



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **1<sup>st</sup> DAY OF MAY, 2019** AT 9:30 A.M.

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

Mayor Wheeler left at 12:06 p.m. Commissioner Fish presided.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Naomi Sheffield, Deputy City Attorney and Lauren King at 10:53 am; and John Paolazzi and Christopher Alvarez, Sergeants at Arms.

Item Nos. 377, 379, 380 were pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

<b>COMMUNICATIONS</b>		
<b>367</b>	Request of Joe Walsh to address Council regarding communication (Communication)	<b>PLACED ON FILE</b>
<b>368</b>	Request of Jeff Cole to address Council regarding update on the McCall Land Use Legacy (Communication)	<b>PLACED ON FILE</b>
<b>369</b>	Request of Craig Rogers to address Council regarding trust and local government (Communication)	<b>PLACED ON FILE</b>
<b>370</b>	Request of Paul Grecu to address Council regarding housing - homelessness (Communication)	<b>PLACED ON FILE</b>
<b>371</b>	Request of Philip J. Wolfe to address Council regarding follow up on friendly amendment proposal (Communication)	<b>PLACED ON FILE</b>
<b>TIMES CERTAIN</b>		
<b>372</b>	<b>TIME CERTAIN: 9:45 AM</b> – Proclaim May 2019 to be Asian American and Pacific Islander Heritage Month (Proclamation introduced by Mayor Wheeler and Commissioner Fish) 30 minutes requested	<b>PLACED ON FILE</b>
<b>373</b>	<b>TIME CERTAIN: 10:15 AM</b> – Proclaim May 1, 2019 to be the Day of Awareness for Missing and Murdered Indigenous Women (Proclamation introduced by Mayor Wheeler) 30 minutes requested	<b>PLACED ON FILE</b>

<p><b>*374</b></p>	<p><b>TIME CERTAIN: 10:45 AM</b> – Initiate foreclosure action on five properties for the collection of delinquent City Liens placed against the properties (Ordinance introduced by Mayor Wheeler) 15 minutes requested (Y-4)</p>	<p><b>189474</b></p>
<p><b>375</b></p>	<p><b>TIME CERTAIN: 11:00 AM</b> – Appeal of Elliott Mantell against Hearings Officer’s decision of denial for a Conditional Use Review for the Everett House Community Healing Center, in the former homes at 2917 and 2927 NE Everett St and 2926 NE Flanders St (Previous Agenda 263; Findings; Report introduced by Mayor Wheeler; LU 18-190331 CU) 5 minutes requested</p>	<p><b>RESCHEDULED TO MAY 15, 2019 AT 10:45 AM TIME CERTAIN</b></p>
<p><b>376</b></p>	<p><b>TIME CERTAIN: 11:05 AM</b> – Grant a 10-year franchise to New Cingular Wireless PCS, LLC for wireless communications services in the City (Hearing; Ordinance introduced by Mayor Wheeler) 15 minutes requested</p>	<p><b>PASSED TO SECOND READING JUNE 5, 2019 AT 9:30 AM</b></p>
<p><b>CONSENT AGENDA – NO DISCUSSION</b></p>		
<p><b>Bureau of Development Services</b></p>		
<p><b>*377</b></p>	<p>Amend documentation of compliance section for required placarding and prospective tenant notification for unreinforced masonry buildings (Ordinance introduced by Mayor Wheeler and Commissioner Hardesty; amend Code Section 24.85.065) (Y-4)</p>	<p><b>189479</b></p>
<p><b>Mayor Ted Wheeler</b></p>		
<p><b>Bureau of Development Services</b></p>		
<p><b>378</b></p>	<p>Reappoint Julie Livingston to the Portland Design Commission for a term to expire May 6, 2023 (Report) (Y-4)</p>	<p><b>CONFIRMED</b></p>
<p><b>Bureau of Planning &amp; Sustainability</b></p>		
<p><b>*379</b></p>	<p>Authorize the Director of Bureau of Planning and Sustainability to execute a \$10,000 grant agreement with PolicyLink for a site visit for work with the Portland Anti-Displacement Policy Network team (Ordinance) (Y-4)</p>	<p><b>189480</b></p>
<p><b>Commissioner Jo Ann Hardesty</b></p>		
<p><b>Portland Bureau of Emergency Management</b></p>		
<p><b>*380</b></p>	<p>Authorize application to the Department of Homeland Security Urban Areas Security Initiative FY 2019 grant program for a grant of \$3,250,000 to enhance emergency preparedness through planning, training, and equipping of emergency responders in the Portland Urban Area (Ordinance) (Y-4)</p>	<p><b>189481</b></p>
<p><b>Commissioner Amanda Fritz</b></p>		
<p><b>Water Bureau</b></p>		

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<b>381</b>	Authorize a Collection Agreement with the U.S. Forest Service in the amount of \$159,948 to use ecohydrological models to study wildfire scenarios in the Bull Run Watershed (Second Reading Agenda 352) (Y-4)	<b>189473</b>
<b>REGULAR AGENDA</b>  <b>Mayor Ted Wheeler</b>  <b>Bureau of Planning &amp; Sustainability</b>		
<b>382</b>	Amend Title 33 to update the Neighborhood Contact regulations (Second Reading Agenda 353; Ordinance; amend Title 33)	<b>PASSED TO SECOND READING AS AMENDED MAY 8, 2019 AT 9:30 AM</b>
<b>Bureau of Police</b>		
<b>383</b>	Amend an Intergovernmental Agreement with Multnomah County to extend the Sex Buyers Accountability and Diversion Program through December 31, 2021 (Second Reading Agenda 355; amend Contract No. 30002122) (Y-4)	<b>189475</b>
<b>384</b>	Amend a grant agreement with LifeWorks Northwest in an amount not to exceed \$210,000 and extend funding through June 30, 2020, for the New Options for Women program (Second Reading Agenda 356; amend Contract No. 32001416) (Y-4)	<b>189476</b>
<b>Office of Management and Finance</b>		
<b>S-385</b>	Authorize a class exemption to implement Job Order Contracting for asphalt paving, repair and concrete work (Ordinance) 15 minutes requested <b>Motion to accept substitute documents:</b> Moved by Hardesty and seconded by Fritz. (Y-3; Wheeler absent)	<b>SUBSTITUTE PASSED TO SECOND READING MAY 8, 2019 AT 9:30 AM</b>
<b>386</b>	Authorize the Mayor to sign the updated Stadium Good Neighbor Agreement for Providence Park (Second Reading Agenda 357) (Y-3 Fish, Fritz, Wheeler; N-1 Hardesty)	<b>189477 AS AMENDED</b>
<b>Commissioner Nick Fish</b>		
<b>Bureau of Environmental Services</b>		
<b>387</b>	Authorize a competitive solicitation and contract with the lowest responsible bidder and provide payment for the construction of the South Portland - Burlingame Phase 1 Sewer Rehabilitation Project No. E10680, for an estimated cost of \$2,112,000 (Ordinance) 10 minutes requested	<b>PASSED TO SECOND READING MAY 8, 2019 AT 9:30 AM</b>
<b>Commissioner Amanda Fritz</b>  <b>Water Bureau</b>		

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**388**

Authorize a contract with the lowest responsible bidder and provide payment for the construction of the Dam 1 Needle Valve Replacement Project at an estimated cost of \$2 million (Second Reading Agenda 362)  
(Y-4)

**189478**

At 12:24 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **1<sup>st</sup> DAY OF MAY, 2019** AT 2:00 P.M.

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

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

<b>389</b>	<b>TIME CERTAIN: 2:00 PM</b> – Accept the Portland Design Commission 2018 State of the City Design Report (Report introduced by Mayor Wheeler) 1 hour requested <b>Motion to accept the report:</b> Moved by Fish and seconded by Hardesty. (Y-4)	<b>ACCEPTED</b>
<b>390</b>	<b>TIME CERTAIN: 3:00 PM</b> – Authorize the submittal of Enterprise Zone application to the State of Oregon to reauthorize the Portland Enterprise Zone (Resolution introduced by Mayor Wheeler) 40 minutes requested (Y-4)	<b>37423</b>

At 4:29 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **2<sup>nd</sup> DAY OF MAY, 2019** AT 2:00 P.M.

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

Mayor Wheeler arrived at 2:28 p.m. Commissioner Fish presided at the beginning of the meeting.

Commissioner Fish left at 3:00 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Heidi Brown, Senior Deputy City Attorney; and Tania Kohlman and Dorothy Elmore, Sergeants at Arms.

The meeting recessed at 3:20 p.m. and reconvened at 3:25 p.m.

<b>391</b>	<b>TIME CERTAIN: 2:00 PM</b> – Accept the Portland Historic Landmarks Commission 2018 State of the City Preservation Report Part B (Report introduced by Mayor Wheeler) 1 hour requested <b>Motion to accept the report:</b> Moved by Fish and seconded by Hardesty. (Y-4)	<b>ACCEPTED</b>
<b>392</b>	<b>TIME CERTAIN: 3:00 PM</b> – 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 (Previous Agenda 157; Report introduced by Auditor Hull Caballero) 2 hours requested	<b>CONTINUED TO MAY 16, 2019 AT 3:00 PM TIME CERTAIN</b>

At 4:33 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.

**May 1, 2019**            **9:30 a.m.**

**Wheeler:** This is the May 1, 2019 session of the Portland city council. Karla, please call the roll.

**Fish:** Here **Hardesty:** Here **Fritz:** Here **Wheeler:** Here

**Wheeler:** Good morning, everyone. We will now hear from counsel on the rules of order and decorum, good morning. 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 welcomed, 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 and 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. Please disclose if you are a lobbyist. If you are representing an organization, please identify it. The presiding officer determines the length of testimony. Individuals generally have three minutes to testify unless otherwise stated. When you have 30 seconds left, a yellow light goes on, when your time is done, a red light goes on. If you are in the audience, would like to show your support for something 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, 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 arrest for trespass. Thank you for helping your fellow Portlanders feel welcome, comfortable, respected and safe.

**Wheeler:** Thank you. First up is communications.

**Item 367.**

**Hardesty:** He hasn't spoke yet.

**Wheeler:** Good morning.

**Joe Walsh:** Good morning. For the record, my name is joe walsh, and I represent individuals for justice. I come before you and the city of Portland to charge the mayor and you of crimes against the people of Portland, Oregon. The sweeps that the mayor has instituted has murdered many of our people who suffer on the streets. The numbers are anywhere from 80 to 100 each year. Police prove me wrong by commissioning an outside study that looks at the correlation or connection between the sweeps and the deaths on the streets including suicide. Stop going to court to get restraining orders against the cop watches. The chief of police getting a restraining order against a cop watcher is ridiculous on its face. When you get money to join, or the joint office, or any other nonprofit, we demand you order them every three months and come up with some evaluation for the programs. We are getting word that nonprofits are sitting on funds that could be used to get people off the streets. Please prove us wrong on this. There are many more but your limitations on the time and its job, and not allowing the citizens to express their concerns or

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outrage in this case. Please do not thank me. I read into one of your citizens that you dragged here an appeal about the sidewalks, and he stopped me, and he said, you go to the city council. We had this conversation. He was really angry with you. You fined him about his sidewalks, when you go across the street to the parks, all your sidewalks are not in code. You are in violation outside your office. How hypocritical is that? To drag the citizen in? So anyway, congratulations. You have accomplished more people that are ticked off at you. It will be nice to be proven wrong on this, you know. Activists like being wrong because we say, cool. It's not as bad as I thought. So prove me wrong. Do a commission. Find out how many you murdered, mayor. On the streets. Find out. Prove me wrong. Otherwise, you are going to hear about it a lot.

**Wheeler:** Next individual, please, Karla.

**Item 368.**

**Wheeler:** Good morning. Thank you for being here.

**Jeff Cole:** My name is jeff cole, and i've been thinking about our town, how it was when I moved here over two decades ago, and where we are today. Landing here in the 1996, Portland fulfilled my definition of shangrila. I joined thousands friends of Oregon, attended conferences where urban and land use thinkers promoted visions, what's the best size for a city? What's a human scale? And I learned that growth is, actually, very expensive. The catch phrase then was sense of place, and Portland nurtured it with all its heart. Over time I grew to understand that our town also had a less lyrical history that included redlining and other forms of injustice. Today's catch phrases includes smart growth and missing middle, charm is out. What bothers me is the subtext at this point in time can be regarded as something to crow about, whether it be out, between, or up. It is a problem, as richard narrates in the planet, in the past 50 years the world's human population has doubled while wildlife populations have declined by 60%. Half a century ago, another skeptic of growth, governor mccall shepherded Oregon's landmark, land use laws into reality. Sb-100 had roots in an environmental awakening stuck in part by paul eric's book "the population bomb" which predicted mass starvation is the human growth outstrips the supply of food. That didn't happen. But was he all wrong? We expanded a global, industrial, fossil-based agricultural supply chain. That wiped out a lot of habitat and wildlife. That enabled a human exponential growth in carbon emission, and that might be our children's catastrophe. In japan, the population is decreasing, and economic and economists ring their hands. Yet, noble laureate, steven chew calls the current economics a giant pyramid scheme that's not sustainability. Traditional economic growth requires more people it buy more stuff. We Portlanders are no exception, as more and more amazon boxes are crammed into our expanding fleet of shiny new self storage buildings. Perhaps, another model, robotics and artificial intelligence, ensure innovative growth may dovetail with japan's demographic changes. The percentage of our world citizens who live in urban areas continues to grow as does the numbers, and at the same time defeat the mouths and the economies of our urban empire, our planet, our planet's remaining wildlands continue to be domesticated on a daily basis. So what to do? My advocacy here is not to call for walls or laws of exclusion or anything else along those lines. That would just be another ten seconds or so, I will calling for us to elaborate a future scenario. We have a vision zero for road safety. Why not a vision zero for growth? Not laws. Not policy, just a simple reassertion that growth is not to be blindly revered. It maybe [inaudible] to the future livability of our city and our planet. Thank you.

**Wheeler:** Thank you. Appreciate you coming in. Next individual, please, Karla.

**Item 369.**

**Wheeler:** Good morning.

**Craig Rogers:** I have here a document, Oregon's 20 safest cities of 2019, updated april 4 of this year. And on this list of cities, over 10,000, 20 safe cities Oregon, corvallis,



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milwaukee, canby, bend, beaverton, grant's pass, and where is Portland? So you think maybe 25, maybe 30? Guess what, Portland is number 35 on the list. You know, there might only be 35 cities over 10,000 in Oregon. And we are on the bottom. What's that about? So you are saying in today's paper, wheeler says Portland is on the right track, and I say, as compared to what? I, my neighbors are not going to be victimized by your neglect. You are saying right here, real progress right now, create a new era of openness and accountability at city hall. I have testified to what my experience has been down here when I have a question, and it's just, leave your email, and it's never answered. So here's the chartered code of policy through the city of Portland and the city council. The purpose of the city government is to serve the public city officials treat their office of the public trust. City powers and resources are used for the benefit of the public rather than any official's personal benefit. City officials ensure public respect by avoiding even the appearance of in perpetuity. I always get mixed up on that word, and I encourage you to laugh. So here we got the 2016, Portland's ratings of city livability, which is the city's report card, and you can see everything diving down on this. At the same time, you've been heaping praise on the auditor's office. The auditor says this is not going to happen any more after 26 years. What's going on there? See, what I encourage down here is to see the truth rather than the political thing because that's all I hear. It's not the truth. I am talking but.

**Wheeler:** Next individual, please, Karla.

**Item 370.**

**Wheeler:** Is mr. Paul grecu here? I don't see him. Perhaps he will show up later, next individual, please.

**Item 371.**

**Wheeler:** Good morning.

**Philip Wolfe:** Hello, everyone. For the public record, my name is philip wolfe. Mayor, commissioner, good morning. Before I begin I would like to request an extra minute just in case my interpreter has any delay, please. Has that been approved? Perfect. Thank you very much. I am going to try and be as brief as possible. I don't feel like two minutes is a reasonable amount of time to get out everything I want to, and I feel like many people will want to be able to speak, and we're all probably feeling that same kind of pressure balancing succinctness with truth, so I will just get to it. The reason that I am here is because a few years ago I was one of the people that wrote the draft for a captioning ordinance here in the city. Commissioner Fritz took care of leadership with that and helped to get it passed. It required all Portland public areas to have captioning on all of their televisions at any time. This is supposed to be at any place within Portland city hall. Up until this moment, I have seen a lot of problems with this ordinance because it seems that it's not expansive enough that really covers everything it needs, so I feel like amendments and work that we could be adding, especially now with the more prevalent use of social media, requires a lot more regulation around captioning and access. November 2018 I did send an email to all of you, and I showed up here on november 14 of 2018 to make a friendly amendment proposal. I did feel like I was heard, and commissioner Fritz, you did say that you would accept leadership on that. When I was finished, I said that we would be in touch via email with your office. January 7 of 2019 I sent an email, and I haven't received a response back. I didn't receive a response back from that. Again, I sent a response two weeks later. Because I didn't receive a response from that email, as well, I decided to show up. And I remember someone saying oh, wolfe, right? This is about the captions, right? Which showed me they had read the email but didn't respond. He said I didn't have time to respond, and I really wasn't upset at that time. I understand we are all busy here and we have a busy life, but it's important that I feel like you communicate with people like me. I don't know if my email ended up in the trash or ended up in the wrong file, so that night I followed up, and to this day, from, basically -- so november, december,

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january, february, march, april, and now today is may, so that's seven months that i've been waiting on a reply. In march, commissioner Fritz announced the Portland commission on disability was going to be disbanded. We had a meeting to discuss that proposal. When the meeting was finished, I met with commissioner Fritz about the captioning follow-up, and I remember you said, I am on top of t I will get to you later, and kind of took off. I knew you were doing other thing, but, you know, this is all my attempts of smiling, of trying to talk to you about this friendly amendment. I feel like no response from all of you has led me to come here today. I really want to point out, also, that from november until this point, I have actually been making a list -- I won't go any further down. I will email all of them to you, dates, information, screen shots and pictures that support everything that I have complaints about here. Many violations, many places that don't have captions in public events, also public events hosted by the city, specifically, city events that I have documented that are not accessible, so this is a huge concern for me, and I just really wanted to make sure that I opened up with putting this back on our radar, so, you know, I really want to keep it sweet so that it goes through. But, my patience is, absolutely, has run out. It's like, let's get this going, please. Seven months that i've been waiting for something like this. How long do we have to wait for accessibility? How much longer do I have to wait for this? It's a huge concern. So this is your, maybe, now opportunity to respond to me.

**Wheeler:** Thank you. Commissioner Fritz?

**Fritz:** Thank you for coming in, philip, and I will check my records to find out what happened. As you know, we have been focusing on high level issues in the office of equity and human rights. We had a hiring process in which people with disabilities were included in finding the new director, who started in february. We are, as you say, looking into what is the next situation at the Portland commission on disability, and we've been working very hard on that. As you know, we have another public meeting on thursday, tomorrow, to discuss that. Frankly, there is a limited amount of staff in the office of equity and in my office.

**Wolfe:** I am not talking about that.

**Fritz:** It is my turn to respond. There are a limited number of staff, and they could work on the captioning or they could work on pcot. They cannot work on both at the same time. So it seems to me that the right order of business was to do the study, to hire the director, to have the discussion on the commission on disability, and then to start focusing on the individual issues because I absolutely agree that we do need improvements to the captioning policies and code, and also, we need to have better monitoring, even if city compliance. There are many city bureaus that do not caption all their videos and put them online, and that needs to be addressed. So we share the concern. There are just a limited number of hours in the day and a limited number of people who are able to work on them.

**Wheeler:** Commissioner hardesty.

**Hardesty:** Good morning, philip. Thank you very much for bringing this really important issue back to us again. My office has been working with the bureau of technology services, and it appears that we have a very complex system for providing the service that you are looking for. I want to just applaud her because she's, actually, taken it upon herself to learn this system and then agreed that we could get a better system for free. So, I don't understand, either, why it takes so long to put this system in place. If you would like to follow up with her, she's the expert in my office about what we have in place now and what she believes is a better system. So, again, thank you for bringing that at our -- to our attention, and know that angelina has been working on this for the last couple of months. I want to put on the record, I was not here in november, so thank you.

**Wolfe:** Thank you all, commissioners, and commissioner hardesty, I really want to point out, especially, I have plenty of resources out when both free and low cost. We have a number of resources, but I don't feel like many people historically have asked people like

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me who use those resources where they are at. We would be happy to provide that information at any time, but I feel like putting it into the agencies that have been ineffective is what is elongating this, and I feel like commissioner Hardesty, you are the only one who has provided interpreters during your public events. You provided captions at all your public events better than anyone else here. There's been selective accessibility historically. Sometimes there is something on the screen, sometimes it is not and it has been cut out so sometimes we get half of the interpreter space, so I really wanted to bring that up that you have been consistently trying your best, and I want to recognize your effort, and hopefully other commissioners and other city officials act by your example, so thank you.

**Wheeler:** Thank you. Karla, have any items been pulled off the consent agenda.

**Moore-Love:** Yes, we have three items. Item 377, 379, and 380.

**Wheeler:** Very good. Please call the roll on the rest of the consent agenda.

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

**Wheeler:** Aye. The consent agenda is adopted.

**Wheeler:** 372. Commissioner Fish.

**Fish:** I don't know, mayor. I think that we have someone who is going to tee us up. Introduce yourself. This has been -- scripted by a team working on this. And you have two minutes. Welcome.

**Ning Jiang:** Good morning, mayor, commissioners, colleagues, and friends. For the record, my name is Ning Jiang, and I am a community engagement specialist at the bureau of environmental services. I am also on the Pacific Islander of Portland affinity group, we work with the city to educate and advocate on behalf of the employees and develop twice attract support and retain our AAPI employees. We welcome and celebrate the Asian Pacific Islanders and allies who are and have been city of Portland employees regardless of their native language, religion, culture, or tradition. You can find more information and a calendar of upcoming events if you Google HAPI, Portland, Oregon, will be the first link on the top. This month is honoring Asian-American and Pacific Islander artists and cultural groups in Portland, and this morning, we will hear stories from three members of the HAPI art community. First, let me introduce D.J. and his company, Bollywood Dreams Entertainment, who will grace us with a special Indian dance performance. From Orcas Island to the Florida Keys, D.J., a multi-faceted Bollywood entertainer has spent the last several years traveling across the United States sharing his passion for Indian music and culture. An Indian-born, first generation immigrant, his unique perspective as an Ivy League graduate and ex Intel engineer turned DJ has inspired many South Asians who seek to pursue a life beyond their jobs. Please welcome D.J. [applause]

**DJ Kakad Prashant:** Good morning. Thank you, mayor, commissioner, and the HAPI for having me here. I grew up in India, and a big part of being brought up in India was our festivals. We have various festivals throughout the year, so we are going to present two different songs from the Bollywood movies, and the first one is a song that is an invocation to a person with a lot of new beginnings, and typically we celebrate this song with a big procession on the streets, in our cities, and so it's a more spiritual song, and the second is about underground hip-hop happening on the streets of India right now where a lot of people are able to speak about their lives and stories much like what we are seeing here, but through poetry and music, and I am grateful that I can bring the two different facets of my culture here in the Portland City Hall, so thank you. I am going to introduce my dance members.

