on rates of human trafficking.

**Fish:** We had a discussion the other day about another formula funded program that we benefit from, which is the HPA housing for people with AIDS, HIV/AIDS and it's based on a formula, and we get our allocation of a million something, similar thing.

**Vannier:** Exactly. So what it means this particular grant is administered by the U.S. Department of Justice and the Department of Justice has no discretion to deny or modify grants for grantees that meet the criteria, so the City of Portland has qualified for the burn jack grant since it was created over ten years ago. That changed in 2017. In 2017, the federal government took no action on grant applications from a lot of jurisdictions across the country, including the City of Portland. That action was challenged in numerous courts, and the federal government has uniformly lost. Essentially, the argument of the federal government was it could tie the burn jack grant to the federal government's interpretation of this federal statute section 1373 that the federal government reads as requiring the grantees to cooperate with enforcement of federal immigration laws as a condition of receiving the grants. That was challenged across the country, the federal government has lost all of those lawsuits. The problem is that the federal government has taken the position

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that it will not -- well, it will comply to those judgments only to extent it pertains to the particular parties that challenge that. So for example if the city of Portland did not sue the federal government as a general matter the federal government would not issue their grant, there position is if you sue us, we will give you the money. If you don't, we won't. For 2017, the city of Portland was entitled to an award of \$385,000, approximately a little more than that, dollars. That grant was supposed to be dispersed a year ago. Just two months ago, as council is aware, the city finally received an award letter and that was due to a win by the united states conference of mayors in the 7th circuit and the court in that circuit ordered the federal government to process the grants and not tie those grants to compliance with federal immigration laws. We have received the award letters. We are in the process of processing that 2017 grant. However, the federal government is still fighting that 2017 grant, and they're taking the position that they may eventually ask for it to be reimbursed or may require the city to comply or to cooperate with federal immigration laws. So really the only way for the city to secure its entitlement to that federal grant for 2017 is to file a lawsuit in this case. The situation is slightly different from 2018, so for 2018, the federal government is again saying we want to tie the 2018 grant to cooperation with federal immigration authorities, so exactly the same conditions that they lost on in 2017. Again, the federal government's position is, oh, but those judgments pertain to the 2017 conditions, we can reimpose those in 2018 and if you have a problem with that, you can sue us. That's what we're going to do. In this case, the state of Oregon filed a lawsuit last week and this resolution would authorize the city to file its own lawsuit or join the state of Oregon in its lawsuit to secure entitlement to burn jack grants. That's the general background. I'm happy to answer any questions that council might have.

**Fish:** It's an excellent presentation. I'm reminded since this has come up several times in the last year and a half that the great irony in all this is that while I think we all agree that under the tenth amendment the spending clause, the case law about you can't coerce us to do things that are within the federal province, all the legal arguments go our way and have from the beginning. The fact this was originally done by executive order made it even more tenuous, but the part to me that is so stunningly hypocritical is the very same argument was used in reverse by state attorney generals across the country saying that president Obama could not coerce them to participate in the aca the affordable care act. The same arguments were used in the reverse that you can't compel us to do this, we're a sovereign state and we can't be required to do this mandate and other things. It's a sign of how resourceful this administration is that they have completely flipped the argument to try to get at sanctuary states. By the way, just for people who are watching this, the city of Portland is not actively subverting any efforts of the federal government to enforce federal immigration laws. We just have a sanctuary state law that requires we're not going to participate in certain actions and that we're precluded from -- but that's entirely different from taking any steps to interfere with the lawful enforcement of federal law, which is done through federal agencies. I think from the excellent briefing that I've had in the past from the city attorney's office, I'm convinced we're not only right on the law, but unfortunately we have to go through this exercise, but it is stunning that the very same arguments were used to prevent people from getting health care and now are being used to justify punishing cities like Portland for following state law. It's breathtaking in sort of the flexible approach to enforcing our law at the federal level, but I assume we're going to win and thank you for an excellent presentation.

**Vannier:** Thank you. Unless council has any other questions, that concludes my presentation.

**Wheeler:** Very good. Public testimony.

**Shedrick Wilkins:** I'm shedrick wilkins and I look at the situation about immigration here is that California now has a democratic governor, which means immigrants can come to

