



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **20TH DAY OF FEBRUARY, 2019** AT 9:30 A.M.

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

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

The meeting recessed at 9:43 a.m. and reconvened at 9:43 a.m.
The meeting recessed at 10:16 a.m. and reconvened at 10:24 a.m.

Due to the absence of two Council Members, emergency ordinances were heard and continued to a future date for voting. Consent Agenda items were not heard.		
COMMUNICATIONS		
136	Request of Mark Bradley to address Council regarding leaking heating oil tanks (Communication)	PLACED ON FILE
137	Request of Ken Burfeind to address Council regarding disruption of peace and quiet at Broadway and Market Plaid Pantry (Communication)	PLACED ON FILE
138	Request of David Kif Davis to address Council regarding ongoing war on copwatchers, citizen journalist and citizens by G4S Security, City Council and the City (Communication)	PLACED ON FILE
139	Request of Charles B. Ormsby to address Council regarding Bureau of Environmental Services multiple projects (Communication)	PLACED ON FILE
140	Request of Dee White to address Council regarding Portland values, science and lead in our drinking water (Communication)	PLACED ON FILE
TIMES CERTAIN		
141	TIME CERTAIN: 9:45 AM – Accept funding and authorize Intergovernmental Agreement with Washington County for \$1 million for SW Multnomah/Garden Home intersection safety project (Ordinance introduced by Commissioner Eudaly) 35 minutes requested	PASSED TO SECOND READING FEBRUARY 27, 2019 AT 9:30 AM

<p>142</p>	<p>TIME CERTAIN: 10:20 AM – Amend fee schedules for Land Use Services (Ordinance introduced by Mayor Wheeler) 20 minutes requested</p>	<p>PASSED TO SECOND READING FEBRUARY 27, 2019 AT 9:30 AM</p>
<p>*143</p>	<p>TIME CERTAIN: 10:40 AM – Transfer functions and staff from the Auditor Assessment, Finance and Foreclosure Division to the Bureau of Revenue of Financial Services' Revenue Division and designate the Revenue Division as the recorder for purposes of the City lien docket and financing local improvements (Ordinance introduced by Auditor Hull Caballero; amend various Code Sections and Administrative Rules) 20 minutes requested</p>	<p>RESCHEDULED TO MARCH 6, 2019 AT 10:15 AM TIME CERTAIN</p>
<p>CONSENT AGENDA – NO DISCUSSION</p>		
<p>Mayor Ted Wheeler</p>		
<p>Office of Management and Finance</p>		
<p>*144</p>	<p>Correct the salary grade of the nonrepresented classification of Occupational Health Specialist (Ordinance)</p>	<p>RESCHEDULED TO MARCH 6, 2019 AT 9:30 AM</p>
<p>*145</p>	<p>Pay property damage claim of Main Street Development, Inc. in the sum of \$24,143 involving the Portland Bureau of Development Services (Ordinance)</p>	<p>RESCHEDULED TO MARCH 6, 2019 AT 9:30 AM</p>
<p>Portland Housing Bureau</p>		
<p>*146</p>	<p>Amend subrecipient contract with Housing Development Center, Inc. by \$54,100 for a total value of \$151,100 to support the Risk Mitigation Pool program (Ordinance; amend Contract No. 32001821)</p>	<p>RESCHEDULED TO MARCH 6, 2019 AT 9:30 AM</p>
<p>Commissioner Chloe Eudaly</p>		
<p>Bureau of Transportation</p>		
<p>*147</p>	<p>Accept an Engineering Report on a proposed encroachment into the public right-of-way for a second subsurface tunnel under SW Meade St (Ordinance)</p>	<p>RESCHEDULED TO FEBRUARY 27, 2019 AT 9:30 AM</p>
<p>*148</p>	<p>Authorize Development Fee Agreement with Fernhill Crossing, LLC to pay the City a fee of \$60,000 for transportation system improvements (Ordinance)</p>	<p>RESCHEDULED TO FEBRUARY 27, 2019 AT 9:30 AM</p>
<p>REGULAR AGENDA</p> <p>Mayor Ted Wheeler</p> <p>Office of Management and Finance</p>		

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<p>149</p>	<p>Accept bid of Landis & Landis Construction, LLC for Sunnyside North Reconstruction & Green Streets ALD-05 for \$9,320,929 (Procurement Report – Bid No. 00001090) 10 minutes requested Motion to accept the report: Moved by Fish and seconded by Hardesty. (Y-3)</p>	<p>ACCEPTED</p>
<p>150</p>	<p>Establish an interim compensation rate for the revised Tree Inspector classification and create a new represented classification of Tree Inspector, Senior and establish an interim compensation rate for this classification (Second Reading Agenda 127) (Y-3)</p>	<p>189385</p>
<p style="text-align: center;">Commissioner Nick Fish Bureau of Environmental Services</p>		
<p>*151</p>	<p>Authorize the Bureau of Environmental Services to acquire certain permanent property rights necessary for Columbia Slough water quality improvements through the exercise of the City's Eminent Domain Authority (Ordinance)</p>	<p>CONTINUED TO FEBRUARY 27, 2019 AT 9:30 AM</p>
<p>152</p>	<p>Amend contract with Brown and Caldwell, Inc. for professional engineering services for the Columbia Boulevard Wastewater Treatment Plant Waste Gas Burner Replacement Project No. E10649, in the amount of \$338,935 (Second Reading Agenda 130; amend Contract No. 30005983) (Y-3)</p>	<p>189386</p>
<p style="text-align: center;">Commissioner Jo Ann Hardesty Portland Bureau of Emergency Management</p>		
<p>153</p>	<p>Amend timeline for placard requirement and tenant notification for unreinforced masonry buildings and required documentation of compliance (Ordinance; amend Code Section 24.85.065) 30 minutes requested</p>	<p>PASSED TO SECOND READING FEBRUARY 27, 2019 AT 9:30 AM</p>
<p style="text-align: center;">Portland Fire & Rescue</p>		
<p>*154</p>	<p>Authorize a purchase order with Hughes Fire Equipment, Inc. for four emergency response apparatus for a total not-to-exceed amount of \$2,816,210 (Ordinance) 10 minutes requested</p>	<p>CONTINUED TO FEBRUARY 27, 2019 AT 9:30 AM</p>
<p style="text-align: center;">Commissioner Chloe Eudaly Bureau of Transportation</p>		
<p>*155</p>	<p>Authorize the Bureau of Transportation to acquire certain permanent and temporary rights necessary for construction of the NE Columbia - Cully Boulevard and Alderwood Road intersection improvements project, through the exercise of the City's Eminent Domain Authority (Previous Agenda 132) 15 minutes requested</p>	<p>RESCHEDULED TO FEBRUARY 27, 2019 AT 9:30 AM</p>

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<p>*156 Authorize the Bureau of Transportation to acquire certain temporary rights necessary for construction of the Springwater Connector project, through the exercise of the City's Eminent Domain Authority (Previous Agenda 133) 15 minutes requested</p>	<p>RESCHEDULED TO FEBRUARY 27, 2019 AT 9:30 AM</p>
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At 12:18 p.m., Council recessed.

<p><u>WEDNESDAY, 2:00 PM, FEBRUARY 20, 2019</u></p> <p>NOTE: Wednesday Meeting CANCELLED: Appeal will be rescheduled at the request of the appellant.</p>	
<p>157 TIME CERTAIN: 2:00 PM TO BE RESCHEDULED-DATE TO BE DETERMINED– Appeal of the Citizen Review Committee against Portland Police Bureau’s finding regarding Independent Police Review/Internal Affairs case No. 2018-C-0001/ Appeal No. 2018-X-0003 (Report introduced by Auditor Hull Caballero)</p>	<p>TO BE RESCHEDULED</p>

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **21ST DAY OF FEBRUARY, 2019** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fish and Hardesty, 4.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Naomi Sheffield, Deputy City Attorney; and John Paolazzi and Ryan Hintz, Sergeants at Arms.

<p>*158</p>	<p>TIME CERTAIN: 2:00 PM – Extend state of housing emergency, operationalize efficiencies and identify Council powers, specify a twenty-four-month duration, and waive portions of the Portland Zoning Code (Ordinance introduced by Mayor Wheeler) 1.5 hours requested for items 158 and 159</p> <p>Motion to add emergency clause in order to continue the flexibility provided for the expedited permitting for affordable housing, siting both emergency and alternative shelters, and siting storage lockers across the city of Portland: Moved by Hardesty and seconded by Fish.</p> <p>(Y-4)</p>	<p>189387 AS AMENDED</p>
<p>*159</p>	<p>Authorize a subrecipient contract with the Urban League of Portland for \$214,000 for services in support of fair housing and renter protection (Ordinance introduced by Mayor Wheeler)</p> <p>(Y-4)</p>	<p>189388</p>
<p>*160</p>	<p>TIME CERTAIN: 3:30 PM – Amend City Code related to the administration of the Portland Clean Energy Community Benefits Initiative and other housekeeping amendments (Ordinance introduced by Mayor Wheeler; amend Code Chapter 7.02, and add Code Chapter 7.07) 1 hour requested for items 160 and 161</p> <p>Motion to amend ordinance to correct typographical error to change fiscal year 2020-2021 to 2019-2020, and to amend the following City Code sections 7.02.850 to increase hacking penalties, and 7.02.300 C and 7.02.800 B (4) (e.) to align with Council policy on gender-neutral language: Moved by Fish and seconded by Hardesty.</p> <p>(Y-4)</p>	<p>189389 AS AMENDED</p>
<p>*161</p>	<p>Create the Portland Clean Energy Community Benefits Fund (Ordinance introduced by Mayor Wheeler; add Code Section 5.04.560)</p> <p>(Y-4)</p>	<p>189390</p>

At 4:55 p.m., Council adjourned.

MARY HULL CABALLERO
Auditor of the City of Portland



By Karla Moore-Love
Clerk of the Council

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

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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.

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930 AM

Wheeler: Welcome to the Portland city council, Karla, please call the roll. [roll taken]

Fish: Here. **Hardesty:** Here. **Wheeler:** Here.

Wheeler: Good morning.

Lory Kraut, Senior 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 meetings so everyone can feel welcome, comfortable, respected and safe. To participate in the 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. If it does not, you may be ruled out of order. When testifying, please state your name for the record. Your address is not necessary. Police disclose if you are a lobbyist. If you are representing an organization, please identify it. The presiding officer determines the length of testimony. Individuals generally have three minutes to testify. Unless otherwise stated. When you have 30 seconds left, a yellow light goes on. When your time is done, a red light goes on. If you are in the audience, and would like to show your support for something that is said, please feel free to do a thumbs up. If you want to express that you do not support something, please feel free to do a thumb's down. Please remain seated in council chambers unless entering or exiting. If you are filming the proceedings, please do not use bright lights or disrupt the meeting. Disruptive conduct such as shouting or interrupting testimony or council deliberations will not be allowed. If there are disruptions, a warning will be given that further disruption may result in the person being rejected for the remainder of the meeting. After being rejected, a person who fails to leave the meeting is subject to trespass. Thank you for helping your fellow Portlanders feel welcomed, comfortable, respected and safe.

Wheeler: Very good and thank you. Before we get to communications, I want to make a couple of announcements. There is a number of items that are being withdrawn from today's agenda. If people are waiting for that, I don't want them to wait through the whole meeting just to find out that we are not going to be talking about the issue that's important to them. As you are aware, commissioner eudaly is absent on an important family matter, and therefore, we don't have the ability to hear everything today, so these are items I want people to be aware of. Item 143. We are not going to hear that today. None of the consent agenda will be taken up today. On the regular agenda, items 155 and 156 from the bureau of transportation will also not be heard today. Just for the record. So, with that, we will get to Karla. Good morning.

Item 136.

Wheeler: Good morning, folks. If anyone has handouts, get it to the clerk.

Mark Bradley: Thank you for having me here, this is my third time speaking, I talked to sam adams.

Wheeler: Could I ask you to state your name for the record and maybe if you are going to stand could you slide the mic closer so everybody at home can hear you?

Bradley: Sure, my name is mark bradley. I am here as a citizen of Portland. I work for xavier environmental, and we do environmental cleanup work for radon and heating oil

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tanks. I spoke to sam adams and did not seem to get through to anybody on the panel. In 2014, spoke to charlie hales, same thing, didn't get a lot of receptive people, but my concern is that we are allowing oil companies to pump oil into the ground in our city, and they are pumping it into tanks that are 30 to 70 years old. They are passed their life-span. The tanks are only good for 20 to 25 years, and they were failed for the minute that we put it in. We have a permit that shows that. Every tank has an electrical current hooked up to it. Electricity causes steel to rust. Our policy-makers at the federal and state level have changed laws for commercial people and made underground tanks have secondary containment and made underground tanks with protection, but we leave all the horns in our city in the dark, and nobody knows this information. When they let an oil company come to their house and pump oil into the ground, they are pumping benz even and naphthalene. And we are doing that at a rapid rate faster than I have ever seen. And over half of the active tanks that we check have really significant leaks. There is people with health issues from these leaks like people that get cancer from you know, their liver breaking down from being exposed to these cancer-causing agents. I am here to inform this year and also here to sell oil, steal, to sell city permits and to get grants and tax credits for the oil companies so that we can stop pumping oil into the ground next to people's houses and put it in above ground tanks, and we can keep the oil customers in their base, keep selling oil and help the oil companies not lose customers. We can give tax credits to the people who use the city permit system to get the tanks permitted to code and stuff, and basically, we know what the problem is. We have known how bad it is. We know that it persists. We continue to allow it to happen. We can stop it in a second. We have so many sad elderly despondent people who can't believe how costly their cleanup is when I show up, and I tell them that they have a groundwater issue, and the groundwater moves this under all our houses. We don't know where it is. It is under all our houses, and if you took all the contamination in this city in drop boxes in people's driveways, we would not be able to drive anywhere. There is so much contamination in the ground in our city, and the fact that we still let people pump it into the ground, it's really unspeakable, and I am more here, like I said, out of trying to inform people what's going on and let them know that we did the correct policy thing for commercial people, but we're not helping our residents at all. So I hope we can address that.

Wheeler: Thank you. Commissioner Hardesty.

Hardesty: Thank you, sir, for your testimony. Why do you think the solution is giving all companies tax breaks and grants? Don't they make enough money to be able to do the cleanup without tax breaks?

Bradley: Well, it's just that we need some incentive to get people to stop the behavior. It's an absurd behavior to let somebody come to your home and take a hose with cancer-causing agents and put something into a tank that's that old. I don't know -- I don't have another way to stop it as far as like we don't want to punish anybody. We don't want them to lose their business. I am trying to keep them and their customers, but we know that what they are doing is an absurd behavior.

Hardesty: Have you talked to the state legislature? Deq?

Bradley: Yes, deq is who we work with, but it's a slow thing trying to get people to wake up to this information.

Hardesty: The city of Portland, you think, is faster than deq?

Bradley: It's up to our city policy-makers to stop the behavior because the federal and state money and lobbyists are suppressing the information at the federal and state level. So it's kind of up to the local city people to get this message across.

Hardesty: Did you leave us a way to contact you?

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Bradley: I will leave my phone number. What I wanted to say, finish with, \$3,000 for a new above ground tank, and there is going to be 10,000 oil customers. That's 30 million in green jobs that we can start tomorrow.

Hardesty: Thank you very much.

Wheeler: Thanks, mr. Bradley. Next individual.

Item 137.

Wheeler: Good morning.

Marion McNamara: Good morning. I am not ken burfeind, I am mary, ken had a last-minute schedule clash and asked me to come and speak for him.

Wheeler: Ordinarily those changes do need to be approved in advance, but since you are here today I will allow it in this particular case.

McNamara: Thank you.

Wheeler: There is another individual who has swapped out two speakers from now with prior approval. Thank you.

McNamara: Thank you. Ken asked that I address the issue of disruptive noise on the corners that his condo faces, which is market and Broadway. I whether I have down the hall from ken and hilda, and I know from them what a hard time that they have had over the past year since they moved in. There are people who gather on the corner every night or-every night, and there is a fair amount of shouting and fighting, and there is a howling dog who responds to all of the emergency vehicles that go by. Ken often calls the noise officer, and when that works, it's really only for the interim while the officer is there. It just engenders anger and resentment from the group that the officer talks to. This negative cycle is not good for anyone. The issue of noise is really the most difficult quality of life issue, and the one that we are least able to mitigate. We are able to get help from clean and safe with cleaning up litter and -- but we don't seem to be able to do anything about noise issues in residential areas. It is really interfering with people's ability to sleep.

Wheeler: Excuse me. Excuse me. This is a disruption. I am sorry, you are going to have to sit down and be quiet or you will have to leave. You are going to have to sit down. One moment. We will take a brief recess. [recess taken]

Wheeler: Thank you.

McNamara: In a way, this is the kind of disruption that I think is tearing apart our ability to engage in -- civilly with each other.

Wheeler: No disagreement.

McNamara: What we would like to hear from the city council is what are some ways that we can ensure that the unhoused people who live in our neighborhood are not harassed, and neither are the people who live in the building and feel harassed by the noise issues outside. Is there some kind of community option that we have not thought of that we could pursue? Is there some kind of mediation that could be done with the group of people who are there regularly and the people who are affected by what is happening outside on the street. There are three other corners on that corner. There is nobody trying to sleep in, and so that seems like a way that we might be able to solve it. So any help that you can give us in problem-solving would be helpful. Thank you for what you are doing to solve the long-term problems, and I hope that there are some short-term fixes that we can come up with. Thanks.

Wheeler: Could you just give me clarity? I certainly know where the plaid pantry is, which corner specifically are you referring to just so I have that?

McNamara: It's Broadway and Market and it would be the south, the southeast corner.

Wheeler: The southeast corner.

McNamara: And above is a condo building.

Wheeler: And we will reach out to the owners of that location, as well. Thank you. I appreciate it. Next individual, please.

Item 138.

Wheeler: I believe he already has. Regarding cop watchers and citizen journalists and citizens.

Wheeler: Not present. Next individual, please.

Item 139.

Wheeler: Through prior agreement we have had a change of individuals so come on up. Good morning.

Charles Ormsby: Good morning. Good morning mayor wheeler and Portland city council, 2019-2020, my name is charles ormsby and I go by skip, the chairman of the cpo, this is located in the lake oswego, urban growth management area. I live on the clackamas county tax lot in the vicinity of highway 43, aka, state street, aka river street drive. The individual just here is why I didn't bring my mother today. She's age 104, and we have lived in Portland in the Portland area at that house since 1952. When the angled parking was on state street. I am here before both my neighborhood and myself individually. Bird's hill and city of Portland are conjoined at the hip in a sort of a frankenstein manner in multiple aspects. The key aspect that forced us was the location of the railroad tracks on railroad avenue removed about 1907...1910 when the bridge should cross the willamette river, and river mile 20 was installed. You have a sewer plant in lake oswego. There is, what's lake oswego, city manager of lake oswego, along with friendly others and his orbit, are proposing that be replaced with a membrane bioreactor plant. This is putting Portland at considerable risk for multiple projects, including the southwest light rail project because that plant services the drainage basin along barbur boulevard and putting your rebuilding of the i-5, i84 interchange at risk, and the abernathy. I would like to invite the city of Portland council members, members of bes to take a tour of this area and the facility area, and as soon as possible. First off, the leaves are on the trees and you have a vantage point looking from birds hill road to the southeast, so you can see the complex area that it is. So you need to see that and visualize it, otherwise you cannot understand it, and understand the risk that the city of lake oswego specifically the city manager is putting you at. Second I would like to request a meeting, a joint public meeting, venue to be determined, and Portland city council, lake oswego city council, bes staff and whatever the city manager of lake oswego is doing with whatever consulting groups. The issue needs to be fully vetted, fully visualized, and validated, and fully field verified so everybody understands the risk to the city of Portland. He tends -- let me put it politely to withhold key information from people, specifically the 2014 june report on the tryon creek wastewater treatment plant, a key constraint in section 7 of that report, and was not illuminated to the lake corps, which the owner of the lake, anyway, sewer backup flows. This is expensive and considerably -- we need to meet the sooners, asap, thank you.

Wheeler: Commissioner Fish?

Fish: Thank you, sir.

Wheeler: Next individual, please.

Item 140.

Dee White: Hello, I am dee white. It is well established that even at low levels, lead is a potent, irreversible neurotoxin that is especially damning to pregnant women and young children's developing brains, a recent ground-breaking study links lead to signature heart related deaths among adults in the u.s. Every year. Epa scientists and water quality engineers nation-wide know that the more corrosive the water, the more it will pull lead out of plumbing and into our drinking water. We have been an outlier for years with historically high levels. Similar cities such as seattle got to where decades ago have shown significantly lower levels of lead ever since. Our local water officials have obfuscated on the reason the lead levels are higher than Seattle's. In the 1990s the Portland water bureau crafted a less rigorous alternative to the federal and copper rule, that mitigates for

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lead paint in lieu of controlling lead in our drinking water. Is this a Portland value? Is it even good science? Why aren't the government officials at the state and local level earnestly and aggressively addressing the serious problem that has caused a silent public health threat and infrastructure damage in this community. Is it good science or a Portland value that 22 years later, the Portland water bureau has no data or analysis to show this home-spun substitute for the federal rule has shown progress or improvement in reducing the lead in our homes, schools, parks, or businesses. In fact, Portland remains at the top of the heap with the highest lead levels of all large public water systems in the u.s. Being guided by good science and Portland values does not mean burying the lessons of flint, dismissing the public concern, and condoning improperly treated water. Your rhetoric is counter to your data, and it's insulting. Last year commissioner Fish proclaimed that there is no lead in our water. This is absolutely deceptive word play since it conflates the pure but corrosive bull run source water, with drinking water that the bureau has failed to manage. It is disingenuous to pass blame to the schools in 2016 and to customer plumbing in 2017 and 2018 when it has been your responsibility to accept responsibility as you are legally required to do and protect our drinking water now as you should have done over 20 years ago. Mayor wheeler, commissioner hardesty, and Fish, how is this acceptable?

Fish: Thank you.

Wheeler: So Karla.

Fish: Mayor? Before we get off this, thank you, dee. I will not respond. We had testimony earlier about the tryon creek wastewater treatment facility. First of all, let me just assure my colleagues that there is no proposal to currently change the treatment plant. There is an evaluation process going on to look at options. There is no quote/unquote proposal. I will also clarify that since this treatment plant is wholly within lake oswego's territorial boundaries, if lake oswego chooses to pursue any change in this treatment plant, that would come to council as a, for a hearing and a full discussion about whether that is appropriate or not. So there is no current proposal, and there is no item, action item before us, but if at some point there is a proposal, that would come to council in the ordinary course.

Wheeler: Thank you, commissioner Fish, for that clarification. Karla, on each of the consent items I am going to have you read them for the purposes of rescheduling. Could you read 144, please?

Item 144.

Wheeler: This item is rescheduled to the consent agenda on 3-6-2019. 145, please.

Item 145.

Wheeler: This item is rescheduled to the consent agenda on 3-6-2019. 146, please.

Item 146.

Wheeler: This item is also rescheduled for the consent agenda on 3-6-2019. 147.

Item 147.

Wheeler: This is rescheduled to the consent agenda on february 27, 2019. 148, please.

Item 148.

Wheeler: This last item is also scheduled to the consent agenda on february 27, 2019. Thank you for that. Let's go to the first time certain item, please, 141.

Item 141.

Wheeler: Colleagues, transportation commissioner chloe eudaly is out today, so she asked if I would step in and introduce this exciting opportunity to partner with Washington county on an improvement that will help residents connect to town centers, transit, nearby businesses, and schools. Now I would like to welcome pbot project manager tamor ender to give an overview, and he has some invited testimony before we open it up for public testimony. Good morning.