**Wheeler:** Do you have a second one?

**Prashant:** Yes. Ready. Have Alison and Tina and my other dance members. Thank you. [applause]

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**Wheeler:** Thank you very much. That was outstanding.

**Prashant:** I am going to share a bit about my story now. I came to the u.s.

**Fish:** Before you begin, let's put our invited guests forward. We have three people speaking. If all three could come forward and sit at the table, and we will each take turns. That would be demay roberts and gloria wong. We have a distinguished panel.

**Jiang:** Thank you, d.j. And bollywood dreams. Next we will have d.j. Tell more about his story.

**Prashant:** Thank you. So as I was saying, I moved to the u.s. For further studies, and went to the east coast and moved here in Portland of 2003, and I worked at intel like a lot of indian immigrants tend to do, and then I did something that was unconventional then. We were able to see more of that happening now with second generation indians, but for first generations like me, we come for a job, and our ability to stay in this country very much depends on that job. I was somebody lucky and also a bit courageous to say no to that way of life and say yes to following a different calling that I had, so i've spent the last ten years teaching dance and deejaying, and it has given me an opportunity to be able to go places and people I never would have, otherwise, and learn about the culture here a lot more than I could have otherwise. I am especially thankful for asians here in Portland, in the very beginning of my career, my indian, fellow indian brothers and sisters and friends who help me here. Also, colored pencils, the organization that was for asian americans, very strong at the time, so felt very supported, and for the asian american leadership conference over the last four or five years. I have had the opportunity to go and share with the teenagers and middle schoolers about music and dance, so I feel very grateful to be here in this city, and I get to travel in a lot of different cities and get to see these days how, even now, Portland is a bit segregated in terms of indian people in hillsboro, beaverton, and I am seeing that change, so I feel really excited that we are becoming more colorful as a city, and that gets seen in downtown in southeast where most of us locals live. So thank you for your efforts and for having me here.

**Wheeler:** Thank you for being here. Commissioner hardesty.

**Hardesty:** I was trying to figure out where I knew you from, and I did a bollywood dance with you as a part of colored pencils. I want to applaud you because I suspect that there was a lot of pressure for you to make money, stay at intel, go up to the corporate chain. What gave you the courage to go your own way? When I hear from intel to deejay, that seems like an interesting move, right. What gave you the courage to follow your own heart?

**Prashant:** Thank you very much. It's difficult for a me to answer that question because it was an instinct, but what has allowed me to stay doing there for ten years is, absolutely, 100% the support of the people who have felt a resonance with my journey and with my story and have supported me, so something in me made me do this. I don't recommend it to everybody. But, why i've been able to do it is thanks to the support of my community.

**Jiang:** Next we have [inaudible] roberts from meteorite. She has been the executive producer since 1991. Her people have a documentary, "a daughter's song" is a harrowing account of her mother's childhood in taiwan during world war ii. Demay and meteorites won -- another peabody award for crossing east. She received the civil rights and social justice award from the asian-american journalist association and a united states artist fellow. Demay co-founded a near the, Oregon's first asian-american theater company as a project of meteorites. Welcome, demay roberts. Thank you.

**Dmae Roberts, MediaRites:** Thank you to the mayor and the commissioners. It's nice to be here today. I will repeat some of this information. Thank you for the introduction. For the record, my name is demay roberts. I am the executive producer of nonprofit meteorites. Tomorrow, may 2 marks the 17-year anniversary of my mom's passing. She was an immigrant from taiwan without formal education or literacy. She was sold to work as a



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bonded servant when she was two years old, and she survived world war ii. My mom came to america hoping for a better way of life. She worked hard to successfully attain the american dream of home ownership and earning enough to retire from georgia pacific mill where she worked feeding sheets of wet plywood into a dry wood for 25 years. As a 1.5 generation bi-racial asian american born in taiwan, and living in Oregon since the age of 10, I have had difficulty finding acceptance. When I mom died I wondered if I would still be considered asian. I answered that question with meteorites by creating the first asian pacific american history series on public radio. The eight-hour crossing east series won the peabody in 2007 and aired on 230 npr stations. Crossing east featured the contributions of hawaiians in the pacific northwest who lived here before lewis & clark and inter-married with indigenous communities. "crossing east" featured the effects of the act of 1882 on railroad workers and immigrants like ind doc hay, in john day, Oregon, a respected doctor and community member. We told the stories of Oregon's asian adoptees and military brides, and the successes of southeast asian refugee families in Portland. In fact, the northwest welcomed the fifth largest groups of southeast asian refugees in the country. More recently, through our theater program, meteorites helped to bring visibility and representation and to give artistic opportunities to asian-americans and all artists of color in Portland theater. We created the "ism" project, and the play here on this project to focus on the intersections of race with gender, oh, and national origin in an effort to create conversations with audiences that will bridge the divides. Our goal is to tour the "ism" project to smaller communities throughout Oregon so we can create more empathy and understanding. This fall we are co-producing a theater. It has grief and loss in asian and african-american communities, and it will be the first play by thai american playwright [inaudible] produced in Portland. Meteorites will tell the under-represented stories of asian-americans and remind people of the exclusion laws as a way to work towards inclusion and equity. Our city, our state must embrace people of all ethnicities, races, cultural backgrounds and all national origins for us to survive and grow. We commit to this goal, for that is the hope for sustainability, a better way of life and future for us all. I leave you with a final line of the play in the "ism" project. There is a character, a fourth generation asian-american with a family history of exclusion laws, including japanese-americans during world war ii. This character says that we have endured. We are strong despite every obstacle and barrier, we helped each other. We contributed, and we have persisted fully grown and giving. And I question why can't we all grow what is good, what is needed together? Thank you.

**Wheeler:** Thank you. [applause]

**Jiang:** Thank you, demay. Next please let me introduce gloria wong. Gloria wong is a third generation Portland-born chinese american. Her grandmother was the first documented person to be born in chinatown. Gloria and her late husband, bruce wong, a forensic engineer, were the inspiration for the Portland chinatown museum. Bruce and gloria founded the ccba high school scholarship committee. She also served as a writer and compiler of the Oregon chinese news until 1995. Along with bruce, she was the co-founder of csepa, chinese scientist, engineers, and professionals' association, and the work for Portland public schools for 25 years. In addition, gloria is the immediate past president of the Portland chinatown museum. Last, but certainly not least, she's a proud mother to an oral surgeon, a research scientist, a corporate businessman, and a special education teacher. Welcome, miss gloria wong.

**Gloria Wong:** Thank you. Thank you, mayor and commissioners for being able to speak to you today. As she said, I am a third generation chinese-american-oregonian. My grandmother was born on southwest 2nd and alder in 1866. She and her husband, my grandfather, raised their eight children in linton, Oregon, before they moved back to the southeast portion of Portland. We all lived in the ladd's addition area where many of the

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early chinese were able to buy property. Back in the early 1990s, many of our friends were participants in the Oregon, the oral history project of old town, chinatown, and from that, the group realized how important it was to preserve our history as they were going up in chinatown. From that, we had a nonprofit chinese, Portland chinese history foundation was formed, and with the hope of having a museum. We were lucky that lewis lee let us use the -- his building to begin our museum with rent with an option to buy the property. Many of our friends have contributed to the museum, and we are very happy to have a nice display that we were able to do from the Oregon historical society collaboration when they had the chinese and exclusion, inclusion exhibit. We developed beyond the gate history exhibit for the Portland chinatown -- the new chinatown project starting on southwest 4th avenue. I really appreciate all the help we got from the community, and I hope one of these days all of you will be able to come and visit our museum. It's located on 3rd avenue between couch and davis. Thank you.

**Wheeler:** Thank you.

**Fritz:** I think I came to the opening and still have one of the ribbons in my office from the opening. It's great.

**Fish:** So we have -- thank you very much for helping to organize this event. Thank you to each of our three speakers. This is the moment in our presentation where the mayor is now going to read a proclamation. Karla, can we go back to the screen and off the power point? Betsey, can you turn the power point down? The mayor is going to read a proclamation, we will have comments from the mayor and the commissioners. And with your indulgence, we will take a photograph with some of our invited guests. Mayor.

**Wheeler:** Thank you, commissioner Fish. Thank you for being here today and sharing your talents and your stories and your commitment to the community and sharing this broader story with all of us. This has been very, very impactful, and I am very grateful for your presence today. These proclamations are a statement of value on behalf of all of us at the city council, and it's my honor as mayor to be able to read it today. Whereas Portland is home to more than 45,000 community members who trace their roots to the pacific islands in asia, and whereas, the pacific islander, native hawaiian and southeast, south, and east asian american communities are proud of their diversity and draw strength from their rich cultures and traditions. And whereas Portland's aapi members come from a complex and diverse mix of many languages, ethnicities and faiths, including buddhism, christianity, confucianism, hinduism, islam, judaism and sikhism. And whereas asian american and pacific islander heritage month is an opportunity for all individuals and organizations and individuals to recognize aapi contributions, development, and defense for our country as well as the cultural, civic, and economic life of Portland for over 150 years. And whereas Portland, through dialogue with representatives from asian american and pacific islander communities continues to address the needs and concerns of its aapi community and remains committed to seeking solutions to blocks that they face today, such as prejudice, discrimination, and violence. And whereas, now therefore i, ted wheeler, mayor of the city of Portland, the city of roses, do hereby proclaim may, today to be asian-american month in Portland and call upon all Portlanders to recognize and celebrate the vibrant history, cultures and contributions of our pacific islander and asian-american communities. Thank you all for being here. [applause] commissioners.

**Fish:** I will just do a couple of thank you's. These events don't happen by accident. Very dedicated people work to put them together. We have affinity groups here in Portland that do great work. I want to particularly thank ming from the bureau of environmental services. Let's give her a round of applause for her leadership. [applause] and I want to thank betsey. Could you raise your hand? Betsey works in my office and had a lot to do with this. [applause] we were, obviously, honored to have the performers that were with us and the honored speakers. Let's give them another round of applause. [applause] thank you for

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sharing your history and your culture with us this morning. This is one of the highlights of our calendar. When the mayor issues a proclamation, that is the highest honor that we can bestow an individual or a community, and once we are finished with making comments, we are going to ask your indulgence to take a group photograph.

**Wheeler:** Very good. Anything further? Let's get to the photos. Thank you.

**Item 373**

**Wheeler:** Karla, please read the time certain 373. Very good. I had some comments but I will hold off, and I am going to let Laura jump in, and I will read my comments later. Good morning.

**Laura John:** Good morning. See if we can get everyone up here.

**John:** The room was at capacity, so they are letting people in now. Good morning, Mayor Wheeler and Commissioners. Thank you for this time this morning to bring forth this proclamation for our second year in a row. We are excited to, actually, talk about the accomplishments that we have been able to make, and we had some really distinguished guests here with us today.

**Fritz:** Introduce yourself.

**John:** My name is Laura John, the Travel Relations Director in the Office of Government Relations. I've been in this position for a year and a half, and as you may recall last year, I shared at the proclamation that when I came to work at the city of Portland and asking people if they were aware of the missing and murdered indigenous women's (MMIW) movement, I didn't find anyone who knew about that. So I set out to raise awareness, and I do want to give a special recognition as I talk about this start of this work, and that's to acknowledge Janine Gates, a staffer in Commissioner Fritz's office. I came to her and asked for help, and she said sure, I can help you with this, and as we started to plan this, she said why aren't you doing a proclamation? And she helped walk me through this process, so I am here again this year, and really grateful for her stepping in and lifting me up. Representative Sanchez wanted to be here this morning, but unfortunately, she had to be in a committee hearing in Salem, which is good. We were down there yesterday to listen to her senate committee hearing on HB 2625, which is a bill that would call on the state police to conduct a report on what the current status of MMIW is in the state of Oregon. This is her statement. The city of Portland, Mayor and Commissioners, thank you for the opportunity to address the missing and murdered indigenous women and girls epidemic and share some of the work we've been doing this legislative session to respond to the continued issues of MMIW. House Bill 2625 directs the state, the department of state police to study how to increase the criminal justice and investigative resources towards investigations of missing Native American women in this state. The study should determine how to increase criminal justice, protective and investigative resources for reporting, identification, and investigation of missing Native American and Alaskan native women in Oregon. We know that the reason for HB 2625 comes with a long history of issues that have occurred since colonization, with the disregard and disrespect of native women and the disenfranchisement of the ability of native people to seek out an avenue for justice. The city of Portland continues to be impacted by issues of kidnapping, sex trafficking and the crisis of unaccounted for missing and murdered Native American women and girls. Our state and our city have a responsibility to pay attention and to respond and to see what we can really do to keep our native women and girls safe and at home. The young women will not fear, will not live in fear of becoming one of the missing. Other states around the nation have passed MMIW legislation, and this is Oregon's chance to be a part of the necessary work to change the future of our communities. Just yesterday, House Bill 2625, known as the "missing and murdered indigenous women bill," was passed with support in the senate judiciary committee. It now makes its way to the senate floor to be voted on, and eventually, passed into law by the end of this legislative

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session. This upward movement of HB 2625 has only been possible with the continuous support and advocacy of community members, activists, and entities such as the city of Portland. I want to thank the city of Portland for your support of HB 2625 and working to ensure the safety and dignity of our native women and girls. Thank you, respectfully, Representative Tawna Sanchez, House District 43. I have brought forward a representative from tribal law enforcement. I have invited Sergeant John Williamson from the Nez Perce tribal law enforcement to come and speak about his work and the inter-jurisdictional status of this issue.

**Wheeler:** Thank you.

**John Williamson:** [speaking in another language] good morning, council. Thank you for the invitation to speak. On behalf of the Nez Perce Tribe police department and the communities we serve, I would like to say a very big thank you for the invitation to be heard today. As a father of two daughters, a brother to five sisters, and husband to an wife, I am humbled by your actions that have brought us here to this point. The public policy impacts how services are delivered on the streets. Collaboration and establishing positive contacts can open doors that have historically been closed for our people. As you are aware, the city of Portland has been a beacon for Native American people since time immemorial long before the indian relocation act. With the population that is fluid and moves, so do crimes and victims of criminal behavior. With that stated, I would like to share a story with you. In 2011, you know, the Nez Perce Indian reservation is approximately 500 miles from here, a little more than 500 miles away from here. We received information that an 11-year-old girl -- she was 12 at the time, but since -- an 11-year-old girl living in your city was the victim to a horrible -- a sexual molestation, that happened in the City of Portland, in the state of Idaho, and eventually on our reservation in the capital Lapwai. During the culmination of our investigation -- this went across you know, multiple jurisdictions involved. During the course of the investigation, the suspect fled, and it's a funny story, but my -- I was here for a pow-wow called Delta Park Powwow. I don't know if you know about that. I was here and walking around with my daughter, and I saw the suspect. I immediately contacted our detective and I told them, are you still looking for this guy. He said yeah, we are. And we got a warrant for him. I said okay. And I said I just saw him, and I told him, that was on Friday night. I am going to be here. The next day that detective showed up with an FBI agent, and I am very proud to say that through the collaboration and efforts with the Portland police bureau, this individual was arrested and is currently serving time for crimes that he committed again both in the city of Portland, you know, the state of Oregon, and the state of Idaho and on our reservation, when the crimes and things, when they occur, you know, it's not just limited to just this jurisdiction, and sometimes, that happens, you know, both in the police world and I am sure in a public policy world, as well. We focus on what is, what is ours, and through the efforts of your, of your police department and collaboration, I am very proud to say that this individual, this man with the criminal background, extensive criminal background, he's where he needs to be, and that, of course, makes the community that I am, i've been asked to serve and protect a bit safer. So thank you.

**Wheeler:** Thank you very much for being here. We appreciate it. Thank you.

**John:** Do you want to go ahead?

**Jami Resch:** I am not sure where human rights -- we would like to jump ahead, if that's okay. Good morning, Mayor and Commissioners. Thank you all for being here today to support this important work. My name is Jami Resch, the Assistant Chief of Investigations for the Portland Police Bureau. I would like to thank Laura John for the opportunity to speak here today. I was asked to speak briefly on the accomplishments the bureau has made addressing MMIW and our continued goals today in honor of MMIW Day. Tips and techniques will be sent out to all sworn bureau members reinforcing their responsibilities to



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enforce tribal protection orders. In summary, this means that the Portland -- the protection orders issued in any jurisdictions outside of Portland, including those from tribally operated law enforcement agencies are fully recognized and enforced. The bureau now has a -- excuse me, has a sworn bureau member assigned to be the tribal liaison officer. The role of the tribal liaison is to work to address the release of data requests to ensure timely and accurate information when requested. As we continue to work with our partners we are looking for additional ways indigenous women have the opportunity to be accurately represented and supported from the bureau. The bureau would also like to express our support for House Bill 2625a, which provides an in-depth look at the barriers that exist and will highlight the ways in which law enforcement systems can partner to close the gaps in reporting, identifying, and investigating MMIW. In closing, the Portland police bureau is committed to the awareness, education, and protection of missing and murdered indigenous women, and we look forward to the positive impacts we can make together with our partners.

**Wheeler:** Thank you. Appreciate that.

**Resch:** Thank you.

**John:** I would like to call up a representative from the human rights' commission to read their statement of support.

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

**Sonia Marie Leikam:** Thank you for having me. My name is Sonia Marie Leikam, and I am one of the human rights commissioners. Happy to be here and read the following statement on behalf of the commission. With one voice and robust support, the human rights commission stands with city council in their dedication to recognizing the lives of missing and murdered indigenous women and girls. We stand in solidarity with all indigenous people, and an active resistance against all violence against women and girls. We condemn the use of violence both de facto and du jour to force assimilation and the use of violence as a tool for social, belief, gender, and political repression. We are grateful for the leadership of Mayor Ted Wheeler and Council members for making May 5, 2018, the National Day of Awareness for Missing and Murdered Native Women and Girls. While only one step towards absolute reparations, it is an important moment to collectively revisit our movement in the restorative justice process. We are in step with our 2019 efforts. The human rights commission recognizes that the disappearance of and violence against indigenous women and girls, including their invisibility before the law, is a direct result of colonialism and a cultural practice that continues today. Powerful men and women intentionally designed institutions and systems meant to rob indigenous people of their identity and voice for time immemorial. According to the coalition to stop violence against native women, four out of five native women are victims of sexual violence. These actions are precisely why the universal declaration of human rights is necessary and ultimately sanctioned. While it can be reasoned that the UHR in its entirety is applicable, the human rights commission recognizes the following articles as fundamentally important to righting the injustice currently experienced by indigenous women and girls. Reserving May 5 to remember the indigenous women and girls who are missing and who have been murdered as a community is quote, "essential to promote the development of friendly relations between nations." Indigenous women and girls are "human beings born free and equal in dignity and rights", article I, and "entitled to all the rights and freedoms set forth in the universal declaration of human rights without distinction of any kind such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional, or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self governing or under any other limitation of sovereignty." Article II. Indigenous women and girls have the right to liberty and security of person. Indigenous

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women and girls "should not be held in slavery or servitude, slavery and the slave trade shall be prohibited in all their forms." Indigenous women and girls shall "not be subjected to torture or to cruel, inhumane or degrading treatment or punishment." Indigenous women and girls have "the right to recognition anywhere as a person before the law." Indigenous women and girls have "the right to a nationality. They shall not be arbitrarily deprived of their nationality." Indigenous women and girls have "the right to freedom of thought, conscience and religion, this right includes freedom to change her religion or belief and freedom either alone or in community with others, and in public or private to manifest her religion or belief in teaching, practice, worship and observance. The human rights commission fully realizes that violence against women is multi-generational and needs to be proactively addressed through policy, practice, and changes in our social norm, especially those that are fundamentally xenophobic and mired in white supremacy and misogyny. According to the Sovereign Bodies Institute the current data available provides context that illustrates the necessity of community engagement and increasing awareness and addressing all types of violence against indigenous women. When compared to national averages, indigenous women are 2.5 times more likely to be assaulted, two times more likely to be stalked, and five times more likely to experience inter-racial violence, ten times more likely to be murdered on some reservations, and more than one in three or 34.1% of indigenous women will be raped in her lifetime, and six in ten indigenous women we'll be back physically assaulted. We are encouraged by the work of the city council to center MMIW and fully support council's continued partnering and engagement with the diverse indigenous communities that call Portland home. Many of whom have ancestral rights, bonds, and commitments to this land. Reserving spaces that are exclusively indigenous and sharing spaces that have historically excluded indigenous people, especially women and children, is an anti-oppressive practice that can inspire and bring courage to all victims of sexual violence. According to the Sovereign Bodies Institute, the current data available provides context that illustrates the necessity of community engagement and increasing awareness and addressing all types of violence against indigenous women. While bending deeper towards justice, the human rights commission understands the long road ahead of us, of not only exposing the violations of our individual safety and liberty, but also, the need to explore ways of being as a city that centers collective liberation for all residents.

**Wheeler:** Thank you. Commissioner Hardesty.

**Hardesty:** Thank you. Thank you for that presentation. I just had a question about House Bill 2625. I want to know why we are directing the state police as compared to other entities, like the Oregon crime commission or bureau of labor and industry. I am just curious as to why the state police are the ones that are being directed to investigate and then to come up with a plan. I have not known them to actually do that kind of work.

**John:** Thank you, Mayor Wheeler and Commissioner Hardesty. This is a bill brought forward by Representative Tawna Sanchez. It is her asking for the state report. The state police superintendent is supportive and has indicated to the legislature that there is not need to have a fiscal attached to this, that this is part of his work. We are in a place where the city of Portland is supporting that bill.

**Hardesty:** I understand, that's wonderful having representation that can, actually, go to the leaders and ask for their support. So yeah, it did not make sense when I was reading it but it makes sense now. Thank you.

**John:** Thank you.

**John:** Next I would like to invite a very honored guest. Patricia Whitefoot is from the Yakima Nation, a tribal advocate, a former educator, and she has really led the work to address MMIW in the state of Washington. I brought her here today to speak to you all.