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California and fan out to Oregon. They don't have to be in a jet plane they can just somehow get across the border. I believe this -- and this has to do with domestic violence - - that Portland needs to have a center where if immigrants come here and vigilante types will beat them up if they're homeless, I think they should go to a central place. Women of domestic violence need to get their children out of their home and go someplace, in the center. I believe the center should be the memorial coliseum for homeless people, for immigrants who are sleeping and don't have a place to stay and women of domestic violence can take their children there. Memorial coliseum is a Steve Novick idea, I remember when they were talking about terminal 1. When it gets batted around about right 2 dream, right to dream too is right across the street from the memorial coliseum, so that seems to be the least resistance and I'm tired of this fact of people have talked about the pearl district shelter, that hasn't been made yet, so that area is a perfect place to start some sort of -- when I was homeless in 2011, they had a big giant health care event there. It was super and I think they only use it for like high school graduations, so you can shuffle people around in memorial coliseum so people can graduate and move them around and there's a big basement in memorial coliseum. The best health care is usually done in mass, stuff like that. If you want to make sure that people can go there, name it after bud clark or something who was in 1989 -- commissioner Fritz mentions Ronald Reagan. Bud Clark and Sandra Hatfield in 1989 did a homeless event near baloney joe's. I believe it's the best use of veterans' property and one way about veterans is all of us ended up probably ended up from another country and came here. I'd say memorial coliseum. It's a Steve novick idea. I went to a big event there in 2011. Immigrants coming are going to be vulnerable to being beaten up if they're sleeping somewhere. This is for protection.

**Wheeler:** Thank you.

**Maggie:** Yeah. I'm for suing the federal government, but I want to know will that subpoena be delivered to trump. I'm asking the city attorney.

**Wheeler:** We'll have him come up later and answer that question.

**Maggie:** Will it be delivered to trump?

**Wheeler:** I assume it will be delivered to the justice department.

**Maggie:** It would be lovely if it was delivered to trump. Yes, I think we should support immigrants here because they do a lot of labor, and they want to be a part of this country. My grandfather was an immigrant. Yeah, they contribute.

**Wheeler:** Thank you.

**Lightning Super Creativity:** Yes. My name is lightning, I represent lightning super creativity. President trump, if I might say this directly to you and homeland security since you're listening whenever I mention president trumps name, let me say this to you. I want you to start being more reasonable with Oregon. Not all the senators are these foul-mouthed senators that don't have any idea how to negotiate to get their grant money. Not all these commissioners and the mayors and the chair are these foul-mouthed people that don't like you. They understand that if you want to get grant money, you have to negotiate in a reasonable manner or as the city attorneys know, as the great attorneys that you are, when people want to start playing games with you, guess what this is what you get. Oh that lawsuit was for the year before. Guess what. Sue me again. Hey, guess what. Sue me again. Hey, guess what. Have that mayor make some comments about me. Hey have that senator tell me they don't like me. Guess what. You want to be these potty mouths, foul-mouthed elected officials. This is what you get and to the public, we just spend a lot of extra money on these great attorneys of ours. Instead we should have elected officials say to mr. trump, look, we disagree with you on our immigration, but don't cut our money here. We want to work with you on some other issues, but don't cut our money here. Be reasonable to us, honor super fund. Send us some money like you did some other states and some other governors that actually got money to deepen their channel, which I wanted

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to get for the city of Portland. Well, guess what. We're not getting that money. We're not going to have our super fund site cleaned up. We're not getting anything in Oregon. You know why? Because we have these elected officials that would go to north Korea and get in front of somebody like Mr. Kim and say, guess what, we hate you. Guess what. We think you're disgusting. Guess what. We dislike you. Hey, do you want to be friendly to us? Hey, do we want to work together? You know what they say back to you? This is what you get, public. This is what you get. We have unreasonable elected officials that have no idea how to negotiate, no idea how to get our grant money, no idea what the president of the united states is and who he is. You don't like this president, and it costs this city a lot of money, a lot of grants, and it's going to cost us a lot more in the future. One of you guys have to go, any of you need to go or president trump? Guess what. He's not going anywhere. You want this trouble? Bring it on. Bring it on to president trump, because he's going to win at the end of the day. The terms and conditions of these grants, guess what. He's going to win. Thank you.

**Wheeler:** Thank you.

**Fish:** Mayor?

**Wheeler:** Commissioner Fish?

**Fish:** I want to observe this resolution that's very comprehensive if people want to understand the history of this. The executive order that began all this nonsense was issued on January 25, 2017. Didn't leave a lot of room for negotiating, and we've been sort of reacting to that ever since. The president had the right to issue an executive order, and the states and localities had the right to point out it was unconstitutional, and that's the essence of our system of checks and balances.

**Wheeler:** Call the roll.

**Fritz:** As city council members we have a particular responsibility and opportunity to speak out against and stand up to legislation that's harmful to immigrants. We care about immigrants in our community. We elect them to city council sometimes. I'm happy to support this legislation good work Denis on it and it's just a sad state of affairs when a city has to sue to get what it is entitled to get under the law. Aye.