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Timur Ender, Bureau of Transportation: Good morning, mayor wheeler, commissioner hardesty and commissioner Fish. I am tamor here on behalf of the Portland bureau of transportation to talk to you about the southwest Multnomah garden home project, and I would like to introduce the other people joining me here at the table. To my left is brad taylor and he's with the brad taylor group, and he is consulting with us to expand our public engagement capacity on this, and farthest to your right is ben lively, my colleague at the Washington county. We've been working with on this project. So quick background, just to clarify where this is in Portland. It is so far southwest that it's in Washington county. Pbot assumed jurisdiction of the street in 1992, in what's known as a jurisdictional transfer. If you are on southwest Multnomah and you keep going past Multnomah village and past 45th, kind of near olsen road, this is kind of where that is, right in front of the old market pub there. So just to -- just to orient you. We have a grant from Washington county. This is one of the best grants that we can get, it's flexible in how we design the intersection. They have agreed to waive the permit fees, as well. Some of the challenges with this intersection is there is ambiguous -- ambiguity about who has the right-of-way. There is multiple legs serving the intersection which creates safety challenges and lacks biking and walking facilities. The improvements that we are proposing to make include filling sidewalk gaps, improving the safety of the intersection, itself, and installing curb ramps and improvements that will benefit transit reliability. This is a multi-jurisdictional partnership, one of the things that happens when you are involved in the edge of a jurisdictional area is there is kind of this alphabet soup of different agencies working, and so because of school bus in beaverton and one block away, city of beaverton, one block in the other direction is unincorporated Washington county, and we have had to coordinate with a number of different agencies, which has been exciting. So just to give you an overview of what we are proposing, we opened it up to the public to inform us whether we moved forward with a signal or a roundabout at this location. The signal option is a cost between 2.5 million and 4.5 million. I will move forward to the roundabout option. It is in the ballpark of 4 million to 6 million, and the increased cost for the roundabout are related to intersection of geometry, greater impacts on the private property, and stormwater needs that would need to be addressed. However, roundabouts are the safest type of intersection because a lot of fatalities have happened at intersections are related to speed. One of the key design features of a roundabout is slower speeds, and so what some say is if you get into a crash in a roundabout you are leaving in a tow truck and not an ambulance. So I want to highlight -- we are looking at some sort of biking and walking facility with paint and posts on Multnomah between 45th and garden home consolidated on one side of the street without affecting the number of travel lanes. Public engagement, we talked with sweeney, southwest neighborhood inc. And their transportation committee. We engaged with the bicycle advisory committee, and we had an open house with 130 people attend and held office hours at the intersection of olson and garden home road. We launched an online survey with 900 responses which is fairly high for pbot. Brad taylor went door-to-door to residents affected by this proposal and personally invited them to engage in the public process, and we believe that that's one of the key reasons why we've been so successful at having a lot of people engage with us, both in the online open house and the in-person open house. I checked yesterday, and we have had about 930 respondents. One of the key questions that was important for me was asking people, assuming cost is not a factor, which would you prefer? Roundabout or the signal? 70% supported roundabout, and we mentioned roundabout does cost more money and could take more time if we are to look for more money and to design a more complex intersection. Public feedback, basically, stayed high at 64%. And the top three safety concerns that we heard was relating to the sheer volume of traffic in the area, and with growth in southwest Portland, and the speeding concerns, as well, and then right-of-way ambiguity. Also other things that we

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have heard from community members was concerns from people walking and biking, particularly related to the roundabout, and the public improvement should benefit the public streets. I will mention what's in front of you today. Sometimes it's confusing. The council action, you are being requested to take is basically accept 1 million in funding from Washington county and to authorize the city of Portland to initiate intergovernmental agreement with Washington county and how we move forward with this project. I also, for the people watching, I want to mention this is not a decision point as far as whether we move forward with a -- roundabout or signal. We welcome any input that you have. Pbot will make that decision as we evaluate three things. Public feedback, what is technically feasible, and the amount of funding we have to move forward. Those things will be our driving factors as we decide later there spring, early summer which one we move forward with. Then we do have a website for people interested. That's Portlandoregon.gov/transportation/gh. I am happy to answer any questions. I can also turn it over to brad taylor who can talk about the public engagement we have done with this project.

Wheeler: Commissioner hardesty has a question.

Hardesty: Thank you very much. Very excellent presentation. Thank you, brad taylor, I am not surprised that you had 900 respondents when you engaged people one-on-one. You just said something about pbot will make the decision about which option we would choose. I would think that if cost comes into play, you would probably want to be talking about us, as well, about a, where the other money comes from, right, and it's because as you said, we are making choices. But I don't want to think that you are not going to come back in front of the city council and make the case for why you are going to make whatever choice you make.

Ender: Okay. Commissioner hardesty if you are extending that invitation, we would be happy to engage with council about additional funding if that's something you would like us to do.

Hardesty: No, no. I want to be clear that it's the city council that makes funding decisions and not p-dot so when you said p-dot would make the decision, I want to correct that for the record. You will be doing another presentation, and this is the option we have and how much money that we raised.

Ender: Yes. I understand your point. Say guess to clarify what I had meant is p-dot has a way of applying for system development charges internally, so there is a list of system development charges that have been approved by council and they are identified, so x project gives this much money, so what, as a project manager I can do is apply for system development charges that are attached to, for example, the intersection. So that kind of is what I meant when I said that I can apply internally for those sorts of funding. If that makes sense?

Hardesty: That's helpful, thank you.

Brad Taylor, Brad Taylor Group: Good morning, I am brad taylor with brad taylor group, and I was asked to come and give an overview of the outreach efforts. I appreciate you taking the time to listen. We were quite successful with outreach in participation, and as commissioner hardesty mentioned, I think it's because we engage people in a variety of ways, and met them where they were at, so we started with the mailer to let them know this was going to happen and then followed up with a door-to-door opportunity to engage and left a flyer at that point with additional ways to engage with the project. The idea was to give a warm invitation so people knew that we were wanting not only their attendance but engagement and feedback. And we met people at meetings that they already attended as was mentioned, the sweeney and bicycle advisory commission also had office hours. Our philosophy was when we would gather a group and hear their feedback we would get - - have it recorded in writing so glad that we could display it and move it, so neighbors were

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not only able to hear the presentation just presented but see what other neighbors have said which would spark ideas of their own, and we kept track of where people were coming in with their concerns, which I believe that you have the summary in the packet that you've been provided. The idea is to not only give the opportunity for people to be heard but also the opportunity to feel heard and see their words being shown. The full report that will memorialize the project will have the breakdown of the feedback, each meeting, and will also have a representative sample of the email exchanges presented to inform the project. So again, the idea is to give the people multiple invitations and opportunities to engage and really make them feel that their voice was valued and that their concerns would be preserved in the record.

Wheeler: Thank you, brad.

Ben Lively, Washington County Transportation Department: Good morning, mr. Mayor and members of the council. I am ben lively from Washington county's transportation department. Capital project management division. I appreciate the opportunity to speak in regards to the garden home road Multnomah boulevard intersection project. This project has the opportunity to make significant improvements for the safety and functionality of that, interest. As you have heard from them, whack allocated 1 million, those funds were apportioned from Washington county's major streets, transportation improvement program. And the distribution of the funds and the responsibilities of the county and the city are detailed in the agreement that we are discussing today, the county commits \$1 million in funding to the project, to the city for the project. The project continues to be solely administered by the city. Last month on January 22nd, the board of commissioners approved the execution of the agreement upon approval by the council and completion of the county's contract review process. The county looks forwards to the execution of the agreement, if approved by this council, and in providing the funding and the collaboration with the city to create a successful project. Thank you very much.

Wheeler: Thank you.

Ender: We did have two people invited to testify. Is this the right time to call them up?

Wheeler: Yes, it is.

Ender: Okay. We have jerry rundorph, the president of the ash creek association, and am ash creek cpo3 chair, cpo is the district equivalent for Washington county, and he's sick, so I will read his remarks after jerry.

Wheeler: Very good. Welcome. Thanks for being here.

Jerry Rundolph: I am jerry rundorph. Thank you for the opportunity to speak today. I want to reiterate this project puts a smile on our faces a I am the ash creek neighborhood association president. Seeing your day-to-day situation, I want to implore you that this could put a smile on your faces a seeing you go through your duties today. Living in Portland, my entire life, lived about two miles away from this intersection for my entire life. Seeing the ambiguity in the geometry of it, like tamor said, and the accident rates don't show it in data, there is a lot of close calls in the intersection day and night. Just want to put on the record that he and his staff have done great public outreach. As I talked to my neighbors to gauge their input on one choice or another, the take away is we desire any change. I appreciate your concern for the money, commissioner hardesty. I feel that the neighbors that I represent would like change, and if it comes to a situation where no change is made due to money, we are interested in getting some change, maybe back to the signal situation but everybody has a smile on their face looking forward to some change at this intersection, and I applaud Timur and his staff's effort. So thank you very much.

Wheeler: Thank you.

Ender: I will read testimony from stan houseman, who is the chair of the cpo3 in Washington county. On behalf of the community participant organization in garden home,

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raleigh hills and the west slope area of Washington county, we appreciate being able to provide feedback whichever outcome prevails. Our interest is that the outcome is a safer and better situation than currently present. We look forward to seeing the final result and an opportunity to provide input into the process. So that concludes our presentation. If there is any other questions from council, I would be happy to answer those.

Wheeler: Any questions at this point, colleagues? We will go to public testimony.

McClymont: Yes, mayor, we have had two people sign up.

Wheeler: Very good.

McClymont: Maggie and charles bridgecrane johnson.

Wheeler: This is your first time at the mic. Welcome.

McClymont: Rather unexpected.

Wheeler: This is an important point, glad to have you here. Good morning.

Charles Bridgecrane Johnson: For the record, and the person, charles bridgecrane johnson. The former treasury had to listen to also, sometimes in salem. I want to thank commissioner hardesty for her question because it's illuminating for us as citizens, even those of us that engage for seven years with the city government that if we want 50,000 to help with homelessness, we might have to have an agenda item but the way the sdc's are structured so we have 2 million of slushy money so we could access 2 million of slush money for the traffic light or maybe 4 million of slush money for a roundabout. People have mixed feelings about roundabouts. I love them, they have gold plated statues of joan of arc in them, and ceasar chavez boulevard. I don't know if we will get that at this location. The other thing as we look at the committee, city commitment to equity, it's great that we have an opportunity to engage with a million dollars of Washington county money out on the southwest edge. We know as was mentioned by one of the testifiers that the intersection is not a problem or is not nearly as high of a problem as in other areas of the city. I know that you are all committed to making sure that the equal amount of time that went into this southwest lucky Washington county million dollar connection equally we were able to address the deaths on division and challenges throughout the rest of the county. Thank you.

Wheeler: Does that complete the public testimony?

Moore-Love: If maggie has not come back.

Wheeler: Very good. This is a first reading of the non-emergency ordinance and moves to second reading. [gavel pounded] next item, 142.

Fish: We are ahead of time.

Wheeler: You are right, let's take a second reading, please. Let's go to item 150.

Item 150.

Wheeler: Colleagues, this is a second reading of a non-emergency ordinance. It has had a presentation and public testimony. Is there any further discussion? Please call the roll.

Fish: Aye. **Hardesty:** Aye.

Wheeler: Aye. The ordinance is adopted. [gavel pounded] 152, also a second reading.

Item 152.

Wheeler: Please call the roll.

Fish: Aye. **Hardesty:** Aye.

Wheeler: Aye. The ordinance is adopted. And could you please read items 155 and 156.

Wheeler: Colleagues, this item has been rescheduled to february 27, 2019 per commissioner eudaly's request. Item 156, please.

Items 155 and 156.

Wheeler: Colleagues, this item also is, has been rescheduled to february 27, 2019, per commissioner eudaly's request. With that we will take a four-minute recess. [recess taken]

Wheeler: We are responsible for administering the zoning code as well as other portions. This program is funded entirely by fee revenue so the fees need to be set at a rate that

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covers the cost of providing the service. Bds kept this rate flat for the past five years even as development in the city continued to increase. Fees from other bds programs are regulated by state law and cannot fund the land use services program. With increases in personnel costs from labor agreements and cost of living increases, combined with the reduction in the number of large commercial projects, the land use services program has been utilizing the financial reserves at an increasing rate. Now, as things begin to turn to normal after a recent rush to development that we have seen across the city, bes has taken prudent steps early to produce the expenditures, including reducing the positions. They have done a cost of service study and determined the fees for some services don't cover the costs of providing those services. If the council wants to see the fees kept at the current rate, a subsidy from some other source such as the general fund would be required to cover the cost of the service delivery. Given our budgetary situation and the unavailability of additional general funds, I authorize bds to bring this forward to the council to utilize this time to make the design, the design review function better and reduce the delays in the permitting system, which they have done. With us today are bds senior business operations manager, elshad and land use services division manager kimberly talent to provide additional background information on the proposal. Good morning.

Kimberly Tallant, Bureau of Development Services: I am kimberly. Our program services fall into four categories, public information, early assistance, and building permits. Public information is about how the zoning regulations apply to people's projects. It's provided primarily via the zoning hotline and in-person and the development services center. We go about 1,000 calls a month to the zoning hotline and 4,000 customers each month. Fees are not charged to customers for the staff spending time providing this public information. Secondly, we provide early assistance to help customers understand the zoning code requirements and prepare complete applications. Each year we do about 400 early assistance appointments and 120 pre-application conferences. Third we do reviews, which are reviews required by the zoning code in some situations before a building permit can be issued, and examples of the reviews are design review, conditional use review, adjustment reviews which are often called variances and other jurisdictions, and subdivision reviews, to name a few. And they use a quazi-judicial process and require a public notice, input from our partner bureaus, a written decision and an appeals process. Some reviews do require also a public hearing. Not all projects require a land use review. Most just need a building permit. And we go anywhere from 650 to 12 land use review applications per year, and an average of 150 permits a month. Lastly, we review building permits for compliance with zoning code and tree code requirements, and we are just one of 15 to 20 city review groups involved in reviewing the review permit applications.

Elshad Hajiyev, Bureau of Development Services: Good morning, I am the operations manager. I want to give you a background on the program finances. Several years ago the land use services program was getting general fund support consistently to subsidize some of the services that we provide to the public. And the general fund money was used to compensate for services provided for the programs, for the program unable to collect the fees such as passing the zoning hot lineup and providing the customer training and commenting on the bureau of planning and sustainability and zoning code amendments. The general fund also subsidized services which benefited the community and the livability. By keeping the fees low, for things like environmental resource enhancement review, historic resource reviews, and general fund support was over 2.3 million back in 2000, 2001 fiscal year. The general fund support decreased over time and was completely ended in fiscal year 2017-2018. Further straining financial situation in the land use service program was having to fund programs at the bureau of planning and sustainability, with money that would have gone to the financial reserve and would have positions for this situation that we are experiencing now. Bds has not raised land use services fees for the

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last five years. During that time, we experienced the construction boom and the land use services program had pretty healthy financial reserves that were above the goal. We also found the desire to keep fees low so we did not seek a fee increase during the construction boom. On the other hand, over those five years, personnel cost increased significantly due to several reasons. The cost of living adjustment, the step increases for our employees, and the pers contribution increases and the two years ago, when the new pt-17 contract went into place, the majority of the employees and land use services are employees that belong to that union and the salaries went up by 16 to 17%. Overall development activity has declined. And contributing to the revenue collections for the program. The decline in large amounts of family construction. Due to the increase in the personnel costs and the decline in the large commercial and mixed use projects, we have been having programs reserved over the last year. They are below the minimum levels, and have been drawn continuously to fund the operations. We got an early start by reducing our expenditures and keeping a lot of our positions vacant and land use assists. We -- we are not filling vacancies. We are limiting the spending on the overtime and we've been cutting positions in land use services programs. The bureau also is gaining a lot of efficiencies through electronic planning and other efforts for reduce the cost of the services provided. So we are working on both sides of the equation. As far as the fees go we conducted a cost study to look at the fees and make sure that all of them are the cost recovery so there is the study, actually, support our request. We are proposing the fee increases to cover our costs. Some fees are still being kept low so they don't act as a disincentive for the customers seeking these services. And it's really a balancing act of finding efficiency and reducing the expenditures and increasing the fees by providing services to our customers and community. Land use services remains committed to providing excellent service, however, we need to take action to make sure that on the revenue side to make sure that our fiscal stability. The key point of in proposal is to erase the revenue by approximately 5%. And please note that some of the fees are being raised more than 5%, some of them are not being changed at all. In addition, we also are asking to change the fees for the development and the safety review and land use reviews. Those are the two sets of fees that are being charged along with the land use applications. The on-site development is proposing another 5% increase for to most of the fees and the land use, on the live safety review we are asking to eliminate to the reviews on the environmental review and the environmental review production zone and the [inaudible] review. With that I am turning to kim to talk about our stockholder outreach.

Tallant: So related to stockholder outreach, excuse me, the development review advisory committee also known as drac is made up of a broad spectrum groups in permitting. We discussed the changes with drac. They understand the position and the fee changes. We will be publishing an article in the bds's newsletter, and information will be posted on our bds website. Land use services fees are minor in comparison to systems development charges or sdc's. The development community regularly tells us that they would be willing to pay more if they could get faster service because time is money. We understand not everyone is in that position, and we do have protocols in place for requesting low income fee waivers and fee waivers for nonprofit organizations that directly serve low income individuals. In the absence of general fund support, in order to provide those fee waivers the fees need to be set at a rate sufficient to subsidize those services. It is challenging to have our entire funding source tied directly to the cyclical construction cycle. Or the construction industry. Little imperative that we're able to set aside sufficient financial reserves for the regular downturns that occur, and we are striking a balance between reducing the expenditures and continued service delivery. We need to retain a core portion of the workforce, that being in the cycle of massive layoffs followed by recruitments and hiring and training. It's inefficient and hampers our ability to respond to quick upturns in the

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construction industry. Those kind of cycles will always leave us behind the curve and unable to catch up. It is also hard on morale and does not help us to attract and retain great people, so thank you for your time today. And please let us know if you have any questions.

Wheeler: Colleagues, any questions? Does that complete the presentation?

Tallant: Yes.

Wheeler: We will move to public testimony. Thank you both.

Moore-Love: We have one person signed up, Maggie.

Wheeler: I didn't see here -- oh, there she is. This is a first reading of the non-emergency ordinance and moves to second reading. [gavel pounded] next item is 149 opt regular agenda.

Item 149.

Wheeler: A man who needs no introduction, Larry Pelatt

Larry Pelatt, Procurement Services: Good morning, Mayor and Commissioner, I'm Larry Pelatt from Procurement Services. You have the report recommending an award to Landis and Landis Construction for the Sunnyside North Construction Green Streets projects, 9,323,929. The engineer's estimate for the project was 9,900,000 and the Bureau's confidence level was high. Project was advertised on our electronic bidding system, and four bids were received and Landis and Landis is the low responsive and responsible bidder at 9,320,929, which is 5.85% under the engineer's estimate. The Bureau of Environmental Services along with Procurement Services identified an aspirational goal for the project for co-bid certified subcontractor supplier utilization of 20%. Landis and Landis acting as the prime contractor identified the following areas as opportunities for subcontracting, and asphalt paving and truck and traffic control, concrete cutting and tree trimming. There is a total of 2,626,000 or 28.16% co-bid certified subcontractor supplier utilization. Apportioned as follows -- disadvantaged business enterprises 1,445,000, trucking traffic control and concrete cutting, emerging small businesses, 1,180,000 trucking, paving and tree trimming. Landis and Landis's self performing 6,555,929 of the work but could have performed another 591,000 value internally but chose to subcontract that work. Landis and Landis is located in Marylhurst, Oregon. They are not a state certified co-bid contractor. They do have a current city of Portland tax registration and are in compliance with all of the city's contracting requirements. The Council has any questions regarding the procurement for this project, I can answer those. Since Landis and Landis is the prime contractor met and exceeded the city's goals, we did not ask either the Bureau project manager or the contractor to be in chambers today. Any questions?

Wheeler: Commissioner Hardesty.

Hardesty: Thank you, Mayor. Thank you very much for your testimony. Yes, my question is there were three DBE businesses, and four ESBE businesses. Were there any minority contractor, minority-specific contractors used in this project?

Pelatt: I believe -- I will be happy to double check and forward you the names. I believe that two of the disadvantaged business enterprises are also minority contractors. When we report there is a hierarchy of reporting, DBE being the top so we only report based on the top level. They could have multiple certifications.

Hardesty: Let me just say that for me it's really important to know that minority contractors are actually getting the city business because when we use those, all the alphabet soup, and I have been able to dig down, I find out that the minorities are not getting contracts, so I would appreciate you having, making that information available because that's something that I will be prioritizing and checking on every time I see a big contract like this.

Wheeler: Commissioner Fish.

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Fish: The bureau of environmental services has a good record on this, and in fact, the office of equity and human rights has called out their plan generally. We would be happy to, if this became something that you wanted to, a further briefing on we would be happy to but bes has a pretty good track record and reflects the commitment at leadership to make sure we spread the benefits of prosperity broadly. So thank you for your interest.

Pelatt: In the future I would be very happy to build that into it and not just identify by deed but all the certifications, and I will follow-up with this particular project and send it to your office.

Hardesty: I thank you both. That's important. I appreciate that. Thank you.

Wheeler: Very good, and I will entertain a motion.

Fish: So moved.

Hardesty: Second.

Wheeler: Motion from commissioner Fish, second from commissioner hardesty. Any further discussion? Please call the roll.

Fish: Aye. **Hardesty:** Aye.

Wheeler: Aye. The report is accepted.

Pelatt: Thank you very much.

Wheeler: Next item, 151.

Item 151.

Fish: Mayor and colleagues, the bureau environmental services has an opportunity to acquire open space in the columbia slough watershed to protect existing habitat and riparian areas. Acquisition would allow the bureau to conduct restoration activities to help shade the slough and reduce the water temperatures in compliance with water quality standards. On behalf of bes, I would like to acknowledge the current property owners, the warren family for its contribution to the slough's stewardship over the past 25 years and for their generosity. Here today is nancy hendrickson, environmental services manager for the columbia slough watershed with a brief presentation, and then a member of the warren family is also joining us. So nancy, take it away.

Nancy Hendrickson, Bureau of Environmental Services: Great. Thank you. So as you said I am here to talk about this land acquisition. I will keep it brief but I have a little context, so the city has been the lead agency, bes in the city for complying with the water quality of our receiving waters, our creek, streams, rivers and sloughs. And since 1995, one of our strategies to improve water quality is to restore the riparian canopy along the banks. So when the warren family approached the city with the proposal that the city could acquire their riparian buffers in northeast Portland along the columbia slough, we thought this would be a good match. In front of you see the map of the area. In red are the properties under the proposal today. Also the green areas, some of them are city owned for [inaudible] purposes and the big four corners natural area is on the right on the screen. It's one of our core areas for habitat and water quality in the columbia slough. So this is 11 acres, consistent with our strategies, and during the due diligence period, the city recommended we use a friendly condemnation procedure, and the landowner agreed. And so this is a willing seller type of arrangement, except that the legal mechanism is this friendly condemnation procedure. And so that's why we are here in front of you today.

Fish: What is the benefit to the city of a friendly condemnation procedure?

Hendrickson: When we were doing due diligence, there were low levels of contamination. Mostly ddt from previous land use. And what the friendly condemnation procedure allows is that the city can accept this land but we don't accept the liability for that contamination. And in case you are worried about us accepting contaminated property, the work we are going to do, the restoration work was not mobile, would not mobilize that contamination. In fact it would stabilize it so we don't anticipate any problems that way.

Fish: Thank you very much. Mr. Warren?

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Cameron Warren: Yes. My name is cameron warren and I manage the properties, the covenants and restrictions in this development. This interstate crossroads business center was a 20-year, 100-acre master planned project that even from the very start was -- we had planned to want to protect this area that we're, basically, have in this agreement. The area was designed to be -- to remain untouched in a natural state for plants and wildlife and vegetation to protect the slough, and then also for the people that would be working in the area. The land also has about a little less than an acre of a bio-filtration system that processes the stormwater for cameron boulevard and the neighboring properties along that street. So again, that's part of the water quality system for this area. It is our feeling this should also belong to the city. Sadly, there's been also some other homeless folks that had gone out onto this area in this last year. We were unable to shew them out of there until recently so there is a cleanup that needs to be done to clean up the aftermath of that homeless camp. We are going to be cleaning that up as a -- it's a condition of the city, but we want to make sure that it gets cleaned up, too, and that work is going to start on saturday. It will be completed probably by the end of next week. So we intended to protect, for the future, hopefully keep folks from going out onto that area, keep an eye on this area, a lot more closely than what's happened in the past to prevent that sort of thing from endangering the quality of the slough and the natural area. So we appreciate the city taking this on. And we think it will be good for the city and for this area.

Fish: Thank you very much, mr. Warren and your family for your past stewardship and generosity in making this gift to the city.

Wheeler: Very good, does that complete your presentation?

Warren: It does.

Wheeler: Excellent, we will move to public testimony. How many people do we have signed up?

Moore-Love: One, two, sorry, maggie and charles bridgecrane johnson.