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

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**Patricia Whitefoot:** Thank you, Laura. [speaking in another language] Mayor Ted Wheeler, and the Commissioners, thank you for this opportunity to be here. As Laura stated, I am a member of the Yakima Nation, and in terms of the geography, our original land base is about 11 million acres, almost the entire state of Washington, and we exercise our rights in that area. But in addition to that, our family descendants, our heritage and history is part of the greater northwest, as well, particularly with the Columbia River Basin that covers not only Washington but also Oregon, Idaho, Montana, and into Canada and down into California. So, I share that because that gives us context about the importance of this issue but also the fact that our families are traveling quite frequently, as well, just as you heard, you know, our colleague from the Nez Perce talk about. I want to introduce two the girls I have with me, and Mayor Wheeler, we are happy to be back with you. We were here during the tribal leader summit, and our young girls performed, and I provided a forum for some of your staff here, and I was so pleased to be able to do that to provide some history about our tribes here in the northwest. I am going to ask the two girls that came with me. They are part of the \*\*\*\*\* group. They are the little swan dancers. [applause] We have Cameron and Halo. Cameron, raise your hand. Cameron is a senior this year at Wapato High School and Halo is a freshman this year at White Swan High School, on the Yakima Reservation. They gave testimony yesterday and they also shared their support for the legislation here in the state of Oregon. You might ask why but as I shared earlier, the fact that our families are -- were -- just because we were put on the reservations with the federal government came in and said, Patricia Whitefoot you are going to be on the Yakima Reservation and you're going to be a citizen there, that does not mean our family wasn't in Warm Springs or in Umatilla or Nez Perce, so we have family throughout the Columbia River Basin, as I stated. So thankful to our creator that I am able to be here, and when we travel with our young girls we are sharing about our history. They traveled throughout the northwest but also into Wyoming, as well, and they are busy altering the year, and the message that they provide us about really hanging onto our traditions and our culture and our language and who we are as a people, but also sharing our social dances that don't often get recognized because more and more modern kinds of activities occur, and sometimes, they get caught up in those modern activities, so we want to bring them back to who they are as young girls. You will notice that they are wearing red for missing and murdered indigenous days. We have worn pink at the roundup for cancer awareness, breast cancer, in particular. We have worn white for one of the dances that we do, which is the swan dancers. And we have worn blue for the Yakima nation and the river and water, as well. A little background, I want to share briefly -- you have heard the statistics on missing and murdered indigenous women, but also I want to elaborate further, on some reservations, American Indian and Alaskan Native women face murder rates that are more than ten times the national average. And also, the Center for Disease Control and Prevention has reported the homicide is the third leading cause of death amongst American Indian and Alaska Native women between the ages of 10 and 24 years of age. Just think about that, between 10 and 24 years of age. And then it's the fifth leading cause of death for American Indian and Alaskan Native women between 25 and 34 years of age. So targeting very young women, you know, in our communities, and that's not just for reservations but also in our urban communities, as well. I share this, and I am an advocate of this topic and have been for some time. You heard I am an educator, but education for me has been about educating our young people to be safe, both boys and girls, and been an educator for about 45 years. I just retired, so the reason that I am an advocate is that my sister, Daisy May Heath Tolman, who is 29, was reported missing in the fall of 1987. She's been missing for over 31 years. When she went missing she was 29 years old. My sister was a very, you know, very able young individual. She was very determined as a young individual. As a matter of fact, she was a star athlete in both basketball and softball

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and was also an all-star and most valuable player, and she traveled throughout the northwest playing basketball, like many of our tribal communities do. They do travel, but in addition to that, she was -- we were raised by our grandparents, and she also knew how to fish, and so she fished along the Columbia River, as well. She would meet our family that came from Warm Springs, and they would come to go and fish along the river, as well. And so you know, when I think about, you know, her life, I also think about the fact that as a young woman, she had also lost a young daughter to sudden infant death syndrome, so if you can imagine not only that loss, but multiple losses that she experienced, many of our people and family experience multiple losses and tragedies, and for myself and my family, that included boarding schools, being raised by my maternal grandparents, the experiences that they had were not very positive, and the only experience I also faced was that with boarding schools, as well. In addition to that, you have to recognize that in our community, we had the military, the military base that was brought in the community of White Swan to round up the Indians and place them back on the reservation, so today, I live in a community of White Swan where about two miles from me the Fort Simcoe is located, and two miles east of me is the mission school where I attended. My grandmother was a military school, I was at the boarding school, my sisters and I were at the boarding school, as well. So those weren't always very positive experiences, and I just want to say that in terms of taking a look at family history, their legacies and etc., it's important when working with children and families that we take a look at the deep history that individuals have, not only for native people but for all people. I am always encouraging people to get to know your history, know who you are. I also work with the affiliated tribes of northwest indians as a volunteer. I've been on the executive board of the affiliated tribes of northwest indian and my own tribal council, served as a president of the national indian education association for two terms, and continue to do work with the national congress of american indians as well as various education commissions, education committees such as with the university of Washington, Washington state university, and northwest indian college, and so in that role, the priority for me always is about making certain our people are successful, our children are successful, and that we have -- we are working towards healthy outlooks and lifestyle. I do just want to share in closing here some of the recommendations that have been made in addressing missing and murdered indigenous women. The violence against women active 2005 and 2013 directed the attorney general acting through the national institute of justice to conduct a program research to develop a more comprehensive understanding of violence against native women, specifically, including the murder of native women. In addition to that, they also support the congressional resolution of congressman Steve Danes and John Tester to create a national day of awareness for missing and murdered native women and girls, which you are doing here, as well. And also to call upon the department of justice to fully implement the women, the violence against women act of 2005 program, a research and specifically indian tribes information regarding the disappearance and murder of native women. In addition to that, we advocate for increased safety for native women by review, revise, and create law enforcement and justices protocols appropriate to the disappearance of native women and girls, including inter-jurisdictional issues which you heard earlier, and to provide increased victim services to the families and community members of the disappeared or murdered native women such as counseling for the children of the disappeared burial assistance and community walks and healing ceremonies, and finally, coordination of efforts it cost across the federal government and federal agencies to increase the response to the disappearance of native women and girls, and so when we think about the missing and murdered indigenous women, we also have to recognize that there is a history behind this, as well, and when you have heard the recommendations around addressing historical trauma, also, oppression, we really have to look deeply at this issue, so I just want to thank you for



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listening to me, and I am glad to be here. It's an honor to be here, and I am thankful for the work that you do, as well.

**Wheeler:** Thank you. Appreciate it, very much. Thank you.

**John:** Mayor, commissioners, as you can see and hear this issue is very complex, multi-faceted and ad multi-layered, and really needs all jurisdictions and community members and tribes to come together to make this better. To improve our ability to capture data accurately, to improve our ability to share database systems, to acknowledge each jurisdiction's court orders, arrest warrants, protective orders, and also those services for native women and girls. This year, we want to focus on the impact that law enforcement agencies and multi-jurisdictions can have in protecting native women and girls. I asked Sergeant Williamson and also invited Officer McCormack from the Multnomah county sheriff's office to come and share a song with us today to have that protection song sung by law enforcement for our work moving forward and the accomplishments that we will make in this upcoming year.

**Wheeler:** Thank you.

**Hardesty:** Thank you. [speaking in another language] thank you all for standing, that was going to be my request. When we give these songs, they are given to us sometimes in significance of a situation that we are in. Sometimes there is not words, but the emotion that's captured when the song is given, and hopefully you will be able to experience that. When we sing, you can pray in your own way or listen and meditate and think. This is for everybody. The song we are going to sing is a song that is significant to us. We sing this song in recognition of the women warriors that were called to serve and protect. [singing]

**Wheeler:** Thank you. Appreciate that.

**John:** Thank you, mayor, commissioners. This concludes our presentation.

**Wheeler:** Very good. I have a proclamation that I would like to read on behalf of the city council, but before that, I just have a few remarks, Laura, that I would like to make. First of all, I want to thank this panel for bringing the attention to this urgent issue, and as Laura had indicated last year when this question of missing and murdered indigenous women came to the city council and as the conversations were leading up to last year's proclamation, I have to say that I was not completely aware of this issue. The number of women from the native community missing, the number of women who are murdered -- it is shocking. It requires our full engagement, the community's full engagement, so once again, I thank you for this. I suspect that one of the reasons we don't know as much about this as we should in the broader community is because for decades and even generations, there's been a systematic effort on the part of the community at large to erase the memories of your history. I am glad to see we are doing our small part to work together and come together and find ways to shine light on that history and shine light on the truth. Laura, I want to thank you. I still maintain you are one of the better hires the city has made in many, many years, and you have done new and interesting things, and you have forged new partnerships for us in the native community, and you have brought us together in ways that are important, and today is no exception. I am very happy to see our law enforcement partners here, to hear your perspectives and share this aspect of this important day, so I want to thank you for that, as well. It is my honor to read the proclamation on behalf of the city council. Whereas, the city of Portland -- the city of Portland joins a growing chorus of local, state, tribal and national governments supporting the national day of awareness for missing and murdered indigenous women. And whereas the lasting effects of colonization in history of oppressive policies both directly correlate to the rise of violence against indigenous women and girls in the united states, canada and central america. And whereas, the disappearances and murders of indigenous women and girls is directly connected to domestic and other forms of violence, sexual assault, trafficking, and a history of childhood, intergenerational and historic trauma. And whereas

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these acts of violence and corresponding oversight and neglect of government and law enforcement is a continued form of genocide and is a direct threat to tribal sovereignty, thus compromising indian country self-determination and self-governance. And whereas the city of Portland recognizes the issue of missing and murdered indigenous women are not isolated to reservations and rural communities, but impact urban areas like Portland and the entire metropolitan region. And whereas the city of Portland urges passage of house bill 2625 at the Oregon legislature, directing the department of state police to study how to increase and improve criminal justice resources for missing and murdered Native American women in Oregon. And whereas the city of Portland calls upon its congressional delegation to support pending legislation that will address the lack of adequate federal responses to crimes against American Indian and Alaska Native people. Such as the survive act and the not invisible act of 2019. Now, therefore, I, ted wheeler, mayor of city of Portland, the city of roses, hereby proclaim May 5, 2019 to be day of awareness for missing and murdered indigenous women in Portland and encourage all residents to observe this day. Thank you all very much. Before I ask my colleagues if they'd like to share any thoughts, I also want to acknowledge the presence today of the US Attorney's office and US Attorney Bill Williams is here in the audience and we appreciate his participation and active engagement in this issue as well. Commissioner Fritz?

**Fritz:** I particularly thank everybody who has come here to honor this proclamation, especially our guests, and we acknowledge we are guests of yours here in the city of Portland. Thank you for traveling from the Yakima Nation and from Nez Perce. Thank you, Laura John, for acknowledging Janine Gates, formerly of my office now working for Multnomah County Commissioner Susheela Jayapul. It's important that government and communities work together.

**Fish:** Mayor, I have a statement, but there's an event at the end of the day where there's going to be a further public event. I won't be able to attend, we were issuing a statement that, Laura, you will have. I want to second what the mayor said about what a terrific, inspired moment it was when we were able to hire you to take on this work. And when the mayor said that this is an issue that perhaps he and others did not know as much about until it was brought to the light of day and until we had a hearing, I can tell you that in my regular briefings with Laura John, with the bureaus that I'm responsible for, which is parks bureau and environmental services, all kinds of things I keep learning and her voice is absolutely critical at the table to make sure that we respect the rights and the traditions and the culture of both our recognized tribes and urban indians and so thank you, Laura for your good work and thank you to our honored guests for being with us this morning.

**Wheeler:** Commissioner Hardesty.

**Hardesty:** Thank you Mayor, and thank you all so much for both the proclamation and for being here today. I have to say, on one hand, I understand that we stand on native land. And we have always stood on native land, and we have to be appreciative that we are visitors on land that doesn't belong to us. It's also kind of sad to know that this is only the second year because this has been an issue for a very, very, very long time. And just like other communities of color, we tend to not get the recognition and acknowledgment. I don't want any community to suffer the disrespect, the dismissiveness, the invisibility that I know the native community continues to experience here. I want you to know that this is your house. You don't have to just come once a year or twice a year for some day. You should be here every single day, making sure your voice is included in public policy, decision making, and reminding people that they are a guest on your land, not vice versa. Thank you so much. Appreciate you being here.

**Wheeler:** Very good. Thank you. There's been a request for a photograph if you don't mind, we'd love to have a photograph with the panel right down here. [ applause ]

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**Wheeler:** Is fond of saying now for something completely different. Item no. 374, please, **Item 374.**

**Wheeler:** We will now introduce marco masiel is here to present this item. Good morning.

**Hardesty:** I'm so sorry for you.

**Wheeler:** Yeah, follow that.

**Hardesty:** I feel your pain.

**Marco Maciel, Bureau of Revenue and Finance, Assessments Liens and**

**Foreclosures:** With the bureau of revenue and.

**Hardesty:** Would you mind moving the mic a little closer, since you made the effort to be here, we should at least hear you.

**Maciel:** This is dan simon, deputy with the city attorney's office. We have also here bridget callahan, the treasurer and also michael with us which he's a supervising with the bureau of development services. We are here today in this effort to assist the city in trying to resolve the problems of vacant and distressed properties. And if you have any questions, feel free to -- we are here to answer you at the end of the presentation. This is a list we have brought to council since focused effort begun to 2016. The objectives of the process are to resolve the nuisance properties that we have throughout the city. The effect caused by these properties in the community. Productive years. Foreclosure is used as the last resort to address vacant and distressed properties. This is cooperative effort by the bureau of development services, the revenue division of the bureau of revenue and financial services, the treasurer and the city attorney's office. The city of Portland and the community at large have reasonable expectation that the property owners are responsible for the maintenance of their properties. The city, through its property compliance division in the bureau of development services, adopted the property maintenance minimum standards, and the bureau includes appeals in the hopes of waivers that property owners may qualify for assessments. And the opportunity to collect property owners with available repair assistance programs for the situation. All the opportunities to correct the violations are exhausted, mostly code enforcement fees are adopted. However, the characteristics of vacant and distressed properties cannot be easily justified. Code violations increase, opportunities to correct the violations are taken eventual and city's incentives are not responded to, and that is largely no communication from the property owners or the representatives of the -- with the representative of the city. Over an extended period of time. In addition, it is difficult to explain how it would be in the property owner's interests to have -- to have investment properties cash flow. Since 2016, the efforts of the foreclosure process have resulted in 78 properties proposed for foreclosure by the bureau of development services of which 26 have been brought to council for a vote and some have been paid in full. \$440,000 in the process has brought many property owners to find a resolution to their properties. Today the revenue division has submitted to council five vacant and distressed properties with a recommendation to be foreclosed. Each of the properties is vacant and distressed and has been causing the community resources that the city has to continue working towards improving livable, health and safety in our community. There are 42 liens attached to those five properties, and the amount owed to the city exceeds \$272,000. Among the properties cases, one or the -- to be a chronic offender. Later on we can explain what a chronic offender is. There is also one property that has a side door repair attached to it. This is a property located at 529 northeast skidmore street. There are 8 liens against this property. Owes the city over \$3,000, and the property belongs to penny livingston and her late husband since 1992. This property has been in their hands for 28 years, and there are 23 of lien between may of 2011 and august of 2018, the police interveined directly to the property or within 200 feet of the property 127 times.

**Hardesty:** 127 times?

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**Maciel:** Yes. 127 times just in that particular one. There are multiple violations in the property. Health and sanitation violations, the basement, attractive place for unlawful occupants and dumping. This particular property has a infestations of rats that is affecting some of the neighbors. This property is located at 537 northeast skidmore street. There are ten liens placed against the property with money owed to the city over \$61,000. Also owned by her and her late husband since 1989. This is a distressed property. There are 19 years of delinquency, in may of 2011 and august of 2018, the police intervned 124 times directly to the property or within 200 feet of the property. The violations are health violations, health and sanitation violations. The front porch deteriorated or damaged. It is also an attractive, unlawful occupants.

**Wheeler:** Commissioner hardesty.

**Hardesty:** You had me at 127 violations.

**Maciel:** For this one here.

**Hardesty:** I understand three of these properties are owned by the same individual?

**Maciel:** Correct.

**Hardesty:** So I don't want to cut you off because I know you're prepared for this presentation, but as I feel the pulse of my colleagues, you already got us. So I think I would cut to the chase.

**Fritz:** This is such a serious action.

**Hardesty:** You want it on the public record.

**Fritz:** Yes.

**Hardesty:** I'm fine with that. I didn't want him to feel like he had to do that.

**Fritz:** I think a lot of people at home are wondering why we ever do this and the presentation really spells out that this is the worst of the worst that comes to council here.

**Hardesty:** Maybe go through them all but maybe not the detail you had intended.

**Maciel:** It's okay.

**Hardesty:** I want to be respectful of people's time. I agree with the commissioner, some folks might want more detail, which they can find somewhere else, but thank you.

**Maciel:** The next one is a property located at 5034 northeast grant avenue. Owes the city over \$79,000, also owned by the two previous -- the two previous properties. Sorry. And they own the property since 1991. Same time of violations.

**Wheeler:** Commissioner hardesty.

**Hardesty:** I understand that -- i'm curious why it takes so long to actually foreclose on properties that have such a significant financial debt to the city. Is there -- that would be a much more useful conversation for me.

**Fish:** We could spend an entire day talking about the way people game the system, commissioner. There's a lot there. And I don't think he can do justice in giving you an answer.

**Maciel:** Besides that, we try, before we get to the point of foreclosing on a property, we have gone through many processes. We have since 2002 and 2003, we have resolved almost 2,000 cases, liens, by trying to contact them, sit with them, try to develop some sort of approach that can help them. And when it gets to the point of foreclosing on a property, taking the property of someone is not something that I believe we think about doing that lightly, and that's why it takes so long. Make sure that we have exhausted every single resource that we have to convince that person to do something. In this particular, nobody lives in it, and they are investment properties.

**Wheeler:** I remember asking exactly that same question because we get lots of calls from people in the public who say why aren't you doing something about this, i've got a nuisance neighbor or whatever. And the short answer is that the foreclosure process is designed to not make it easy for government to take people's private property away. It gives them every opportunity at every step to make good, to appeal, to address the



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situation or somehow remediate the situation. I should also add -- mention that even if we choose to do this, there's still another opportunity, and often for the property owner to make good on this, you said even after we take the action, the individuals who own the property will, in fact, take necessary steps to retain those properties.

**Fish:** At the 11th hour.

**Wheeler:** This isn't even the end of the end.

**Maciel:** What you are saying, I actually go on some of them and knock on the doors to see if I can -- and as of yesterday, I was still trying some of those on the list. We are taking to council tomorrow, and so it's not that we don't do everything in our power to try to make -- to -- anyway. Let me wrap it up on the history of the violation of those properties. You can see that they are there, some of them, since 1996. There are over 120 cases responded to by bds. The public health created 42 delinquent liens, 26 calls and 837 within 200 feet of the property. And this property here, property owner that has already had their property before, and we do vary from -- giving the opportunity to reduce what is owed and give them up to five years, you pay bds, we have payment plans, bds has amnesty programs that implemented every so often, collections committee that we feel we can try to mitigate further, but if we try and they don't respond, I think we are also -- they sign a document. And if they don't, that is the end of what we can do for them. At this point, to shorten at your suggestion, miss Hardesty, to decide if we will accept the five properties, and if so, the next step is that we -- treasurer is responsible to sell the properties, and after the sale, the property owners -- the still have one year of redemption period, where they will be able to have the property. So there are many, many opportunities for them to retain their properties if they do have the means to do so.

**Wheeler:** Commissioner Hardesty, you bet.

**Hardesty:** I'm curious. We are in a housing crisis. When we foreclose on properties like this, is there an opportunity to use these foreclosed properties, land to make sure we are creating housing that is permanently affordable.

**Maciel:** Many of those houses come back to the market, and some are rentals, some are property where people are living. And so it's kind of a recycling, pretty much, and I am not aware -- maybe you can help us, if there is any of those properties that have changed hands that were except for one which I believe he is in the process of losing to the county.

**Fritz:** I think we are required offer them to the highest bidder.

**Hardesty:** That was my next question. And we're required by state law?

**Maciel:** Uh-huh.

**Dan Simon, City Attorney's Office:** I can answer that, commissioner, Dan Simon from the city attorney's office. The sources of authority for the foreclosure program are found in both city code and state law. City code is at ex-5.30. State law at ors223. The answer is yes, we are required by state law to offer the property at the highest bidder at the auction.

**Hardesty:** Thank you. It seems so wrong.

**Maciel:** I do think that we can have a group of people understand the problems that we are facing in the city have some discussions and find out what kind of policies we can develop to use some of those properties that -- to provide or supply or decrease the demand that we have right now.

**Hardesty:** I agree. I personally think that yes, we should do everything possible to not have to foreclose on property. But having said that, once we are in a place like you've laid out today for these particular properties, it just seems insane we would sell to the highest bidder and then have them put a new place on there that nobody can afford to live in. It just doesn't make sense in a housing crisis, I look forward to working with you what do we need to do as a council to accommodate the fact that if we are going to do the foreclosure, let's make sure the community that benefits, the community that has been harmed by having this derelict property there for as long as it takes us to foreclose. Thank you.

**Maciel:** Any time.

**Wheeler:** Colleagues, any questions before we open it up for testimony. Any testimony.

**Moore-Love:** Yes, I have three people signed up.

**Wheeler:** Very good.

**Wheeler:** I'll ask it be limited to 2 minutes. I have a hard out at 2:30. If you can keep it to 2 minutes, i'd be very appreciative. Maggie, would you like to start.

**Maggie:** Okay. You know, I really feel for this guy and feel for you guys, and I have a solution to the problem here, I have a feel for the police, since we have two disabled bathrooms that have been down for months and weeks since december, this has to do with the foreclosures. Since this has been going on with laundry and bathrooms at many shelters and we just had another outbreak of bed bugs, just a couple of days ago, i'm proposing that you let people squat on these properties and people will have access to a bathroom because you can provide them with the honey bucket bathrooms, whatever they're called. And we can clean them up and they will be secure and safe. Since we don't have a working kitchen and safes, there's no working kitchen. A couple of bathrooms have been down for months, why not just let us go out there and squat and let us secure these properties and clean them up?

**Wheeler:** Thank you.

**Lightning Super Ai Humanity:** Since one speaker hasn't showed up, i'd like to do my full three minutes. I'll begin my speech, three minutes, one speaker did not show up. Three. I'm lightning, I represent lightning super humanity. One of the things I have a big concern about is that all these properties are northeast Portland. And I find that really amazing that we are focusing on northeast Portland right here. And the people that i'm concerned about really on these three properties, miss livingston, penny, she had conversations and said she was ill and couldn't maintain her property. I'm really concerned about her health, well-being, and I hope this trauma will not push her in a direction that will be harmful to her. I am totally opposed to foreclosing on her at this time. If you look at the numbers here on these properties, on how they come in, one time on a code enforcement, \$48,000 to penny. One time, walked on her property. Then another time, 19,000, another time, 4,000. Penny does not necessarily get along with the city. This is absolute retaliation on penny livingston. And i'm going to demand disabilities rights of Oregon does a full investigation and has contact with penny livingston on why she is being taken advantage of and why she is having her equity removed out from under her and again, to you, mayor wheeler, how do you sleep at night? Do you need the money that bad? I can get investors to fund this. If you need money, i'll give it to you if you give her amnesty. Give her amnesty: Show her some compassion, don't traumatize her, don't put this on her credit rating. Do not do this to her.

**Wheeler:** Thank you. Mr. Lightning.

**Lightning:** One more statement before you cut me off. If you look at both of these properties and you can do this, mayor wheeler and not cut me off, sir. The skidmore property and the grant property, if you look down simultaneously, they came off both properties and hit them simultaneously, 19,000, 500, 3,000.

**Wheeler:** Thank you, again, mr. Lightning.

**Lightning:** They didn't even go to the property. This is pure corruption.

**Wheeler:** Your time is up, you to need to go.

**Wheeler:** Thank you. It's not. It's a legal process.

**Lightning:** You should be ashamed of yourselves.

**Wheeler:** I will just say again, the owner has rights here, and those rights have been abided by, and they will continue to be.

**Lightning:** No marol compass

**Wheeler:** This is an emergency item, please call the roll.

**Fish:** Please, please.

**Lightning** This is appalling. Then you double charge her on both properties and never -- \$40,000 to run her out of her neighborhood. This is genocide at its highest level.