**Lightning:** Show him respect.

**Fish:** Respectfully, I vote aye.

**Saltzman:** Aye.

**Wheeler:** I think we all believe the rule of law is important and no elected official not even the president of the united states is above the rule of law. The grant money that we're seeking here is very important to the state and to the city, the burn jack grant has been a critical source of funding for programs that benefit the most marginalized members of our community for many, many years. Courts have ruled clearly that the trump administration cannot impose illegal conditions on this grant money. Yet despite those court rulings, the trump administration continues to impose these illegal conditions. To make matters worse, these illegal conditions are an attempt by the administration to force the city to advance the federal government's poorly considered immigration policies, something we are not compelled to do. The trump administration cannot use illegal grant conditions to advance faulty immigration policy. We've sued them once, and we'll sue them again. Until the trump administration follows the rule of law and stops imposing these illegal conditions, I vote aye. The resolution is adopted. Next item, if you could read 1196.

**Item 1196.**

**Wheeler:** Colleagues, as I mentioned right at the beginning of the council session during my housekeeping, I would like to pull this temporarily until next week. This is at the request of some of our stakeholders. We are in the process of crafting a potential amendment that we will bring back. That being the case, we will hear the amendment, and we will ascertain whether there's support for that amendment and we'll take testimony on that amendment

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assuming the amendment passes. Then we would move it on to second reading at that point, but as far as today goes, we would like to pull the item. Please read number 1197. **Item 1197.**

**Wheeler:** Thank you. The Portland city council approved \$765,000 in the adopted budget for the fiscal 2018/2019 year for one-time competitive special appropriation competitive grants. Future councils, of course, will have the opportunity to review and adjust the process to ensure that we're providing organizations with the best opportunity to compete for funding from the city of Portland. The committee will individually review and score each application based on several factors, including amongst other factors accountability, sustainability, equity, effectiveness, and others. Then of course the special appropriations committee will report their recommendations back to the council no later than January of 2019. Good morning.

**Craig Haynes, Office of Management and Finance:** Good morning, mayor. Good morning, council. For the record, my name is Craig Haynes and I have the pleasure of working for the office of finance grants management division. As the mayor just mentioned, I'm here to put forth a resolution to establish a special appropriations committee for fiscal year 2019 and outline the review process for awarding one-time special appropriation grants. As you know, the committee is comprised of one representative from each commissioner's office and one from the mayor's office. These individuals are charged with reviewing and scoring applications that we receive under this program and putting forth recommendations for organizations to be awarded funding. Also as the mayor mentioned, we're hoping to do so by no later than January of 2019. I'm hoping that the council will approve this resolution to establish this special appropriations committee.

**Wheeler:** Very good.

**Fish:** I guess the only question I have that I was puzzled by is we have an appropriations committee and they've already met twice, so why are we doing the resolution now? It seems out of sequence.

**Haynes:** We hoped to do the resolution earlier, but we in the grants division hope to come up with a grant tracking system to basically make this process easier. We are hoping to delay putting forth this resolution until the tracking system was up and running, but due to circumstances beyond our control, that has been delayed. It's kind of putting the horse before the cart or the cart before the horse, whichever way the saying goes, due to poor timing that's why we are just coming forth.

**Fish:** But the effect of adopting this resolution just formalizes the process that's already under way.

**Haynes:** Yes.

**Fish:** Okay. Thank you.

**Wheeler:** Commissioner Fritz.

**Fritz:** Commissioner Fish, I had the same question. Perhaps when the chief financial officer brings forward her package of financial policies for this city we can just establish this committee and the rules for it at the same time so we don't have to do this. Although, it would be good to have a resolution during the time when the applications are being taken. The reason that we have this special appropriations process started by mayor Hales and continued by mayor Wheeler is that previously groups that knew people on the city council or that knew to come and ask could get a special appropriation and everybody else was kind of out of luck because they didn't show up at the budget time, so it is important for people in the community to know that we have this more objective and fair process and next year, let's try to publicize it while the applications are going. I obviously support the establishment of the committee. We often form committees without having a council resolution, so I think we should be able to set that as a precedent moving forward.

**Haynes:** I agree, commissioner Fritz.



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**Saltzman:** Mr. Haynes, do you review the reports that organizations that get special appropriations send us about how they're using the money?

**Haynes:** Yes, sir. I administer that program so, yes I review the progress reports.

**Saltzman:** Are we getting progress reports?

**Haynes:** We are getting progress reports. Progress reports are tied to invoices. If you're submitting a request for reimbursement, it must be accompanied by a progress report.

**Saltzman:** Great and we currently don't have a restriction on the frequency under how often an organization can request special appropriations.