Wheeler: All right. Thank you both. Thank you mr. Warren.

Warren: Thank you.

Wheeler: We sure appreciate it.

Charles Bridgecrane Johnson: Good morning, for the record charles bridgecrane johnson. I think later on there is the opportunity for discussion about the procedures by which the city and which bureau actually protects natural areas, and some of us in the city, when we hear the bureau of environmental services, they have a waste collection contracts -- right?

Wheeler: Part of what we do.

Johnson: So just under the scope it seems like as we have growing awareness of the climate, to me it seems like a natural preserve area. Normally the government belongs under a parks department. This is not exactly a parks use area so I am glad we are getting the land but as a city that's in its own media where people are questioning the functionality of the form of government that we have, that that's an area to look at under the charter review and processes what does the city really do to give permanent protection to critical natural areas? Is it the best function to have the same people that do the contracting or the franchising for trash and waste removal, also responsible for preserving this.

Fish: Maybe I misunderstood what you said earlier. The bureau of environmental services does not handle trash, so we manage the wastewater facilities where water is treated and returned to local streams and rivers. The cache hauling is, actually, franchised and overseen by the bureau of planning and sustainability. So -- and because bes's mission is healthy watersheds, generally, it is core to its work to make sure that, you know, the columbia slough and other places are protected.

Johnson: I agree that the city has an important mission regardless of other various lawsuits that have troubled the city in the past. The other thing that is evident from the

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testimony is that when the city does not mobilize adequate financial resources against homelessness, there is ancillary costs. It sounds like the current property owner is in a financial situation, gracious and capable enough to mediate some of the problems that arise when some of us are forced to live outside, especially, you know, dealing with the depression, how far this is placed from a dumpster, and I don't want to see the people demonize that, and I hope that the city's various teams, urban camping and remediation, I forget the clever acronym, but has been able to engage with the people who left this mess, helped them get into a better condition so they are not as inclined to leave a mess, and we can soon hear how we are going to partner with metro and get these thousands of homes online from the bonds we pass. Thank you very much.

Fish: Mayor, I want to check with legal counsel. Do I need to bring a motion?

Wheeler: No, we can continue the hearing is what I think legal counsel had advised us, to continue it to 2-27.

Kraut: You can continue it and leave it as an emergency or make a motion to remove the emergency.

Fish: I would refer we continue it.

Wheeler: So this item, unless there is further discussion? This item is continued to february 27, 2019.

Fish: Thanks again, mr. Warren.

Wheeler: Next item, 153.

Item 153.

Wheeler: Commissioner Hardesty.

Hardesty: Thank you very much, mayor. Thank you very much. One of the things that I have heard over and over and over again, in the three weeks that I've been on the Portland city council has been the issue of unreinforced masonry building. I have heard from just about every corner of the city of Portland on this issue. I can assure you, however, that no one has told me that they want their building to be unsafe. However many people have told me that they cannot afford the retrofits that would make it safe in an earthquake. An earthquake would be a terrible way to lose your home or business. No one wants that, but many Portlanders are also worried that they will be displaced by economic forces before the earthquake hits. That's why I am looking forward to the work of a new committee focused on developing realistic financial supports for the URM owners who need them most. Applications for the committee are open now and on the citywide, and this is a committee that the bureau of emergency management is putting in place that will be reviewing the retrofit requirements, and you will hear a bit more about that. In the meantime, my goal is to slow down the enforcement of the placards' roles. Many building owners are clearly fearful about this requirement. It is the city's responsibility to ensure people understand the roles and the reasons for them. I don't believe that we need to record the URM issue on the title, as well, which seems to be a big barrier for us, some individuals who have that requirement. In the process that was taken leading up to this URM, ordinance being passed, it is my belief that we did not earn the trust of the people that were required to actually do these upgrades. We did not provide enough information early enough to ensure that people thought that this was a joint effort rather than something that was being shoved down their throat. It is my belief that we can do better by notifying both potential renters when they are considering a move as well as when they are already signing the lease. I think that it's important that we be proactive but take the time to put the right pieces in place at the right time. I want to thank commissioner Eudaly who suggested that we work with her to continue to figure out how we protect renters, at the same time we are delaying the implementation of the ordinance. I know that the bureau of emergency management is committed to serving Portlanders, most at risk of displacement from an earthquake, but also at risk from other factors. Although the URM's are a topic council has

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discussed before, the Portland bureau of emergency management will keep working and taking their time to bring back recommendations that are developed at an inclusive way, process matters, and in earning trust and a community is also essential. Any effort to build a resilient Portland and a resilient community. In the mean time I have asked the Portland bureau of emergency management to bring forward today's ordinance which gives us more time to do that work. Mayor, commissioner, I have invited -- johnna and derrick to provide additional information.

Fish: I have a brief opening statement, too, if I could. Thank you, commissioner hardesty for bringing this ordinance forward. In november of 2019, excuse me, of 2018, not yet, in november of 2018 I did not vote for the placarding mandate, the ordinance establishing the placarding mandate. I believe then, as I believe today, that we put the proverbial cart before the horse. No one in this debate takes the threat of an earthquake lightly, and I appreciate the comments of commissioner hardesty in that regard. However, our current mandate risks leading to significant demolition of historic buildings and significant inequity. Changing the very character of our city. It also places undue burdens on older adults, small businesses, arts organizations, churches, and mom and pop landlords. I support the changes being proposed today extending the placarding requirement to november of 2020 requiring notice to tenants in a rental application and eliminating the lien requirement. I think we will all benefit from a reset and the additional time to get it right. Thank you very much.

Hardesty: Mayor, if we may, the testimony?

Wheeler: Yeah, of course.

Jonna Papaefthimiou, Bureau of Emergency Management: Good morning, and thank you, commissioners. For the record my name is jonna papaethimiou, and I work at the bureau of emergency management as the planning policy and community programs manager. I would like to just walk you through the changes that are proposed at this time as soon as possible. So to begin with the current code, which was adopted in november of 2018, it requires for profit, the "building your business the right-brain way" owners to post a warning sign and to notify their tenants a building is a urm by march 1st of this year, that's coming up soon, and it gives nonprofits until november 1st of 2020. The language that they have to post and notify is the box text. The first proposed change.

Wheeler: Can you go back to the placard? Is this the actual wording?

Papaefthimiou: Yes, that is copy and pasted from the ordinance.

Wheeler: On the placard?

Papaefthimiou: The placard.

Wheeler: Buildings may be unsafe in the event of a major earthquake, that's what this is all about?

Papaefthimiou: Yes.

Wheeler: Got it, thank you.

Hardesty: That's just one piece of it.

Wheeler: We will get to the rest.

Papaefthimiou: So the first change is to the timeline on the placard. It would extend the time line for profit building owners to match up with the nonprofit building owners so everyone would have until november 1st, 2020 to post the warning signs. This is after the urm work group that commissioner hardesty mentioned will have had time to meet and to develop their recommendations, so this requirement would then come in the context of the next steps that they have proposed.

Wheeler: Can I ask you a question about that? Is the intention here to change the wording on the placard? What is the intention of the work group? What's the point?

Papaefthimiou: The point of the work group is to develop -- review the work of the previous workers and to come up with some recommendations that would provide greater

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financial support in particular for urm building owners that would otherwise probably struggle to make the retrofits. So it's focused on the financial piece.

Wheeler: It's not focused on the placarding, it's on seismic requirements or potential incentives to help pave the way for that.

Papaefthimiou: It is focused on that. Part of the commitment the bureau made is that we're hiring an independent third party facilitator. The work group will in many senses direct their own work.

Wheeler: Is it a possibility what we're really doing is we're going to eliminate the placarding requirement?

Papaefthimiou: I think that's a decision for council.

Wheeler: But let's -- i'm just curious. Is that where we're headed? What's your recommendation?

Papaefthimiou: I think that i'm eager to see an independent advisory group that's inclusive and I would want to hold our bureau open to whatever their recommendations are, and the charter will make those recommendations directly to council.

Fish: Can I jump in for a second? We're postponing the effective date of the placarding to november of 2020. That's specifically what the ordinance does.

Papaefthimiou: Yes.

Fish: Currently the legislature is taking up proposals to create financial incentives for owners to do the retrofitting work in the nature of grants and loans. The city is also reviewing whether it has certain financial incentives. As someone who supports this approach, I think all the options are on the table. We are effectively postponing the date in which a placard has to go up but between now and November 2020, we're giving ourselves the opportunity to find out if there are financial incentives which mitigate the impact to a property owner, particularly the smaller property owners, and by the way, I don't want to lose track of the benefit in my judgment of postponing the lien requirement. We can argue about whether it's a lien and different people have different views on this. I went to a highly respected developer who does historic preservation work, john russell, and I said what is the effect of this recording requirement? He said it effectively works like a lien, and it has the unintended consequence of making it harder to get financing for the work that he needs to do on his historic properties. So it seems to me under the circumstances it's wise to revisit that as well.

Hardesty: Thank you, commissioner. Mr. Mayor, I would just say that I do not expect staff to now have a recommendation since what we're doing is hitting the pause button so we can hear from many more of the constituents who have been impacted and who didn't feel like their voices actually were included in the resolution. So I would be very disappointed if my staff came in and had a recommendation about what the outcome of talking to people through this community process will be before we start that process.

Wheeler: And i'm just trying to put the pieces together here. This isn't a new process. This started years before I got here and we have been batting it around ever since.

Hardesty: Mr. Mayor, if you wouldn't mind to allow her to do her presentation then we would be happy to engage in conversation. I just feel like --

Wheeler: I would like to ask her questions as part of the presentation. I have a right to do that.

Hardesty: You do, but I was hoping you would allow her to complete her thought before then.

Wheeler: I'll let you complete your testimony but I would like to ask some questions.

Papaefthimiou: Absolutely. Fortunately, the presentation is brief. In addition to the changes to the timeline to post the placard, it also changes the notification requirement for tenants. Previously it required building owners to notify renters when they signed the lease, part of the lease agreement. Now it requires owners to notify prospective tenants

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when they complete a rental application. Presumably they get the information earlier on when they are still in the application process and they may be considering other choices. We would have liked to keep the compliance date on this tight because people are making decisions every month about where to live, but we need some time to inform building owners about this requirement and so it sets a date of June 1 of this year. Then the other change is about documentation of compliance. Currently as commissioner Fish mentioned, it requires building owners to record on the property title at the Multnomah county recorder's office the requirement to retain the placard, keep up the sign and continue to tell future tenants about the building's URM status. That informs and binds future owners. The change would eliminate the requirement to put the URM sign and notification requirements on the title at the county and instead it would require the owners to acknowledge their obligation in writing directly to the bureau of development services. Those are the extent of the changes.

Wheeler: Very good. I have just a couple of questions. First of all, some people might be surprised I actually support removing the requirement to record on the title. I think it has created way too much confusion, and probably that's what I'm hearing about more than anything else from building owners is the concern that this appears to be a lien. It's of course the position of both the city's legal council and at least it has historically been the position of the bureau of emergency management that that is in fact not a lien, but that being as it may, we report to the public and the public is concerned about it. I personally don't see any material reason why we could not remove that requirement. So I just want to be clear I support that. I have a question about notification. My understanding is if I heard you correctly, the notification now would be in the application process for renters. Is that correct?

Papaefthimiou: That's right.

Wheeler: How do we know they saw the notification? Will they be required to acknowledge that notification?

Papaefthimiou: That's a good question. I think that that would be sensible. That would likely be covered in the administrative rules that are written after the ordinance is adopted.

Wheeler: We do that now, right, with asbestos and lead paint. So we know that the landlord actually gave them that information. Is that correct?

Papaefthimiou: To my knowledge, yes.

Wheeler: It's my understanding that this does not apply to current renters.

Papaefthimiou: It doesn't. In the ordinance that was passed back in November, it did require the notification of tenants. However, the requirement was just the owner of a building subject to the code must notify existing tenants that the building is an unreinforced masonry building. It didn't say it had to be in writing, so verbal notification would have sufficed. When we did the updates we realized we didn't have a good way to enforce this or document compliance so we felt like it would be most effective focusing on going forward and everyone eventually signs or resigns the lease so they would be informed.

Wheeler: Got it. Thank you. Commissioner Hardesty.

Hardesty: Bradley is from my office, and I want to make sure if you want to add any additional testimony you have the opportunity to do so. [audio not understandable] this is his very first testimony.

Fish: We'll dispense with the normal hazing [laughter] we welcome him for his presentation.

Hardesty: Thank you. Be nice to him. He's a good dude.

Derek Bradley, Hardesty Policy Advisor: Mayor Wheeler, members of council, I'm Derek Bradley. I'm commissioner Hardesty's policy director. This is my first time providing testimony before this body but I have been fortunate to provide testimony in Salem before so if hazing is the norm then that's okay. I want to thank the mayor for his questions and I

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think that it's important to note that a lot of work has been going on already about some of the issues that I think you have brought up including notifying people in urms in how to best address that issue. There are conversations about finding new mechanisms for enforcement on notification outside of title changes or just sort of vague requirement. There were discussions about the city ultimately taking up the burden to notify these tenants. These are discussions that are ongoing that we hope to have an opportunity to really flesh out and bring to council a more fleshed out method of notifying tenants than what was just read. Unfortunately the timeline of this what we're trying to get was before council now was this needed to be first read today, second in a week to get it done before march 1st. I want to just commend both the bureau of emergency management and bureau of developmental services for putting in a lot of time with us coming into office just in january and alerting them that there were concerns within the community. We had questions and everyone has been willing to work with us on this. That's been very much appreciated. If you have any other questions for us, be happy to answer them.

Hardesty: Thank you so much. I just do have one question for you. The question is, has our office made any decision about what the long-term ordinance should be at this point?

Bradley: I think the only long term decision we have come to is a real desire to find ways to fund these meaningful, important updates to structures. I think if you look at california as a great example you can see a statewide requirement where some local jurisdictions provided funding options and some did not. The jurisdictions that had -- there are a variety of funding mechanisms used. Jurisdictions provided funding mechanisms saw a drastically lower rate of demolition of historic buildings than jurisdictions that did not provide than funding. A great example I would encourage you to look at san diego versus san francisco if you're interested in those numbers. We have heard a lot from community members throughout that there's real concern that a lot of historical places and well loved places in the city will be destroyed if what we have before -- in the books now is just kept unchanged.

Fish: I have a question for jonna, if I could. There was a piece in the tribune yesterday about jim kelly and the building that he owns that was formally rejuvenation hardware. I learned something from that piece that he retained ownership in the building while he sold his business. Mr. Kelly felt aggrieved because he had made what was at the time the required upgrades to his building, had invested a substantial amount of money, and now has been told that it's inadequate. As you take up this -- well, assuming this ordinance passes, and that it's regrettable that two of our colleagues couldn't be here today but i'm betting this is going to pass, so assuming this passes, I would be interested in better understanding why people like mr. Kelly are not grandfathered in if they did the work in good faith at a point in the past, what's the compelling public policy reason not to do so? In addition, we can pick different cities that are either models to emulate or to avoid in terms of this debate. It seems to me the city that is most relevant to us in terms of having the difficulty of finding the common ground is really seattle. So at some point I would be interested in learning more about what seattle is considering and what we can learn from their experience, but at the end of the day, it's my belief that we have to have a suite of incentives that we can offer particularly the smaller landlords, to make this transition economically viable. If we don't, we're essentially just consigning a lot of historic buildings to demolition which I don't think is the community sentiment. Thank you for both.

Wheeler: Commissioner hardesty.

Hardesty: Thank you. I just wanted to put on the record that the bill in salem acknowledges there are 10,000 of these urm buildings around the state. Only 1600 of them are in the city of Portland. So in context, every main street in Oregon has these buildings on it, and so we want to really take the time to make sure that it's not just about mandates but is really about how do you work cooperatively with the community to actually

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get the outcomes that you're looking for. So thank you both. That concludes our invited testimony I believe.

Wheeler: Great. Sort of two comments, more than questions, thank you for an excellent presentation. First of all, the bill is house bill 2208. It's being introduced by representative Paul Evans. I was down there on Monday, and I can tell you that the city of Portland is pushing this bill very, very hard as Commissioner Hardesty correctly pointed out, this is not just a Portland issue, this is about the entirety of the community. What makes this issue so thorny is that it is pitting an actual threat, a life safety threat, against other really important values in this community. Historic preservation, the arts community, music venues. We have heard from our pastors in the black community about the significance of this to their parishes, to their communities. And we have to figure out where is this right balance between acknowledging the importance of those values in our community but understanding what has changed in recent years is the identification of an actual threat to life and safety. We didn't know when these buildings were built, we didn't even know 25 years ago that we were in a seismic zone and that these buildings provided a potentially more substantial risk. So that's what we're dealing with here. Right? So that's thing number one. On house bill 2208, this community has galvanized around this particular issue. I have certainly heard the community. I think I can safely say just as Commissioner Fish said the ordinance is going to pass. I can pretty safely say that's true, but what I cannot accept as a landing point for this is doing nothing. That cannot be the option. We cannot simply walk away from this and say, the ordinance is dead, now we really don't have to do anything serious. At some point we have to talk about seismic codes. We have to talk about securing these facilities. I'm not saying today. I'm not saying tomorrow. But can we do it over 30, 40, even 50 years? Can we not lay that foundation to actually ensure that those buildings are not just here for today but for future generations to enjoy as well and understanding that there's a much broader and true risk to us in a seismic zone? That's the commercial. Last but not least, house bill 2208, please do call your legislature. People who are so motivated to write, to call, to show up, to demonstrate on this issue, this is when we really, really need you to focus that energy down in Salem in support of house bill 2208. Thank you. That was a little bit of a shameless plug, but there it is.

Fish: Thank you. Karla, how many people?

Moore-Love: 20.

Wheeler: Very good. Try to keep it within two minutes but we'll be fairly liberal about it. This is our last substantive item for the morning. Name for the record, please.

Wheeler: Good morning.

Charles Bridgecrane Johnson: Good morning. Charles "bridge crane" Johnson for the record. I think I want to thank Jo Ann for emphasizing as we have a public participation process it's very important members of the public don't feel it's a dog and pony show towards a foregone conclusion. So when we bring this back I want to thank the mayor for opening up the window for timelines for ultimate completion, perhaps timelines can be graded based on the economic capacity of the property owner. I think that even people who have gotten significant amount of press based maybe on their legal position on this, McMeniman's would agree they are structured to be under a shorter time frame than some owners especially in areas where people are holding on, traditional minority owners holding on in neighborhoods that have been gentrified. One reason you should consider this has become a bigger hullabaloo than anyone expected while we're talking about large scale risks to safety a placard is normally considered ridiculously intrusive in some contexts. In Oregon a state with about 29,000 people who could register for various so-called sex related offenses only the most serious are listed on the website. We would never get a majority agreeing to that, yeah, if I live in an apartment with convicted predatory rapist we have to have a placard for safety. So I do believe that we need to

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empower consumers to make informed decisions, but we already have at least two splotches on the website that specifically talk about urm. Placarding whether it stays or goes is a decision that will maybe come out of this workshop but there's central registries and notification that way. Thank you.

Wheeler: Thank you. Good afternoon.

Roger C Jones: I'm roger jones. I'll be speaking today for the hawthorne boulevard business association, which is one of our historic districts or we like to be an historic district in Portland, but it's a well-known location and has 42 targets on the back of its historic buildings. This target is whether it's going to be effective today or whether it's going to be effective in november of 2020, the placarding issue will basically create a stigmata for our district, in any district in the city. While I speak specifically for our property owners that are affected directly by this, I would like to also focus on what this ordinance does or could do if it were not taken away, if it were not fully repealed. The full repeal would solidify about 7,000 housing units, affordable housing units. It would give us a reprieve for that element. It would also give our committee, which is going to be formed, a chance to breathe. Right now an 18-month delay to the inevitable which says this is a urm, if you say that, if you force the people to say that about their building they can't verify it any better than the bureau of development services can verify. The list is unverified. If there's 10,000 urms in Oregon, which I just heard, a lot of those are actually in residential areas. What's undisclosed or should be disclosed more discretely or more popularly is that 25 years ago we selected commercial districts to look at to see if their urms -- in 1993-95, oh, my gosh -- i'm sorry.

Wheeler: Finish your last thought.

Jones: In 1993 and 1995 we supposedly had a list of urms that list was basically the main streets and commercial districts and the central business district of Portland. There are thousands of other urms in our city that will be affected by this. So please what i'm asking for is a complete repeal and start-over so that the committee can work unfettered for a year and come back and give you a good policy a year from now.

Wheeler: Thank you. Good morning.

Walt McMonies: Good morning. Walt mcmonies. I'm associated with masonry building owners of Oregon. I own three buildings that the city has said are urms. One is this one, the trinity place apartments. It's my baby. 1911 building that's got some beautiful interiors and it's basically a wonderful building. But we spent \$1 million upgrading this building and we don't pass muster at this point with bds. They said you did a great job but you haven't quite made it. What they are saying is I have done a great job you just about made it but i'm putting this placard that says it's unreinforced masonry building. It's very reinforced it doesn't happen to be reinforced to the tune of asce, the current standard for upgrades. I think one thing that's ridiculous about the placarding thing is the inappropriateness of the placard. That particular language to some buildings like my building. In other buildings, labeled a urm, it wasn't a urm. We went in and broke into the walls and our engineer took photos and we brought city people over, took six months to convince them. We managed to convince them it was a reinforced building. In fact the brick was a facade on a wood frame building. So we got that off the thing. We got a third building that's 1910 garage, and it is a urm, but we have done a lot of things to them. I don't think anyone will be scared away because their car is parked in a dangerous building. My testimony is, the labeling needs to be accurate. Also in the first place the the 1650 buildings identified was done by rapid visual screening, a technique fema came up with to identify approximately how many buildings in the city like Portland were urms, not a way to specifically pinpoint a particular building with a urm. You drive by in a car, you see bolts coming through the wall, that looks like it's reinforced or no, it doesn't look reinforced. It's an inaccurate although useful tool.

Wheeler: Thank you. Commissioner hardesty.

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Hardesty: Thank you, mayor. Since the gentleman mentioned it, I wanted to have the city attorney put on record that there was a lawsuit filed against the city and the judge has taken some short term action. So I just thought it would be appropriate to make sure that that was on the record.

Kraut: I'm just aware of what I read in the newspaper or hear on television, so I don't feel comfortable making that representation.

Hardesty: Very good. Maybe we can get someone from the city attorney's office to come down and actually state what the current status is of that because I think it's important.

Fish: My understanding, commissioner, is that judge acosta of the federal district court is a 60-day temporary restraining order prohibiting the city from enforcing its code and was based in part on the representation that the council would be taking up an amendment to the ordinance so the judge froze everything for 60 days is my understanding.

Hardesty: That was my understanding too but as a nonlawyer I did not want to put what a lawyer said on the record. Thank you.

Wheeler: Thank you. Next three, please.

Maggie: All this talk about retrofitting, if you do tiny homes for supportive housing you don't even have to have all this extra engineering for these earthquakes and newly discovered seismic zone. You know, tiny little houses --

Fish: Maggie, excuse me one second.

Maggie: I won't --

Fish: We have 20 people who signed up.

Maggie: I am talking about --

Fish: You're not talking about the ordinance. Do you support it or not?

Maggie: I support housing that doesn't need seismic reinforcement. That's what I support in the future. That doesn't need all that money being spent on so much overengineering. Maybe we should start building our buildings in more human proportion. And a lot greener. That's what i'm saying. You don't need elevators. Don't need stairs, ramps, flat walkways. Let's build our buildings in human proportion.

Wheeler: Good morning.

Angie Evan: Hi. Can I -- [speaking simultaneously]

Moore-Love: We have lost our quorum.

Evan: There's no quorum. I was concerned about that.

Wheeler: One second, please. We'll wait for commissioner hardesty.

Wheeler: Nick, that's scintilating television: [laughter] [audio not understandable]

Fish: I guess we should acknowledge that people do watch this at home on channel 30. We get a lot of feedback from folks. Former mayor vera katz used to watch channel 30 religiously. Former state senator avel gordly watches channel 30. You're here most of the time so you don't have to watch on channel 30.

Wheeler: Continue.