**Wheeler:** Now it's genocide. At any rate, Karla, please call the roll. [ roll call vote taken ]

**Fish:** Aye. **Hardesty:** Aye. **Fritz:** Aye. **Wheeler:** Aye.

**Wheeler:** I'm going to respond to that even though -- i'm just going to respond briefly, just in case anybody -- I know I don't.

**Fish:** We'll lose a quorum at 12:30.

**Wheeler:** There is a legal process here and the city abides by that legal process line by line and includes notifications, it includes personal contact, it includes multiple attempts to bring the property owner into compliance, and even after this process, property owner still has rights and the ability to rectify this situation. So I want to be super, very clear about this. I vote aye, the ordinance is adopted. We are going to change the schedule a little bit because it turns out I have to leave earlier than I thought. I would like to get to the second readings, item -- actually first of all, I want to note that item -- Karla, read 375 because we will move it.

**Item 375.**

**Wheeler:** At the request of the bureau, that has been rescheduled to may 15, 2019 at 10:45 a.m. Time certain. And we will now go to the second readings, one of which is also going to be moved. Read them from the regular agenda item. 382.

**Item 382.**

**Wheeler:** This would be a second reading but the bureau has not had sufficient time to incorporate the amendments that we approved into the ordinance, they've asked if they could have more time. You'll remember sarah wright was here, she would like more time to do that. That will be rescheduled to next week. That's a second reading next week. Item no. 383, please.

**Item 383.**

**Wheeler:** This is a second reading, we have already heard a presentation and public testimony on this, please call the roll.

**Fish:** Aye. **Hardesty:** Aye. **Fritz:** Aye. **Wheeler:** Aye.

**Wheeler:** The ordinance is adopted. 384, please.

**Item 384**

**Moore-Love:** Amend a grant agreement with lifeworks northwest in an amount not to exceed \$210,000 and extend funding through june 30, 2020 for the new options for women program.

**Wheeler:** Also a second reading, please call the roll.

**Fish:** Aye

**Hardesty:** I will be voting yes on this today but will not extend this again without an audit of whether or not we are investing these dollars wisely. Aye.

**Fritz:** I'm a big fan of this program, aye.

**Wheeler:** Aye. The ordinance is adopted. 386, please, second reading.

**Item 386.**

**Wheeler:** Please call the roll.

**Fish:** I appreciate the work that's gone in to hammering out the good neighbor agreement. Couldn't come soon enough because watching the timbers on the road has convinced us all they need home cooking. We look forward to them coming back. This good neighbor agreement is a work in progress. There are some areas where I think it needs to be strengthened and particularly the advisory board and its composition. I'll be looking -- working with commissioner eudaly to make sure our new approach to boards and commissions are applied fully. Aye.

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**Hardesty:** I also have some real concerns about the community oversight committee, but i'm very concerned that we are committing police officers to be at events that are really undefined, and i'm very concerned that knowing the critical shortage that we have, that we are continuing to allow private entities to use public resources for their own private benefits. And so I will be voting no.

**Fritz:** It was a very good discussion last week, I will note commissioner Fish, that they remain unbeaten. Aye.

**Wheeler:** Aye. The ordinance is adopted. Karla, who pulled 377.

**Fish:** Second reading on 388.

**Moore-Love:** Lightning pulled the other items.

**Wheeler:** 388 then.

**Item 388.**

**Wheeler:** Please call the roll.

**Fish:** Aye. **Hardesty:** Aye. **Fritz:** Aye. **Wheeler:** Aye.

**Wheeler:** Ordinance is adopted, consent items pulled, 377, please.

**Item 377**

**Fish:** Aye. **Hardesty:** Aye. **Fritz:** Aye. **Wheeler:** Aye.

**Wheeler:** 379 call the roll.

**Item 379.**

**Fish:** Aye. **Hardesty:** Aye. **Fritz:** Aye. **Wheeler:** Aye.

**Wheeler:** Ordinance adopted. 380.

Item 380.

**Wheeler:** Also lightning.

**Moore-Love:** Yes.

**Fish:** Aye. **Hardesty:** Aye. **Fritz:** Aye. **Wheeler:** Aye.

**Wheeler:** Ordinance news adopted. 376, please.

**Item 376.**

**Wheeler:** This is a public hearing granting a franchise to new cingular wireless pcs, doing business as at&t. We granted at&t a temporary revocable permit with terms similar to the proposed franchise on march 13, 2019 after hearing public comment on the permit on february 13. 2019. I understand staff is going to give us a five hadn't report followed by 5 minutes from the group who filed an objection. The digital commonwealth alliance and then we will hear any public testimony. So we'll start with elizabeth press and jennifer lee, good morning.

**Elisabeth Perez, Interim Director of Office of Technology:** I'm elizabeth press. I will try to be quick. Thank you for the opportunity to discuss franchises in general and cingular at&t franchise specifically. I'm going to let jennifer talk.

**Jennifer Li, Office of Community Technology:** Jennifer lee for the franchise manager. The office for community technology is a small beau are that manages access to the right-of-way. The right-of-way is the city's largest physical asset, over 20 percent of the land within the city's right-of-way, our residents have paid billions to acquire, build and manage the asset. Utilities bring benefits to our residents and businesses every day, up as water, heat, electricity and telephone. Utilities want to provide these services and to do that, they need to install infrastructure. They want these services for residents and businesses. We need to ensure they are provided safely and our residents do not subsidize them. Real quick, franchise is an negotiated contract between the city and awe a utility, the city allows the utility access to the right-of-way and in turn the city requires the utility to protect city interests through insurance and performance bonds, and by paying a fair value from the use of right-of-way.

**Perez:** I'll get into the at&t agreement. So at&t has had franchise with the city since 2003. This ordinance continues the existing right to operate in the city. And incorporates changes

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to federal law. You have all seen the terms in this franchise with the temporary revocable permit passed on March 13 of this year. The city charter's unique franchise process adds up to 6 months from finishing negotiations and the effective date of a franchise, in the meantime, if a franchisee would like to operate during that six-month period, they may request a temporary revocable permit. The difference is that the temporary revocable permit is ten years. At&t pays \$1,250 a year for every small cell attached to a pole in the right-of-way. \$8,000 a year for every attachment bigger than a small cell. The \$1,250 fee was adopted by city council in 2018 and it currently complies with the recent federal communications commission order on small cells. The 8,000-dollar fee continues the rates first set by the city in 2003. So we have heard a lot about 5g. I'll talk a little bit about how that fits in. So franchises generally do not identify the technology a utility will use to provide services, you will see nothing about 5g in this franchise, which is no different from any other. 5g is -- it is likely that the carriers, including at&t, may begin using 5g or fifth generation infrastructure to provide wireless services in the next two years. Given the federal regulatory environment, the franchise before you today protects the city's interests and ensures that our residents are appropriately compensated for the use of the right-of-way as at&t installs the equipment it needs to meet customer demands. I just want to give a quick reminder, I won't go through the whole time line. City council and city bureaus have been working on this since September of 2018. We passed several resolutions and several ordinances. The mayor and eudaly really kicked it off with setting the priorities for the city and negotiating with the carriers and we followed every step of the way. I'll turn it over to Jennifer for recent events.

**Li:** The time line just real quick, this particular franchise, as required by city charter, we arranged for the publication of the full franchise in the daily journal of commerce and also a notice in the Oregonians, the daily journal of commerce is where we publish the weekly council agenda. The notice was published in both publications in print and online. The notices are currently available online. They are free and do not require paid subscription. Articles through the djc are only available with paid subscription. The Oregonian notice was available online for 7 days. Between April 5 and April 22, I've been in contact from the digital commonwealth alliance, we spoke over the phone once and exchanged e-mails about the franchise objection process. That brings us to today.

**Fish:** I have three questions, if I could. Number one I want to focus on federal law here, because we are bound by law in all of our decision-making. Like it or not, the state legislature from time to time preempts us and prevents us from doing things and we are bound by state law. Like it or not, there are times when the federal government preempts us from doing certain things. Number one, under federal law, can we deny new cellular wireless pcs the right to provide wireless communication services in the city of Portland?

**Li:** No.

**Fish:** Number 2. Are we allowed under federal law to prevent any provider from furnishing 5g services within the city of Portland?

**Li:** No.

**Fish:** No. 3, under the appeal process that you've alluded to, that we are here today to hear from, is there any limitation on what can be appealed? In other words, can someone who objects to the franchise agreement object to the fact that we are pre-empted under federal law from taking up certain things?

**Li:** The city charter does not give that much information.

**Fish:** People can file whatever appeal they want?

**Perez:** Yes.

**Fish:** They can object to the fact there is a franchise agreement, yes?

**Perez:** Right.



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**Fish:** They can object to the terms of the franchise agreement, maybe suggesting we could have gotten better terms, and presumably they can object to the fact that we even have a franchise agreement?

**Perez:** Correct.

**Fish:** It's our job to sort through federal, state and city law and determine whether that's an appeal that's well taken correct.

**Fish:** We make that ruling?

**Perez:** Yes.

**Fish:** We have a hearing today, but we make our formal ruling next week, is that correct?

**Perez:** 30 days from today, which is in city charter.

**Fish:** So that allows us to do additional fact finding if we want

**Perez:** correct.

**Fish:** Thank you very much.

**Wheeler:** Commissioner hardesty.

**Hardesty:** I just want to really appreciate you, Jennifer, you have been here several times, and it's very, very difficult conversation. You know that we have expressed concerns about the health impacts of this new technology, we also have expressed concerns about not providing internet access to low income people throughout the city without may. This new technology will cost a small fortune for individuals to have the privilege of using it. And because of your due diligence, I really don't have a specific question for you, but just to put on the record, I just want to make sure that people understand that, yes, there are laws, and like many laws that are on the books, sometimes we abide by the laws and sometimes we take the moral high ground and actually don't abide by the laws, I'll use our sanctuary city status as an example of that.

**Fish:** Commissioner hardesty. Can I correct you on something. It is crucial to our legal position on sanctuary cities, it is the legal opinion of the city attorney that we are in full conformity under federal law. So I just want to be clear, we did not take that position in contravention of federal law, it is our belief under well-established federal authority and case law we have the right to be a sanctuary city and the federal government under the 10th amendment and article I of the constitution does not have the right to compel us to provide federal services.

**Hardesty:** I'll use another example. There used to be a time that, as you know, African-Americans were considered to be three fifth people as per the law and the constitution and our land. And we could have just sat back and allow that to continue to be the law because it was the law of the land, or people could organize and actually -- organize and stand up against unjust laws. I appreciate my colleague's position, and I greatly respect the legal opinion that was a legal opinion, but just a clarification from my esteemed colleague here. I will first in conscience will not support this because I believe we can do better and I have seen us do better where we decided it was the right thing to do. But I don't want to take anything away from the hard work that staff has spent, that the enormous hours you spent and the real dedication that you've shown to this effort. I just want to thank you both for coming back again and again, even though you'll be disappointed with my vote. Thank you.

**Wheeler:** No other questions? Very good. Thank you both, appreciate it very much. Next is the objector, Julia Degroff and the Digital Commonwealth Alliance. Welcome, you have five minutes.

**Julia DeGraw, Digital Commonwealth Alliance:** Thank you. Thank you for the opportunity to testify today. This is the right distance from the microphone.

**Wheeler:** That's perfect.

**DeGraw:** Echoey, it's weird, I'm Julia Degroff, and I'm the political director with Digital Commonwealth Alliance and I'm hoping you have had a chance to review the letter that I

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submitted and frankly, there are some more questions to you, commissioner Fish, the language in the section 10, 207 method of granting for franchise agreements is clearly old, and maybe we'll update and not particularly applicable in the world as it is today. So there's -- one of the main reasons we are the chief objector here is because as a person who has done work in the city and the metro region on a variety of regions and participating in numerous public comment periods at the state to federal level, all of those really have a prescriptive, here is the kind of comment that will have value. Here's -- you can complain about whatever you want, here is what has standing. There is just no guidelines to what a reasonable objection looks like, this entire process feels like a black hole, frankly. This is a bit of a side note, it's like during the charter review process, we want to look at the franchise objection periods, we don't think it was looked at for a long time, how do we make it meaningful so people feel like what they're saying matters. All of that, this is an incredibly unclear process, two weeks prior to the 20-day objection period starting, I called the auditor's office and spoke to more than one person, I understand there's this kind of wall between the commission and the auditor's office that needs to be there. I need to get this on the record, in advance of the publication of the objection period, numerous people tried to get clarity on whether there's an additional opportunity for organizations and individuals to weigh in and never got satisfaction on that answer until well after the comment period had begun. So that was not an adequate process. I understand they explained how these things were published. I didn't work on the daily journal of commercial when I tried to find it in there, I hit a pay wall. Apparently there's another way to find it in there, i'm a smart person, I couldn't figure it out. I should have asked more questions, if someone like me can't find the publication and objection period, that's not -- that doesn't look like you're trying to receive input from the public.

**Fish:** This won't be charged against your time. In the course of your research, talking to the auditor's office and doing your own research, were you able to find other examples of appeals that were brought to franchise agreements that you wanted the council to take a look at, because I think you're right, this is ripe for charter review and I think it needs to be more prescriptive. It does give you a lot of flexibility. The fact that you weren't aware of the time line and therefore presumably almost missed an opportunity to be heard is nuts.

**DeGraw:** We missed two opportunities, we missed the first ground, I didn't think know the objection period existed. I missed the emergency ordinance, we had stronger legal standing. I think there's no argument -- that's one of the other points I wanted to make, it was thin to say this was an emergency. In your hundreds of meetings with the staff and lobbyists of the telecoms, and lack of anything close to that amount of input from other stakeholders and impacted communities is so telling about -- we talk about the due diligence and there's tons of due diligence under one direction. We couldn't get with the county, the commissioner, with commissioner eudaly's office or mayor's office in a timely manner fashion. That's a really significant alternative path, right? So I really -- that was of the comments I made in the letter, there seems to be a lack of due diligence. I'm sorry, i'm going back to your question, when I spoke with jennifer li, who was extremely helpful and very responsive, and I appreciate that, she said there had and eight years here, they hadn't had something like this arise, she was speaking to other people on the staff about how do we do this basically. This is like -- I had a similar experience, working on the nestle campaign, we have never used a section of the water law that hasn't been used in eight decades, there weren't any good examples to draw from. I understand it's ripe for charter review. It was a missed opportunity, we didn't have time to bring in legal staff to do a really well like legally defensible thought out objection, by the time I found it was real and it existed, we were out of time. That's why I did request we have a 20-day objection period for the sake of giving organizations like the digital commonwealth alliance and other organizations deeply concerned about this process and have not been engaged in a

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substantial way up to this point at all, an opportunity to engage. That's really -- I understand from what I've been told by staff, again, it's at the purview of the auditor's office and maybe there's a firewall there. I want to say on the record, this was a huge missed opportunity for all of the voices that have not been taken into account, nothing close to the 900 some meetings you had with telecom lobbyists. I think there was a lack of too due diligence and there were a lot of voices taken into account and opportunities where you might have followed the letter of the law, I would not say you followed the spirit of law. Granted, it's very hard to see what the spirit of the law is.

**Wheeler:** I'm on a really tight time line. Is she back on the record now or no.

**DeGraw:** Sorry.

**Wheeler:** Thank you.

**DeGraw:** I actually didn't -- I was prepared for a 3 minute testimony. Thank you for the opportunity to actually express our concerns on a deeper level. I think -- to be honest, I think that I can -- let me make sure. I really think I pretty much covered all of our concerns here.

**Fish:** Does the letter you committed to council Cobb contain all your substantive objections?

**DeGraw:** Yeah.

**Fish:** The limitations of the process. All the caveats you have given us, does it give us your best shot under these circumstances in terms of why we should turn down the franchise agreement?

**DeGraw:** Yeah. I mean, yes, but, again, like, I mean, I personally -- I wasn't able to speak to an attorney or get any substantive attorney input and I'm a serious person, I erred on the side of raising the red light on the fact this was a really, really nontransparent process. I personally -- sure, I don't even -- I probably -- we probably -- we mentioned in there we want you to not move forward with the franchise agreement. Without a really strong legal argument, I realized this is a bit of a black hole, I understand that. But that's why I am requesting an additional 20 days or at least in the next 30 days before the next hearing if we are able to get substantive legal arguments about how you can defend your sovereignty as a city -- I want to know that if I'm putting more resources into this, that I'm not going to be -- that those substantive or -- feedback will be taken into account.

**Fish:** Thank you for raising the charter issue, I know this is now the second major charter change you've advocated for, and there may be more between now and when we start charter review. I think what I've heard front director, acting director and from you, we would be well served to at some point have someone to take a look at this and update it. It seems like a relic from another time. We ought to have clarity about what is required and public notice. Thank you.

**DeGraw:** I would have organized on it and gotten hundreds of groups to submit objections, but I'm like, I can't tell them what it does. I can't tell them how to write a substantive comment. I mean, that's -- there's a reason why I'm the objector, why digital commonwealth is the objector, I didn't want to waste people's time in a process that made no sense. Thank you for the opportunity to testify.

**Wheeler:** Thank you for being here. We appreciate it.

**Fritz:** I have a question for staff. Thank you. So we don't vote on this for 30 days, can people send in substantive comments for council?

**Perez:** Yeah.

**Fritz:** There is an opportunity for 30 days, that's the reason we have second reading and there's the comment period because I hear the process objection, but that's not something we can deny, am I correct?

**Perez:** Correct.

**Fish:** Thank you.



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**Wheeler:** We have two people signed up for public testimony. Is that correct?

**Moore-Love:** Yes. Maggie and Jenny.

**Wheeler:** 2 minutes please, name for the record.

**Wheeler:** I'll go ahead and wait until I move this to second. Go ahead, Maggie, if you'd like to start for us.

**Maggie:** Hi. I'm Maggie, and why would the city of Portland want to do business with at&t that was sued by the government for -- charging, I don't know, tens of thousands, hundreds of thousands across the nation of low income people who signed up for their lifeline phone program that was a contract with the government. And ruined their credit. And, you know, overcharged them like literally thousands of dollars, these individual people who are on paper, according to the government, low income and just -- when people would try and call to correct their overcharges, they were not allowed to speak to anyone. Why would you do business with a corporation like that, that the government has sued in a class action lawsuit against very vulnerable people low are disabled mentally, physically disabled, why would you do business with them, thank you.

**Wheeler:** Thank you, Maggie. Good morning.

**Jeanne Connett:** Good morning, council, how are you guys.

**Wheeler:** Well, thank you.

**Connett:** I'm getting over pneumonia, so great. Please forgive me, off topic. You said see what the state police can come up as a plan for the indigenous. The way you could start is putting them on the amber alert. I don't know if you know this or not, they're the only people who do not come across on an amber alert when somebody comes up missing. Food for thought. The other thing, I hear people talking about at&t, and I remember when cell phones first came to Portland, and I remember when Portland said they'd never do corporations and all this. That's all great and fine, my concern is metro pcs. My concern is we say we want to stop the drugs in Oregon, or in Portland, my concern is metro pcs. I don't know who should look into it. I'm sorry I'm not doing their work by -- it wasn't like this when I left, so I'm not responsible, but I certainly wish all of you would. So whoever should be checking into this, I appreciate it a lot if they'd check into metro pcs. Thank you for your time. Hope you like my dad's hat.

**Wheeler:** It's fabulous. Very good. This is a first reading of a nonemergency ordinance, moves to second reading, this concludes the public hearing, the record is now closed.

**Fish:** We open up the proposed budget for some amendments. All right.

**Wheeler:** We are off to a rough start.

**Fish:** Karla, the next item -- two items left, the next item, 385, if you could please read it.

### **Item 385**

**Moore-Love:** Authorize a class exemption to implement job order contracting for asphalt repair and concrete work.

**Fish:** Who is here for this?

**Lester Spitler, Chief Procurement Officer:** I'm Lester Spitler

**Fish:** This is listed for 15 minutes, you're going to get extra credit if you can do it in five.

**Spitler:** I think we can do that. We do have two invited testimony. I can do my part pretty quickly. So commissioners, Lester Spitler, Chief Procurement Officer, thanks for giving me this opportunity. This is a legislative action for you to approve a class exemption for certain types of projects that would typically be bid out via our low bid solicitation method, acting as our local contract review board, you have an opportunity to exempt these projects. So this exemption is for asphalt, paving repair, and concrete work which we intend to contract for using a new delivery method to the city called job order contracting. The projects covered under this exemption would be projects estimated to cost between \$5,000 and \$1 million and for concrete work performed by PBOT, both in the right-of-way, concrete work performed by parks and recreation in parks and outside of the right-of-way, as well as

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asphalt paving and repair again performed by both bureaus. We are asking council to limit the pool of competition to firms certified as disadvantaged business enterprises, minority-owned enterprises, women owned business enterprises, emerging small businesses and service-disabled veteran business enterprises. A little bit of background on the job order contracting, it is a method for delivering construction and repair maintenance projects, it's bread and butter is small to medium projects, so as an agency, these are projects we would have to solicit and contract for individually, this type of delivery model lets us procure and contract for multiple projects under one master contract, and then we execute the work via task orders that are executed between procurement services, the bureaus and selected contractors. What we intend to do with your approval is to award a pool of contractors in this category of concrete and asphalt repair maintenance, which would allow PBOT and Portland parks and recreation to deliver multiple projects they have planned and budgeted for in the future using this model with transparent rates and the value for the contractors is that they get to build a relationship with the city, they don't have to respond to individual solicitations and chase individual projects as long as they perform well under this model, they continue to get the work. We estimate awarding contracts up to \$1 million per year for five years, up to \$5 million a year. Procurement services, when we pursued this model, we have gone out and done outreach and engagement to various contractor associations, of those professional business development group, Oregon association for minority entrepreneurs and the national association for minority contractors, we have gone out and marketed the fact that we will do this with council's approval. We have gotten interested firms to identify themselves and so we have a pool of 15 to 20 companies all certified in the various certifications that do this work, that are interested in responding to the solicitation. So with your approval, we would issue a request for proposal and we would limit it to firms that are certified and award multiple contracts and our bureaus would be able to execute a significant amount of work under this model over the next five years.

**Fish:** Before we have the two invited guests, Karla, with the memo that we got yesterday, there was a substitute.

**Moore-Love:** Correct.

**Fish:** Would someone please move the substitute.

**Hardesty:** So moved.

**fritz:** Second.

**Fish:** Would you please call the roll.

**Fritz:** Could you tell people what the difference is.

**Spitler:** We originally weren't going to include asphalt paving, we didn't think there were certified firms that performed asphalt paving to the capacity that PBOT and Portland Parks have project forecasted at. We have since discovered there are several firms that are certified that have paving equipment and paving crews. So we wanted to take this opportunity to specifically include paving in this exemption because we acknowledge if there aren't a lot of large certified paving companies, we need to grow capacity of smaller minority and women owned paving companies so they can compete on the on the open market in the future with these larger companies.

**Fish:** Please call the roll.

**Hardesty:** Aye. **Fritz:** Aye.

**Fish:** Aye, the substitute is adopted. Who would you like to call up.

**Spitler:** We have Faye Birch from professional business development game and James Faison.

**Fish:** We'll hear our guest speakers, and then we'll ask you to come back and answer any council questions. Welcome to both of you. Faye, do you want to kick us off?