**Haynes:** Currently, no. That language has been added to fin 2.04 which is currently under review and I was told by the cfo should be coming forth by early next calendar year. That language will be in fin 2.04 which will allow restrictions on who can apply and how frequently they can apply.

**Saltzman:** Thank you.

**Haynes:** You're welcome.

**Wheeler:** Very good. Public testimony.

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

**Wheeler:** Please call the roll.

**Fritz:** Thank you very much for your work I am very glad we established this and that mayor Wheeler and continued it. Aye.

**Fish:** Thank you for an excellent report. Aye.

**Saltzman:** Thank you, aye.

**Wheeler:** Thank you Mr. Haynes my only regret is there aren't more zeros following the numbers in this particular report. I want to thank Seraphie Allen who is my designee to this committee and she takes it seriously and reports back that everybody else is as well and so I'm grateful for all the hard work people are putting into this. I vote aye. The resolution is adopted.

**Haynes:** Thank you very much, and happy thanksgiving.

**Wheeler:** Thank you. 1198, please.

**Item 1198.**

**Wheeler:** Good morning.

**Matt Geirach, Office of Management and Finance:** Good morning, I'm Matt Geirach debt manager in the bureau of revenue and financial services. This ordinance authorizes the city to utilize line of credit and bond financing to fund the technology improvements for the Portland building reconstruction project. Line of credit financing is already being used to fund a portion of the Portland building project during the construction phase. Upon authorization, we'll amend the existing Portland building line of credit to include the technology for the project expenditures. Upon project completion, debt management plans to refinance the line of credit balance with proceeds of a long-term bond issue. I'm happy to answer any questions.

**Fish:** Are we doing this slightly out of sequence again because of the favorable -- because we want to take advantage of favorable interest rates now?

**Geirach:** This borrowing was never authorized. It was created separately. The bonds were separated from the purpose, so the previous debt authorizations were just for the building and we're keeping the technology separate before we got budgetary approval for it.

**Fish:** But beyond that, is the timing of getting going out to the bond market now versus say next year based on your assumption we can get better interest rates?

**Geirach:** We're going to be using the line of credit balance because we don't know with the uncertainty of the project -- we use the line of credit balance to address any uncertainty with the project amount. We just did the bond issue last week for the majority of the reconstruction project, but that excluded this project because this wasn't authorized under the previous borrowing authorization.

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**Fish:** Just one other question. I was reading a little bit about last week's bond sale. Are our bonds purchased primarily by institutional investors or are there mom and pops that also buy Portland bonds because they think they're a good investment and want them in their portfolio?

**Geirach:** The majority are purchased by institutional investors. Institutional investors will also sell the bonds to retail holders that are their customers, but majority of the bonds are held by institutional investors.

**Fish:** Thank you.

**Saltzman:** So, is this \$4.6 million part of the original \$195 million budget for the Portland building?

**Geirach:** Currently, based on the revised budget for the project where this will be included in that 195 previously. It was going to be separate from a budget perspective, but now we think it can fall within the total 195.

**Saltzman:** Okay. Thanks.

**Wheeler:** Is there public testimony on this item, Karla?

**Maggie:** I'm not going to comment because I didn't understand what it was about and now I understand.

**Wheeler:** Okay. That's fine. Thank you for letting us know. Anything else, colleagues? This is a first reading of a nonemergency ordinance that moves to second reading. Thanks Matt. Appreciate it. Next item, 1199, a second reading.

**Item 1199.**

**Wheeler:** There's already been a presentation on this item. Public testimony has already been taken. This is a second reading. Any further questions or comments? Please call the roll, Karla. **Fritz:** Aye **Fish:** Aye **Saltzman:** Aye

**Wheeler:** Aye, the ordinance is adopted and we are adjourned due to a lack of agenda. There will be no Wednesday afternoon, no 2:00 p.m. meeting today and due to the thanksgiving holiday, there will be no Thursday 2:00 p.m. meeting.

**Fish:** Mayor.

**Wheeler:** Commissioner Fish.

**Fish:** First I just want to say it is the day before thanksgiving, so I want to wish all my colleagues a happy and healthy thanksgiving. We like thanksgiving so much in my family we do it twice. We go to visit friends on Thursday and then my wife cooks a thanksgiving feast on Friday. My best to each of you. I won't be here next week. I'm taking the week off, but I'll be thinking of you as you take up the plastic straws and other things. I look forward to seeing you when we get back from san Diego the following week.

**Wheeler:** Thank you, commissioner. That's kind of you. Happy thanksgiving, everybody. We're adjourned.

**At 10:42 a.m. council adjourned.**