Evan: Thank you. I'm angie even. I have lived in Portland my entire life. I have been a community leader in the woodstock neighborhood for over 30 years and I appreciate the time today. I brought a number. This number represents the number of days that I have personally tried to get you to listen to the mom and pops. This is the number of days that I personally watched these people be disrespected, ignored and shut out. You've praised us for our respectful testimony in the past and we have been mistreated over and over. Here we are again, another hearing and no notification. If people are upset today, please understand that that is on you, not us. They are afraid, they are stressed, as everything they have worked for is being threatened. Placards are wrong. It's a false narrative and it's fear mongering. Three commissioners came out in the press opposing the placards so i'm not understanding why we're not here for repeal. The title encumbrance that was tried to be enforced is outrageous. There is no trust left. None. Amet kumar from bds testified

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under oath in a deposition recently. In that deposition he contradicted testimony that he gave to city council more than one time that the list was accurate. This alone should nullify the votes and the resolution that was passed on June 13th. Mayor Wheeler, I have met with you four times. In those times you told me you would only support parapets, cornices and chimneys. That the URM project was the worst half-baked policy you had ever seen and it should have never come to city council. You told me that you did not want to regulate people out of business. You told me that you would not go forward on anything until that list was addressed. You asked me to trust you. And I am still trying. To all of you, enough is enough. Stop the process and don't move forward until you make things right. We have 10,000 public record request emails that show the systemic bias and contempt during this entire project. The new committees are now --

Wheeler: I need you to come to a conclusion. [shouting]

Evan: 892 -- can I just finish my paper? I have that.

Wheeler: Go for it.

Evan: Double spaced. [shouting]

Wheeler: Folks in the audience, if you disrupt the proceedings or disrupt people who are testifying we're going to ask you to leave. Do you understand that? That's the rules. Thank you.

Evan: So I'm going to -- people are upset. To all of you, please stop this process and make things right. In those public records requests two things became very evident. One was staff deleted two other types of buildings out of this project to politically push forward the URMs in May of 2018. The other thing is that there are 1500 individual condo units that were never notified. Those are sitting in the assessor's list. They are not on the URM list. They have sent one postcard to condo buildings that neglected to send those to the others. That's in the email from Shelly Hack saying that those buildings -- I can bring it to you. Sorry. Sorry. Just hear this to sum it up you published your verified list in 2016 now you're being unjustly punitive. If this is so doable and so easy, we might ask the city to just buy our buildings and make us whole. The people that own these buildings are the stewards of the city. We have lived here, we have worked here, we have worked hard and we deserve the respect to be heard and for you to work with us. I appreciate my time and the extra time.

Wheeler: Thank you. Angie, I would like to respond since you called me out by name. First of all I have enjoyed our meetings. I have appreciated them and I did make that space to hear what were often alternative views to my own but I wanted to hear that perspective. What we were discussing when we made those comments, that was relative to the original proposal, which as I'm sure you'll recall was requirements around seismic upgrades. We compromised once, which was the timeline on those seismic upgrades and concluded that that wasn't going to work and there wasn't support on council for that to have happen. So what we went to instead was a public information and notification strategy. I want to be very clear that this is moved in large measure as a result of the community's input on this. So where my colleagues I think are going with this now is to say let's do a do-over, which is fine, and that's certainly their prerogative. I'm saying we can't keep pretending that there isn't also -- I understand the risk to the building owners. I get that. It's been made crystal clear. But there's also a broader public health and safety question that we cannot ignore. From my perspective, it's not just about how do we honor and appreciate people who own buildings in this community, but how do we also respect and appreciate everybody else who is exposed to a very real, demonstrable public safety risk. We heard our former fire chief come in and speak eloquently to that point. There's a bit of a balancing act that has to go on here.

Evan: Can I just respond? Respectfully?

Wheeler: Sure.

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Evan: I think where the disconnect is, mayor wheeler, is that from the conversations that you have with the building owners to what comes out on the other side, everybody else is done without any transparency within city hall.

Wheeler: We can disagree on that point. Thank you for your testimony.

Evan: I don't think that these people disagree. So when you say --

Wheeler: Angie, I understand. I get your point. I understand why you would say that on behalf of the building owners that you're representing. I appreciate it. Thank you for your testimony.

Evan: Bottom up, not top down, please.

Wheeler: Good morning.

Lightning Super Humanity: Good morning. I may go over. I'm lightning. I represent lightning super humanity. On this original ordinance I myself would put it on the shelf and leave it there. My biggest concern is dealing with the insurance companies, keeping them aware. If we're talking about a safety issue, possibly work with the insurance companies to have more insurance on these buildings. I don't see any big concern on the understanding what type of building you have there for the tenants. We're doing this futurist type look into the future and almost an elon musk type let's go to mars on this situation. You don't know when we're going to have that earthquake. You have no idea. You don't know when you upgrade these buildings to the current seismic standards, these buildings could all fall to the ground then also. We need to just make people be aware, have adequate insurance, make the public be aware what the situation is, but this is going way over the line here as far as on the placards, if you end up going that direction that should be optional to the owners what they want to do. Again, my biggest concern also is on the marketability of these properties which this is a big blemish on them. This is a big blemish from investors coming into the city and looking at this going, I have no idea how much money i'm going to have to put in this building just on this issue. This is a big concern like the stock market going up and down, this uncertainty. I don't know what i'm doing here and there. Values are going up and down, up and down. It's interesting somebody said maybe the city should buy all the buildings at fair market value if not 25% higher on this issue. You willing to put up the money? You want to own the whole city? I look at this as almost a property grab against those owners. That's the way i'm viewing this. If you're willing to put up the money make them great offers right now. This is ridiculous. You're devaluing their properties unless you have this in line exactly what is to be expected but not used as futurist idea look into the future. You don't have that ability any more than anyone else. And you are devaluing their properties at a fast rate because of this. This ordinance should be put on the shelf. My biggest concern -- i'm not quite done.

Wheeler: If everybody takes four minutes we won't get through the list. I'm going to cut you off. Your time is up.

Lightning: Don't cut me off.

Wheeler: You're out of order. Next three people. [shouting]

Wheeler: Your time is done. Your time is up. [shouting]

Wheeler: Folks, I want everybody to have an opportunity to testify. [shouting]

Wheeler: Excuse me. Excuse me. You're out of order. You're out of order. [shouting]

Wheeler: I'm going to have to ask you to leave. Goodbye. Thank you. [shouting]

: For the rest of you I want to make sure we have the opportunity for everybody to have a voice at the microphone. If everybody goes on for four minutes we're not going to have a quorum and we'll have to stop -- [shouting] stop testimony early. Apparently you don't agree with that because you're talking over everybody else. Goodbye. Thank you. E.b., thank you for your presence today. Good to see you.

*****: Good to be here. I'm glad i'm not the only one that has issues in my life. [laughter]

Wheeler: Just another wednesday as far as I'm concerned. [laughter]

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****: I'm going to be quick, I hope. Repeal, repeal, repeal. I want to start with those three words and bring to the attention of this wonderful council -- good morning, you all.

Wheeler: Good morning.

****: I have just completed renovation of the pulpit, the graces, the top of celebration tabernacle at the tune of about \$100,000. We all agree that we want a safe Portland. People have no place where there's no history. This action drives the nail in the coffin of gentrification, which -- of the african-american community, which is a continued insult to our people and to our legacy here. This continues to widen the gap of equity and inclusion in a state that was founded in white supremacy. I'm very concerned about the 1600 or so buildings that have been listed properly and appropriately in accordance to your own work you have said that this was an ambiguous list at best. Anything this confusing that has as many rabbit holes as this resolution and this mandate in my mind just simply needs to be stopped. I tend to lean towards scripture in cases where a resolve is necessary that men can't seem to get. The word of god reminds us that the principal thing for humans is to get wisdom and to be educated. But then in all of that getting we need to get an understanding. I think it is incumbent on our city leaders to listen to the voices of our people. Figure out why it's so important that this can't be repealed and all voices come to the table and have an equal say. Thank you.

Wheeler: Thank you. Perfect timing. Good morning.

Christe White: Good morning. I feel lucky to be following you. I'm christi white. I represent al fulheim and his partners, owners of several urms in Portland. Thanks for listening to the concerns. As you consider this pause we would like you to focus on a few points. You have a building code currently in effect and under that adopted effective well considered building code you have triggers for when a building requires seismic upgrades. Those are related to changes in occupancy, changes in occupant load, changes in hazard classification. If any of the urm buildings or any other buildings in town hit one of those triggers the code requires the upgrade. That's fair. It's fair because the upgrades are required at a time when there's a quid pro quo and the owner can likely finance the upgrade. You want higher occupancy or more intense use you can have it but must do the upgrades. All buildings are treated the same way in that regard. The placard program seems to dismiss the current building code and assumes that if you have not hit one of these triggers and therefore haven't upgraded your building lately you're deemed unsafe. Instead during this pause we should decide whether the triggers in the current code are appropriate and if they are not appropriate what is appropriate given the balance between safety, feasibility and proportionality. If you are concerned that there's buildings out there that have hit the triggers that not completed the upgrades, spend our time enforcing current code rather than throwing all the buildings into the same facts or status. Second point, the process for determining whether a building is safe or unsafe under your ordinary nabs also seems flawed. Evidence offered today stated they were based only on external visual inspections but you've probably read the reports as commissioner Fish noted on the newspaper article that there's urms who have been fully upgraded to the standard in effect at the time, spent millions of dollars and are now required to declare themselves unsafe. One instance a letter was sent to an owner who said they were in compliance and that building was never touched for seismic upgrades. So last sentence disparate enforcement undermines your own primary objective. A building upgraded, safe. Not upgraded, safe. We asked these concerns get addressed during this fair pause and you engage more stakeholders.

Fish: Number one, would you mind emailing your testimony to the council?

White: Sure.

Fish: Number 2, are you considering volunteering for this new committee?

White: Yes.

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Fish: Okay. Number 3 are you involved in the legal action?

White: No.

Fish: That, mr. Delorenzo is the lawyer along with others on the legal action. You're here counseling us on what you think is good code and what the law currently provides and should provide.

White: Yes.

Fish: Thank you.

Wheeler: Thank you. Good morning.

Vik Savara: Good morning. My name is vic zavaras. I live in and I own a urm building. I was extremely thrilled when I heard that commissioner hardesty had put a repeal on this issue. The reason I was so relieved was that the original committee under which all of these recommendation his been made did not even contain one small owner occupied person. Not even one. From the beginning this thing has been flawed. Okay, because it's been flawed we have been mandating things like kicking the bucket down the road. So if you have a process which is not good, which has come up with something wrong, and we have accepted that because we have said that we want to come up with a new committee which contains representations of 90% of the owners. I'm very encouraged by that. I appeal to the council, okay, that just kicking the bucket down the road saying, hey, postpone it until next year, repeal it and then tell the committee, come up with something in 18 months which is a community thing because as an owner, I am -- I love my tenants. I wouldn't want anything to happen to them too. I want to be a part of the solution.

Wheeler: Commissioner hardesty.

Hardesty: Thank you all three for your testimony. I'm curious. Putting a pause in place until november 2020 provides us the opportunity to talk to many more stakeholders, to put together the work group that the bureau of emergency management is going to put in place, and to really ensure that we have identified some funding opportunities to assist these small business owners in doing the upgrades that we're requiring. So what's wrong with doing a pause until 2020? Because I think if we repealed it quite frankly there would be no incentive to do the work to get to something that makes sense. When it's gone it's gone then it's like no rush. But if we put a date out in the future like november 2020 and say, by then we're going to come back and we have to come back before that date with something that makes more sense, what's wrong with that?

Savara: Nothing is wrong with that except what I see right now that there's no date specified for the new committee to make a recommendation.

Hardesty: They are in the process now of recruiting for the new committee. So again, if we just repealed it today, right, then what's the pressure on the committee to actually get their work done in a timely fashion and bring it back for city council deliberation?

Savara: I want to repeat again I really appreciate your approach, okay? Thank you so very much.

Hardesty: I appreciate that. Reverend, did you want to respond to that?

Reverend Mondana: A wonderful proposal, and its decency that it's presented in. The language has to be very clear, and for me it is a repeal in a sense because we're all interested in safe citizens. But the language has to be clear and very strong and no placarding asserted for me to be quiet.

Hardesty: I never want you to be quiet. I want you to sing at the top of your voice. [laughter] let me just say that again -- I am pretty transparent. You know that, right?

Mondana: Yes.

Hardesty: My goal is to get us to a result that more people will support. I don't imagine we will come back with something that everybody will think, wow, this is like the greatest public policy that we could have developed, but if more people are involved early stages of

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the process that we will come up with a better process and will come up with a better recommendation. Thank you all for being here. I appreciate it.

Mondana: Thank you.

Wheeler: Next three, please.

Wheeler: Good morning.

Meara McLaughlin: I can go first. I'm feeding on the last one. Thank you for the approach. Thank you for the idea of saying wait a minute, I think we got some of this wrong, we can do better. Ironically what that means is that a lot of this whole debate is based on the fact that this law is built on a flawed foundation. The who we have debated endlessly, how did pete get on the list, who is being judged, why, who is not being judged. The what, it's about a prospective earthquake and nobody debates we're at threat of, but the what of how we take care of that -- that's the how. The how is obviously in question too. How do we best keep people safe? How do we inform people? The challenge is that those three bricks of the foundation are all somewhat flawed so the idea of retaining a law that is for public information but that misinforms by omission, if i'm looking at a brick building next to a highrise building in a liquifaction zone that's safe because it says this one isn't and my city would tell me if it wasn't. We need to think about a city-wide education program and the idea of clinging to conclusions that were already made on a flawed foundation seems like a bizarre approach. I think that there is a timeline. I think there will be an urgency and the goal is to make sure that we reapproach all of these things in a way that's positive and constructive rather than reactive. Let's get rid of the current placarding and repeal.

Wheeler: Thank you. Good morning.

Pippa Arend: Good morning. I'm pippa erin.

McLaughlin: I'm sorry, maria mcgofflin with music Portland.

Arend: Pippa errand. I also urge you not to amend but simply repeal the current placarding in contract ordinance. Even though a federal court has placed an injunction, literally put a restraining order against this placarding and contract ordinance because it's so ill-conceived, and even though three of you have stated on public record you're against it here we are again and I have to take time off work to find the energy to discuss this again. The amendment, while there's been parts of it I appreciate that, it does kick it down the road and replaces the most onerous part of it, deed encumbrance, with another as yet undetermined bds contract. Again, if this were just a public awareness campaign and signage ordinance as it's being called the city would placard all of their own buildings including schools and low-income housing. There's some disparity here. Most of the buildings that are being targeted are the main street buildings and you're doing this even while disregarding the best practices from neighboring towns such as beaverton with early warning systems and other lifesaving measures, and other more effective, less punitive public awareness campaigns. I want to convey the experts have told you placarding is a bad idea. We have told you placarding is a bad idea. A federal judge has put an injunction on this. Public trust has been broken. I don't think it can be repaired. It feels like the city is wasting time and public resources with this lawsuit by not simply repealing this. I also want to say this. This feels very scary to say. I don't want you to amend it. I want to vote -- I would want you to vote no against this. The reason is there's an evidentiary hearing next week. By amending the most onerous clauses you're disallowing a full discovery at the evidentiary hearing. I believe we will win, that building owners such as myself will win and we need full disclosure, full discovery at the evidentiary hearing.

Wheeler: Good morning.

Bill Eastman: Good morning. Almost afternoon. I'm bill eastman. I own a building that's on your list. It's steel and concrete reinforced. But i'm spending a lot of time on this issue because my name is on the list. I'm a small business owner. I get stuff done. I work. I know that if I want people to get something done it's got to be easy. Has to be understandable.

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There has to be feedback loops. You have to figure out all the nuts and bolts and get people involved so it gets done. I'm all for safety. I'm all for safety. We need to be on your committee. We need to have a loud and active voice in this process that's going to evaluate, going to retrofit buildings for public safety. Please, please, please, please, please. Back up your words with some action. Include the property owners in the process. The buildings should be reevaluated. This list from 1993 is inaccurate. It's incomplete. You really need to do that over again. The bureaucracy has to be reduced so that we can get permits rapidly, easily, affordably. The city engineer showed us a cartoon. What's his name? Amet kumar. I studied engineering. He showed us a cartoon of bricks falling down. Not all urms are the same and we need to have real engineering that addresses the problems, not this 1950's steel stuff. They now wrap building in carbon fiber, spray cement on them. Other cities are doing new, innovative things that do not require people to relocate the tenants. We need to adopt that. If the city can't do it then let us do it, okay? There's politics. I don't know about the politics. You run for election. I don't. I'm a volunteer. You got to get the logistics and the finances going so that we can get this done. Please include us. Thank you.

Wheeler: Thank you. Next three, please.

Wheeler: Good afternoon.

Tim Even: I'm tim even. To a couple of the questions you had this morning I want to tell you seattle is smart enough to not bring this to their council until they have funding or a way to go forward with it. Portland won't have any main streets left if these placards go on. Oregon might have some. Portland won't. I demand there be repeal of this placard ordinance and the process stopped also that a full investigation be conducted into the whole project. The project was started by steven novick, who stacked the committees with people who will profit. Even so they recommended no placarding. The whole process is corrupt unethical and crooked. There's no transparency. Illegal subcommittee meetings violated public meeting laws. Vote were taken and voided when the results went the way the city wanted them. City staff hid the deleted policy decisions and the final policy report. The staff deleted nonducted concrete out of the report that are supposedly the same as urms, so they are not included anymore so they could pass this one type of building by picking on the urms. They cooked the numbers and came up with retrofits that would only cost \$11 a square foot but benson high school numbers are \$812 a square foot. That's only an \$801 square foot difference. They e-mailed and had people brought in to testify against us. Even with that effort you received nearly unanimous concern for the project which you've ignored and are still ignoring, especially you, mayor wheeler. Building owners have been called liars and cheaters for not retrofitting. How can this be when your own city buildings are not retrofitted. Replaced my roof in 2007. Not one word about urm masonry. I have an email here where amet kumar says, yeah, the city failed because of their bundling program and didn't follow up on anything yet the city called me the cheater. The city did not want owners to know about this project so they sent this postcard to notify me after four years it had been going on to show me about my clean water. Look at the difference. The city is dishonest and they recorded this placard ordinance with a 3-0 vote then embedded an encumbrance. Owners tried to bring this to their attention and we received an email saying we were wrong. Either you lied to us or don't know what you were voting on. Stop the process. Investigate your own people and enforce the code you have and stop threatening us. Thank you.

Wheeler: Good afternoon.

Barbara Bushell: Good afternoon. My name is barbara bushel. General manager of the batar companies. We have five commercial buildings that are on the list. These five buildings were built between 1904 and 1923. They are single story buildings, and in this group of five buildings we have currently 23 small businesses. So these buildings you can

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easily stand on the sidewalk, look at them, and it would be reasonable to discern that in the event of a major earthquake these probably are not going to fare well. Putting a placard on the building, putting a clause in the lease, requiring the owners of the building to sign an onerous contract is not going to change that fact. Seismic upgrade does not make economic sense. These are 23 small businesses but they are not individuals, they all have numerous employees. So there are many, many people that are going to be impacted by the need to do seismic upgrade which isn't going to happen on these buildings that -- if it happened it's going to be reflected in increased rents, running these people out of business. It isn't equitable. It doesn't make sense. We at least respectfully request that you simply repeal the requirements. Thank you.

Wheeler: Thank you. Next three, please.

Wheeler: Good afternoon. Would you like to start?

Toni Smith: I'm tony smith for the record. I want to thank commissioner hardesty and commissioner Fish for your clear, honest and concise synopsis of where we are at today on this very complicated issue. So thank you. As a concerned citizen engaged in art and music scene I urge you to repeal the placarding ordinance. The process as has been stated has been broken inns inception of the plan. The list is inaccurate both with buildings that should be on the list and are not on the list as well as buildings on the list that should not be. It is clear that this issue, this is not about public safety and if it were the city would be not allowing some buildings to be removed as well as the city is targeting small business owners. The city should be educating the community about gas shutoff valves and liquifaction zones. I know. I never can say that word. Because certainly that will result in more death and destruction than a one-story brick building. We urge the city to instead of imparting fear tactics to do education around gas shutoff valves and liquifaction zones. [laughter] finally for a city that I view as being a very progressive city in a progressive state Portlanders expect, deserve and demand a more innovative approach to safety and my hope is that the committee will come to more innovative solutions. I urge you to repeal the placarding ordinance. Thank you for your time.

Wheeler: Thank you. Good afternoon.

Bishop Marcus Irving: Good afternoon. Mayor wheeler, to the council men and women, I appreciate this opportunity to be able to speak. I'm bishop marcus irving, albina christian life center, north Portland. I am also on the database urm buildings. We found out that we were on the database about two days before you all decided -- voted on mandate in june I think it was, june 13, 2018. I just want to say that I feel extremely discomfited. I have been called to preach scripture, preach the word I never ran for city council and I never dreamt that I would be sitting in city council sessions as frequently as I have in the last half year. I believe that to repeal is a very, very good process for right now. However, I feel like the city council has given all the 1600 plus buildings -- i'm also a master division sprinter. I have run track all my life at Oregon state university. I feel like you have given us a four-foot pole to pole vault to this balcony. Impossible for every one of us. I'm hoping that we're able to repeal but more than that I feel like it's important for us to -- i'm asking you to be grandfathered in the rest of these buildings to a process that we have obtained our buildings and our property. We're all doing what we can do to maintain our current situation, and every building that should be built from this time forward should have the mandates to retrofit their buildings or build them to fit the earthquake standards. But let me say before I close that I feel like this is a gross injustice as we have heard everyone speak, a gross injustice for us not to be included in the proceeds and now have to fight a city council that we ought to be friends with is completely preposterous. Thank you for your time.

Wheeler: Thank you. Good afternoon.

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Cassandra Banton: Good afternoon. My name is casandra benton. I came here as a representative for someone who owns some urm buildings. My peers have spoken eloquently, so what I would like to speak to is as a taxpayer I have great concerns that if this ordinance isn't repealed potential lawsuits may settle saddle the city with expensive issues fighting an ordinance not properly investigated before it was brought about. Thank you.

Wheeler: Thanks all three of you.

Keelan McClymont: The last two.

Lindsay Levy: Okay. Lindsey levy, briefly, I am a small business owner. I'm a member of indivisible. I do a lot of charity work. I was in the 1989 earthquake in san francisco. I worked at kgo. It was in the liquefaction zone. I have written all of you many times. Thank you very much for the cart before the horse. I really want the city to be resilient just like I don't want ice in the city so shout out to addressing that as an indivisbler. When we don't want the cart before the horse we deal with the shutoff valves every single building has shutoff valves and we need to do that because fire and flood are really dangerous after any type of event especially a seismic. As a former skyline parent, go through linton and tell me you're not having a heart attack about those gas tanks and the pipes that have not been updated since the late '60s. We're going to lose sauvie island, lose the bridges and it's going to be impassable that our emergency airport is in redding, california, is coo-coo. That's because our airport is in a liquefaction zone and having been at kgo during the earthquake and the battle of the bay when the bay bridge collapsed and our reporters couldn't get home, not one of our bridges is in. Not one. I'm looking at it going cart before the horse. You're starting with the 1600 urms not dealing with the liquefaction zones at all. As a lincoln parent how did that get off the urmlist? Thank you.

Wheeler: Thank you. Last but not least.

Robert Hunter: Mayor, commissioners, i'm robert hunter. I think this all started with steve novick, didn't it? He brought this up, the urms, when he was commissioner. No? I believe so. Also the new yorker article about the big one, and that was stated that this is going to happen within, what, 40 years from Oregon state professor. I was doing some research and reading and I pulled up a university of Washington report on the subduction zone off the coast. They said the last one happened in 1700. The next one is going to happen probably around 500 years later. So that would be 2300. So sounds to me you have another 180 years to come up with a plan. My business would be impacted if I put these signs up, so I appreciate you considering repealing this.

Wheeler: Very good. Thank you, everybody who testified. Anything else before I move this? This is a first reading of a nonemergency ordinance. It moves to second reading. Thank you, everybody who showed up today. 154.

Item 154.

Wheeler: Commissioner hardesty.

Hardesty: Thank you very much, mayor. As you know, breathing equipment is vital to the health and well-being of our firefighting team, and we are here today to talk about the next purchase of these upgraded materials. Thank you.

Jay Guo, Portland Fire and Rescue, Business Operations Manager: Thank you. Good afternoon, mayor, commissioners. I'll be brief. I'm jay gore, senior building operation manager for Portland fire and rescue. With me here is --

Hardesty: Excuse me. Folks, if you could take the conversation out into the hall, please, we still have city council business to conduct. Thank you.