**Faye Birch:** Sure. Happy to. We promise to keep it brief, we like extra credit. So mayor wheeler, in his absence, members of city council and my commissioner Hardesty. My

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name is Faye Birch and i've been independent businesswoman for 25 years, I have many relatable experiences for promoting MBE and WBE. I appreciate the opportunity to share my experience here today. I'm a cofounder of several trade associations. Designed to support minority and women groups of COBID firms. Currently I'm an active member of PBBG and on the executive team. We have 40 contractors and professional service firms that are both minority and women. They are equally union and nonunion. We are having positive experiences working with procurement staff and with Lester Spitler and this is just one of them. I was invited to serve as a minority evaluator on the JOC evaluation process. While I haven't been their biggest fan, because I see many bidders gloss over the MWESB requirement, I'm here to say, this experience was positive. I think this JOC method, the way it is planned, will create many sizable opportunities for MWESB firms and inform future contracts on many more scopes of work. In addition, noticing there is very limited diversity on the proposed team, I was able to raise that question. The team gave all the usual answers, that amounted to not needed right now and maybe later in the process. However, with Lester's support, we added attention to this process, the very next meeting, they brought both a local minority firm and a woman to the table. These additions already experienced and a part of the parent company but now an active part of the delivery in the Portland market. It makes a difference to the contractors they will be working with and I believe it will continue to do so as they participate in this process. Thank you for the opportunity to comment.

**Fish:** Thank you for joining us.

**James Faison:** Mine will be shorter. James Faison, my company is Faison Construction. I'm a general contractor that specializes in concrete, and I'm here to say I would like the JOC program to come in and be a positive force for neighborhoods and our contractors. I have worked on two city parks at this time, worked on pioneer square courthouse, and we just finished a park on the park blocks.

**Fish:** The north park blocks. A beautiful new playground you did. And commissioner Fritz helped to fund. Thank you both.

**Faison:** Thank you. And so I'm starting to specialize more in parks, and I enjoy working in parks. I think this would be a perfect opportunity to bring some of the young contractors up to speed on working in parks, we have a lot of kids that need a break on figuring out how to do business with the city of Portland, and I have to say I really enjoy having Lester come on board as leading the charge. He's been phenomenal in helping minority community grow. Thank you very much for the opportunity.

**Fish:** Commissioner Hardesty.

**Hardesty:** Thank you, president. Council president. It is so wonderful to see both of you here and to hear the kind words you're saying about Lester. As you know, Faye, you and I have for decades been putting pressure on the city of Portland to really live up to what it says it wants to do, which is to create business opportunities for women, minorities, an emerging small businesses. Since I have you here, which is -- which this is the first time since I've been here you've been here, I wanted to ask you. I continue to challenge Lester because it is my belief that many of the businesses led by people of color do not go through the certification process that is the state certification because, like my own personal experience, it did nothing to get me business. I would have starved if I had depended on that. Is that your experience with you starting several business trade groups and you work directly with these small contractors? What's been your experience with the state certification?

**Birch:** It's getting a little bit better. There is the ability to do it online, although the online can be a challenge as well. The process is shorter. There's probably four pages compared to the 25 they used to have. And then some of the issues that Lester is raising puts the other firms that are easily getting certified on notice that, you know, you need to be real

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certified business in order to work with the city. We appreciate that message. I think you'll see more minority businesses step forward and women.

**Hardesty:** Mr. Faison, I know you have been in construction for a long time here. How long have you been in business in the city of portland?

**Faison:** I've been in business since 2001.

**Hardesty:** 2001? And have you seen growth in your ability to access city contracts in that time?

**Faison:** You know, for a while, it was a bit of a struggle, but I think over the years with all of the advocacy and working together, we kind of move that in a different direction and seeing a lot of progress, positive progress because of people you're bringing on board and the changes you are making. I keep going back to this, but Lester has been marvelous. He's been working hard to be fair and bring everybody to the table. So yeah, I'm seeing a lot of good things happening in the city of Portland and happy to be a part of it.

**Hardesty:** Lester's going to have a lot easier time in my office now that I've heard both of you say really nice things about Lester. Thank you very much, appreciate you both being here.

**Faison:** Thank you.

**Birch:** Thank you.

**Fish:** Okay. This is first reading of an ordinance. Karla, did anyone sign up to testify?

**Moore-Love:** Just maggie and she's left.

**Fish:** This matter, do you have anything you want to add, sir?

**Spitler:** No, thank you.

**Fish:** This matter goes to a second reading next week. Thank you very much. Karla, please read item no. 387.

Clerk: Authorize a competitive solicitation and contract with the lowest responsible bidder and provide payment for the construction of the south Portland burlingame phase I sewer rehabilitation project no. E10680, for an estimated cost of \$2,112,000.

**Fish:** Environmental services manages the city's storm water and sewer infrastructure, including 99 pump stations that work together with about 200500 miles of pipe to send sewage to the treatment plant. This project will allow the bureau to rehabilitation aging sanitary and sewer pipe in the south Portland and burlingame areas. The project will increase reliability and sewage releases. Which in turn will protect public health, people's property and our environment. The \$2 million project is scheduled to begin in november and would be completed within a year. Here today to give us a brief presentation are joe dvorak, design services division manager and daniel boatman, project manager, both with environmental services. And with a little help from Karla, we should have a power point or not. We don't have a.we are point. Karla, just read from -- can you -- let's take this off the screen. And.

We can do without it.

**Fish:** Make your presentation from your power point and put an original power point into the record with Karla so we have that, that would be great.

Thank you. For the record, i'm joe dvorak. I we want to thank him for all the hard work, it involved quite a bit of communication. Real briefly, we'll go through the specifics, thanks.

I'm here to ask for authorization to advertise the south Portland burlingame project for 2,112,000. The project has about 3900 feet of pipe, 3700 of which is -- most of that is over 100 years old. And is in severe deterioration, about 200 feet of which is stew we are extensions to address nonconforming sewers, there's about a thousand feet of service connections that will be rehabilitated or reconstructed, and there is also some additional work that we have been partnering with pbot in the work areas that we are in. The project will have a variety of construction methods, including both traditional open cut excavation and trenchless rehabilitation so that we can reduce the impacts and paving, and then we

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have had continuous public outreach for the project, involved many neighborhood associations, and we do have night work approved at three locations for -- for some of the work and we received no comment during the 45-day notice period. The engineer's estimate has a high confidence level, I believe you mentioned that we are proposing to advertise in June, begin construction in November, and the contract would be 300 days long.

Very nice presentation. Any questions?

**Fish:** Karla, anyone sign up to testify.

Clerk: Maggie left.

**Fish:** This matter goes to second reading, thank you. Commissioner Fritz, may I make a suggestion, you have asked whether we could revisit 376. I have a host of legal questions about whether we can or can't.

**Fritz:** If I might.

**Fish:** I won't be answered in the next five minutes because I have questions to ask the city attorney. My suggestion is that we put this over until 2:00, and at that time if you to reopen, we'll entertain that motion, but have a complete legal opinion. I don't want to cut corners here because I have questions about who has standing, whether we can extend the hearing and how much time we need between any final submissions and decision. With your concurrence, we'll take this up at 2:00 sharp.

**Fritz:** Thank you. For those wondering what we are talking about, the franchise agreement that was conflicting evidence that -- conflicting information given to the public that testimony could be taken for the next 30 days, but when the mayor closed the hearing, he said the record was closed, that's what I would like clarification about, if testimony can be allowed, then we would need to reopen the hearing and record.

**Fish:** We are now adjourned.

**At 12:24 p.m., Council recessed**



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

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

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

**May 1, 2019**            **2:00 p.m.**

**Wheeler:** It's may day, 2019. Before we jump into our -- first I'll let Karla read the roll. She's good at that.

**Fish:** Here **Hardesty:** Here **Fritz:** Here **Wheeler:** Here

**Wheeler:** In the spirit of -- oh, yeah. Hey, robert, good afternoon. Can you please read us the rules of order and decorum.

**Robert Taylor, Chief Deputy City Attorney:** Yes, sir. Welcome to Portland city council. The city council represents all Portlanders and meets to do the city's business. The presiding officer preserves order and decorum during meetings so everyone can feel welcome, comfortable, respected and safe. To participate in council meetings, you may sign up in advance with the council clerk's office for communications to briefly speak about any subject. You may also sign up for public testimony on resolutions or 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 are a lobbyist. 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. 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 will not be allowed. If there are disruptions a warning will be given that further disruption may result in the person being ejected. After being ejected a person who fails to leave the meeting is subject to arrest for trespass. Thank you for helping your fellow Portlanders feel welcome, comfortable, respected and safe.

**Wheeler:** Thank you. We apparently have a world championship hammering competition going on next door, so I apologize for that.

**Fish:** Or an invasion of woodpeckers. [laughter]

**Wheeler:** Could be either. Before we jump into our first time certain item I would like to clarify a procedural error that occurred this morning with item 376. Karla, please read item 376. We never want to deprive people of their opportunity to comment, and this morning I accurately read my talking points, however I mistakenly closed the item at the end of the hearing. I would like to clarify for the record that written testimony will remain open for 21 days until 2:00 p.m. On wednesday, may 22nd. Again, that's 2:00 p.m. Wednesday, may 22nd. Emails are great and the ideal place to submit them is to [cctestimony@Portlandoregon.gov](mailto:cctestimony@Portlandoregon.gov). I'm sorry if there was any confusion. Can you please read our first time certain item.

**Item 389.**

**Wheeler:** Very good. 389. It's my pleasure to introduce the 2018 Portland design commission state of the city design report. The first item of business is to thank the dedicated volunteers who serve on the commission. This commission has met three, sometimes four times a month in 2018 and often for many hours as they review land use cases and provide design advice. They are a dedicated, hardworking group of individuals that include julie livingston, our chair, sam rodriguez, vice chair, don vallaster, andrew

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clarke, jessica molinar, zari santner and brian mccarter. For those of you who are here can you stand up so we can acknowledge your great work? Thank you. [applause] thanks for your service. I'm sorry, that applause was in lieu of pay. I would like to thank tim heron, staffing the design commission, and karia for her work supervising bds staff, who does the design reviews. Thanks to all of you as well. This commission will be presenting your seventh report before the council but they have been operating in the city of Portland since back around 1980, providing leadership and expertise on urban design and architecture and on maintaining and enhancing Portland's historical and architectural heritage. This comes at an important time for the city and its expanding design overlay districts as development is unprecedented in the history of design review. These neighborhoods in the design overlay zone deserve the appropriate production and predictability of quality infill that meets our density goals and inevitable growth. I look forward to hearing from members and the public and supporting the commission in its design efforts. Julie livingston is here to share the Portland design commission's 2018 state of the city design report. Good afternoon. Thanks for being here.

**Julie Livingston, CHAIR Design Committee:** Good afternoon. Thank you for inviting us. We are very pleased to be here. It has not been long since we were last year. We made our 2017 state of the city address to council in october of 2018, a little bit delayed. Today's report is just a wrap-up on 2018. I should be fairly short, maybe 20 minutes. Then we have some fantastic testimony to share with you. There are people here today who participate in all areas of the design review process that would like to share their thinking with you. Moving to the slide presentation, today's agenda, we will cover the purpose of design review, take a look at doza, there are two types of doza. This is the implementation of doza, rather than the planning phase. Tough on staff. We'll look at case load data from 2018, some of the highlights of the work that we did, and over view of projects which is the show and tell of what we saw in the hearings room in 2018. Then we will make the design excellence award. This is their design excellence award that the design commission will have made, it's fairly new. We don't reveal it until today. There are two people in the room that know who will receive this award, me and the person here to receive it. Then we will have testimony. So modest perhaps, about 20 minutes. The hard copy that you have has more detail. I know that not all commissioners were here in october, so commissioner hardesty, if I use any acronyms or you would like additional explanation on anything, please stop me and let me know.

**Hardesty:** Have we met? [laughter] thank you.

**Livingston:** Absolutely. The purpose of design review. The design overlay zone is intended to promote design excellence. The city has been engaged for almost 40 years and this is the reason our neighborhoods have character, our streets are walkable and our central city built to withstand the test of time. In april 2017 mark henshaw of walker macy, the bureau of planning and sustainability design overlay zoning assessment consultant recommended a charter. We reworked the design review purpose statement and made tweaks to better align it with the goals of the 2035 plan. This refreshed language also addresses one of mark's priority recommendations to use the three tenets of design, context, public realm, and quality, as an organizational structure to simplify, consolidate and revise the community design standards and design guidelines. The hard copy that you have should have a one-pager that goes into the business of what the design commission does in greater detail. So the doza administrative improvements. Updating the standards and guidelines, the tools that we use, is under way with the bureau of planning and sustainability. The process improvements recommended are the responsibility of bureau of development services. These improvements have been accomplished over the last two years and have had a very positive impact on the work that rolls out in the hearings room. We have been very focused on three aspects that applicants told us were most important

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to them. Efficient hearings, timeliness and predictability. Early design advice requests proving to be critical. Gives applicants the opportunity to test pro forma ideas before financial commitments are made and allows them to integrate feedback early into their work. The hard copy you have includes administrative improvements report that goes into much greater detail than what is included on this slide. So. Case load data. Briefings, retreats, work sessions, in 2017, and everything else that flowed out in 2017, then also in 2018. 2015, 2016 and 2017 were all record years for work that the commission did. 2017 was particularly busy due to the large number of housing proposals vested just prior to adoption of inclusionary housing. This summarizes everything that happened or all the significant events over the course of the year. Interesting to note here the type 3 cases which are the design commission review cases decreased by about a third between 2017 and 2018 and the type 2, reviews by staff only decreased by about 12%, so for all intents and purposes design commission's responsibility is central city and staff review most of what happens outside that. Central city slowed more than other neighborhoods.

**Fish:** I think I remember most of those appeals to council. To what do you attribute the fact there were three appeals of type 3 decisions to council in 2017, one on building that you and I continue to disagree over, and none in 2018? What do you attribute that to?

**Livingston:** There has not been -- there haven't been many contentious projects in 2018. It's been a fairly smooth hearings process on our type 3s. And I think that two of the appeals that rolled through the council chamber in 2017 were neighborhoods appealing approvals.

**Fish:** I see.

**Livingston:** Any party can appeal. We may design commission may approve a case then appealed by the neighborhood association if they are in disagreement. I think just one of those three came with some conditions of approval that the applicant did not like. That's why that case landed here in council chamber. Slightly different environment but for the most part just cases that did not disrupt neighborhoods from the neighborhoods' perspective. So last line, thursdays are the days we host briefings, and design advice requests and hearings. We like to track how many thursdays we meet. We still work about two out of every three thursdays. This slide is one that I like very well because it's a graphic presentation of the number and buildings, not the cases approved through the type 3 process in both 2017 and 2018. 2017 is in blue, 2018 in green. If every one were currently under construction there would be 69 cranes in the sky. That's not the case. If you read last week's djc, you know many of the housing developments we have approved that were vested pre-inclusionary housing have yet to pull permits so things are a little bit slower than this slide might indicate. Nonetheless all of the central city neighborhoods are gaining a number of new large buildings that will change and impact neighborhood character and the design commission has to be able to understand and consider both present and future circumstances. So we all spent a lot of time thinking about housing. Design commission as well as everyone else. When we were here in 2018 we presented several slides that gave you a little background around what we have seen in the hearings room and we have updated these slides to capture all of 2018 data. So this slide represents type 3 --

**Hardesty:** Excuse me for a second. What is the difference between the green and the blue?

**Livingston:** Thank you for asking. The blue represents housing cases. The green represents all other cases. So not housing. Those two combined are all the cases that have rolled through the hearings room in 2018.

**Hardesty:** So you're not just responsible for reviewing housing but other types of development?



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**Livingston:** Yes. Yes. This is the case. The design commission reviews for all intents and purposes all large development projects in the central city and the program of the building has no impact on whether or not we see it. If it's being built in central city we see it.

**Hardesty:** But not in, say, east Portland?

**Livingston:** There is d-overlay in other neighborhoods. The design overlay, d-overlay, applies to the central city. There is d-overlay along many centers and corridors and also in gateway. So we often see projects in gateway as a type 3 but many of the other neighborhoods go through a type 2 provide, which is a staff process. Not every proposal in the city of Portland -- we're less than -- I want to say 3%. Less than 5% of the land area would be subject to design review and not all come in front of the commission.

**Hardesty:** Thank you.

**Livingston:** You bet. So these are all of the cases between 2010 and 2017. The green represents nonhousing, the blue represents housing. Some of these cases are more than one building so there's not a direct correlation between number of buildings and number of cases here.

**Wheeler:** Could you explain that? That's like a multi building development? Might be housing --

**Livingston:** In the lloyd district they have four or more buildings in a single proposal.

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

**Livingston:** In 2018 we saw 13 housing proposals and eight of those were subject to inclusionary housing so we're moving that direction with the housing that's coming online. In 2017 it was a banner year, we saw 19 housing proposals but not all have pulled permits and are under construction.

**Wheeler:** Can you go back to that slide?

**Livingston:** I think I can.

**Wheeler:** You're better than I am. That's actually interesting. As I look at that slide, the movement from 2017 to 2018 looks to be predominantly in nonhousing projects. Am I wrong?

**Livingston:** We lost more -- there were fewer nonhousing proposals in 2018. Significantly fewer in 2018 than in 2017.

**Livingston:** Housing more other less held steady.

**Wheeler:** What are the nonhousing projects basically cut in half and why do you think that is? It's not inclusionary housing.

**Livingston:** Inclusionary housing is not driving that. It could be any other building type. Could be campus buildings. Medical buildings. Any other program, office buildings, any other program that happens in our central city would be in that green bar.

**Wheeler:** So that's interesting.

**Fish:** One reason it's interesting is that how many times did people come before us in 2018 and say that as a result of inclusionary housing and the plan that we put into place it is likely developers would scrap housing development and shift to something else. What this tells us is that housing remains steady and those all other categories shrunk, and there might be a myriad of reasons for that including financing and just glut of commercial office space or other kinds of things, but the fact that housing held firm in the following inclusionary housing rules is encouraging.

**Hardesty:** Could you say that that's firm? I would see it as reduction.

**Fish:** I'm talking in relative terms. If you look in 2017, first we're entering -- we went three years of historic boom. We're now tapering down and there's a prediction that we're going to have a cooling off period. As Julia noticed earlier there were some properties entitled to move forward that have been shelved. In south waterfront a developer has decided not to move forward. We have seen a cooling off for whatever reason but if the prediction was true that inclusionary housing would have such a fundamental impact on the marketplace

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that it was going to change the fundamentals around housing, I wouldn't have expected to see such a robust blue streak in 2018 or half the projects. I would have expected to see more of the all other if people were converting their buildings to nonhousing use.

**Livingston:** 2018 you would not expect to see much blue bar in 2018. We had 13 housing cases in the central city in 2018 and well over half were subject to inclusionary housing and had a plan to accomplish it.

**Wheeler:** Commissioner hardesty?

**Livingston:** This slide looks at all of the type 2 staff reviews and all of the type 3 design commission reviews on a quarterly basis going back to the end of 2016, which is about the time we started to see a significant uptick in proposals that were trying to beat inclusionary housing. Not all of these are out of the ground. There's still a significant backlog of work from pre-i.h., but you can see the type 3s in green here are still moving forward. There is less housing in the type 2 d-overlay right now, in the fourth quarter of 2018, than there is in the central city. Housing units that are vested pre-inclusionary housing. This shows how many there are that are not out of the ground yet. The type 2 reviews are on the left. Type 3 on the right. The green bar hasn't yet begun construction and the blue bar has. So of those that have not yet begun construction, some are permitted, some are in permit review. Given nervousness around current market conditions some are up for sale but there are an immense number of units sitting in the queue waiting to be constructed. In the type 2 zone there are 169 not yet started. Type 3s, there are almost 4500 housing units not started and 800 under construction, so about 15% of the total is under construction. The post inclusionary housing pipeline. This is the last slide before we move to the overview of projects. This is a look at the housing proposals that have entered the design review process since february of 2017 when inclusionary housing went into effect. The projects that are not vested and have an obligation to provide affordable housing units are all represented here. The type 2 bar on the left is a stand-alone column but the other three are cumulative. You can look at the pre -- add those together. If you do that shows there are a total of 9400 housing units in the queue. When we were here in october, these three columns were just a little over 3,000. So there's a significant uptick in number of units that are in the pipeline right now that will go through a type 3 design review or we expect. A lot of these are likely developers who are trying on ideas through the design advice request, trying to figure out what pencils, what doesn't.

**Fish:** Are you seeing any patterns in terms of developers experimenting with cost effective construction techniques like modular housing or other kinds of innovations?

**Livingston:** There's much attention there. Thank you for asking about modular housing. The Portland housing bureau has completed a feasibility study on the powell project. It will be in for design later this month. One thing we investigated was whether or not modular housing was affordable today, more than it has been in the past. What we found is there's still about a 7 to 8% uptick depending on any number of variables but it's still more expensive so it is not yet reached a place where we will see a lot of it. Over the course of the past couple of years there's been one proposal that's come in for a type 3 review that has been a proposed modular building. Designed by works progress in the lloyd district. It has not started construction yet.

**Fish:** Are you saying it's still more expensive without regard to economies of scale?

**Livingston:** Yeah. Here's what we found on the powell project. I worked on this. That site has a limited building envelope, certain height, certain book of building, certain amount of floor area ratio on that site. Modular construction doubles up on walls, floors and ceiling so you lose a lot of volume to the building structure. That generally means fewer units. If your pro forma pencils that's brilliant. If it doesn't and you're trying to maximize the number of units on the site it's not feasible.

**Fish:** Thank you.

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**Hardesty:** Thank you. Out of the 9400 housing units that are permitted but not under construction, what is your sense for how many of those will move forward?

**Livingston:** Thank you for asking that. The 9400 are in the pipeline. They don't necessarily have permits and are not necessarily in for permit review, but they are in for early advice for all intents and purposes. Some are actually in the type 3 review process which is part of the entitlements. I think looking at this slide it's fair to say that anything in the two middle columns, pre-appear conference or design advice request, could maybe not go forward. A lot of that might be developers trying on ideas.

**Hardesty:** Thank you.

**Livingston:** Some percentage of it is that.

**Hardesty:** That's helpful. These are not housing that would be considered affordable housing. These are market rate only?

**Livingston:** At this point everything in this slide would be subject to inclusionary housing. It would include whatever affordable housing developments fully affordable housing developments are in the pipeline now. The powell project is included in here. Any other project like that that phb has under way.

**Hardesty:** Thank you.

**Livingston:** You bet. This is the real reason the city of Portland values the design review process. We are going to share images of 11 recent projects we think have raised the bar on design excellence. There have been more but these have addressed all three tenets of design very well. The first is the moxie motel by the dlr group. This is currently under construction across southeast al dar from the sentinel hotel. One of many very small developments on a quarter block or less that design commission has seen recently. There's significant uptick in buildings with very small footprints. This building does a particularly good job and goes so far to integrate the possibility of food carts in an otherwise underutilized loading dock. This is the 4th and montgomery building on the psu dan from psu is here to testify today. He may give you more information about this building. This building merited a lot of discussion in the hearings room. It's on campus but it's an office building occupied by psu, pccc, ohsu-- how do you drop an office building into the middle of an urban campus? Srg first responded to site conditions. It's adjacent to the streetcar and psu's urban plaza and shares the block with an historic apartment building. They followed up with a facade that curves at the corner so it's a very active facade. Really nice job with c4 compliments the existing buildings and c7.

**Fish:** Which the evolution?

**Livingston:** You are looking at the finished project. There's a -- those are two different views of the same structure.

**Fish:** I see. Okay.

**Livingston:** It really has different character depending where you're standing.

**Wheeler:** Nice.

**Livingston:** There are a couple of tall, shiny buildings here. The one more or less in the center is block 216. This has gotten a lot of talk recently. It will sit between the pittock building and galleria. This is 460 feet tall. About 35 stories. It has a mixed use program of ground floor commercial activity, office space, 250 hotel rooms and also housing. The development team really went the distance on public realm guidelines. Very nicely programmed ground floor, and they also made a very strong proposal for the first block of green loop development.

**Wheeler:** When you say the ground floor, could you elaborate on that?

**Livingston:** Yes. This is a very complex building program. There are not that many buildings around town that have ground floor retail, a hotel, office space, and then also residential units. That's a lot to pack into a building. One of the reasons it's 460 feet tall, so there's a lot of need at the ground floor. There are several lobbies, loading docks, access

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to underground parking, all kinds of stuff at the ground level that can consume the street wall and our public realm. But gbd, the design team, did a really good job of limiting not only loading dock and auto access but emphasizing the really good things about what happens on the ground floor, so super retail space, really nice lobbies, really did a good job making sure this building at its other level fit really well into the city structure. Also they addressed the green loop. If you look to the left of the proposed building you can see a bunch of trees in the public right of way. That is the first block of the green loop that will be redeveloped. Really nice job with b5, make plazas and open spaces, and sidewalk spaces. Central east side, a little building on central east side. This is an apartment building with ground floor commercial space that will go up at northeast grand and davis. This was just north of the burnside bridge head so still more to be built there. Anchor moisan architects brought this in. You'll see several of their buildings here because they have had several in 2018. Like many buildings the commission sees the site program and construction methods created many design challenges but the building makes a fair response to all three tenets. One of the nice things about this building is the way the design team really worked on this pinwheel motif and inside the ends of the pinwheels there are great balconies attached to the housing units. This building makes great corners. The salmon street building, kurt schultz from sara is also here to testify. This is one of several projects kurt presented in 2018. It's immediately north of lincoln high school in goose hollow. It's an unusual block because it's not the standard 200 by 200 Portland city block. The corner we're looking at here is a gently flatiron point and the design team exploited this feature well to make an elegant residential building that fits well into the goose hollow context. This building does a really nice job, respects the Portland block structure, establish and maintain a sense of urban enclosure, compliment the existing buildings. Kurt did a nice job on this building.

**Wheeler:** I can't help myself. It's like my own form of tourette as I guess. Next door is a max stop that's proposed to be closed, is it not?

**Livingston:** Yes.

**Wheeler:** Just thought I would say that.

**Fritz:** Is that where currently the accessory parking for the Multnomah club do we know what they are planning to do?

**Livingston:** I don't know. Whatever their plans are for parking expansion it's not rolled through the hearings room.

**Fritz:** Interesting. Thank you. Kurt will testify in a few minutes. He may have a better idea. So also in goose hollow and also by anchor moisan, paul jeffries and his team knocks this out of the park. This will be built on the artist's rec site, a complicated program because of the underground connections to the existing scottish rite temple. This building responds very well to the three tenets, response to guidelines about quality are particularly strong. A-4, use unifying elements, design for coherency, integrate roofs and use rooftops and promote quality and design. A special call out for b-6, weather protection. This team carried the design all the way through and the canopies at the ground floor are a clear reflection of the larger design. Very nicely done. This is in goose hollow, on the site of the current artists' rep. Block 40 by hensley lampkin rachel architects in south waterfront. Block 40 is an unusually large site adjacent to macadam. There are two buildings visible here. The red brick structure in front and then just behind a white structure. The developer, alamo manhattan and the architect are both home based in texas. Alamo manhattan wasn't able to join us but provided written testimony. I hope you have received that. This team is currently engaged in design advice requests for four more buildings in south waterfront. We see them frequently in the hearings room because they are in for design advice request. This team was very responsive to comments received from the commission. A major grade change, fast-moving traffic along macadam, the adjacent



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streetcar, obligation to develop a block of southwest lanes public access way and the first of the two buildings is now under construction. In the river district another building by an ram. This is 815 west burnside, the first project that came through subject to inclusionary housing. If you have been to the north park blocks you may have seen the firestone building next to the art house is vacant and sensed that's the site of this building. This is a neat building. It's a really nice foil to the facade of the at&t building directly across the street. We felt that this did a really nice job with a-5, enhance, embellish and identify areas and differentiate the sidewalk areas.

**Fish:** This is one of the first really distinctive buildings that we have seen other than a hotel that overlooks the north park blocks. In most other cities, that land adjacent to a park in the middle of the city would be prime land. A little bit like naito, thinking about development along naito with the riverview. Why do you think it's taken so long to jump-start development along the north park blocks?

**Livingston:** I think that would take a stroll through the code to see what the development potential of sites have been in this area. There are many structures that are contributing structures that have some historic nature to them. Along the park blocks as well --

**Fish:** Couple parking lots.

**Livingston:** That's true.

**Fish:** Far north end -- it's just curious that we -- in other cities we think about apartment buildings overlooking public spaces as being prime land.

**Livingston:** In the quarter block it's becoming more common and a lot of the pattern of development in old town chinatown especially is smaller development. Now that quarter blocks pencil we may see more. This is a full half block so it's very sizable. But burnside in the past has really not been very desirable because it's a really busy street. Then of course there's the at&t building which doesn't hold up its side of the bargain on making a street. It's not a good neighbor. This building is going to do a lot to repair this block of burnside and spur development of adjacent parcels. Many of which are just a quarter block.

**Hardesty:** I'm wondering whether the comprehensive plan in 2016 enabled this to have the heighten that it needed.

**Livingston:** I don't know about that. I would have to investigate to be able to say yes or no. This developer really struggled with the pro forma and keeping the building height low enough and putting enough units in to make this pencil was difficult. Changing the construction type just wasn't feasible. This is like as much as could be done here right now.

**Fish:** By the way, commissioner Fritz was lamenting loss of the tailgating space for thorns games across the street from -- [laughter] at least it's where psu does its tailgating, sad comment, it's tiny. This is the space where we normally stage one of the rose festival parades.

**Livingston:** Yes.

**Fish:** The one that's -- the starlight is where we stage a lot of the cars so this will create some logistical challenges.

**Livingston:** Yes, it will.

**Fritz:** I'm guessing there were a lot of downtown property owners just watching the process to see how much they were going to get. Very few places we decreased development capacity so i'm guessing you'll see a lot more.

**Hardesty:** I was going to say, we won't hold you accountable for going over 20 minutes. We have a lot of questions.

**Livingston:** Thank you very much.

**Hardesty:** You're very welcome.



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**Livingston:** This is the redevelopment of the pepsi bottling plant. This is pretty exciting stuff. For a number of reasons this is exciting. This is the first plan development under the new code in front of commission. Dorothy ferris of methuen is here and will likely speak to that master plan process. The first type 3 review associated with pepsi blocks, the first buildings that will come in for type 3 is on our agenda later this month I believe. The planned development is a master planning mechanism that allows for greater flexibility on large sites if it includes features that provide public benefit. The goals of a successful master plan are high quality design integrated into the broader urban fabric, pedestrian oriented design, toward multimodal transportation. Access to light and air, protection of public view corridors, open space areas for gathering and also passive and active recreation, affordable housing and energy efficient development. This is just really a nice proposal. The pepsi pavilion remains.

**Wheeler:** What are they going to do with that?

**Livingston:** My understanding it will be made available as a retail opportunity.

**Wheeler:** That is very exciting to hear.

**Livingston:** There's a really nice plaza on sandy immediately adjacent to that space that could be fantastic. In the foreground there is a small oddly shaped block with a one-story building on it. So this entire proposal does a really nice job of creating views and kind of accommodating what's existing already in this neighborhood that's interesting development and then pushing it further. Very well received. Really nicely done. There are also type 2 reviews completed by staff. Sometimes the developers, the applicants choose to come in for a design advice request with design commission. That's what happened here. This is the adidas expansion and lever architecture is the designer. The development team elected to participate in a design advice request. It was not required. It's available to all type 2 and type 3 applicants and there are any number of reasons a type 2 applicant may come for a design advice request including the fact that it creates a really good structure for public involvement. There were many, many neighbors in the hearings room on the day the design advice request happened for this project. The chair of the overlook neighborhood is here to testify. I would be happy to answer questions.

**Hardesty:** I have one more question. How many new hotel rooms have we built in the last couple of years?

**Livingston:** Oh, my gosh, so many. I don't know what that exact number is but we can do the research and let you know.

**Hardesty:** I would appreciate it. There seems to be a new one going up every week.

**Livingston:** I think there is.

**Hardesty:** It's scary to think we'll have all those empty rooms.

**Livingston:** We can do a quick summary over the past building cycle.

**Fritz:** I have those from travel Portland. They are not done yet. There's a whole bunch more coming on.

**Livingston:** That's true there are many we could have put in this presentation that we didn't.

**Fish:** Just on the hotel issue there's two opportunities here, obviously. One is if there is a softening of the market it's going to mean better deal for tourism and we'll see more people coming here because it's more affordable. At the same time if there is overbuilding and a number of these projects don't succeed and they fail I hope the housing bureau is poised to take over one or two of them because they are ready made for the kind of affordable housing we need.

**Livingston:** Self-contained. Yes. That is an interesting idea. They are more than an sro, slightly less than a studio. In many cases equivalent to a studio.

**Hardesty:** Especially if they go into foreclosure.

**Fritz:** I'm assuming you reviewed the convention center hotel.

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**Livingston:** Yes.

**Fritz:** Seems to be coming along nicely.

**Livingston:** Yes, it does. You'll hear more about that in a few minutes.

**Fritz:** To follow up we recently attracted a 13,000 member convention to the convention center for after the hotel is built. So it's already starting to do its job.

**Livingston:** There's a lot going on in that neighborhood. So this is the 2018 design award winner. You saw this building in October. It's the Elks Children's Eye Clinic on Markham Hill campus. It's mbbj, in Seattle. The landscape architect is Mayer Reed, a Portland firm. This arrived in the hearings room fully resolved and beautifully expressed. The building and landscape work together for healing. They are elegant in their simplicity. It organizes and makes sense of competing uses in a manner that improves the pedestrian environment and benefits the new building and existing Casey Eye Institute. A sky bridge skimmed with dichroic glass that connects to neighboring structures is absolutely contrary to every idea about how to create a strong public realm but here it works very well. OHSU is to be commended for taking their role seriously and consistently delivering projects on the Hill and at the Schnitzer campus that accomplish the three tenets of design. Here today to provide testimony and also receive the award -- we don't have a physical award. We're going to have to create one. Right now it's just words in the air.

**Fish:** Is it the building and the Mayer Reed garden?

**Livingston:** The award is to this building for an outstanding job of addressing the design guidelines. Carol Reed is here to accept the award.

**Fish:** Obviously this public space created.

**Livingston:** Healing garden.

**Fish:** Shout out to the Elks. My son had a couple of surgeries as a baby. We went to the KCI clinic, one of the best in the world but we were struck with the fact that all of the volunteer positions we saw were Elks. Many of them were in official garb, and it's the UPS family, and the Elks are made this part of their philanthropy. I think it's incredible that now they are actually adding a building to the campus.

**Fritz:** Will this sky bridge allow for people to be inside from KCI over to the main hospital?

**Livingston:** My understanding is it connects Casey Eye Institute to parking and the new building.

**Fritz:** That may help with a design how to get people from Barbur Boulevard. What's the process for choosing the award?

**Livingston:** The design commission chair surveys staff and other commissioners. This is the third award, the first was Framework, the tall wood building. The second last year -- what did we do last year.

**Fish:** Wasn't it that -- Allied Works building on 23rd?

**Livingston:** No. Landmarks.

**Fritz:** It will come back to you.

**Livingston:** It was unanimous. Whatever it was we agreed unanimously.

**Fish:** Unforgettable. [laughter]

**Wheeler:** They also forgot the award apparently.

**Livingston:** The first year was Lever Architecture. The second year was -- gone.

**Wheeler:** We're not leaving until somebody remembers.

**Livingston:** I'll have to follow up with an email. That's right. It was district office by Hacker. [audio not understandable]

**Fish:** Where is that again?

**Livingston:** Central East side, under construction now. The cop building on Grand. It's lovely. So this is our award winner this year. If you don't have further questions for me I'll invite Carol Mayer Reed to testify. She will be followed by Kurt Schultz of Sara Architects,

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chris traible of the overlook neighborhood association, dan salko from psu, and dorothy farris from methuen, in that order.

**Wheeler:** Great. Come on up.

**Carol Mayer-Reed:** Thank you on behalf of ohsu, and the team. We were blown away. We know how many projects you see and we can barely get our project through your process because of the heavy schedule that you have to follow and it's a busy, busy time. So we appreciate the recognition and the work that went into it. Thank you. Just to correct one little thing, this elks children's clinic does not connect to the new hospital but there is a plan for getting that markham hill connector and we're going to be having a work session with you in the next month or so to give you more information about that.

**Livingston:** I believe commissioner zantner is on the committee studying that.

**Mayer-Reed:** Yes. Shall I start? Okay. I am pleased to speak on behalf of my experience with the Portland design commission and in support of the value that the design advice request process brings. I'm a landscape architect and urban designer. I have worked in Portland for the last 35-plus years and have had experience in using the design review type 3 land use review process for a wide variety of projects and I took this opportunity to go back and find out how many. It's been 28 projects. Kind of blew me away. These projects range from public spaces and civic and institutional building to private development such as mixed use projects, housing, hotels and office buildings. Some of these include director park for Portland parks and recreation, the convention center plaza for metro that's currently under construction, the new hyatt regency convention center hotel, the new lincoln high school for Portland public schools. Life sciences building and the knight cancer research building on the schnitzer campus for ohsu. The karl miller center and neuberger hall renovation on the psu campus. In the pipeline is the hospital expansion for ohsu on markham hill and omsi district master plan. It's a lot going on. I appreciate being able to testify today. Some of these projects we lead a team but for most of the projects we actually have a key role on the architect-led teams as the site designers. We find ourselves in a really good position early on to strategize and advise the consulting teams and especially on teams that are coming from out of town. On the planning and design of our city perhaps we have a different way of seeing our city. It's not just about the building as an object but has strong emphasis on the public realm and considerations of context. Every building next to it and the open spaces adjacent we're encouraged to look beyond the borders to understand if not anticipate what the next adjacent building or development might be and how our project might be catalytic or serve a framework for future design response. We also look to support the pedestrian connections and the high quality urban spaces so our city remains welcoming and inviting. We are a design teams and our clients both public and private feel that the design advice request process provides extraordinary value. Most of these projects are really complex, just the few that julie just showed, there's layers and layers of design thinking that go into how you shape a building, how you address the public realm and provide connectivity to everything around it. In fact we feel it's essential to have early conversations with staff and the commission about site analysis, about issues, concerns, we have many, many questions in the beginning of a process. We understand that the best projects come with a rigor and adherence to the guidelines set by the city. I think this process makes us work harder and makes more thoughtful decision making and more interdisciplinary process. There's also many ways to interpret the guidelines as you know they are aspirational and locked in. They are not meant to address any particular project but the city in general, so applying them to a project is a really interesting puzzle to solve. This is where getting early advice from the commission to inform the design team is most useful. We feel we're more free to test ideas. We illustrate and discuss multiple projects -- concepts just in the early clay shaping formulation of the project. We ask for guidance, sometimes we bring models, do you like

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this or what do you think about that? Sometimes program elements are still being refined and we still have room in this process to make adjustment before going too far down the road with our clients' dollars and design team fees that we're locked into a direction that may not be successful when it comes down to the hearing. Some of the examples if you don't mind, how the project is perceived, how it fits into its context. How it fits on its slope. We have a sloping downtown and not a flat city. So how do we address corners? How do we address the mid block? How do we address the street in general? How do we connect to transit? Then there's this idea of microclimate. Shade, wind, solar gain, existing trees, there's just a lot of things to consider. The surface areas, bike parking, entries for parking, doorways, how does this lay out. The priority is the improvement of the pedestrian realm making our city even more remarkable than it already is. It brings to light the essential facts or characteristics of the site or patterns of use or even existing utilities that maybe can't be avoided or would be expensive to relocate. So we're good at helping stimulate this conversation between the design team and the commission to discuss opportunities and constraints. I really feel it makes the hearings more productive later. So we encourage you to retain this ability for design advice request process so we can strengthen our city to be designed for people and support public life and design excellence. I would also like to take this moment of opportunity, I think Julie is going to blush, but I really want to commend her leadership. She serves as chair. She's most organized person, she follows protocols and enforces time constraints. She works toward consensus and she shows a lot of respect for staff, for the commissioners, for the applicant owners, and for the design team. So we very much appreciate the role that she has taken, the leadership that she has.

**Wheeler:** Thank you.

**Mayer-Reed:** I would be happy to answer questions if you have any.

**Fish:** Congratulations, carol, on the many ways that you make our city so much more livable and beautiful. Staggering, the impact you've had on this city.

**Mayer-Reed:** Thank you. I moved here to do that.

**Wheeler:** Keep doing the great work.

**Mayer-Reed:** Thank you.

**Hardesty:** I did think of another question for julia. Tell me about the community engagement process that happens. I know you reach out to neighborhood associations.

**Livingston:** Yes. The neighborhood association, the local business association, neighbors within a certain radius regardless of their tenancy, both owners and renters receive notification when there's a new type 3 building proposed. Also type 2 although the parameters change a little bit. There's always an opportunity to engage. Design teams will typically engage the neighborhood association at a neighborhood association meeting. And then in the hearings room we always have an opportunity for public testimony and we hear often from neighbors, also from members of neighborhood associations that are speaking both in support of and in opposition to proposals. So if it's a type 2 review and something has been approved the neighborhood doesn't not appreciate it will come to us, to the design commission on appeal then we manage that appeal process. When something happens at the type 3 level that is not to the liking of a neighbor or neighborhood and there's an appeal filed you the city council are the appeal body. There's much more opportunity for engagement and for people to voice their opinions.

**Hardesty:** My personal experience with neighborhood associations are not reflective of the neighborhood. Have the meetings been reflective of the people most impacted by the development?

**Livingston:** That's a really good question because we see many different opinions. Neighborhood associations will often take a very circumspect view, very longview of development of the neighborhood. This has been the case in for instance the pearl district. In the pearl district for the last couple of decades all development has been good



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development. That's -- not everybody who lives there feels that way any more. People's priorities are changing so we are hearing differently from folks who aren't necessarily affiliated with the neighborhood association. There's definitely a shift happening in that neighborhood. I think that's playing out across the city.

**Hardesty:** Are you seeing a diversity of people based on whatever is being considered at the moment?

**Livingston:** I think that we probably are. Our hearings happen in the afternoon on thursdays. So to the extent that people are able to attend they do. We are certainly grateful for people who take time away from their work obligations to attend hearings. There is -- we see a lot of type 2 appeals especially really focused on parking. So there is a very particular age demographic that is very worried about parking. Under 35, nobody cares. But an older demographic will turn out regularly to talk about parking so we do see a lot of that discussion in the hearings room.

**Hardesty:** Thank you.

**Livingston:** Especially in the neighborhoods.

**Hardesty:** I guess my concern would be if the meetings happen during the workday and they happen at a place that may not be accessible by public transit then there are people who are impacted that just don't have access to that.

**Livingston:** Yes, so we are definitely workday. We're very accessible. Hearings happen in the 1900 southwest 4th building, the bds building. We always accept written testimony and do receive an immense amount of written testimony. Folks know how to use the system. We provide much instruction on how to use the system. There's a lot of information posted on the website about how do do this in a way that's effective.

**Hardesty:** I think that's true for a certain demographic. English learners, people with low education don't have the same expertise as people showing up to demand more parking. We're talking about totally different demographic groups and how they engage with the public.

**Fish:** When you look at the area where the highest concentration of buildings are subject to the work this commission does they tend to be downtown.

**Livingston:** Central city.

**Fish:** They tend to be buildings that have built in constituencies. People who live or work downtown or the like. I don't mean this as a disrespect to the commission, but the people that I hear from who have real sharp concerns about the city right now are struggling to hold on, to hold on to their housing, to keep their kids in school, to have a safe community, whatever. The marginal benefit of having a better design for a building that's going to be built anyway in the downtown corridor, I think is less of an urgent concern for a typical person. That's why I think we see a lot of -- you have lots of frequent flyers, developers and design people and folks who live downtown. The city has changed a lot in the last ten years. I get virtually no emails from people talking about design quality issues. We get the parking stuff. We get the congestion, the crime. We get the other stuff. It would be interesting to know what is the broader constituency for people that care about buildings that are downtown both residential and commercial, but i'm just going to go out on a limb and say it's probably a pretty self-selected group. Doesn't mean we shouldn't make it as accessible as possible but the people I hear from have bread and butter life and death issues they are worried about. I'm guessing they are not likely to go to a commission meeting and talk about enhanced design for building downtown that doesn't directly affect their lives.

**Livingston:** I think there's truth in what you say, but anecdotally block 216, I think, is notable. This is the block where all the food carts are. So when this showed up for its first design advice request, we had I don't know how many people that speak english as a



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second language or even a third language in the hearings room to protest this building. That has --

**Fish:** All organized by randy brag, by the way.

**Livingston:** People saw this as a forum to protest this building. It was an opportunity for an immense amount of turnout. People did organize around this. Thought it was very effective. There was much conversation that followed.

**Tim Heron:** I was going to address this to commissioner hardesty. Just something we do do with these type 2 appeals is make every effort to schedule it after hours. Usually we have a full agenda. We're booked through june right now. If we have an appeal come in we'll set it for 5:00, 5:30 so people can get to the hearing.

**Hardesty:** Thank you.

**Fish:** Can we maybe invite two people at a time?

**Livingston:** Yes, absolutely. Next kurt schultz. Following kurt, chris vaible.

**Wheeler:** I'm sorry, maybe we could hold off on some of the questions so the presentation is done. I know we have some people on a short time frame, we have others waiting as well. Thank you.