Guo: Again, i'm jay gore, senior business operations manager for Portland fire and rescue. With me is our new chief, peter goldforth. We're here to request council's authorization for purchase of four fire engines from hughes fire equipment, inc., a regional dealer for pierson manufacturing. We use -- procurement agreement for this purchase which is

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reviewed and approved by city's procurement service. The total cost is \$2.82 million. This is a recurring purchase so funding comes from our Portland fire rescue base budget and is part of our. [audio not understandable] emergency ordinance to avoid 3% price increase effective march 1st. We understand today emergency ordinance cannot be passed so it will be next wednesday.

Hardesty: Mayor, I would love to keep the emergency on this particular ordinance so next week when we have more city council members maybe we can then pass it.

Wheeler: I would recommend we'll take testimony then continue the hearing.

Guo: Okay. With that we are here to answer any questions that you may have.

Wheeler: None.

Guo: Great.

Wheeler: Any testimony on this item?

McClymont: Three people signed up. Lightning, maggie and shedrick wilkins.

Wheeler: Maggie, did you want to testify or no? Two minutes, please.

Maggie: I respect our emergency service people. They have saved people's lives. But I would also like to talk about unregulated shelter systems and how they put people's lives at risk. You've got no laundry in there. You've got bedbugs --

Hardesty: This is my opportunity to interrupt you and ask you to speak to the ordinance itself.

Maggie: Okay.

Hardesty: Thank you.

Maggie: All right. Thank you.

Wheeler: Very good. Unless there's any further conversation up here we will continue the hearing to february 27th, 2019, for the vote on emergency. And we're adjourned. Thank you.

Council adjourned at 12:18 p.m.

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

FEBRUARY 21, 2019

2:00 PM

Wheeler: This is the thursday, february 21, afternoon session of the Portland city council. Karla, please call the roll. [roll call taken]

Fish: Here. **Hardesty:** Here. **Eudaly:** Here. **Wheeler:** Here

Wheeler: Boy, this is starting early. Good afternoon.

Eudaly: Somebody is happy to see me, mayor.

Wheeler: It is good to see you.

Naomi Sheffield: Welcome to Portland city council. The city council represents all Portlanders and meets to do the city's business. Presiding officer preserves order and decorum so everyone can feel welcome, comfortable, respected and safe. You may sign up in advance for communications to briefly speak about any subject. You may also sign up for public testimony on resolutions or first readings of ordinances. Your testimony should address the matter being considered at the time. If it does not you may be ruled out of order. When testifying please state your name for the record. Your address is not necessary. Please disclose if you're a lobbyist. If you're representing an organization, please identify it. The presiding officer determines length of testimony. Individuals generally have three minutes to testify unless otherwise stated. When you have 30 seconds left a yellow light goes on. When your time is done a red light goes on. If you're in the audience and would like to show support for something that is said feel free to do thumbs up. If you want to express that you do not support something feel free to do thumbs down. Please remain seated in council chambers unless entering or exiting. If you're filming the proceedings, please do not use bright lights or disrupt the meeting. Disruptive conduct such as shouting or interrupting testimony or deliberation will not be allowed. A warning will be given. 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: Please read the first item. Item 158.

Item 158.

Wheeler: Steep rent increases, very low vacancy rates and housing demand that far outpaces supply precipitated and affordable housing crisis in Portland. To address the tremendous suffering of unsheltered people and households on the brink of homelessness. The city council declared a state of homelessness emergency in 2015. We're still very much in the state of emergency and continue to work in multiple ways to mitigate emergency conditions. Today our presenters will walk us through these actions.

Administratively first I want to note that commissioner eudaly is here today and we're more than happy to see her back with us today. Our thoughts have been with you in the last several days and we're glad to see you back. Her presence also gives us the opportunity to amend this to put the emergency clause back on which I would like to move.

Hardesty: So moved.

Fish: Second.

Wheeler: We have a motion and second. We'll make that a motion for commissioner hardesty and a second for commissioner Fish. That is to restore the emergency clause on item 158. Please call the roll.

Moore-Love: Do we have the language for that?

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Wheeler: Do we need language for that? Legal counsel?

Sheffield: We need some language. Was there language on a preexisting version of it?

Wheeler: Not that I have in my hand.

Moore-Love: This wasn't an original emergency as submitted I don't think.

Wheeler: Do you have something, rebecca?

Eudaly: We usually have commissioner Fritz.

Sheffield: Language from -- we just need to declare a reason for the emergency then we can say --

Wheeler: The reason for the emergency clause to be clear the purpose of the clause is so the ordinance takes effect immediately after passage as opposed to 30 days after the second reading. Given that this is a very important issue, given that the passage of this ordinance immediately will allow us to continue the flexibility that's provided for the expedited permitting of affordable housing, that this gives the flexibility we need in the community to site emergency shelter and alternative shelter and given that this allows us to continue to site storage lockers across the city of Portland, the city council therefore finds it's in the public interest to declare an emergency on item 158. How is that?

Wheeler: Not as good as commissioner Fritz would have done but passable. Please call the roll.

Fish: Aye. **Hardesty:** Aye. **Eudaly:** Aye.

Wheeler: Aye. The amendment is on the table. Colleagues, we will now hear from our panel, shannon callahan from the Portland housing bureau, joe zender from the bureau of planning and sustainability and rebecca esau from bureau of development services and joshua bates from the joint office of homeless services. Thanks for being here.

Shannon Callahan, Director housing Bureau: Good afternoon, mayor. Shannon callahan of the Portland housing bureau. Our presentation this afternoon will provide an overview of the city's declarations regarding housing emergency actions the city and our patterns have taken directly related to declarations of emergency as well as next steps related to this requested extension. In october of 2015, city council first established a housing state of emergency. This declaration of emergency gave the city expanded authority as the mayor has said to site day storage units, expeditiously issue permits for shelter and alternative shelters, and in 2016 establish an expedited design review process for new affordable housing developments. When the city first declared the emergency we were experiencing some of the highest rent increases in the nation coupled with an extremely low vacancy rate for housing which unsurprisingly increased the number of people experiencing homelessness. In the intervening time while rent growth has slowed and vacancy rates increased we have simultaneously doubled the number of people we're assisting with shelter and permanent housing. Those in need persist. The need to continue the powers we were granted under the declaration of emergency continued. as a result the city has created new policies and programs to help solve the crisis. Since the time of the declaration we have stepped up our investments in housing and services. Last year we opened 800 new units of permanent affordable housing providing stable quality homes for more than 1800 people. This year we expect to open the doors to 1,000 more new units. Since the initial declaration the city has adopted a comprehensive inclusionary zoning program ensuring new developments are part are the solution, not contributing to the problem. By requiring all new developments over 20 units include affordable housing, as a result we already have over 362 units in process or in operation today. I would like to turn it over to joshua bates, joining us from the joint office of homeless services.

Joshua Bates, Equity Manager Joint Office of Homeless Services: Thank you.

Greetings, mayor, council members. I'm joshua bates, the new equity manager for the joint office of homeless services. I've been in the role two months now. This is my first large public meeting. I'm here on behalf of our director mark jolen and our deputy director, both

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unfortunately not able to attend and are out of town. The joint office is very supportive of this proposal to extend the state of emergency for an additional two years. As Shannon pointed out underneath the state of emergency the city and county have significantly increased investments in homeless services. With those investments we have been able to respond in unprecedented ways. As tens of thousands of people have lost their homes we have dramatically increased our prevention housing placement and sheltering efforts. I meant to say housing, as tens of thousands have lost their housing. Since 2015 we have nearly doubled from just under 3,000 to nearly 6,000 people per year who we are helping escape homelessness through placement into permanent housing. During the same period of time we have more than doubled from 4,000 to over 8,000 the number of people served in emergency shelter each year. Over the last two years we have started to see real increases in the number of people we're able to help keep the housing that already are in foolproof investments. Over 6300 people last year, more than 30% increase over 2016. These increases have allowed us to respond to the emergency but they haven't ended it. We continue to have more than 2,000 highly vulnerable people on the waiting list for permanent supportive housing and more than 1300 children with families on the waiting list. Shelter stays continue to grow now averaging around three months. In addition to expanding investments in overall system capacity the joint office has used the state of emergency to expand the number of emergency shelters in our community at the fastest rate in decades. We have used the declaration of the state of emergency to help us open more than 650 new beds of year round shelter for men, women, couples, families with children, veterans and domestic violence survivors. We have distributed them geographically and removed barriers that traditionally kept many of the most vulnerable out of our shelters. We've used it to launch new alternative shelter. The Kenton Women's Village to help relocate right 2 Dream Too and begin the process of relocating Honia Grove. That work has led to more than doubling the number of people with access to shelter each year in our community and helped lead to a reduction in unsheltered homelessness and reduction in unsheltered chronic homelessness between 2015 and 2017. That work has led to national recognition for the transformation of how we provide shelter in our community. Our shelter system expansion and transformation is not complete. A number of shelters have not yet transitioned from temporary to permanent facilities. We're in the midst of creating new services in downtown Portland and we continue to work to stabilize alternatives to put them on sound footing and create the possibility for the creation of additional community led alternative shelter sites. Continuing the state of emergency allows us to complete this work. To partner with our partners at BPS and BDC, to modernize shelter and temporary housing codes to ensure that they are well aligned with what we're learning about the best, most cost effective practices and provision of emergency shelter in terms of shelter types, locations, sizes and programming. Thank you.

Hardesty: Thank you. Well done.

Bates: Thank you. My first time.

Wheeler: Bravo.

Callahan: Making sure we're transitioning folks out of shelter is a critical part of this which is why the city and county's share goal of supporting housing creation is so critical. It focuses on finding permanent solutions and provides them with affordable quality housing and services they need to be successful in their housing and in the community. Within one year of operation we have already brought on 162 new units of supportive housing and have more than a quarter of our goal in progress or planned. We also are bringing innovative solutions to our work with new funding from the state, county and city to create low cost innovative models including 78 new units we recently announced in two new developments with do good Multnomah and central city concern. That brings us to the portion of the presentation for Rebecca.

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Rebecca Esau, Bureau of Environmental Services: Rebecca esau. The zoning code has several types of review procedures and assigns projects to those procedures. One of the features of the housing emergency ordinance allows use of a faster review procedure. The difference in those procedures is that it still allows for public comment but skips steps in time involved with the mandatory public hearing for design review. Instead it's a staff level decision so can be done much more quickly. An example where we used this faster review procedure was the gateway park project and gateway district. This helped expedite the production of 75 units, 40 of which were affordable.

Callahan: The declaration of emergency has allowed us to site two day storage units providing secure, dry storage facilities for folks' personal belongings during the daytime. One is under the steel bridge and has space for 60 users to store belongings as well as 24/7 rest room access and safe disposal of biohazards. The other day storage unit is currently located within hazelnut grove and is staffed by hazelnut grove residents.

Joe Zehnder, Bureau of Planning and Sustainability Director: I think the next piece is mine. Joe zender with the bureau of planning and sustainability. Part of why we're recommending extension of the emergency is to complete our work on some code provisions that as you have heard will help legitimize on an ongoing basis and create more opportunities for the storage units for temporary housing and for the accelerated review process. Throughout the emergency the life of the emergency we have had a number of zoning code change packages that we brought forward through city council. We increased the number of sites and the size of possible for shelters across the city. That was a discrete package. We addressed the protections for manufactured home communities. That was under the rubric or the umbrella of the emergency. Inclusionary house and other programs to increase housing have been part of that. We will take things we have been working on with the joint office and bureau of development services and make them an ongoing part of our zoning code and our programs, our tools to address the shelter issues.

Callahan: So that concludes our panel of overview. I know that you have invited panels from a number of different providers working on the state of emergency.

Wheeler: Yes, we do. Are there any more questions for this panel before we send them back to their seats? Commissioner Fish.

Fish: My agenda says that we set aside a particular amount of time for items 158 and 159. We have not yet read 159. Do you intend to take it up separately?

Wheeler: I was advised just prior to the hearing we need that read separately.

Fish: Okay.

Wheeler: Thank you. We do have one panel of invited guests. Rose bak from the catholic charities of Oregon, paul susie from transition projects, rich flam from do good Multnomah and liz weber from join. Thank you for being here. Appreciate your being here today.

Rose Bak, Catholic Charities of Oregon: Good afternoon, mayor wheeler, commissioners. I'm rose bak, director of housing and homeless services at catholic charities of Oregon. I would like to take a moment to thank you for your commitment in the work you have done to help people experiencing homelessness and to serve the most needy in our community. I appreciate you considering this resolution today. Catholic charities urges you to extend the state of emergency. The flexibility that it allows has been invaluable to homeless providers around the region. One of the best examples of this is our kenton women's village which you're familiar with. It provides safe sleeping pods with a locking door for women who have experienced long term homelessness, some up to ten years and do not feel safe in shelters before they come into the village. We have placed 21 of these women into permanent housing over the last 18 months or so and i'm pleased to tell you the last three women from our original site have all been accepted and will be moving into permanent housing in the next couple of weeks bringing our number up to 24. Very exciting. Catholic charities really appreciates the flexibility and innovation that the

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state of emergency has allowed to try things like kenton. Without flexibility we cannot solve this crisis. We need to look at things in a new way. Due to the work happening in the city and in Multnomah county we have been announced as one of five partners for nationwide initiative through catholic charities usa, federal serve and several national partners where we will be working to repurpose church properties to create 250 units of permanent supportive housing over the next five years. We just announced it this morning. We're excited about it and we had our national site visit. We talked to them at length about the flexibility we had received through the state of emergency, the work we have done with the city, county and joint office and with our homeless service providers. They expressed how impressed they were with the work we're doing and that's one of the reasons they chose to partner with this community for this exciting new initiative. As we move forward we'll look forward to using some of the flexibility of the state of emergency as we create these 250 units. We will be able to use the state of emergency to accelerate the development and repurposing of church property, building of new buildings. It will help us as we look for alternative models like kenton and we hope to create another one in the next year or two. It will allow to us move people off the streets. I think we all agree even one night on the street is too much and any flexibility we can have to help, help them access services and get into permanent housing is best for us and for our community. I thank you so much for your partnership and urge you to support this.

Wheeler: Thank you. Good afternoon.

Paul Susie Transition Projects: Good afternoon. I'm paul susie, manager of one of the newest emergency shelters for transition projects. The walnut park shelter on mlk and killingsworth in northeast Portland. We have 80 beds for men, women and couples and are open every night. I have had had the opportunity to work at almost every shelter authorized under the state of emergency. Peace 1, columbia 1, columbia 2. Peace 2. 5th avenue, willamette center, y-east, now walnut park. Each night I see firsthand the value of shelter services for folks struggling to regain stability end their homelessness and move forward with their lives so that our community can ensure they link up more efficiently to the one thing that truly ends homelessness, affordable housing. The state of emergency has allowed transition projects to significantly expand shelters, emergency shelter options in our community and at present more than 700 men, women and couples shelter with us each night across our eight locations. I'm immensely proud of this on a personal and a civic level. I'm proud of our city for doing that. Low barrier shelters welcome people as they are, overcoming the reluctance many have living on the streets that have traditionally felt about coming inside. We welcome partners, we welcome pets, we welcome possessions. These facilities have made shelter services significantly more accessible to folks with nowhere else to turn. Yet we know that the demand for shelter still far exceeds capacity as evidenced by the roughly 1700 people still living unsheltered in our community each night. Under the state emergency transition projects has been able to open new shelters located across the Portland area that cater to the needs of specific populations. The walnut park shelter which I manage, which serves 80 men, women and couples, is an area of the city that has traditionally lacked shelter services and i'm proud that we're attempting to redress some of the historic inequities of the city that i'm a native to that that area that neighborhood has experienced for generations. The y-east shelter in east county which serves over 100 men with priority for those over 55, veterans and those living with disabilities and the willamette center in southeast is the first shelter in the county specifically designed to serve single women and couples. These are all innovative facilities. All of our shelters are full every night. They are filled with people who need deeply affordable housing and many also need wrap-around support service to be successful to begin with. So along those lines transition projects is proud to be working with Oregon housing and community services, metro, and the meyer memorial trust to help

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develop lisa, the low income single adult housing project that will bring 72 units of innovative deeply affordable housing to the kenton enabled in north Portland by the end of the year. The continuation of the state of emergency is critical to ensuring that affordable housing developments like lisa move through the system as quickly as possible. That we are able to make progress on this community's commitment to permanent supportive housing. Thank you for this opportunity to speak in support of this.

Wheeler: Thank you.

Rich Flamm, Do Good Multnomah: I'm richard flam, director of outreach and engagement for do good Multnomah. Thank you, mayor, commissioners and colleagues, for allowing me to speak to this important issue. In 2015 the state of emergency helped Multnomah establish the first veteran specific shelter in a church in downtown Portland. We have since moved to a larger church in the hollywood neighborhood due to the great need. That same shelter also hosts 40 people for the night for the duration of the winter months. It's also operating a 50-bed winter shelter in st. John's. Like transition projects, we have taken advantage of the state of emergency to expand emergency shelter capacity but also want to see code changes that stabilize and allow us to make permanent the system shelter capacity. That's especially true as we partner with hazelnut grove to assist in transition and serve as organizational partner. We currently operate a veterans village in clackamas county and know this motels works however codes need to be clear so we can operate them appropriately. Do good Multnomah is also embarking on a range of permanent housing projects focused on serving veterans. We have taken over operations of sandy studios, 50 units of supported housing for veterans in the hollywood neighborhood. We were also just awarded funding by the housing bureau to develop a new affordable housing projects including a mix of one bedroom apartments and sro units on church land that will focus on housing and supporting veterans. While we have made a lot of progress do good shelters operate with a wait list because we're full every night and there are more than 400 veterans in the city who we know are in need of permanent housing. The crisis for our veterans experiencing homelessness is not over. In the country they enlisted to protect we can ensure they have access to basic emergency shelter and more importantly quality affordable housing. By defending this country, veterans have invested in creating a place that ensures basic human rights none more important than affordable housing for themselves and the people they served. Thank you for your time.

Wheeler: Appreciate you being here. Good afternoon.

Liz Weber, JOIN Program Coordinator: Good afternoon. I'm liz weber, program coordinator of multi agency housing team led by join. This team was created with new funding introduced in response to the state of emergency. The team brings housing placement services to people staying in two shelters, one day space and two alternative shelter communities, right 2 dream too and dignity village. Join provides on site organizational and services support to dignity village. The fund that came through the state of emergency helped us meet some of the growing need on the streets and in alternative shelter sites and critically has helped expand the reach of three culturally specific organizations, nara, el programa hispano and urban league of Portland. Their work with communities that are significantly overrepresented in the population experiencing homelessness is so important in addressing disparities and outcomes these communities. Along with our other outreach partners, catholic charity, tpi, and the ywca, as well as join's outreach team hundreds make the transition to permanent housing each year. We know traditional shelter doesn't work for everyone and groups like right 2 dream too have organized in response to need for more safe spaces to rest at night and more options to find consistency, stability and community. We should support efforts of people experiencing homelessness to organize and create alternative options. At the same time we should also provide permanent housing meaning deeply affordable and permanent

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housing. There are three gentlemen from dignity village who had the opportunity to move into permanent housing with the help of the enrich team. Each had been living in the village five years or more and each had significant health issues. Two use wheelchairs, one waiting to move into housing to schedule surgery on his knees. All have social security disability income but none were able to afford private market rent. Permanent supportive housing through other join program coupled with long term rent assistance vouchers provided opportunities for two of the men. The psh extension services attached to these have meant they are getting the support they need to improve their health, connect with community and keep their housing. Flexible enrich funding provided subsidy for the gentleman. He's on many lists but his health issues are so severe and his care depends on electricity. We encourage the city to take whatever steps it can during a continued state of emergency to support the efforts of the homeless community to explore alternative shelter opportunities and to facilitate creation of deeply affordable housing especially supportive housing. We know that when we make the right resources available to people they are successful in ending their homelessness. A continued state of emergency would help make those tools available. Thank you.

Fish: Mayor? Thank you for an excellent panel discussion. I want to ask the gentleman from do good to -- you focused on the need to provide housing for 400 veterans who continue to be homeless. Under the obama administration, when president obama made a commitment to end homelessness among veterans, we had a superb tool called the vash voucher which allowed us to provide services for our veterans. How are we doing under this administration in terms of those vouchers?

Flamm: Thank you for the question. I see that particularly at our permanent housing in sandy studios that a majority of the individuals are utilizing the hud vash voucher. We try to use that as much as possible in terms of supportive housing. I do see it continuing.

Fish: Thank you.

Wheeler: Commissioner hardesty.

Hardesty: Thank you. The gentlemen next to do good --

Susie: Paul sousa.

Hardesty: I had a question for you. You spoke so passionately about the shelters you worked in. You probably have more expertise than most folks about what has been experienced on the ground every single day. Can you give me some sense of what's been different now that you're managing this new shelter in north Portland? How is that different than the other shelters you've worked at?

Susie: I wouldn't necessarily ascribe this to north Portland but what i'm experiencing -- I first started as a residential host for transition projects in the fall of 2015. I advanced from front line staff to management, which is one reason i'm proud of the organization that they are open to that and I don't even have a college degree. But what I have seen since 2015 is a massive escalation in mental health crises and substance abuse issues. The emergency shelters, low barrier shelters are dealing with this every night. We work with the police nonemergency line. We work with project respond. We work with unity. We work with cascadia. All of our community partners. Everybody is understaffed. Everybody is hungry for more resources. It can be very dehumanizing for someone to experience a mental health crisis and be told i'm sorry you have to wait six months. There's just no room at unity tonight. You know, what have you.

Hardesty: Thank you.

Wheeler: Could I ask a question related to that? That's a provocative question. We certainly hear at least anecdotally and our last point in time count not the one we just completed where the data is still outstanding, but there's a significant increase in self-reporting of health issues, particularly mental health issues and alcohol and drug addiction. You're telling us that the resources that are available to address those issues are currently

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under resourced. They are overworked. Are there other strategies that you would suggest we take in the meanwhile to help reverse this tide?

Susie: I'm afraid I don't have a comprehensive strategy to suggest. All I can continue to urge is what I tell my staff and what I tell community partners, is treat people like human beings because every story is unique and different and everybody's challenges are multifaceted and unique to that person. So coming up with one size fits all solutions can in my experience has caused almost as much traumas the original trauma itself.

Wheeler: Thank you.

Hardesty: I can certainly see why you were promoted. I like your style. Thank you.

Susie: Thank you.

Wheeler: Thanks all four of you. Any other questions for this panel? Thank you very much. Karla, do we have people signed up for public testimony?

Moore-Love: Yes, one person. Lightning.

Wheeler: Very good. Come on up. Good afternoon.

Lightning Super Humanity: Good afternoon. My name is lightning. I represent lightning super humanity. I do agree with this. I would like to have an understanding that we do not - - my understanding we do not call it the state of emergency. We are the city of Portland. We are not the state. I don't see how we can declare a state of emergency. That is my opinion. That was brought up in the past that that would change by the governor. Moving on is that I think as the gentleman spoke on the shelters, it's been one of the most beneficial things in the city that we didn't really have before and I think they are beginning to really refine the shelters into an experience that people actually want to go there, use the services, and then again as stated move up in some type of affordable permanent housing. I do commend you on that. Again, I commend the thinking behind it to spread these shelters out farther out in different locations to give the people the ability to stay in maybe the neighborhoods they are homeless in. I think that's really been effective. My opinion on the affordable housing bond, that's been the best thing that's ever happened to this city. As you know, with metro combining, the dollar amounts and resources are there to get that housing implemented. That was the key. I would also like to follow in the footsteps of bill and melinda gates. I would like to see a \$500 million initiative put together for the city of Portland to offer low interest loans to the developers to be paid back and then continuously keep funding that out, and I would like more research on the bill and melinda gates initiative in the puget sound area and try to put that into place here. Also I want more focus on the 8,000 units at the baseball stadium. There's no reason why these investors can't begin to commit those units before they do their stadium, before they do anything else. I would like to see them commit to more of the zero to 30% units, supportive housing, start bringing in money from seattle, other locations and show that you're also here to take care of the homeless even if that stadium doesn't happen. Build those 8,000 units. Start now. Show the city that you really are here to take care of the people and then possibly get your stadium put into place. So again, everything is looking good. The machine is looking good. It's moving forward in a positive manner. I think Portland is a place to look at and say they are doing something right but it's a very difficult situation. Again, just real fast, my focus is on the heroin addicts, the meth addicts, the opioid addicts, people laying on the sidewalks. That is torture under a tarp. It's torture in my mind. We need to offer them treatment into shelters with services and to housing. It's torture in this city to allow that to take place with people who have addictions that could lead to suicide. And there's no reason to allow that any more to happen. Get them into housing or shelters. Thank you.