**Kurt Schultz, Principal SERA Architects:** Thanks so much. It's a pleasure to be here today to talk about the design review process. I'm kurt schultz, principal at sara architects. We just celebrated our 50th anniversary in Portland so we have been here a while. I lead our studio that's devoted to doing multifamily housing so that includes market rate housing and now housing with inclusionary housing for all of our Portland projects. As well as affordable housing like the new orchard that just opened in the jade district last week. I definitely want to reiterate how awesome carol mayer reed is. We have done a number of design review projects and she's really someone special. We have typically brought four or five projects I think per year over the last seven or eight years to the design commission, most of them have been multifamily housing. Some have been hotels. Some have been office. We really I have always been a big supporter of the design review process. I participated in some of the kind of work sessions on doza a year or two ago to talk about recommendations for improving the design review process. I have always been a fan of design review. I honestly believe it does improve projects, and most of the projects I have seen including a heck of a lot of my own have been very much improved by the design review process. I have tremendous respect for the people who basically volunteer their time to do a really, really hard job that often lasts late into the night. So over the last I would say two years the focus on the three tenets of design excellence, context, public realm and quality and permanence have really helped sharpen the focus in the design review hearings and made the conversations a lot more helpful to both the client developers and the design team. As opposed to years ago sometimes our conversations would kind of go a little bit over the map but I would say julia in particular I want to commend has done an awesome job as chair to focus the conversation, focus the meetings, keep us on schedule but also keep everyone in the room on task, which has been very helpful. I have noticed that the design review hearings have been getting done in a lot quicker time. We have actually not needed as many hearings to finish the process now. But I think the most important thing that I would hate to see ever change or be lost is the design advice request process. That's really where we come very early to the design commission and talk about urban design issues. Where, especially all the easy sites have been developed in Portland. All that's left is hard sites. We all know that. They are all hard. To really figure out how are we going to support the public realm, where should main entries be, where should public areas be, retail, building orientation, solar orientation, supporting the downtown plan. Those are really hard and we can't always do it alone so having that design advice request process where we're looking at urban design issues from sometimes a thousand to 10,000 feet is extremely important to us. I guess I would

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say in conclusion I really do believe the design review process continues to improve, and in my opinion is not a hindrance to development. As a matter of fact I would say it's the exact opposite. I actually think our design review process for its duration and particularly over the last couple of years is enhancing our downtown and our built environment and actually is a catalyst by making our city and our downtown a more desirable place to develop as opposed to hindering development. I would also be happy to answer any questions about housing pipeline too because it's really an interesting, challenging time but we can hold off on that until later.

**Wheeler:** Thank you.

**Chris Trejbol, Overlook Neighborhood Association:** Hi. Chris, chair of the overlook neighborhood association. I was a little surprised to be invited to speak, honestly. Our experience with the design commission was on two projects, one the adidas campus which has caused some heartburn among neighbors, the others on an appeal that we lost. I could rail against the design commission, but i'm not going to do that because they are great. I commend them on that appeal and also that we have a lot of residents that came to testify and these are people that don't have expertise in design. Don't have expertise in development. They were made to feel welcome, they were list send to, given thoughtful questions and engaged with by the commission. So just up front they are doing a great job in terms of engaging the neighborhood at that level. As you know, overlook is a hot spot for development and in terms of design overlay, we have it up and down interstate, on killingsworth and at the adidas campus. I have heard several people today so far talk about the value of the design advice request process and that it allows developers to learn and hear from the design commission. What I want to say is it also gives residents an opportunity to engage in the process at an early stage, to learn about projects and to provide useful input. This was particularly true with the adidas project. They made changes to their plans based on what neighbors presented at the design advice request. That is a process that I encourage you to continue to support. I am going to -- although i'm speaking nicely about the design commission I have a couple of not necessarily criticisms but ideas of ways to improve it. One element that we experienced on the appeal was that a lot of what the design commission does is subjective. What does fit in with the character of a neighborhood. What is a good design versus a bad design. The presentation on appeal relies on photographs presented by both sides. We can both present photos that show the neighborhood, how it fits, doesn't fit. I would encourage the design commission to do field trips, do an outing to the neighborhood, to the site to actually see what the community around a project looks like so that there's a better sense and everybody is working from the same framework in the conversation of what fits well with the neighborhood. Another thing I want to draw your attention to is in the design overlay zone amendments. 5-a, it's part of the code at 37751.50.3. What it does is require that the public, at large member of the commission, there's one right now, not be someone who works in the development -- listed development positions. Landscape architects, architect, things like that. Those are things that need to be on the commission, but I think there is value in having a member of the public on the commission who is not from one of those fields and is from the neighborhoods and can present issues and review them and engage in the conversation through a different lens. In my experience talking to the commission at times it has felt like they were an insider club where they had architects speak and they had their perspectives that didn't necessarily mesh with the approach and viewpoints of the neighborhood. I think that voice, putting that in the code and requiring it to be there is important. I would even encourage you to require there be two people on the commission who can bring that perspective. One other thing. One other experience we have had in terms of reviews is that staff when they issue decisions on proposals, in our experience, have been erring on the side of developers in terms of granting modification also. That puts the neighbors who

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will be impacted by a project at a disadvantage if there is an appeal. They have to go to the commission to seek to overturn a recommendation by staff. They are not experts. It's really hard for neighbors to engage at that level. I would suggest that staff shift their perspective and require the developers to make the appeals. That then puts them on the defensive. The offense. However, the sports metaphor would work there but make them overturn and justify why an exception is appropriate as opposed to making the neighbors try to explain why it's not appropriate. That said, the last thing I want to leave you with is kudos to staff. In our experience working with the development department on these design projects has been outstanding. All of the staff members we have engaged with take the time to talk to neighbors whether or not they are from the neighborhood association or just people I say you need to go talk to the planners on this, they answer questions, they return phone calls, they are just great to work with and I think that there is incredible value in that. Neighbors then come to the process more informed because staff makes them more informed. That's it. If you have any questions i'm happy to answer them.

**Hardesty:** Thank you. The website says the commission must include a representative of the regional arts and culture council, one person representing the public at large, and five members experienced in design, engineering, finance, construction or management of buildings and land development. It also says that no more than two members may be appointed from any one of those areas of expertise. I absolutely support the need to have community members and I would say community members that are just thinking individuals, not necessarily connected to any neighborhood association. I also believe that we should have material and languages that people need and I think any time you say that you are a representative of the public and meetings happen during the day you limit who has the ability to participate. So all due respect to the great work that I know that you're doing I just don't think we can call ourselves a public body if only insiders have the opportunity to participate.

**Fritz:** Tim herring pointed out they have appeals scheduled for after 5:00.

**Hardesty:** You have to know what's going on to be able to fully participate like the gentleman from overlook said. I just think there's an unequal balance of power. If you're the expert and you're holding meetings with other experts, then it's easy to lose regular community members in that process and so I know I have been to meetings where it only takes one meeting for you to feel like clearly they don't want your opinion and you just don't come back.

**Livingston:** Point taken. We are doing everything that we can to mitigate that.

**Hardesty:** Thank you.

**Wheeler:** Very good.

**Livinston:** Next -- thank you both very much. Next, dan salko from psu, and dorothy farris from methuen.

**Wheeler:** Welcome.

**Dan Zalkow, Portland State Universtiy:** Good afternoon, mayor, members of city council. I'm dan salko. I oversee the transportation division at Portland state university. I was asked to come here because we have had a few projects and without them having any knowledge of my opinion of the design review process or commission so I commend them on that. You have no idea --

**Fish:** If you're starting to go rogue Karla is going to cut you off. We'll have you back for something else.

**Zalkow:** Sounds good. I had experience with the design review process for four large projects over the last six years, and between four and six years ago I would have told you that I think the system is flawed and needs significant improvement, however not only do I not think that now I think the process is very good. It helps make projects better and ensures that we as owners are paying close attention to the impact of our projects on the

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public realm, that our projects will look good for not only immediately but for a long time, that they fit well in their setting. Over the last few years I have noticed significant improvement. City staff and the commission have increasingly become more helpful and predictable. Used to be on project between design advice request and land use review hearing or between two land use review hearings you would get conflicting feedback and new feedback on aspects of the project you had previously been told were fine. That has not been the case in recent years. Design advice requests had been seen as a waste of time because of how conflicting the opinions you get from one to another. That's no longer the case as well but they now help owners tremendously ensure successful and timely process. Between city staff and commission facilitation by the chair feedback is collected now in a very organized and constructive way. It also used to be that cost and building performance didn't seem to matter and some commissioners specifically said that. Now there has been vocal consideration for both those factors. The only suggestions I have now is that the city and commission be more open to different and creative design allowing architects to push the envelope. Also there are of course always process improvements that could be made and because of that it's important that there's always an easy way for customers and clients to provide feedback on the process and that the feedback is actively reviewed by someone with the authority and interest in making continuous improvements. In closing I would like to thank the commission and city staff for the great work they do and their dedication to making the city a better place to live, work, visit and of course learn while also being respectful and helpful to the challenging work of developing property.

**Fish:** When do you expect to cut the ribbon on your new building?

**Zalkow:** October 31, 2020.

**Fish:** Thank you.

**Dorothy Faris, Principal Architect Mithun:** Hello. I'm dorothy farris, a principal landscape architect at methuen. We have offices in seattle, san francisco and los angeles. I'm happy to be here as a representative of the discipline. Over 20 years ago I moved to Portland from the middle of the country to attend college and Portland was the first city I lived in that had a real walkable urban environment and in many ways those years independent from my family shaped my perception of how great cities should be designed. It's through exposure to pioneer square, park blocks, keller fountain park and others that I was introduced to. Tanner springs, james -- I could go on illustrate Portland's great commitment to excellent public open spaces. I consider myself lucky to have the opportunity to contribute to Portland's evolving and dynamic environment and it's an opportunity I take seriously and hope the city's thoughtful design and attention to the natural environment will continue to inspire future generations. I have participated as part of an integrated design team on the design review of three projects in the last four years. Heart line, which opened this past fall, Oregonian press blocks and the pepsi block planned development. All of which support significant public open space. Our office practices across the country and I have been involved in design review processes in multiple cities primarily the west coast. I can say with experience Portland's process is unique in its interactive, collaborative approach, especially early in the design. Applicants have an opportunity to present their projects and engage commissioners in a thoughtful about how the design creatively recognizes context and contributes to overall success. Unlike other municipalities multiple opportunities for conversation with the design commission can produce projects of high caliber without surprises orb or unexpected deviations. The early design advice is especially essential to producing more thoughtful designs, providing feedback on conceptual approach, programming, pedestrian connectivity with time to incorporate them before details are developed. This is key to remaining cost effective and on schedule. One of the image you see on the screen the over all project was greatly improved. It was proposed early to build two buildings with



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public open space between. When we presented to the design commission our early designs they challenged us on how we were addressing b4, providing stopping and viewing spaces, b5, and c6, develop transitions between buildings and public spaces. I looked at the notes. As well as emphasizing a2, Portland themes. With this feedback we went back and did a major redesign of the public open space between the two buildings. Developing the log jam consent that influenced design decisions, inspired art added to the project and created more outdoor gathering spaces of varying scales including the bocce court that also works as stormwater treatment. These were improvements we made because of the early dar feedback and have led to more successful project. Had we received these later in the design it would have been much more difficult and costly to incorporate and I was just there before coming here and was surprised to see how well used the space is. It supported much more people than with the original design. Due in large part to our great partners, not only our clients but committed staff who worked willingly with us to streamline the application and collaborative attitude and experience of design commissioners who contribute to the process. They bring an awareness and an interest in protecting high caliber of design. For pepsi blocks this was especially true as we were navigating planned development for the first time. The dar process allowed us to test locations for required open space, connections, where to step the building massing and set us up well for the vertical phase of development which we are just starting. I have seen it improve with more clarity onto deliverables, decisions and efficiency of the hearings. Since much of my work is within the pedestrian portion of the right of way I would offer some recommendations to further improve efficiency and efficacy. To formally tie land use and public works to synchronize responses. To consider requiring attendance by decision makers on the right of ways subject to review and recommend bds staff to speak to the goals of the commission and hear from spoke in october. He made the same recommendations because I gave those and I stand by those as important considerations. Much of the nuance in the public realm is important and much the nuance of the public realm is important that everyone be aware of it. Bes, pbot, design commission. So while the design review process is not easy, it's not altogether complicated. It requires the applicants to be respectful, prepared, dedicated, and thorough in their decisions. But shouldn't every city require those qualities and those responsible for future build form and urban environment? As I have seen and participated in the commitment to build places that will last for decades to come. The attention to detail, the fundamental moves set up projects and neighborhoods for long-term success. Thank you.

**Wheeler:** Thank you.

**Fish:** Can I just give you a shout out for the project on the right? I believe to the west is 11th.

**Faris:** Oh, yes, the heartline project. We are between 12th and 13th.

**Fish:** 13th? And one thing about this project that I think is very distinctive, even though there is a residential tower on the right of the slide before us, the commercial structure that you built on the -- designed on the left actually mirrors the same height and the historic elements of the historic structures on the other side of the street, so that -- so the street one to the west has a certain kind of context and continuity, and in the middle of the project and bordered by the eastern end, is the tower, and I thought that was an effective way of dividing it up and preserving some of the historical character of, I guess, of 13.

**Faris:** Thank you for saying that. That was very intentional, very carefully thought through, and presented and discussed with the design commission. The desire to speak to the historic neighborhood that we were just kitty corner from the zone under the historic preservation but speaking to the developing neighborhood in north pearl and some of the material used there.

**Wheeler:** Commissioner Fritz?



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**Fritz:** Thank you very much for being here. Julie, a number of your testifiers have expressed support for the design advice review. Is this some suggestion it might be going away?

**Livingston:** Thank you for asking this question. So, the discussion draft is circulating right now. One of the -- and this is a discussion draft on the design overlay, zoning amendments to code. It is suggesting a couple tracks for the design advice request, and one of them is it is elimination. There's been a lot of concern in the development community that it might be eliminated. The initial report generated by mark by walker macy two years ago recommended that the design advice request be made mandatory for projects in the central city. In large part, many of the reasons you heard here today, but also because it gives us the opportunity to daylight significant proposals really early in the process, and invite the community in. Just the fact that it might go away is worrisome.

**Fritz:** And does the design commission vote on recommending the doza changes to council?

**Livingston:** We don't vote. We respond, and we are, in fact, sending the bureau of planning and sustainability a letter today that outlines our thoughts on the doza discussion draft.

**Fritz:** And since it is a code change it would be the planning and sustainability commission that would forward it to us and you will advocate for --

**Livingston:** I hope there is testimony in front of the planning and sustainability.

**Fritz:** This will certainly be in front of council.

**Livingston:** Thank you very much.

**Wheeler:** Excellent. Thank you. Thanks for the great work that you are doing.

**Livingston:** That's all that we have got.

**Wheeler:** Okay.

**Fish:** I move to accept the report.

**Hardesty:** Second.

**Wheeler:** We have a motion from commissioner Fish, a second from, I will call it a tie. Commissioner hardesty and commissioner Fritz. Please call the roll.

**Fish:** To julie livingston and the commission and to the staff, congratulations on another terrific report to council. I wish all of our annual reports were this interesting and this well done, but -- and I also appreciate that you invited some people from the public without screening to come and testify. That's a very brave thing to do. [laughter] I give you a lot of credit for doing that. I wrote down something that our friend from sarah architect said. He said that the design commission process is quote, "not a hindrance to the development." I think that's important because early in my tenure on this council, when there was a different attitude, let's say, about planning and about process and about some of our design guidelines, there was talk of substantially relaxing these rules or doing away with some of these processes, and there was a lot of pushback in some parts of the development community. I am pleased that we have evolved from that to the point now where even your critics are coming in saying you are doing a great job but here's where we might, you know, might do better. That speaks highly for the work that you are doing at the leadership level and, obviously, the great staff that you have. I just want to say especially about design. There is a tendency, I think, in cities to view design as some how the province of the elite. In fact, there is a fairly, in my view, in my experience, self selected group of people that are especially interested in design. I can't think of anything that's more democratic than challenging developers, to actually build so that we can be proud of the finished product and that our city is enhanced and elevated through their work. The city belongs to all of us. There was a period, and there still is a period, particularly with multi-family housing, where a lot of crap has gone up, and we found a certain model, and we followed it relentlessly, and we have had a lot of misses, and I won't go through my

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highlights in terms of the parts of the city where that's especially acute. When we are intentional about what a city looks like we build civic pride. We build for not just tomorrow but for 100 years. There is a report out recently that says that the greener the county, the more likely there is less medicare spending. Interesting. Less healthcare costs, other kinds of things, so when we are green and intentional, people are healthier. I think when the city design is more beautiful and more intentional and more contextual and more respectful of its environment, I think that we all feel differently about our city, a different level of pride, and that's a very democratic thing. So, at the end of the day we are building for a city that 100 years ago we are going to look back and say, did we get it right or not? I watched with great interest over the last ten years, and in my opinion, and I said this at the beginning of the hearing, I think through the collaborative work of the design commission, we are pushing the design envelope and getting better product. We are getting buildings that are more interesting the built environment reflects that, and that will be to our benefit over time. So I am very pleased with what you are doing. I am grateful for all the time that you are putting into this, you and your volunteer commissioners, and I am very pleased today to accept the report. Aye.

**Hardesty:** I want to greatly appreciate your leadership as chair, Julia, and the fine people who are serving on the committee with you. You may have the record for the number of meetings that any volunteer group who gets together on behalf of the city, the amount of time that you spend. My comments in regard to this are in no way to diminish the work you are doing, but as we in the city continue to say that we engage everybody and we're open to everybody, but yet, if the meeting happens downtown, and it happens at 1:30 in the afternoon, and there is not language translation, and we have not put out a fact sheet that's about plain English or whatever other language, so that people who are not architects or designers or etc., etc., understand it, then we really are not engaging the community in a meaningful way. So, again, I think that you have done great work, and I love the designs, but when people tell me that they have been inclusive and they have engaged a community, and I ask those questions, and then people say no, we actually have not done that part, then I am concerned because for me, I want to make sure that everybody who has an interest has an opportunity to weigh in. I think that regardless of whether or not you have expertise on building designs, you know what you would like to walk by every day. You know where you would like to go and have a coffee or hang out with your friends. So, I don't think that any voice should be minimized in that process, so I vote aye. Thank you.

**Fritz:** Thank you for your report and thank you for your leadership. I think when the first -- you said seven years we've been doing this report. It did not used to be where everybody would come in and say this is a great process. We really appreciate. Look at the great results, and I think a lot of that is due to your leadership and your example, and your report, commissioner, are always interesting. When I read it last night, I went to the website, and this is not for you. This is for the bureau of technology services via the staff, it's really hard to find your website. You have to look under information and then boards and commissions and then design commission. You are a really important group, so I hope that when we do the refresher of Portland website, it would be a lot easier to find the information because as you know, you have done things like a welcoming sign that explains how to do the testimony and you have done things like telling people how they can get language translation and etc., and I appreciate that. My colleagues may know that back in March, I did a meeting to talk about the commission on disability, and I was roundly criticized for holding it at the office of equity and human rights, which is downtown on the west side, and so we did a doodle poll to find out where should we have the next meeting, and we offered the immigrant refugee community organization and the unite building on Killingsworth and the 1900 building, and the 1900 building won as the most accessible

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place to get to, as someone who is transit dependent, I know that getting downtown is a lot easier than having to transfer and get elsewhere, and I do appreciate temperature heron's point that for the hearings where public testimony is expected, that you hold them after 5:00, and that's a long group of hearings, if you are starting at 1:30 and continuing into the evening, and sometimes you spend hours and hours, so again, thank you for that. When I was campaigning for the cannabis tax in 2016, 25 neighborhood associations, I was delighted to see the diversity of people participating. Lots of renters and a lot of people of color, and a lot of young people, and so I appreciated the comments that it's often the neighborhood association folks who have done several of these, so they are not just reacting to the one that's next door that has no parking that somebody is coming in, and that people can come in. We also have community experts like those in overlook, who know that you can't complain about lack of parking because it's not required. You can talk about the context of the neighborhood, how the building is going to work. And I think that that's the value that I certainly support keeping the design advice request process. It seems like as long as they can continue to manage putting in those extra hours, it's really working well. So, thank you very much for all that you do, and I vote aye.

**Wheeler:** Well, I will just heap on the praise along with my colleagues here. First of all, thank you for the excellent presentation, and I hope that a lot of people have the opportunity to see it and to be inspired by the great work that the design commission is doing. Again, I want to thank everybody on the commission. Thank you for your stallworth leadership, and again, I hope that whatever meager praise we can offer today compensates for the lousy pay. As I look through your slide deck presentation, these are some of the most iconic spaces in our community already, and some of them have either just come online and some haven't come online yet, but you can just tell that they are going to be iconic contributors to the community. I love the fact that you are always thinking not just about the building, but you are thinking about the community and how the flow of traffic works on the street level. You are thinking about activation and you are thinking about public access, and you are thinking even about wastewater management and all the environmental issues, and all of these designs, I think, really speak to the values of the community, so I just want to acknowledge that, and I want to thank you, and we're all really pleased with the work that you are doing, and I vote aye, and the report is accepted, and we will look forward to what you do in the future, and I am sure it will only continue to impress. Thank you.

**Livingston:** Thank you.

**Wheeler:** I appreciate it. Karla, next item is resolution 390. Could you please read it?  
**Item 390.**

**Wheeler:** Colleagues, this has been one of the most powerful tools to spur capital investment by companies while leveraging opportunities for both employment and skills training for local residents and communities. The e-zone advances many of the city's objectives, emphasizing trade sector, jobs, maximizing our economic competitiveness, and striving to create prosperity for all Portlanders. Two years ago we approved an e-zone policy that asked the companies to do more for the community in exchange for the property tax abatements that they derived. Those changes have been received, and they have received emphatic support from the private sector and it reflects what I hope are the values that are broadly held in the city. We want to ensure that the equitable economy benefits both business and residents. Public benefits have been built into the e-zone program and have prompted numerous conversations locally, regionally, nationally, and internationally. Portland, I believe, continues to set a strong standards for realizing public benefits in exchange for tax incentives. Today's proposed action would ensure our ability to maintain one of the most important tools in promoting shared economic prosperity. We have many companies here who want to and already do good works for our community,

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extending the e-zone allows us to tackle some of the most difficult societal programs. First of all, I appreciate your patience. Our last item went over a bit because we were so excited about it, and I thank you for being here, special I will turn it over to our chairperson.

**Tavo Cruz, Commission Chair Prosper Portland:** Thank you. Good afternoon, mayor wheeler and commissioners. I am the chair of prosper Portland's board of commissioners. I am glad to be here today to present the board's recommendation to reauthorize the Portland enterprise zone, one of the city's most powerful tools to create and grow jobs and income. As a member of the prosper Portland commission, and former chair of the hispanic metropolitan chamber of commerce and an attorney who works with businesses of all stages, I am aware of the role that partnerships play in the success of our economy. Our presentation today is intended to provide a look back at the last ten years of partnership and innovation within the enterprise zone program. And to set forward a path for the next ten years at the city of Portland and prosper Portland. Prosper Portland focuses our work on building an equitable economy, especially for communities of color and those who have been historically underserved based on geography or income profile. The e-zone program has been a testing ground for numerous innovations. To achieve these goals, we are committed to continual evolution and learning and to operating in an equitable and innovative and financially sustainability way. Through your action today, we hope to continue to use the e-zone tool to advance our objectives. With that, I will turn it over to our executive director kimberly.