Wheeler: Thank you. Appreciate your testimony. Any further discussion? Karla, please call the roll.

Moore-Love: Commissioner eudaly has amendments.

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Wheeler: I'm sorry, I didn't get them. Commissioner eudaly.

Eudaly: Thank you, mayor. As you know I have been out for several days as you referenced earlier. I'm scrambling to get up to speed on these items, and I just want to offer some amendments really for the sake of discussion. I have heard from the mayor's office that they don't feel that these are the right place to stick these amendments, but I think they warrant conversation. So firstly, start by saying that four years ago this month I stepped into the housing -- it changed the course of my life. I ended up here. I was also a part of a large contingent of advocates and activists including my director of policy jamie duhamel who were called in 2015 to declare a housing state of emergency. We were somewhat gratified by the recognition of that emergency but we certainly weren't satisfied with the measures that the city took and we're still not satisfied. In saying that I don't mean to dismiss the hard work that many people in this room have done. We need to acknowledge our accomplishments, but we obviously can't celebrate when we have thousands of people still suffering either on the streets, in our shelters, or under burdensome housing costs. So I appreciate the specific directives in this ordinance to make sure we're permanently changing the way we address housing and homelessness beyond the parameters of a temporary housing crisis. Myself and my office have been working pretty much nonstop on these issues since the day we arrived in city hall. In addition to our work around tenant protections I also co-chair the joint office on homeless services. We participate in the all in cities anti-displacement network through policy link. We're currently identifying pbot owned right of ways to site more alternative shelters and wees a team have invested hundreds of hours researching, discussing and drafting policies that could help mitigate the damages of this crisis as well as help prevent displacement from creating new crises in the future. Yet we continue to face ever present obstacle of lack of funding, enough that I want to talk about today because it's really not addressed in the existing declaration or in what we're passing today. So as an example, we spent months with community members, housing providers and real estate representatives drafting a policy to allow tenants the opportunity to purchase rentals when owners choose to sell. This is a program that's worked really well in Washington d.c. And has resulted in considerable investment in permanent affordable housing and homeownership opportunities for low income households. However, without financial assistance for low income renters to purchase and rehabilitate the properties, it would be a mostly empty gesture that would fail to benefit the people we're trying to assist.

Fish: Commissioner, if you would for one second --

Eudaly: Sure.

Fish: I was not aware we would have amendments today. Perhaps my colleagues were. There is a procedural challenge to raising amendments at this stage, which is an amendment would then be subject to public testimony in favor or against, and would in effect reopen the hearing for that purpose. Is your intent -- i'm asking this sincerely because I was not aware amendments were being offered -- is your intent to highlight some tenant protection issues and funding issues at the sort of beginning of our budget process to focus our attention or is it to substantively amend this particular ordinance?

Eudaly: As I said at the outset my intent is to offer these amendments for the sake of discussion. I want them on public record. I want everyone in the room and who is watching today to hear what I have to say. I would like to have an opportunity to deliberate with my colleagues. I won't be disappointed if we don't ultimately advance them, but if we feel they are worthwhile I don't think it would take up a lot more of our time to open it back up to public testimony given that chambers are half full right now. I'm going to continue with my comments. Thank you. Another example of something that we would like to see is universal eviction defense. We know through a large study done in new york that it saves money and externalized costs when cities fund lawyers for tenants facing eviction. These

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anti-displacement strategies is highly effective for both tenants for city budget however as 80% of evictions are due to nonpayment of rent the program can only be successful like it is in new york if funds are available to help cover those gaps. On average we could spend a few hundred dollars to prevent an eviction instead of thousands in services to families that we spend after they have lost their housing. When reviewing this ordinance I notice there's no language around identifying ongoing revenue sources that can help solve these problems. Our office has submitted a directive to identify the feasibility of a vacancy tax. I'm going to read the amendments into the record and if anyone has comments or questions I welcome them.

Hardesty: Excuse me. May i? Are you going to move your amendments or is this just for public record?

Eudaly: For sake of discussion. Yes. Number 1, I'm not going to read them as amendments. This is what I want us to consider today and moving forward. We don't have revenue sources specifically identified to fund solutions to homelessness, displacement and housing affordability so many housing related policies and programs cannot be implemented or expanded. It makes perfect sense to me that today as we reconsider the housing state of emergency that we would be talking about how we're going to pay for these things. Funding for policies and programs such as tent and the opportunity to purchase, eviction defense, rent subsidies, hygiene resources and stabilizing and expanding the funding for the joint office on homeless services is critical to further our goals of minimizing the impacts of the housing crisis. So what I would like to see is revenue division in coordination with phb and others as necessary identify potential new revenue sources such as vacancy tax, other taxes or fees that would bring in at least \$50 million annually to the general fund that can be specifically allocated to fund housing services and housing policies and programs and report back to council on their findings within a year. It's been suggested that I should advance these during the budget conversation but I really didn't feel like letting this conversation go by about the housing state of emergency without raising these issues.

Fish: Mayor? First of all I want to thank our colleague, who was genuinely missed this week. And thank you for giving us regular updates to us and to the community on your son's well-being. I appreciate that you have placed these issues before us. I had a conversation with chair kafoury recently where she indicated to me that she is part of some broader conversations about how to get a dedicated revenue source for the services side of supportive housing. There's some interesting work being done in thinking about that. We have also as a council clearly indicated our desire to allocate a small portion of our tourist taxes to cover services, again a part of our strategy which currently is unfunded. I appreciate that you are framing these issues as issues of concern. I commit to work with you during the budget process to identify new revenue sources. One of the things i'm concerned about is I read the numbers including the available one-time and ongoing resources, if we simply fund the joint office of homeless services at last year's level, we may be in a situation where we actually have no money to carve up and that's not sustainable even though if I had to take one last dollar that was available I would invest it in addressing homelessness and the crisis on our streets. That's not sustainable. So building on the momentum we had particularly with the metro housing bond and I think the appetite and willingness of coalition partners to be helpful, I appreciate you flagging this issue and I think it's something that we should sincerely address during the budget process and beyond. So I appreciate that you have placed this in the record.

Eudaly: Thank you. I'm painfully aware it's unlikely we will have any money to carve up to dedicate to the kinds of additional policies and programs i'm talking about, which is why I wanted to raise the issue of the vacancy tax as my chief of staff loves to say we can't solve

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the dollar's worth of problems with a dime. We have to start talking about other revenue sources.

Wheeler: I would like to chime in here if I could for just a minute. First of all, thank you for bringing this forward, and I concur with the sentiment you've described. Almost coincidentally every meeting I have had today has been about substance abuse or mental health issues, other public health issues that are clearly impacting people on the streets. We are constantly looking for resources to address the homeless crisis which I think most people would acknowledge is the issue. It is the number one issue that we're facing right now in the city. It's something I hear about every day. I'm wondering if there's a way to compromise here to both agree to the intentions that you put here on the record and have that seriously looked at during the budget process. I know there was the directive to develop that was put into the record for the budget process, but it's somewhat narrower than the scope of this. So I'm wondering if there is a way we could sort of do a friendly amendment on that directive to develop to include this broader sentiment. Would that be an acceptable compromise?

Eudaly: That's really more than I expected, mayor, and it's very appreciated.

Wheeler: Is there somebody from the revenue bureau here? I thought I saw Jennifer floating around, our CFO. Well, why don't we do this. You'll have my personal and very public commitment that we will address this. We will look at this in the context of the budget process. I look forward to working with you and all of our colleagues on this. I agree with what Commissioner Fish said. I think there are multiple tables where these conversations are taking place. Let's see if we can lead them all into one cohesive conversation. I agree with the sentiment that you put on the table here.

Eudaly: Thank you, mayor.

Wheeler: Very appreciative of it. Please call the roll.

Fish: Well, I think we have to begin our comments by squarely addressing the concern that lightning has put on the table. One of them -- lightning is one of my favorite people who regularly participates in our deliberations because he always has something interesting to add. He wondered why we're calling this a state of emergency when we're after all a lowly city. It occurred to me that if I had my phone I could solve this problem by just googling the word state. Come up with all the various definitions but I think that we are all agreed that when we talk about state of emergency we're talking about a circumstance, not a geographic boundary. We're talking about a situation that has evolved and we're not impermissibly treading on boundaries established under the state constitution. That said, I just want to go back in time ten years ago, which happens to be when I first joined this city council. It's an important perspective I think to recall our past as we chart our path forward. There were cranes in the air ten years ago. But the only cranes in the air that I remember were for affordable housing development. Which is actually pretty extraordinary, because given the collapse of the tax credit market, given all the funding challenges, it's amazing that anything got built ten years ago. But we did not have hotels and commercial buildings and market rate buildings going up on every street corner. Ten years ago we had affordable housing, maybe, and we were grateful in those days for the Obama stimulus money and we were also grateful for an incredibly resilient community that was skilled particularly our month profit partners at weathering all the odds in getting product built. What happened is we had a recovery from the worst recession in our lifetime, and that recovery hit Portland with a vengeance. It produced one of the the great sustained periods of growth. Our economy has done wonderfully well during this time. Many of the plans that people have put in place over the last 20 years came to fruition. We started seeing jobs moving here and the unemployment rate come down to very enviable rates but there was a price to be paid for that prosperity. That was we ended up bidding up the price of land, and market forces kicked in, and as a result, too many people started to be able to -- too

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many people found themselves unable to afford to live here. That is what ultimately triggered a state of emergency. It was a recognition that too many of our neighbors couldn't make their rent payments, couldn't find an affordable place to call home, and that the market was in effect too robust. Leaving too many people in its wake. I was very pleased that director callahan gave us the power point because the numbers tell an important story. The combination of the impacts of inclusionary housing, of focus and sustained investment of urban resources and other resources in affordable housing development, the commitment we made to 2,000 new units of affordable housing. Reduced barriers to siting shelters and renewed conversation about asking every neighborhood to come forward with a creative way to do their fair share of addressing this crisis is bearing fruit. What we have learned is that this crisis is not over. And will continue for some time. Today's proposal is to extend the state of emergency for two years. That may or may not be enough. My guess is it won't be enough. But it is important that we give clarity to decision makers that we are going to be operating under these rules, and as joe zehnder pointed out it's important that we bake into our code some of these changes to really get some efficiencies in how we do our development going forward. I have visited most of the west coast cities that are dealing with the same crisis that we are dealing with. In los angeles the city of los angeles has spent literally billions of dollars to address this crisis yet per capita they have over two times the number of homeless individuals as we have in the city of Portland. The city of san francisco is dealing with on a much grander scale this contradiction between being a city with an enormously productive economy on the one hand with high-tech millionaires being minted every day, and a huge problem with homelessness and lack of affordability. The city of seattle which I visited recently, has a huge problem and it seems in my view harsher. It seems harsher and more prevalent than the crisis that we're experiencing. Why do I say this? I say this because we are not alone. But where we are different in my opinion and where I have seen a difference over my service on this council is the capacity of community partners to step up and address the problem in a collaborative way. That really is what makes Portland different, and it's what I heard from leaders in cities up and down the west coast that there is a level of collaboration here, and effectiveness, and cohesion. It's different. So we celebrate that and we thank today all of our nonprofit partners who are well represented in the panel for the good work they are doing. We extend this state of emergency because we continue to need to have these new tools, and as commissioner eudaly has reminded us, this challenge that we face goes well beyond what's in this ordinance. It's reflected in many other parts of our code and there are many other opportunities for us to do more and be better and more strategic. So, mayor, thank you for bringing this forward. Director callahan and all the directors who spoke earlier, thank you for your testimony to our community partners thank you for your inspiring stories about what you're doing in the field. And this council is fully committed to your work and today i'm pleased to vote aye.

Hardesty: Thank you. I also want to thank the panel and director shannon callahan for an extremely important conversation and information that was shared. I want to also say that I guess I share commissioner eudaly's concern about whether or not we're moving the goal post. With all due respect to all the people who are working their hearts out to try to do the best they can with the limited resources that they have, the reality is even the term affordable housing is an oxymoron because I can't tell you what's affordable for you just like you can't tell me what's affordable for me and we have a lot of housing that's posing as affordable housing that working people simply cannot afford to live in. So we have to do a better job, we, the city, of really being able to identify really what does an affordable housing -- what does a unit that people can afford to live in look like? What does it cost? What are the services or supports that they need in order to be able to productively live in that property. So as the newest member of this council I know people are working their

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hearts out on this issue. I know that we're throwing all the resources at it that we possibly can at this moment. But I just have to tell you i'm concerned that if at the end of the day we still have people who work 40, 50, 60 hours a week and cannot afford to live in the city of Portland, we got a problem. Today that's the problem that we have. Yes, are there people on the street who need mental health services? No question. Are there people that need alcohol and drug treatment? No question. But most of the people that I interact with, those are not their issues. Their issue is they are working two full-time jobs and cannot afford to live in the city that they were born in. That they grew up in. That their families own property in. So I hope that when there's a budget process or some other mechanism we get real about, really, what are we doing? When I say apartments sold as affordable are 1200 for a studio i'm like, are you kidding me? Who is that affordable for? We must do better and we must really make sure that we're holding developers accountable. Where lightning said give developers money i'm like, are you kidding me? I think they have made enough money. I think what we should be doing is trying to figure out how we can capture some of the federal tax money breaks that these big time investors are getting to use the opportunity in downtown Portland so they can make a bucket load of more money. If we as a council can't figure out how do we capture that money? All they are going to do is come in and build more expensive stuff that none of us can afford to use. Yes, we do have an emergency. Yes, we must do more. Yes, I vote yes on this particular measure. Thank you.

Eudaly: Well, thank you again, mayor, and thank you to my colleagues for entertaining my proposed amendments. I look forward to further discussion. Thank you to director callahan and esau and city staff and panelists today. I want to go back to the state of emergency, what we were calling for was a rent freeze. We were calling on the city to recognize that we were dealing with a manmade disaster, and while we could not advance that particular cause, i'm somewhat gratified by the actions in the state legislature to place a cap on rents although I think it's too high as I think everyone knows. I would really -- we were also calling for the legislature to stop holding our regulatory tools hostage, give them back to us so municipalities could manage their unique challenges, and that includes rent control as well as setting just cause standards for no-cause evictions. Commissioner Fish, thank you for that walk down memory lane, but I want to take us back more than 30 years when a group of powerful lobby interests in the landlord real estate and home building arena pushed our legislature to ban rent control at a time when rents were relatively low and vacancy was high in Portland, setting the stage for what became open season on Oregon renters. Portland currently has the highest number of cost burdened households among -- let's see. Six or seven different cities. Higher than seattle, austin, salt lake city, nashville and indianapolis. So it is particularly bad here and I believe it's because in no small part we have not been allowed to regulate. It seems that most of my job is making up for the failures of capitalism. It is very frustrating that we rarely get around to the conversation of actually fixing the system, most are on policies that serve as band aids to a flawed and broken system so i'm also looking forward to those conversations. As a housing tenant advocate, the most frequent response I have heard from people other than if you can't afford it just move, was, it's economics 101. It's all about supply and demand. Well, news flash, we have a supply. We have a gross product mismatch between the housing that was supplied and the demand that exists. It's not economics 101, friends, it's a lot more complicated than that. That is one of the many reasons that I really hope that we pursue the possibility of a vacancy tax. I can think of few other scenarios where we have people suffering on the streets and we have people hoarding a resource that is a basic need and a human right and we don't see those people as -- I want to choose my words very carefully right now -- if you were sitting on a pile of food or medicine that people needed that was otherwise going to waste, you would be seen as a monster. If you were sitting on a pile of housing that people desperately need that is otherwise going to waste, it's just

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business. I don't buy that. I think i'll leave it at that. It's been a really long couple weeks, friends. I vote aye.

Wheeler: Well, as you've heard today there continues to be a shortage of work force and affordable housing units in the city. There are of course stark disparities in economic prosperity. That was highlighted by a report released last week by the Portland business alliance, and far too many people continue to live in unsheltered conditions on our streets. During the state of housing emergency, we have been able to provide basic and emergency services expeditiously and fast track affordable housing projects without compromising quality. Since there continues to be an urgent need for services and shelter that cater to basic human needs I believe it's imperative that we continue to support these services through this appropriate legislative solution. Given the dependency of these actions on a formal state of emergency, the current housing state of emergency should obviously be extended for another two years. This extension from a practical sense gives us the means to continue to provide a necessary safety net where city bureaus begin work on more sustainable long term solutions including but not limited to the legislative proposals that would amend title 33 under this code to allow for the permanent siting of storage units, allowing for temporary housing and the issuance of permits related to shelter siting and creating an expedition process for design review of affordable housing projects. Therefore I support this ordinance. I also just want to be crystal clear, this ordinance is very narrow in its scope. This is one of many tools that the city of Portland has brought to bear to address both the housing issue as well as the homeless issue. In addition to the great work that we're collectively doing at the county through the joint office of homeless services, which is providing prevention services and important shelter services for those currently on the street including services around behavioral health or substance abuse, and providing, of course, the transition into housing, we at the city have been working very hard. I have worked alongside my colleagues on reforms to both planning and zoning throughout the city to be able to increase the supply of units. We have been very busily reforming our permitting process. We have been expediting targeted affordable housing units. We have supported renter protections. We have developed a record number of work force and affordable housing units through the housing bureau during 2018 and 2019 we're on track to again deliver record results. We're working with our colleagues in the state legislature to support other ideas and concepts like senate bill 608 that could even further the supply of housing in our community. So this is one step. It's a necessary step. I vote aye. The ordinance is adopted. Thank you. It's 3:10. Why don't we read item 159, please.

Item 159.

Wheeler: Director callahan, why don't you introduce the ordinance and your invited list of speakers.

Callahan: Good afternoon, mayor, commissioners. Shannon callahan once again. I'm joined by kim mccardy, our coordinator. Danaya monk of the urban league. We will be followed by yesenia degado of el programa hispano. Katrina dirks, ellen lazio of the fair housing of Oregon. With that i'm going to kick off the presentation. So the Portland housing bureau has sponsored an annual fair housing audit testing since 2013. We have tested based on a variety of different protected classes including race, national origin, familial status and disability. During our latest testing between march of 2016 and february of 2018, we tested specifically on race and national origin. Testing showed evidence that differing information about rental terms and conditions, rent prices, move-in specials, deposits, application fees and screening criteria were given to testers in protected classes meaning that testers who presented as white were treated more favorably than testers who were of color or of a different national origin. And we also found in the testing I think alan can talk to you more about that, agents continued to make statements as one would

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consider possible steering or discouragement of protected class testers from renting or even applying. These results of course just reinforced the lived experience that we continue to hear from members in our community that discrimination based on race and national origin persist. When reporting the findings of the testing also presented us with a comprehensive report in a series of recommendations including increasing access to legal services, culturally sensitive services, and providing incentives for private attorneys to accept fair housing cases. The contract you have before you this afternoon is part of our response to the most recent audit testing and those recommendations. With that I would like to introduce kim mccardy of our renter services office.

Kim McCarty, Housing Bureau: Thank you. Good afternoon, mayor, commissioners. I'm kim mccardy of the Portland housing bureau. I'm the contract manager for this new recipient contract for fair housing enforcement and education with the urban league of Portland. This contract for services tries a new approach of working with culturally specific providers to offer advocacy and support to renters who believe they may be facing housing discrimination. Through a competitive solicitation process the urban league of Portland was selected and one of the strengths of their proposal is that they have a partnership with el programa hispana catolica, legal aid services of Oregon and fair housing council of Oregon. The goal is to reach currently underserved black and hispanic families. 55 households that have experienced housing discrimination will receive a suite of services including fair housing enforcement, education and counseling and rent assistance to ensure their long term housing stability. Danetta monk here from the urban league of Portland will further explain the urban league's concept and for the program's structure and offer insights into the fair housing issues that their clients experience.

Denetta Monk, Urban League of Portland: Thank you. Good afternoon, mayor, commissioners. I'm happy to be here today. Again, i'm danetta, from the urban league of Portland. I manage our outreach and housing programs. We're really excited to be in partnership with legal aid services of Oregon, el programa and the fair housing council to kick off our tenant protections collaborative. Elected officials in the community should support this because based on the fair housing audit reports Portlanders experience housing discrimination based on race and national origin more so than any other factors. This audit is a result and reason why phd created the grant and our collaborative is a direct response to the most common types of housing discrimination for black and latin families. It will allow more tenants to understand how to use the legal process to fight housing discrimination and signal the larger housing provider market that Portland is not a place that they can get away with unfair screening and treatment of residents. The collaborative will work with black and latinx participants seeking support related to housing discrimination. We'll work with community members who may not otherwise feel empowered to take legal action or seek advice and we'll host know your rights training for community members to become more knowledgeable about renters' protections. The urban league has operated housing programs and served the community for over 40 years and with recent expansions to our housing and homelessness outreach programs we hope to meet the needs of community members. With this collaborative we will all as a part of the collaborative legal aid services fair housing council urban league and el programa host a biweekly meeting and staff each case. Each client who accesses his collaborative will have access to an attorney and legal representation if discrimination is found and legal action recommended. Clients will have access to wrap-around services at el programa or urban league of Portland. We and our partners are committed to ending segregation of black and latinx communities. This emphasizes enforcement of laws that urban league has been working towards for years is a small but critical step toward the promise of fair housing for all Oregonians. We believe this will function as a catalyst to empower our own communities to realize their rights. Thank you.

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Wheeler: Thank you.

Hardesty: Mayor? Thank you, mayor. Thank you so much for your presentation. Director Callahan, I believe, and I want to check my own knowledge, that for the whole 30 years I have lived here in Oregon African-Americans and Latinos have been discriminated against and trying to obtain housing in Portland. Am I wrong?

Callahan: Not to my knowledge, commissioner. I hope I did not mean to imply that in any way. No, definitely there's been no downturn in discrimination.

Hardesty: Thank you for that. I thought maybe it's just me. Maybe I don't have my facts straight. We are in a housing crisis. It's really, really difficult for working people to find a house that they can afford to live in.

Callahan: Right.

Hardesty: So I appreciate this proposal to provide legal assistance, but I'm looking at it from the other shoe. If I have kids and I need a place, right, what's the incentive for me as a community member to jump through all the hoops, right, to actually hold this place accountable because, you know, I'm probably not going to live there anyway because I'm actually finding a house while they weren't letting me move into that one.

Callahan: I would love to ask you to ask that to the partners working directly in the field with folks facing discrimination every day. I will tell you without an ability to enforce rules on books, you know, what's the point? I think we have fair housing rules. We have had them for over 50 years in this country. We have seen less resources actually go to enforcement. The only real process -- there are some attorneys who will take these cases but the only real process is really through HUD or some administrative process and primarily right now HUD. When folks do have situations that they are willing to take the next step and they do want to say, yes, I was discriminated against, yes, I need recourse, we want to provide an avenue for that. These cases also help establish precedent frankly and make it clear that these actions that people are seeing are actually violations of the fair housing act that can warrant and educate future landlords that those are not acceptable. I think it's a broader -- way of addressing one facet of the problem. I know truly, yes, we have access issues and need more affordable housing but we need to make sure people are having the opportunity to get in that housing, and let me just say I'm sorry if my presentation implied there was any difference. These testings are moment in time snapshots and meant to help us guide with future education and other program activities. Thank you for the question.

Hardesty: Thank you.

Wheeler: Commissioner Fish.

Fish: I have I think three main questions. Two are clarifications, then the third is actually related to what commissioner Hardesty mentioned because it's a way of magnifying the impact of testing. In the briefing materials that I got for this, it says the Urban League is getting \$214,000. It says that the three partners are getting \$137,000 but says the program budget is \$301,500. So where am I misreading in this?

Callahan: My presumption is that some of the additional money is coming from other sources.

Fish: Additional money beyond the 214,000?

Callahan: Yes.

Fish: That would be the likeliest answer, that there's another stream of funding.

Monk: I can speak to that in the fact that we're leveraging some of our rental assistance through our joint home office funds to support clients with rent assistance and emergency sort of deposits, utility assistance. This grant specifically will focus more on the staffing of the case manager who is going to work on the collaborative.

Fish: So there are other resources being brought in? Director Callahan, that correct?

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Callahan: That's my understanding. We want to make sure there's a full suite of services to folks facing housing discrimination. It's not just the legal issues. They are actually able to move folks into housing as well.

Fish: My second question has to do with the amount that's actually going to the partners. These fair housing cases are expensive. Pursuing people's legal rights through the courts is expensive. What is your expectation of what that 137,000 of investment will mean in terms of the number of clients served?

Callahan: I think, commissioner, as we discussed, we are planning on serving -- making sure that there are 55 households that are being served with navigation and support services and then also 300 hours of direct representation to 30 clients and 100 hours of technical assistance is what the contract calls for. We're getting a very good legal deal from our partners.

Fish: I'll say. Then here's my third point. I think I see alan is here and I think he would amplify this. Commissioner hardesty raised the question of why would someone go through this process and what is the ultimate goal. Well, one of the reasons why you go through this process with a competent lawyer is you want to make a very public case around someone's unlawful discrimination and you hope through that that there's a change in business practices that impact other people that don't have to go through a lengthy and burdensome legal proceeding. But what we have found is for that to be truly effective, we need to coordinate our activities as the fair housing council of Oregon does with the u.s. Attorney's office, with the department of labor and with others so if we really want to bring the hammer down, there are other partners and tools. To what extent does this anticipate that those kinds of robust partnerships with federal law enforcement will be pursued?

Callahan: You know, commissioner, there is obviously a collaboration with all of those partners. I think alan and the team at fair housing council can tell you a little more about recent experiences. I think they have shared with us history of some of their cases and cases that they believe should have a determination made but are not clear cut cases and folks are not willing to advance. This will augment the already available services that they have at their disposal.

Fish: I want to be clear. For some people this will mean that they get an offer of tenancy. That's the ultimate outcome. They will get to live in the building that they were unlawfully denied access to. For others, the great weight of the legal system plus the federal government coming down on business practices that we reject as a community will change the way that they implement their business practices and I want to give alan when he comes up a chance to talk about that because in some ways that's the bigger club. Thank you.

Wheeler: Commissioner eudaly.

Eudaly: I just wanted to take this opportunity to thank you for being here and to thank urban league for their participation in and support of my office's work on our upcoming fair access in renting proposals, which aim to decrease barriers to housing as well as eliminate or substantially reduce opportunities for housing discrimination and so I think our work goes hand in hand.

Monk: Yes.

Eudaly: Appreciate you being here today.

Monk: Thank you so much.

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

Moore-Love: Yes. Oh, we have another panel.

Wheeler: I apologize. Come on up. If you could state your name for the record, give your testimony. Thank you for being here. Appreciate it.

Yesenia Delgado: Buenas tardas, mayor wheeler, commissioners. I just wanted to do a quick follow-up to the work that has already been discussed. I am health and services

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program manager with program hispano. We thankful that the city is taking on this work to try to mitigate some of the issues that have come about due to housing discrimination. This is extremely, extremely important, very delicate work for us because for years now we have heard stories of participants that are coming into our office sharing their stories around housing discrimination, and what we do know is that the lack of regulatory body to be able to enforce these fair housing rules is only the issue that that presents is on the calibrated when talking about communities of color. Like I said, for years now we have heard these really egregious stories. In one instance particularly a mother who really needed a place to stay had to sit through micro aggression and racist comments from a landlord just because she needed the apartment and that was the only apartment that was affordable for her. Those were the circumstances she had to deal with to stay housed. And this is even a more particular situation given we are a culture specific agency for the latinx community. Due to the current political environment that has it difficult for latinx to trust government and law enforcement individuals, this makes latina individuals who are experiencing discrimination more hesitant to speak against it. I think it is why this is crucial for program espano, a specific agency in the community for the community and due to all the trust we built we have positioned ourselves really well to be the navigators to screen participants, provide trauma informant case management, wrap around services for these participants who then can seek mitigation with the attorneys that we are working with. So we just thank you for your support. We are very committed to this work because we deeply believe it advances racial equity and housing justice in all of our communities.

Wheeler: Thank you for working with us. We appreciate it very much. Good afternoon.

Allan Lazo: Good afternoon. Thank you, mayor, and commissioners, for having us here today. I'm glad to see commissioner eudaly. I hope that is a positive sign for you and your family you are here today. I'm alan lazo. I have heard your questions and I will address them at the end of our presentation. Thank you to director callahan and the staff at the housing bureau for their informed response to support these communities impacted and targeted by housing discrimination. Thank you to our partners at urban league and program espano for the trusted collaboration to help ensure equitable and fair housing treatment that extends more so the members of our community and communities of color. We are the fair housing council of Oregon will be training advocates to recognize and bring forward fair housing violations impacting their community members you have heard. We will be providing live streams to these community members and protect with private civil rights attorneys to move fair housing cases forward. We as an organization are proud to be at this table with this specific set of community organizations. As you know, I was here a couple of weeks ago talking about Oregon united against hate organizations. This is our continuing efforts to best serve communities targeted and impacted especially in the housing market context. You have heard me talk prove usually about racial discrimination, segregation and displacement here and in many places. You know we have a history in the institution of housing one should not be particularly proud of. A history that has targeted and impacted communities of color and many others. We need to be intentional of rebuilding the trust of these communities in historically institutions that have not served them well. These intentions move us closer to the truly inclusive community and opening access to opportunities for all, the values we share so dearly as a city and as a community. We also know there are many other targeted impacted communities not here at this table today. For example, today members of our lgbtq community are under attack from hate groups in our city. We want communities to know these same protections in housing extend to members of protected classes not just those with us here today. We are looking forward to the successes with the specific partners at this table and beyond this initial pilot project to creating intentional collaborations to serve protected classes in our community and our city. Thank you all for the commitments you make to housing discrimination and

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equal housing in our city and our community. I'm happy to answer questions about this project and the work we are doing together. Maybe, christina, do you want to go first?

Christina Dirks, Housing attorney: Good afternoon, my name is christina dirks. I'm an attorney with legal aid and thrilled to be part of this collaboration with the housing program. The results of the audit testing show how far reaching discrimination is in our housing market. The results didn't come to a surprise we know racism is subtle and pervasive. The housing crisis is not just one of affordability, but racial gentrification. As the market gets tighter, housing providers are pushing out people of color. We know individuals are not coming forward to assert their rights as we might expect. There's both obviously substitutional and structural reasons for that. Some of the reasons commissioner hardesty mentioned. We hope this project will solve that disconnect. Housing legal assistance is now the most requested civil legal need from our office in Portland making up about 40% of the callers. Our office receives thousands of calls a year seeking legal assistance with housing matters and we are currently unable to meet the vast need for our services. Through this collaboration and funding from the city, we will be able to extend the temporary employment of a housing attorney who was working on the eviction project. Providing redress for victims of housing discrimination is high priority work for our office, we recognize the barriers of black and latin x accessing the needs. Urban league and el programa are uniquely positioned to shape the priorities and contours of this collaboration based on their relationships with the community members most impacted by discriminatory housing practices. We are eager to listen to partners to serve clients to remove as many barriers as possible for people of color to enforce their rights and seek redress. Through this collaboration we anticipate legal aid will provide workshops, receive guided referrals and provide legal representation in direct advocacy, negotiable policies and policy change for large scale housing providers.

Wheeler: Thank you.

Fish: Alan, would you address the federal law enforcement?

Lazo: Sure. There are a natural set of partners in the legal, u.s. Department of justice, state attorneys general, boli and other folks. There are specifics around those partnerships we have to achieve. We are not going to move anything through the u.s. Attorney's office unless it is pattern and practice. We are not going to find pattern and practice cases if we don't have good community partners. If you are not aware, boli, bureau of labor and industries, charged with enforcing civil rights is no longer substantially equivalent with hud and fair housing. That is not a pathway for enforcement. That is an issue ongoing since 2015 and hasn't been resolved. It's an issue we need to potentially look at. We've talked with the city about it. So our only recourse with regard to the complaints that move forward is at the federal level with hud. So hopefully that answers some of those questions.

Fish: Thank you.

Lazo: The other piece is in the same way, what you said, commissioner, this work and I think i'm glad we are here publicly to be talking about this project because there are two pieces of it. One, I think we should send a public signal that this work is happening. If there are bad actors out there, we intend to work with these community groups who are experiencing their impacts to root that out. But it is also should send a signal to these communities that this is a different way of doing business along this workaround housing discrimination. The credit of director callahan and the housing bureau to address the recommendations we brought forward out of the testing.

Fish: Thank you.

Wheeler: Very good. Thank you. Carla, how many people do we have signed up?

Moore-Love: One person. Shedric wilkins.

Wheeler: Very good. Come on up. Good afternoon.

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Shedrick Wilkins: I'm shedrick wilkins I think housing depending on income and salary. On discrimination, how many women governors have we had? Two. How many african-american mayors have we had? None. Right. I personally like the fact that we have an african-american woman police chief. How many of those have we ever had? One. One woman police chief penny harrington who lasted a year and a half and she had some issues with her husband or something. I don't know. I got out of the army. Bud clark. I like bud. I used to drink beer with him. He put her in there under pressure for some reason. She was held accountable for her husband so she lasted a year and a half. I can tell you now police chief --

Fish: Shedrick, we've got a lot of people waiting.

Wilkins: The police chief lasted a year and a half. If you can her because she is a woman or not macho, i'm going to come here and tell you keep her there. Come up with an intelligent reason to get rid of her. Enough said. Housing depends on income. I don't want her to go back to san francisco because we are racist.

Wheeler: All right. Please call the roll. [roll call]

Fish: Aye. **Hardesty:** Aye. **Eudaly:** Aye.

Wheeler: I have a few brief comments. The fair housing act serves everyone, but it is for people of color seeking discrimination and racial segregation. Today demographic housing data shows housing data in disparate to housing is still present. The recent report suggests complaint and audit testing data does not fully explain racial segregation and the harmful impacts. Housing tools are successful when acts are blatant and intentional. If racial discrimination is subtle, the current tools just aren't having the intended impact. Because of the subtle forms of housing discrimination that are difficult to prosecute, we know many people of color just aren't reporting. They are not seeking help and they are not even aware at times they have experienced racial discrimination. This contract for services is designed to overcome the historic mistrust of the legal system, support the people who are experiencing real harm and find better ways to enforce current fair housing law. I want to thank our partners who testified today for their leadership on this matter. I want to thank shannon in the housing bureau for their exceptional work on this. I think this is a great new model and i'm really proud we are doing this here in Portland, Oregon. I vote aye. The ordinance is adopted as amended. Time certain items. 160 and 161, please read them together.

Items 160 and 161.

Wheeler: Colleagues, you know the Portland clean energy community benefits initiative is ballot measure 26201 passed at the November 6 general election with a 65% yes vote. Together these two ordinances codify the ballot measure into the city's codes. City staff and members of the community coalition that created and led the ballot measure have been working together since late last year after the passage of the measure to figure out what needs to be done to successfully implement the program. These ordinances are some of the first steps, but the process will continue over the next year. We will hear more during the staff presentation and invited testimony. I would like to turn this over to my colleague, commissioner hardesty to give opening remarks.

Hardesty: Thank you, mayor wheeler. Thank you. It is wonderful to see this chamber filled with many of the people that helped us get to the day we are at. I'm so proud of the work that was done to create the Portland clean energy fund initiative. I want to take us down memory lane kind of thing. I remember having this crazy conversation with this lawyer guy named Brett foster who said I think we would work together to figure out how to develop an initiative that would do three things. Address climate change, it would address economic opportunity for those left out of our economic workforce and three, it would address the racial disparate outcomes that communities of color continue to experience in Portland, Oregon. I was just, like, crazy enough to say, okay, let's sit down and try to figure out how

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we can make that happen. And we did. But what we did was something that I have never seen happen before in Portland and certainly not in Oregon. And quite frankly, I don't think I have seen it anywhere else. We created a coalition, a coalition that included, that started with the naacp Portland branch, sierra club, 350pdx, the coalition of communities of color, native america youth and families center, the asian pacific network of Oregon and organic consumer association. That group spent almost two years refining a ballot measure that would go to the voters that we would have to make the case to publicly as to why this is so. Why was this important? Well, because Oregon, actually the city of Portland, the city council passed a resolution that said by 2050 we would be energy independent as a city. And I was really excited about that. Yay. We are going make this happen. But then it was, like, okay, how do we get there? Who are we going to be energy independent from? And who is going to benefit from that? So the more research we did, the more we found that everybody in the city of Portland pays into a fund called a public purpose fund on your utility bill if you are fortunate enough to have a house. What you may not know is that only people who have a nice house in good standing have the opportunity to get those energy efficiency improvements for their home. We did a lot of research. We ended up going to salem, we wrote reports. Everybody pays into it but only people who are upper middle class had the ability to buy into that. This measure was about low-income people and people of color to get energy efficiency improvements and workforce training. We started hearing about this new climate industry, what we saw were white men at the forefront. And we would say, where are the people of color? Where are the women? What is happening with this new industry? We'll get to that. We'll get to that. We have been so successful at getting to that so far that community groups decided we would take this activity and develop the measure. We would make the case for why the city should adopt it, send to voters or collect signatures. I am so proud of my coalition partners because within five weeks they collected 35,000 signatures and it made the Portland ballot. This is the first time in the history that people of color developed a ballot initiative, led the organizing effort and, three, ran the campaign to make it happen. So, this initiative, what does it do? I think most of the people in this room know, for the listeners, I will say, it increases the business income tax by 1% for retail operations for \$1 billion in national sales and a half billion-dollar sales in the city of Portland. It gives us the opportunity as a city to do some really innovative developments, including addressing issues of workforce development, weatherization, energy efficiency improvements, prioritizing people of color and low-income communities. I love this passed by a vote of 60% of the voters who participated in last year's election because I think what that says is we are ready to move beyond our racist history and ready to move in lockstep with communities of color, with them in a leadership position actually leading the way and how we as a community live up to our potential. And so I will have more to say when we get to the end of this. I want to appreciate the staff. I wanted to thank you very much. I have never seen a city process that attracted public comment so well. You did an excellent job of letting us know who participated, what their comments were, and which ones you accepted and didn't. I promised I would put it on the record. I'm putting it on the record. Thank you very much. I appreciate that. Without further ado, I turn it over to our esteemed panel and have them take it away. Thank you.

Michelle Crim, Planning and Sustainability: I'm the chief sustainability officer for the city. My name is michelle krim. We are presenting two ordinances that help get the needed pieces in place to create this fund. Portland is known nationally and internationally for our accomplishments in tackling climate change. We were the first city in the united states to create a climate action plan 25 years ago in 1993. We have adopted some of the most aggressive climate goals including reduces carbon emissions 80% and having 100% renewable energy by 2050. We have reduced community wide emissions 19%. Today

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Portlanders produce 42% fewer emissions per person than in 1990. Those carbon emissions are getting harder and harder to come by. The runaway trajectory of global carbon emissions means we face a future, a more likely future we will be facing big impacts such as heatwaves, flooding and wildfires. Not only will those impacts disproportionately affect communities on the front line of climate change, communities of color and low income populations, but those communities have not benefited equitably from the past climate actions the city has taken and not always at the table to help us shape climate-related programs and policies. We know reaching our aggressive climate goals and creating a healthy, resilient prosperous community for all requires our climate work evolve. In the Portland clean energy community benefits fund is essential to that work. Centering or would recollect around a climate justice frame shouldn't be done because it is the right thing to do, in fact, it must be done because it offers the transformational solutions to deliver our climate goals and on the city's social and economic environmental priorities. This fund promises to deliver all of that in spades. As you know and commissioner Hardesty just shared, it was passed by 65%. It is the first clean energy financing program in a city of its kind in the country. I want to take a moment to acknowledge and celebrate the community vision and leadership that led us here today to make this program a reality, conceiving the idea, crafting the legislation, gathering the signatures and building a groundswell of support, these community leaders and advocates many of whom are in the room today, have created a new paradigm how we can go from incremental to transformational in our work. Bps is glad to play a role. And we are committed to delivering a grant program that delivers on the community led vision in the outcome and process to get there. So with that, commissioner Hardesty shared about how the program works. So, again, it is a program funded with a 1% surcharge on retail sales of certain large retailers in Portland. The revenue staff will describe that in detail in a moment. It is currently estimated to generate \$54 million and \$71 million a year. Commissioner Hardesty reviewed the priorities of the fund, clean energy projects, clean job training and programs that reduce carbon emissions and promote economic, social and environmental benefits. Half of the fund's projects must benefit Portland's underserved communities and specifically communities of color and low income populations. The fund is overseen by a nine member oversight and advisory committee that make recommendations, funding recommendations for city council's consideration and adoption. In addition to annual financial audits and every other year performance audits, the oversight committee is responsible for evaluating the effectiveness of the fund in achieving the goals of the initiative. In the coming months, each of you will appoint one member of this committee and the initial five committee members you seat will make recommendations for the next four members for your approval. We are working with the community coalition to outline the details of that recruitment and advisory and oversight committee, time commitments, meeting schedules, conflicts of interest and stipends. We will work with the office of community and civic life and your staff to start that selection process. Lastly I want to talk about staffing. Staff across the city have been working hard to identify the steps that need to be taken. In addition to Bps and your chiefs of staff, revenue, city attorney's office, human resources and budget office have played important roles getting us to where we are at today. The ballot measure identified the Bureau of Planning and Sustainability has the main goal of initiating and implementing the ballot measure. We expect the work will take approximately 18 months with a goal of being ready to launch the fund and make grant awards in July of 2020, if not sooner. Once the program is up and running the committee oversight and granting committee may decide to continue utilizing the Bureau of Planning and Sustainability in this fashion or decide to move the program and its staff to be housed elsewhere. Bps is helping to create a successful program very seriously and we are actively engaged with the community coalition that created the ballot initiative. One of the

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ordinances in front of you today, item 160, I believe, does three things. The first thing it does is it actually creates the fund by amending city code 5.04 and adds the fund to the city's financial system. The second thing it does is it authorizes four new staff positions to design, oversee and manage the program. We have worked with the community coalition to identify priorities of work that need to get underway and these staff positions are focused on meeting those needs. One of the positions is a program manager, the second position is coordinating fund's oversight and advisory committee, the third position on community outreach and capacity building so local nonprofits are well positioned to submit successful proposals at the time the fund launches and the fourth position focused on performance metrics, reporting and communications. So provided that city council authorizes the creation of these positions today through this ordinance we are ready to begin recruiting the program manager position this coming monday, february 25th. The following three positions will follow soon thereafter. The third thing this ordinance does is directed the bureau of planning and sustainability to bring forth a budget request in the spring buff equal to staffing materials and services by the end of fiscal year 18-19 and request that from the general fund contingencies. All reasonably necessary expenses covered by bps or the general fund are to be reimbursed by the Portland clean energy community benefits fund when funds are available. There is more information on the bps website for people who are interested in learning more and want to get directly involved. With that, I will turn it over to thomas.

Thomas Lannom, Director Revenue Division: Thank you very much.

Wheeler: Thomas, your mic is not on.

Lannom: Thank you. Hi. I'm thomas -- the division director. Joining me is tyler wallace. Tyler is our tax division manager. Commissioner hardesty, michelle covered this very well so i'm not going to dive into detail about the measure but highlighting what we are here to do. Item 160 implements the measure. Item 161 creates the funds and the positions within bps. Just to be really clear about what the changes are from the measure, we are making some changes. Our philosophy was to cleave as closely as possible to the intent of the voters working very closely with the committee and with the petitioners to make sure we didn't violate the spirit of the measure. There was clarity around definitions and looking to the current year sales measures rather than the prior year and aligning to current definitions rather than creating new definitions wherever possible. So with respect to our next steps, implementing this, following council action today we will publicly post administrative rules providing examples for taxpayers so they understand what we believe will be included and not included in terms of the tax. That process will begin very shortly probably in march. We will publish a date in the daily journal of commerce in the public hearing for anyone who wants to provide feedback. Following that feedback, we will either amend the administrative rules or adopt them. With that, I will wrap up. Unless there are questions.

Wheeler: Thomas, before you disappear, there are three technical amendments.

Lannom: Yes, sir. That is right.

Wheeler: Can you walk us through it.

Lannom: I put that in bold caps and went right past it. Do you have an exhibit c? There are three technical amendments. Council finding in number 11, updating the fiscal year 2020-2021 to 2019-2020 when the senior auditor positions need to be added to revenue. Amendment number two is unrelated to the measure, but an action we felt made a lot of sense in getting our code up to date around intentional database hacking. It increases the penalties for that if anyone hacked into the business license information system. The third amendment corrects two legacy code references that were not gender neutral. I want to thank michelle krim and her staff for pointing those out. I'm happy to read those into the record but the written record suffices for amendment c. My final comments, first, I would

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like to thank the clean energy commission and coalition. They have been great to work with. We had frank and fruitful discussions about changes to be made and lastly revenue division staff, if you could stand up in the back there and take a bow or otherwise. Thank you very much for all the help that you have given.

Fish: Mayor.

Wheeler: Commissioner Fish.

Fish: Do you want us to move the package of amendments?

Wheeler: Yes.

Fish: I move the packet of amendments.

Hardesty: Second

Wheeler: A motion and a second. [roll call]

Fish: Aye. **Hardesty:** Aye. **Eudaly:** Aye. **Wheeler:** Aye.

Wheeler: The amendments are on the table. Thank you for your testimony. We appreciate it. We have an invited testimony panel. Reverend e.d. mondenay, the president of the naacp Portland branch and the chief petitioner of Portland 26-201, the Portland clean energy initiative. Jenny lee is the advocacy director of the coalition of communities of color. I hope i'm pronouncing this gentleman's name correctly, ramfi villatoro. Oregon state policy director and nate mccooy, the executive director of the national association of minority contractors of Oregon. Come on up. Thank you for being here.

Fish: Reverend, this is your second time testifying in 24 hours.

The Reverend E.D. Mondaine: Today is my birthday and I wouldn't want to be anywhere else.

Wheeler: Happy birthday. That is great.

Fish: Nate, let's bring another chair up.

Eudaly: Reverend, I didn't recognize you in your street clothes?

E.D. Mondaine: Well, sometimes I wear jeans.

Eudaly: Me, too.

Wheeler: Would you like to start us off since it is your birthday.

E.D. Mondaine: Yes. I'm president of the naacp, i'm my grandchildren's grandfather most importantly. Good afternoon. I want to express my gratitude to the mayor and the board of commissioners for your role in making Portland history by lending your support to the communities that led the victory in passing ballot measure 26-201. The Portland clean energy community benefits initiative. I am especially grateful for the foresight of commissioner hardesty to be one of the first to bring to light this initiative and invite other partners, the communities of color, to come onboard. My heart breathes a sigh of hope as I have witnessed the power in the call of collected voices of our citizens. Combined with the feverishly hard work with Portland's communities of color, we took the lead in advancing an environmental initiative to victory. Together we were able to bring an initiative, bring innovative reasoning to battle the necessary war on environmental injustice and economic inequality. We have taken giant steps in the fight of justice, by moving forward a vision for a clean energy future. We look forward to workers with living wage jobs, suitable housing that is energy efficient, and renewable energy that matches the renewed hope that advancement and sustainability yields. The people of Portland said yes to this vision. It suffered intense skepticism from the press, but 65% of this city voted for large retailers to pay their fair share to build climate resilience for frontline communities. Our naysayers will be eager to publicize even minor missteps. They will expect the city to faithfully implement the initiative they approved. Mr. Mayor and commissioners, we have an expectation as well. We expect you to defend this initiative from those who would seek to weaken it. Ensuring that communities of color and low-income folks are prioritized so that they receive needed mitigation and resilience to climate change. The people of Portland spoke loud and very clearly on election night. And our hope is that you will echo their voices. It is

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imperative to note this initiative has captured the attention of the nation, progressive cities, advocates for justice, and those who know that it is right now time to address the climate crisis. They are looking and waiting to see to Portland successfully implementing this initiative. In my closing, I caution you to exercise patience. This is a brand new initiative. And we are building skills contractors workers and more to better utilize this fund. We look forward to further collaboration to support an implementation to this historic measure. Thank you very much.

Wheeler: Thank you, sir. Good afternoon.

Jenny Lee, Advocacy Director Coalition of Communities of Color: Good afternoon, mayor wheelie, commissioner eudaly, commissioner hardesty, commissioner Fish. Thank you so much for the opportunity to testify on this ordinance adopting the Portland clean energy benefits initiative. My name is jenny lee, the advocacy director of the coalition of communities of color and i'm here on behalf of the Portland clean energy fund implementation committee. The amendments before you today will help improve the initiative's language with the city code, make it easier for the revenue division to collect clean energy surcharge efficiently and effectively. We greatly appreciate the diligence of revenue division director lanham and his team. These technical amendments will improve and clarify the city code and we are grateful for their strong engagement with us throughout this process. We look forward to the administrative rule making process, with the passage of this initiative, the city of Portland's voters clearly recognized the urgent need for corporations to pay their fair share to address climate change and economic inequality and we expect this intent will be achieved. We look forward to the next steps in hiring the program staff at the bureau of planning and sustainability and establishing a diverse and representative grant committee who will develop the program framework in fidelity to this initiative. We are inspired that the Portland clean energy fund has to transform our city. The implementation process so far as aligned well with community-centered leadership. We expect this approach to continue throughout this development and ongoing operation of the fund. We would like to thank the mayor and each commissioner for your engagement in implementing this measure as well as dedicated staff. With special acknowledgement to commissioner hardesty, who has been there since the beginning. We also thank the revenue division, director lanham and his team, as well as the bureau of planning and sustainability, michelle krim and her staff. They have been an outstanding partner in recognizing the importance of implementing this measure swiftly and with the due diligence needed to make sure this program is off to a strong start. Since the election, I personally have been amazed at the number of people we have been able to get in the same room so quickly across so many city offices and bureaus. That truly is a testament to our shared commitment to making this program a success. We know that the eyes of the nation will be on us and I think that we truly have put in that effort and commitment thus far. Again, thank you for your work and for the opportunity to testify today. We are genuinely excited to continue on this journey together. To create a more just and equitable Portland for all of us who call this city our home. Thank you.

Wheeler: Thank you. Good afternoon.

Ranfis Villatoro, Policy Director BlueGreen Alliance: Good afternoon. Thank you, mayor wheeler, commissioner eudaly, commissioner hardesty, commissioner Fish. I am the Oregon state policy coordinator with blue/green alliance, labor, environment organizations working together to solve today's environmental challenges in a way that creates and maintains good equally job and a stronger, fairer economy. We are guided by the principle we can no longer choose between good jobs and a clean economy, environment. That the actions we take to create quality jobs and protect working people, the environment must go hand in hand. And that together we can build a clean, thriving and fair economy. We believe that this initiative has the opportunity to do just that and be a

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beacon of hope not just for the city, but the state and this country. I want to take this time to recognize the many pcef leaders and volunteers who helped dream and push this initiative. Many of whom pushed this forward are descendants of a generation that were asked to wait and not now around issues of social justice, economic justice and racial justice. Many of us still hear that today. And many of those leaders were able to stand just like the generations before us, to answer the proverbial questions, if not now, when? If not us, who? The time to act boldly and constructively is limited and our belief that a just and inclusive future can and will be built by communities of color, environmental and labor organizations working together. It will require a skilled and trained workforce. It will require the creation of good paying jobs and access to health care and pensions. It will require a system of rewards, diverse high road developer and contractors and employers. It will require a robust public sector to administer and steward and enforce our laws and provisions. Most importantly, require us to continue to work with multiple stakeholders and impact communities to continue to strive to a more just and inclusive future. Again, we need to work together to ensure no person, no community is left behind in our energy transition. As reverend dr. Gene once observed, all labor uplifts humanity has dignity and importance and should be undertaken with painstaking excellence. This day is for the pcef coalition and the collective wisdom of Portland voters who continue to shoot for the moon for a more just and more inclusive clean energy future. We do this not because it is easy. We do this because it is true measure of who we are as a city and what we strive to be. Thank you.

Wheeler: Excellent. Thank you. Good afternoon.

Nate McCoy, Executive Director of Oregon Chapter Minority Contractors: Good afternoon. I'm pleased to be here. Mayor, commissioners, thank you for having me today. For the record, my name is nate mcco, executive director of the Oregon chapter of the minority contractors. A year and a half ago joanne calling me and telling me about this initiative. As a 501c6 chapter, we don't tend to endorse campaigns. Her case was so compelling, when I took it to our board and members it was almost a no-brainer to jump in and support this initiative. I want to say for the record as a side note, you see us all in green today, minus me. I'm an Oregon duck alumni. And I should be ashamed I don't own a green shirt. So I am unified with my group today, in spirit more than in clothing. So thank you for that. I have a couple of key points that set this initiative apart from all the conversation today. Four key points. For the first time ever in my history in 37 years of being alive, I have never seen such an initiative which, one, was led solely by the community, two, was environmentally sound, which is all about the climate today and how much we need to do to be ready for the future, three, socially connected from a community, from an agency and from those who really benefit from the work we will create and then, four, selfishly for namac, we care about pipeline of work. We cannot afford to wait for major projects that don't include our members to create the pipeline of capacity and the workforce. This blends those by far more than anywhere. Nick mentioned in the last segment that communities of color are by far leading capacity in the level of collaboration nationally and locally and being recognized for. That is great for us to be a part for. I have heard the mayor say in the past a good plan is only as good as the resources that follow it. \$54 million to \$71 million, if we can't work with that, we are all in the wrong business. I think that is a great initiative. I have a couple of key things because this will become sticking points when it comes to talk about funding. We are eager to set goals around these dollars, to ensure that communities of color benefit. We are discussing 300 to 500 plus jobs yearly that would become green sector jobs, not only contractors who do some of this work but workers who can start to work on new avenues in the workforce. National precedence of the green sector movement across the nation and Portland is one of the leaders in it. What a great opportunity to not be chasing our tails but be in front of

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something we create the outcomes on. What I want to discuss because we talked about housing. I'm on the Portland housing advisory commission. What I truly appreciate about this discussion is that when you think about affordable housing, we know the construction costs are skyrocketing. And I can remember as a construction manager we had to make decisions based on, are we putting solar and weatherization on this project and can we make it penciled? This fund has the opportunity to help subsidize some of these projects to ensure that the tenants and the owners can benefit from these savings and from the affordable housing that is being produced. We also talked in the last segment about homeless. This is the opportunity for some of those folks facing homelessness, facing that rising housing rents, to not only be able to live in their city, but to be able to have the income levels to sustain living wherever they choose. I'm already seeing the housing connection and employment connection and the community connection. Lastly, I would be in trouble with my grandma who has passed who taught me this very long ago. She always told me, if communities were able to control the narrative, they could control the outcomes to benefit who they live with and break bread with in the community. What that always taught me is, you know, be visible about what is going on. Communities of color who have always been underrepresented are usually the closest to the solution. The fact we put those folks in the solution-based process first instead of last, you get some of the outcomes we have today. With that said, I want to applaud the commission, everybody behind me, everybody on this panel and the work is just starting and we are excited about this opportunity so thank you.

Wheeler: Thank you. Thanks all four of you. Reverend, happy birthday.

E.D. Mondaine: Thank you.

Eudaly: Happy birthday.

Wheeler: Carla, home people are signed up for public testimony?

Moore-Love: 10 people.

Wheeler: Call the first three. Shedrick wilkins, singh and -- maguire and daneen o'rourke.

Wilkins: People of lower income tend to be young people and resourceful. When I was getting my electrical engineering degree, I saw in north Portland, one was a scanner magazine had solar cells across the building. The -- bar and grill had solar. People want to save money. Before my father died in the 1990s, he wasted money. He retired from nabisco. He let natural gas go out the window. Probably because he was dying and didn't care. He had the money. His pension and social security, she was blowing social security right out the window. He wanted the house to be like venus. On energy I tend to side with solar cells, passive solar. Be off the grid. Pge pushes centralized powers. They owe the power lines. So they want you to be in the power grids. We get natural gas from canada. Cable television is a great way, get a video phone or video conference and text somebody instead of physically moving which takes energy. My thoughts. My dad was the worst offender. Low-income people are the best. It hits them in the pocket. Younger people. They are the ones most likely to do things like solar cells on the roof, like passive solar and use natural gas at least possible and make sure it doesn't go out the window.

Wheeler: Thank you. Good afternoon.

Maria Hernandez, Segoviano OPAL: Good afternoon, mayor wheeler and commissioners. My name is maria. I'm the policy and advocacy manager of opal environmental justice Oregon. We organize people and people of color to achieve a safer, healthier environment in the place we live, work, practice spirituality and play. Thank you again for the opportunity to testify. I urge the city to implement, maintain and strengthen the Portland clean energy fund today. This initiative has changed the story about who makes decisions in Portland. Communities have a clear mandate to act on climate change and invest in justice. This policy is one of the best examples of how local governments can address inequality while taking bold, I say bold climate action. Global and national allies

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are rooting for us to do this right. As part of the organizing committee of the international led climate justice alliance, opal traveled to Washington, d.c. To talk about this policy with representative alexandria ocasio-cortez. When mainstream allies follow, justice is the result. We are up against wealthy, powerful interests who wish to see us fail. To preserve their profits. They are willing to sacrifice the needs of our community and the very existence upon which our lives depend. We can't allow them to stop this particular momentum. You cannot let them weaken this policy. We urge you to not let them weaken this policy. The people who want to undermine this initiative didn't win 65% of the ballot. They lost handily. They scare tactics did not work on voters and should not work on city councilors or yourselves today or unelected bureaucrats who may seek to weaken this policy. For too long decision makers have neglected to act on the crisis we face. Portland workers and low-income house holds beautiful and diverse people of color are the fights against climate change. This is the new political alignment. Follow us and together we all win for better world and a better city. Thank you.

Wheeler: Thank you. Good afternoon.

Jai Singh, APANO: Good afternoon. I'm jay singh. I'm at the asian pacific network of Oregon. I'm urging the city to make this groundbreaking initiative into city code and defend this initiative and do everything in your power to make sure it is strong, effective and able to be a model for the nation about what it looks like to take climate action and create good jobs. Climate change is harming asian and pacific islanders. In the pun jab, india, where my family is from, most people are farmers. After years of long drought many farmers are committing suicide because of inability to provide for families. Others are forced to immigrate to cities in india. If our country and the rest of the world don't take action, we are looking at massive migration at an unprecedented scale. At the same time, we need to make sure immigrants and people of color who are here have access to good paying jobs in the green economy so they have the resources they need to be resilient to the impacts of climate change. At apano, our members have repeated loud and clear as Portland's cost of living goes higher and higher, they need living wage jobs to stay here and keep kids in school here they are excited to be trained as solar installers, opano was proud to knock on thousands of doors to talk about Portland clean energy initiative because we know what that means. More solar power for homes, schools, businesses, job training for low-income workers to transition to good paying jobs and reduced utility bills for our communities. As you listen and watch me today and I sit here, I want you to see thousands of asian and pacific islander families who are depending on you to make sure this groundbreaking initiative succeeds. We urge you to vote the Portland clean energy initiative into city ordinance.

Wheeler: Thank you.

Hardesty: Mayor.

Wheeler: Commissioner hardesty.

Hardesty: There is no way we are going to let it get weakened. If anything, we are looking to make it stronger.

Wheeler: Next three, carla.

Moore-Love: Anyssa pemberton, danene o'rourke, dr. Harris and nicky -- and bob sallinger.

Wheeler: Very good. Good afternoon. Would you like to start, please?

Anissa Pemberton, 350PDX: Yeah. Hello. My name is anyssa pemberton i'm the organizer at 350pdx. It is an honor to speak with you about the Portland clean energy fund especially knowing the collaboration with frontline communities have been so meaningful so far. I grew up in rural illinois as a latinx person. I felt firsthand the toxic effects of greenhouse gas emissions on public health, environmental degradation and how they impact to low income communities and people of color. I moved to Portland to create

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significant progressive change to emanate to a national stage. It was so incredible to join the campaign as a field organizer to pass the clean energy initiative where communities of color took the lead to advance to victory for the first time in Oregon. We worked tirelessly to build momentum and knowledge in our community, but it was not hard to advocate for this bill. In November 2018 I walked into the campaign party after being on the phone to hear we won by a landslide. 65% of this city wants large retailers to pay their fair share to build climate resilience for frontline communities. I continue to live in a low-income community of people of color. Our community and allies know you will defend this initiative against deniers of a just transition to a green economy and historically marginalized communities and corporate communities will be eager to undermine this initiative. We are standing in solidarity with one another to let you know we expect you to stand up to these forces. We look forward to implementing this initiative and a grant program for skills and to use this fund to grow a local green economy. As a representative of 350px, I hear regularly from cities and advocates who are looking to Portland to successfully implement this initiative. It is time to center communities of color and low-income folks to receive mitigation to climate change. Maybe someday there will be an Illinois clean energy fund to support the community I grew up in. Ultimately, that long view of climate justice should be ever present in this implementation. Thank you for your continued advocacy and collaboration with frontline communities.

Wheeler: Thank you. Good afternoon.

Dineen O'Rourke, Sierra Club: Good afternoon. I'm Danene O'Rourke, with the Oregon chapter of the Sierra Club. I am 23 years old and in my senior year of high school, summer storm Sandy hit my community on Eastern Long Island. That forever changed my neighborhood, my dad's job as a lineman for the local utility and my own perception of my future and the future of my home. Fighting for climate justice as we have heard from people before me this afternoon is personal as is the implementation of this measure. The field team for this campaign we talked to thousands upon thousands of our community to pass this measure. The moment voters heard our first sentence at the door and understood what this measure was about our work was mostly done. They were convinced. Then on election night this campaign rose out of the ashes of a lost environmental ballot initiative across the country like those in Arizona, Washington and Colorado. Why? Portland succeeded because we followed the visionary leadership of those who are most impacted by climate change who know what solutions their communities need. And now as news outlets buzz in every direction about the federal Green New Deal House Resolution, our own city has captured the attention of the nation, passing a city version of the Green New Deal. Transforming our economy, providing living wage jobs to those who need them the most and tackling the climate crisis. This is what it looks like to be on the cutting edge of a major unprecedented transition. I, too, regularly hear from Sierra Club chapters across the country who are eager for updates on this measure's implementation and advice how they can create a similar measure in their communities. As we embark on this historic moment, let us not forget the spotlight is truly on us. Thank you to the Mayor and the Commissioners for their collaboration. For following the leadership of the frontline communities who led the Portland Clean Energy Fund from the idea to the implementation. It is truly an honor to be here to see the dedicated work of this frontline, grassroots campaign become written into law. Let us not dismiss the enormity of this victory and grassroots organizing that made it happen. We will be here every step of the way to support strong implementation. Thank you.

Wheeler: Thank you. Good afternoon.

Dr. Andy Harris, PSR: Good afternoon Mayor Wheeler, Commissioners, I'm Dr. Andy Harris, Oregon Physicians for Social Responsibility. You are now hearing from all ages from 23 to 76. I am somebody who has benefited by white male privilege over the years and I'm

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thrilled this measure passed started by joanne hardesty. For the first time communities of color took the lead on this measure advanced environmental initiatives and will benefit both the environment and those who are living in low-income communities. Oregon physicians for social responsibility was pleased to be part of the grassroots coalition for support that helped pass the clean energy fund to that record 65% vote. We're also pleased that Portland will take leadership in climate disruption in solar energy, decreasing energy costs to low-income folks and particularly pleased the measure seeks to give training and employment to those who have been economically marginalized. The number of people in poverty has increased dramatically in Portland in the last few decades. It provides for increased skills for contractors, workers, organizations and others who will utilize this fund. Once again, we expect you to defend this initiative. I appreciated joann's reassurance you will defend it from those we know will seek to weaken it. Assuring communities of color and low-income folks are prioritized. Thank you so much.

Wheeler: Thank you.

Moore-Love: The last two are nicky dobey and bob sallinger.

Wheeler: Welcome. Thank you for being here.

Nikki Dobay, COST: Thank you, mayor wheeler, commissioners. I am senior tax counsel with the council on state taxation. We are a nonprofit trade association. Our mission is to promote fair taxation for multi jurisdictional taxpayers. I'm a tax attorney and a resident of Portland and working in this area for over 12 years. I'm going to change the conversation a little bit. I'm going to get technical into the tax issues that are included in this ordinance. We are opposed to two specific deletions within the proposed changes by the revenue division. Specifically to the deletion of references to u.s. And national sales pertains to the \$1 billion threshold and also to the deletion of the prior year for purposes of determining who is subject to this tax. We understand the challenges with administering this tax that the revenue division is facing. This is a completely new tax type. And at the end of the day, this tax is much more akin to a sales tax than an income tax or surcharge on income tax. So we understand there are significant challenges with trying to administer the tax in the way that the revenue division would like to do that, which is by putting it -- making it part of the business license tax form and linking it to the apportionment information included on that form. We see the changes that the city is proposing as an attempt to really put a square peg into a round hole. This really does not have anything to do with opposing this measure, it is how to administer it in a way that our members can actually comply, which they do want to do. The changes could significantly broaden the taxpayers that are subject to this tax and the base that is included. We see this as a significant expansion of the tax that was passed by the voters, which we do not believe that the city council has the authority to approve without voter approval. In the case city of Portland vs. Home away decided in 2017 here in the u.s. District court, the council attempted to approve by vote within the council of an expansion of a definition, which was found to be invalid. By removing these terms, this is a significant expansion of the tax. So we would very much encourage you to reconsider those deletions from the ballot measure that was approved by the voters and i'm happy to answer any questions.

Wheeler: Thank you. Good afternoon.

Bob Sallinger, Audubon: Good afternoon, mayor wheeler and members of city council. I'm bob sallinger testifying on behalf of autobahn society. It is amazing to work on this ballot measure, it truly is historic. I have worked on many campaigns, I have never seen one in this depth, breadth, inclusivity, leadership and diversity. Dedication to getting to the places in the city that are often just ignored in campaigns. To go to those places first and make sure that voices that are so often left out, out of convenience or out of worst motivation were put in the front. The city has done a lot of historic things for the environment. We have been leader. We are not only raising up the environment but raising

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up the community with the environment. Those two things have to go hand in hand to have a sustainable future. That is what makes this so powerful. We can put solar panels on buildings and plant trees but are we bringing everyone along in the community, in particular, the people who are so often not included in the benefits of these endeavors we do. You have heard concerns of people trying to undermine this effort. I appreciate the comments and the dedication and work already being done and being done going forward. I don't doubt city council's commitment. I'm less worried about the enemies of this measure. We are going to know them when they are in the room. We can get over that. The bigger thing is institutional impediments. How do we think outside the box? That is what this demand. Go outside of the structures we have had, and the comfort zones we have been in and think differently about the structures to really reach the people this is intended to reach. I think that is a bigger challenge and something we look forward to working with you on. I have been excited to be part of the campaign and also in the follow-on work as people have been flooding in and realizing that something historic is happening. Landscape change is coming, and our community is lifted up. We look forward to working with you and everyone else to get it done.

Wheeler: Thank you. Does that complete public testimony?

Moore-Love: Yeah, that is all.

Wheeler: Colleagues, any further discussion. Carla, on item 160, call the roll.

Fish: Thank you for city staff and guests and everyone who took time out of their busy day to be with us. It has been a long week and historic week. A lot of important and interesting work. To the point that bob just closed out on, the voters have spoken. Our job is to defend this fund, strengthening it where appropriate and implement it. I think by virtue of the presentation we received today, we are starting on the right foot. I vote aye.

Hardesty: It is amazing how much has been accomplished since election day. When I got here on January 2, I was like, oh, man, is this going to take a while. So I am very, very impressed with the work that has been done by city staff to get us to where we are today. It is absolutely fabulous they were able to do so much detailed work in such a short period of time. A special thanks to the finance director for making that happen. Really appreciate that. I have a list of people I want to thank and many of them aren't in the room, but these were the frontline folks from very early on. And so I want to personally thank con pam from opano, maggie talmidge who is in graduate school. Alan hippolito, brett foster, lenny dee, adrianna voss, reverend edi -- who stepped in when I did that crazy thing like running for office. This was a labor of love. This was a labor of love based on outcomes we have achieved in the city of Portland over a hundred years or more. This was a different way to do business. I hope the message people learned from this process is we could have equitable outcomes, but we have to start them in a totally different way. This measure actually gives us a road map to how you center communities of color first, the frontline communities and bring the big boys in to be your partners. I think what I love most about this initiative is the hundreds of people waiting to go, when can I start collecting signatures? It was phenomenal. I have never seen that in the city of Portland. I want to thank everyone who had a little, a medium or a big role in making this happen and you give you my promise that I will be watching it like a hawk to make sure it is implemented like it is intended. I vote aye.

Eudaly: My cynic in me is tempted to tell commissioner hardesty not to get too excited. I, too, had an early win on my seating in city council. It is a rude awakening. I'm going to check my inner cynic and i'm going to say let's keep this train rolling. Thank you, everyone, for being here today, for your hard work and for your support. I was proud to be an early supporter of the Portland clean energy fund and endorser and I have a confession to make. The Portland clean energy fund was the first measure I ever canvassed for because while I am not exactly a wallflower, I hate knocking on people's doors. And I didn't even

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knock on people's doors for my own campaign. I just swiftly snuck up to their porches and hung my door hanger on their knobs and ran away and hoped not to be yelled at. I learned a really valuable lesson. I'm not going to volunteer for every campaign but have overcome my deep seated fear. I was prepared to read a long list of thank yous to the community partners who successfully advanced this initiative. Commissioner Hardesty has done me that favor. You all know who you are. Suffice it to say it was an impressive coalition of communities of color, environmental advocates, community and faith leaders, businesses, nonprofits, neighborhood associates and numerous elected representatives. I want to take a minute to illuminate the not very catchy term just transitions we have heard a few times. I'm sure most if not all of you know what it means. For the benefit of the listeners and viewers I want to talk about it. Just Transitions is a movement devoted to climate movement benefiting those who have been most harmed by redressing past wrongs, and creating new opportunities, economic opportunities. Van Jones, I think, said it best, you all know Van Jones is a fan of Portland Clean Energy Fund. He described the fund as a beautiful idea that takes 1% from the 1% to benefit the 100%. Which conjures up for me the poetic, if not entirely fair moment in time we're at where we see the people who have been most harmed, most disadvantaged poised to be the ones who may very well save this country from itself. So I want to thank you all for that. Today I promise to you that I will do everything in my power to ensure that we make the most of this incredible opportunity that the community and the voters delivered to our doorstep. I most happily vote aye.

Wheeler: Well, I want to thank everyone who came out today to share their support of this important and historic initiative. I want to particularly thank Reverend Modenay, Jenny Lee and -- about your remarks about the historic nature and how this advances equity and economic prosperity for everyone in this community. I particularly want to thank Commissioner Hardesty for her leadership on this initiative. The shared goals that were described earlier are extremely important goals for this community. I want to publicly commit my administration to working well with the frontline communities who led this ballot measure to make sure the Portland Clean Energy Benefits Fund is successful and that it delivers on the promised goal. That is my pledge to you. There's a lot at stake, as has been said, to make sure we get this right. I concur with those who say people are watching how this unfolds. It will require our constant vigilance to make sure this is implemented correctly. Why is it so important? I have said and I believe and I will say it again right now, climate change, I believe, is the most significant issue facing this planet today. It is the largest crisis of our era. As you know, Portland has been said, has taken a leadership role in ambitious planning around reducing carbon emissions and addressing the impacts of climate change, but there is always more work we can be doing. Addressing the needs the most vulnerable and historically underserved communities is a worthy goal and this initiative gets to that goal. It was mentioned that the concept of the Green New Deal is being discussed in Washington and elsewhere around the country and there's no question in my mind that people not only look historically at what the city of Portland has done around climate action, but they will look to this specific initiative as an example of a new way of organizing the community in a new way, said so eloquently about people testifying, a way to lift the community while achieving our climate action goals. This is about ensuring a more sustainable future for all. The strength of the community support of this initiative and leadership of frontline communities both of which we have heard from today, will not only -- was not only critical in the success of the ballot measure, it will remain equally critical to the implementation of this initiative. Hearing people come to the dais and commit to that partnership going forward was very, very well received, I know, by all of us on the Portland City Council. Again, I want to thank everyone from the Portland Clean Energy Coalition steering committee for working diligently with city staff from literally the day this passed at the polls, the city staff has committed to making sure this is implemented effectively. I want

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to particularly thank thomas lanham from the revenue division and michelle krim for your dedication and hard work to make sure this gets done right. I look forward to the city working together with the successful implementation of the Portland clean energy fund on building more sustainable, resilient, equitable and prosperous city for all. Thank you, I vote aye. The ordinance is adopted. Next item. [applause] I promise I won't give a long speech. Call the role. [roll call]

Fish: Aye. **Hardesty:** Aye. **Eudaly:** Aye. **Wheeler:** Aye.

Wheeler: The ordinance is adopted. And guess what? We are adjourned.

Council adjourned at 4:55 p.m.