**Kimberly Branam, Executive Director Prosper Portland:** Thank you. Good afternoon, mayor and commissioners. I am delighted to be here today to provide an update on what we've been able to achieve over the last ten years and some of the things that we have learned, and implemented as a result of that learning, and to talk about the -- how the program has evolved over the last ten years. I am going to hand it over to andy reid, my colleague who manages the enterprise zones here at prosper Portland. So the program has been in place since 1986, and was most recently reauthorized in 2008. The slide shows some of the benchmarks that we have achieved over time in terms of the program, so I will point out a few. In 2010, when andy took over the program, she really assessed and reorganized the program, administration to make it more focused on customer service. We also reduced the amount of kind of red tape that was necessary before and made it easier for small businesses to engage, so you will see that, and that there's been an increase in the small businesses accessing the program. In 2012, we established the east Portland e-zone bringing in property east of cesar chavez and increasing opportunities throughout east Portland. The east Portland enterprise zone will be back to you for reauthorization, consideration in 2022. Most recently with the adoption of prosper Portland's 2015 to 2020 strategic plan and it's focus on creating widely shared prosperity, we have adjusted this program to help deliver on some of the major priorities, including access to quality employment. I want to emphasize this is probably the most significant tool to increase access to employment. We have another, a number of programs that really support local entrepreneurs. This is about ultimately creating a quality employment opportunities, particularly, middle income quality jobs. We also do try to make sure that we are increasing the wealth creation for diverse entrepreneurs and encouraging community business partnerships. In 2015, we began requiring companies to provide childcare or transit support for their employees if realizing more than a million dollars in tax savings, understanding that even if you are making 42,000 a year, or at 42,000 a year, childcare and transportation can be significant burdens for employees. In 2017, we added the public benefit agreement requirement that mayor wheeler mentioned for all program participants as a requirement to ensure that we, actually, achieve the desired impact of the program. Since then, ten companies have entered into public benefit agreements and are learning from this approach is being applied to programs like Portland means progress initiative



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where we are engaging with the companies who are not receiving tax abatements or incentives in order to diversify their employees and procure from local diverse entrepreneurs. We are here before you requesting reauthorization for the next ten years. We are not recommending or requesting any amendments to the policy since it was most recently adopted in 2017. We are still believing the policies sound. So this map in front of you shows visually the Portland enterprise zone, which is in brown, and the east Portland enterprise zone, which is in blue, and you will note that many of the cities industrially and commercially zoned properties in north and northeast Portland and outer east are within one of the two enterprise zones. Also note that while we have two enterprise zones, the are expectations and the experiences are meant to be identical, so there is one policy for both, so if you are a business, you probably don't know which enterprise zone you are in. As we look towards the next ten years, we thought it would be helpful to look back at the last ten years to see what we have accomplished, what the program has accomplished, and we supported 90 projects with 53 active now from both enterprise zones. You will be hearing from one of those firms, mckenna metal shortly, we now see that 36% of the businesses that are active today are small businesses, and we define those as the businesses that have 50 or fewer employees. If we define small businesses as those that have 100 or fewer employees, which is the definition, we would go up to almost 50% of the businesses meeting that definition. This map highlights the locations of investments and jobs created in industrial and commercial locations throughout the city. Investments in east Portland have picked up steadily since the creation of the east Portland enterprise zone in 2012. Some of the -- some of those have included manufacturers of projects, of products such as granola bars, foam mattresses and pharmaceuticals to help people with diabetes. Other areas of significant investment include rivergate in the north swan island, north industrial area and central east side, and our three largest investments, which you see in blue, come in from the industrial dry dock. Daimler's headquarter expansion and the distribution facility. Drilling down further, here's a list of the companies that had an active exception in place from 2015 to 2018. Those not are in bolder smaller businesses that have 50 or fewer employees, new companies not listed yet because they are not currently exempted but will be in 2019, include salt and straw, city of roses and recycling security, and the group, gunderson and nosa familia. We have an additional nine projects in the pipeline that have finished a new e zone application and have begun the investments with the anticipated exceptions to begin in 2020. So during that same period of 2015 to 2018, the Portland enterprise zone catalyzed a total of more than \$1 million in investments, with \$672 million for expansions of daimler and salt and straw and olympia provisions and instrument marketing and simple finance and others, and over 350 million in purchases for goods and services inside the city of Portland boundaries. Starting in 2017, the public benefit agreements have specific efforts and requirements to procure from the entrepreneurs of color, utilizing the inclusive business resource network and as vehicles to support the local diverse businesses and create connections. So over the next few years, we will be able to disaggregate the numbers by race and ethnicity and geography. We don't have that information, but we will going forward. That investment

**Hardesty:** The last sentence?

**Branam:** So we don't have information disaggregated by race or ethnicity in terms of who benefited from the 365 million in who will procurement, but we do -- we will have that as a requirement going forward for businesses who began with us post-2017.

**Hardesty:** You knew I was going to ask you that question, didn't you. [laughter]

**Branam:** It's important and we want to have that information, so we have included it in the policy.

**Hardesty:** And what about who is getting the job?



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**Branam:** We don't have that. We can back into some assumptions, but now that we have public benefit agreements as a requirement, we are going to be able to dig in farther. So that investment led to significant new employment opportunities, the majorities of which are middle wage, high quality jobs, and the projects active in 2017, which is the most recent verified data that we have. We are getting the 2018 data now, created 2,834 new jobs, post-enrollment in the program, and we have seen average total compensation rise, both as a result of increased wage requirements within the policy, and a tighter labor pool that is creating competition, and therefore, increased salaries for employees. So with that, I will turn it over to Andy to discuss how the program works, the process ahead, and some proposed boundary amendments. Thank you.

**Andy Reed, Project Manager, Prosper Portland:** Thank you, Kimberly, and thank you, Mayor Wheeler and Commissioners. And so the question of how the program works, we aim to deliver benefits to the community business in the city through numerous methods. To start with the value, both residents and employees of the companies, they are really benefiting in a number of ways. To highlight a few of those, you see a number on the screen here. We have a wage for \$15 an hour. Companies pay 15% of their tax savings, as well, and that gets moved into an economic development fund, which is used to support a number of programs across the city. We're going to get into that in the next couple of slides. All new companies will be providing equity training inside their companies. That's a big thing for us. We have good faith efforts to increase the goods and services purchased within Portland, but also now specifically owned by people of color and in priority neighborhoods. The next layer of that, though, is what Kimberly was referring to, which is our public benefit agreement model, which there are going to be between two and six additional community engagements by company based on a variety of factors, size of investment and so on. Those are going to include things such as creating diversity hiring plans, pro bono services for entrepreneurs of color and women and creating pipelines and opportunities for youth of color from our high schools in Portland. And lastly, companies do yearly compliance with Prosper Portland, Multnomah County and the Department of Revenue, we take it seriously, and when companies are not in compliance, we disqualify the projects. Onto the value of business, we believe that the value to business and community is shared in this program. The competitiveness of the business and the health of the community are tied together. So to that question of competitiveness, businesses that join the program can receive a five-year tax exception only on the new capital investment. So, the land buildings, personal property that are on the tax rolls continue to be taxed. It's only the new incremental investment. And apart from the financial incentive, we believe that businesses are benefiting in a number of other ways through workforce development programming and a boost to the public image, and the better business culture that lead to a diversified workforce and employee retention. Interestingly, site selections from around the United States have commented that we have more requirements than any other jurisdiction they worked with in the country. They also have said that the public benefit model is a Portland brand, this really fits with who we are. And because we created a clear set of expectations, with the return on investment back to the business, they will continue to send projects our way, so it's encouraging. We push the envelope, and they keep saying yes. In terms of the value proposition of what we're getting in exchange for the tax exemption, moving from the business culture change and public benefit conversation, we see a number of financial impacts as part of what we've been able to achieve collectively, so in exchange for 6.5 million in foregone tax revenue to the city, over the last four years, in addition to the procurement and job creation that we have talked about, we anticipate that four years created 36 million in the Oregon income tax revenue, 2.7 million in workforce training development fund money, it goes back into our communities which we'll talk about in the next slide. Over the years we have done a bunch of analysis, and we

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believe that the financial payback to the jurisdictions is about five years after the incentive comes back on the tax rolls. That's from the numbers -- that's the numbers we are seeing here.

**Wheeler:** Commissioner Hardesty has a question.

**Hardesty:** Before you go to the next slide, would you tell me what public benefit agreements with 100 plus engagements, what does that mean?

**Reed:** So, when you pull together for every company, everything from the wage requirements to the transit support to the working with the local schools to the local procurement, you add those up, and those are number of engagements occurring between these, so you could have 15 public benefit agreements, and all 15 of those companies have an agreement with the local public school to engage kids in doing tours or internships or things like that, so that's what we meant.

**Hardesty:** And another question on the public benefit agreements -- what is the process? Are they the same?

**Reed:** Yes, they are the same. So they are the same in terms of we have a menu that we have approved. Each company gets to select from the menu that meets the business need and the menu was created by working with about 100 nonprofit leaders across the city over a year and a half to ask them what they would want to see in terms of the business engagement.

**Hardesty:** It's an annual review of whether or not we are meeting the public benefit agreement, or is that something that happens on an ongoing basis?

**Branam:** Thank you, commissioner. So I want to add to your first question, and I meant what Andy said, which is that the menu was the same, but depending on the menu of abatement, your expectations increase. So, a business that's receiving 500,000 has a lower expected public benefit agreement than somebody who is receiving \$5 million in tax savings. But yes, the companies put in annual reports. The team reviews them, and they review them very strictly. And so if we are not meeting objectives, then there will be conversations, and if there are not efforts made to address it, then they can be disqualified, which means they no longer have the ability to receive the tax exemption.

**Hardesty:** And Kimberly, do you think you get good information waiting an entire year or whether there should be quarterly check-ins to make sure that you are on target.

**Branam:** That's a great question. I think that there are more frequent engagements, but I am not sure. Do you want to speak to that?

**Reed:** We have relationships with these businesses, and we do look at the relationship model. What we are seeing is in these engagements around public benefits. There is a business need there. If they have a diversity hiring plan, it's because they need to diversify the workforce, and they are aware of that, so as our project managers are on the ground, whether it's the cluster leads or our inclusive business resource network, we are moving to a quarterly model that we are checking in on the various points that they need an intervention.

**Hardesty:** I would highly encourage and support that because my experience with the city of Portland is we wait for the end, and then we get excuses as to why we did not reach the goal. Then there are no consequences for that behavior. So, I am glad to see that you have built in, if you are not meeting the goals, then you will no longer be part of the program.

**Branam:** And commissioner, one of the values and one of the reasons that we are so appreciative of the city council amending the policy in 2017 is that beforehand, because it was public benefit agreements were not part of the policy, we couldn't use that as a tool. So it's really helpful now.

**Reed:** So in terms of how this fits within the overall economic development programming in the city the prosper Portland, and diving further into our economic development

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programs, not restricted by the tax increment finance districts, this graph shows our four business lines and how general fund leverages with other non-tif resources, so these include, obviously, workforce development, inclusive business resource network, neighborhood prosperity network, and venture Portland and traded sector, business development initiatives. And all told we have approximately 40 different nonprofits in the community that are receiving the funds connected to the enterprise zone program, and in helping us to deliver on our priorities as a city. So moving to the request before you, the program started in 1985 through the Oregon legislature, and we have had significant support of the state for many, many years. There is 70 enterprise zones across the state of Oregon. It's being used extensively in many of our partner cities and counties see the e-zone as the only significant investment tool to attract new business and encourage the growth by existing firms. Each is for ten years, and our current e-zone will expire in two months without action today. And so, like with the previous authorizations, the standards are described in the slide, when seeking out a new authorization. We have criteria around state income poverty standards. There are statutory limits and all kinds of rules in place on who and what areas can receive an enterprise zone. It has to be located in or near low income areas with the intent of creating workforce opportunities near those individuals that need them the most. And it has to be authorized by a local city council and the is port of Portland, in our case. And so here you see our proposed enterprise zone map for the next ten years. We had multiple meetings with taxing jurisdiction partners and identified alignment in economic development priorities amongst our partners. Then during that process, we determined a list of properties that met those priorities, and technically, because we have a 12 square mile limit for the enterprise zone, not all the properties we are looking at with our partners could fit within that boundary, so those that were select for this -- for this amendment here has to fit within that 12 square mile boundary limit as well as those who received consensus by a taxing jurisdiction partner.

**Fish:** Number eight, and number ten, could you go back one slide? They located in or near a low income area, so let's go forward again. What's the -- what is the rationale under that criteria for both the adidas campus and the Broadway corridor?

**Branam:** So I can talk to the Broadway corridor, the adidas campus came through the bureau of planning and sustainability in line with the desire to have employment opportunities and some of the, some of the key areas that were either rezoned or that had not been within the enterprise zone. So within Broadway corridor, while we anticipate having a robust community benefit agreement with all developers who engaged with us in that opportunity, we would like to have a tool to have a direct contractual relationship with major employers who would engage and who would potentially locate within Broadway corridor. So, we think that it is a good opportunity in order to do that, and so that was the thinking is to make sure that we are able to secure public benefits.

**Fish:** And so, what is the low income census or tract or neighborhood that, in essence, grandfathers the corridor in, so it's either in or adjacent to? What's the district that we cite to?

**Branam:** So Broadway corridor is right between Old Town Chinatown and the Pearl District. Old Town Chinatown is, has one of the lowest per capita incomes of -- within the city. So, it's generally, I think, probably in proximity to that area that provides us with that.

**Fish:** With the statutory hook?

**Branam:** Yes.

**Fish:** Okay. Thank you.

**Wheeler:** Commissioner Hardesty?

**Hardesty:** Thank you. That begs another question so with the president federal giveaway of money to rich people who want to invest in downtown Portland, are we allowing

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companies to double dip in a way that they get double the benefits for half the investment that we want or need them to make in this community?

**Branam:** I have a lot of outstanding questions about what the impact on the programs will be, unlike the e-zone, as you know, there are no requirements in terms of what happens. So, what we have seen in California and other places is, actually, a desire to have a layering effect so that you have the -- equivalent so that you have a, kind of a hook for wage or job creation. My assumption would be that if a company was participating in the e-zone as well as receiving an investment through an opportunity fund, that might be a positive, but I just -- I don't know right now.

**Hardesty:** That's the argument that I would make. I would make that we have no control without the e-zone and with the e-zone we could set some boundaries so people are not just taking the wealth out of the community.

**Reed:** So just to wrap up the presentation, across the board we believe that these additions are in alignment with the comprehensive plan, and as well as with our partner's objectives around quality jobs, so our request in front of you today is that the city council reauthorized the Portland enterprise zone for another ten years and directed the staff to submit an application to the state of Oregon. This is the final step of resolution processes, port of Portland, prosper Portland commission, as well as meetings with tax and jurisdiction partners. This is the final step of that process. From here, we move to the application to the state of Oregon, business of Oregon for the final process by June 30.

**Wheeler:** Great. Thank you. Thank you. Commissioner Fritz has a question.

**Fritz:** Thank you. If the Oregon moves forward with the bill, what impacts would that have on the e-zones, enterprise zones?

**Branam:** It's a great question. So the -- there is a house bill 2048 -- 2040 something. Anyway, it's something that has proposed for projects that are over \$20 million, that they would trigger prevailing wage, and we did reach out to some of our partners to understand what the impact would be, and I would say that we -- it's challenging to get that information. So, we have not taken a position either way on that because we just don't feel like we can speak to it, and so we're not sure. The estimates you know, when you look at it over time in terms of what prevailing wage can add to projects, really depends on the complexity of the projects, so if it's still concrete, it generally will, you know it, won't be that big of a jump. If it's is a wood frame building, then it might be a, as much as a 40% increase on the labor costs, but that's usually about 20% of the overall project costs, so you know, doing the math, it should not be that significant of an investment. But, I think that we just don't know yet. There are a number of smaller localities very concerned about that.

**Fritz:** I am on the league of city boards on behalf of the city, and it is universally opposed. Great concern to the smaller communities.

**Branam:** And that might have a more significant impact within those -- within those communities.

**Hardesty:** I would say it would have a huge impact here. If we are trying to get young people into union wage jobs, and we have to start off paying them a prevailing wage, that is one of the reasons that we continue to fail in our programs and getting people through apprenticeship programs in the city of Portland because as soon as they get to a certain hour and the pre-apprenticeship, they don't get called any more because it cost too much to continue that, you know, people say it cost too much, but the bottom line is that if people are not at the journeymen level, having a rule saying you are required to have prevailing wage, has harmed communities of color and low-income communities. I want to put on the record, I am for unions. I want people to have family wage jobs, but it's crazy to pay people a family wage at the beginning when they are training.

**Branam:** Thank you.



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**Wheeler:** Very good. And andy, thank you. Director brown, thank you. Chairman cruz, thank you, and all of your colleagues for the amazing work that you guys do. This has been the day to bring in people who don't get paid very well in the community and acknowledge their hard work and you and your commission do tremendous work, and all you have is our thanks for it. But it's a sincere thanks.

**Cruz:** Thank you.

**Wheeler:** Appreciate it.

**Branam:** And mayor wheeler, I think that there are a couple -- yeah.

**Wheeler:** A couple of invited guests, and we have roz mckenna from mckenna metals and julianna elegant from lewis & clark small business legal clinic. Come on up. And you are invited testimony -- we have public testimony, as well if people want to sign up as this is a resolution. Good afternoon.

**Roz McKenna, McKenna Metals:** Hi. Nice to be with you guys. Mayor and commissioners. I am roz mckenna, and my husband, scott mckenna. We are the owners of a Portland manufacturing company named mckenna metals. We started, or scott, mckenna, started this business in 1992 in our garage out in scappoose while he was working full-time for corporate america, esco. Anyway, doing that for many, many years he decided that mckenna metal was his top priority, and is he made that full-time and moved into Portland. We are located right now on northwest Portland, nicoli and 23rd in the sawyer area. In 2010 we signed a lease to stay when in that area, and one of the reasons that we were able to do that is we knew about the programs that could help the small businesses. It's only scott and I that run this business. We don't have deep pockets. We did not come from rich families. Scott has done this all with our own dollar, and the two jobs, of course. But anyway, without the e-zone program, we would not be where we are today. In 2010 we had three employees and today we have 30 and hoping to grow more. Without -- with the program, we were able to buy machines and equipment to help us grow, which would then increase our employees, a number of employees. We are able to hire people at a living wage above the state minimum wage, which we currently still do. We are still part of the e-zone. We are able to continue training our workforce, as well, with the dollars we saved. Over the last four years, we provided 664 hours of off-site training. We train and manufacturing fundamentals, h.r. Seminars for those. Us learning, and leadership programs and financial seminars and off-site machine train so glad they can learn how to use the equipment better. We mentioned some of the dollars where it went. The e-zone program without having that, we would not have been able to afford things like that. We also are able to provide more benefits to our employees, more medical and dental, paid time off, we do the state and local requirements, and then some for paid time off. We would not be able to do those things. We provide supplemental insurance, life insurance, 401-k, and safety equipment that some people wouldn't be able to afford on their own, so we buy it for them, but that's where we use that money for all of those things, training, benefits, we also treat them to lunches every month to thank them for coming to work every day. We do team building exercises during those monthly meetings, and we believe in training and teaching. We want them -- we want them to be long-term employees. Scott was born and raised in Portland. This is his home. I've been here 32 years, and have made it my home. We love everything about being in Portland. Having there and -- having this program is really helpful. So because -- we take pride in being part of the community and contributing, as well. Since 2013, we spent 3.2 million just within the e-zone program - - Portland area in other companies. That's wherever we can buy materials, supplies, and things like that. We tried to do that locally. We believe that high tide raises all ships. More importantly, we is a that the Portland community benefits from the program. The thing that attracts us is the new benefit package that we are doing. We were already doing some of those things, but then this has helped us to grow. We proactively look for opportunities to



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get involved, whether it's helping high schools. We kick -- we go to the high schools and conduct interviews, and we host the facility tours for local nonprofits, so they bring in their employees for future growth. Maybe they want to work for mckenna metals some day, but for those less fortunate, this is what we bring into the shop and give them tours, and they can do this, yep, they just need the right path to go down. We thought it was wonderful the new benefits package included that. We tried to do some of that but now we will have more help to get the people in. Let's see, we have -- we have seen some of our companies leave the area for what they perceive to be more advantageous locations. We see Portland as a -- as a viable location. And the e-zone is one of the reasons we can stay where we are today. We support the program. It helps small businesses grow, and we would not be where we are today without them, and andy reid and seven johnson have created the success of our business. Everywhere we go, when we see those guys, and they introduce us to someone new that can help us in Portland, as well. We believe it and we want to say how much we appreciate the e-zone program and the people that run.

**Wheeler:** Thank you for that. Thank you for your great comments and scott, thanks to you, too. You are the silent partner, obviously, in all of this.

**Roz McKenna:** He's the maker.

**Wheeler:** He gave up his garage so we need to give him credit for something. I just had one question, where do you get your employees, particularly, in this market? Where are they coming from?

**Roz McKenna:** It's really hard right now to get employees. So we have started over a year ago going to the community colleges or we started working with the high schools last year to help get interns in. Right now, we are using craigslist. We tried to use the workforce system. It could be better designed, I think. Write now, it's really hard to get workforce in our shop. It's difficult.

**Fish:** You know, kudos to you for going into the high schools. One of my bureaus, the bureau of environmental services is trying to diversify its workforce. We are looking for folks who want to have careers at bes, want to be engineers and do environmental work, and the young students of color that are interested in those professions are finding that there is a lot of opportunity out there, so we are going into the high schools, and doing early internships, early mentorships, exposing people to these careers and saying hey, if you do well in school and come out, these are great careers, and they are stable and they pay well and they have good benefits. But, the competition is fierce. So going into the high schools, I think, makes a lot of sense, and I commend you for doing that.

**McKenna:** Those kids, they just need you know, they need to see that oh, there is more to the world out when. Anyway, it's been -- when they come in, their eyes are just so -- they are in awe, and we have had several of them, hopefully, this summer they will be interns, hopefully. That's what we are working towards.

**Wheeler:** Thank you very much for being here. We appreciate. Good afternoon.

**Julieanna Elegant, Executive Director Lewis & Clark Small Business Legal Clinic:** Thank you very much for having me here. I am julianne elegant, and I am the executive director of the small business legal clinic, which is a part of lewis & clark law school. We've been around for 12 years, and that's thanks to the city of Portland and prosper Portland that we were able to start, and they have supported us throughout that time. We provide transactional legal services to low income, small business owners. The same laws that apply to the corporations and that apply to large companies are also applying to small business, trying to start a business and create a legal foundation without the legal support, without advice from an attorney. It's extremely difficult, an advice from an attorney is expensive so it often is cost prohibitive to get that support as they are growing and going through important changes. The legal bumps can erase the gains that they have made and completely topple the businesses, so the small business legal clinic provides support for

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things such as selecting a proper entity, drafting contracts, and reviewing leases, and understanding the regulations if they are bringing on employees, and protecting valuable intellectual property. Last year we served over 300 clients, and that has increased every year for the past six years. However, the demand continues to exceed the supply. Our clients find our services to be important and useful, and we received a rating of 4.6 out of five. 95% of our clients said that they would recommend our services to other businesses, and 94% said that they could not have done what was done for them with our clinic, without the help of the attorney. We are able to leverage community resources. We had almost 100 attorney volunteers last year. They provided 1200 hours, and if you monetize that, that's 300 hours of volunteer time that the attorneys provided because of the ease of volunteering with the small business legal clinic. We provide what I call a match-making service between small businesses that need the supported and are looking for specific areas of help and attorneys who are experts in those areas. And this support is really possible because of the enterprise zone business development fund that allows the small business legal clinic as well as many other really wonderful nonprofits that are providing business advice and have deep connections to different communities throughout Portland. The small business legal clinic is able to support a diverse group of small business owners because of the referrals and the partnerships that we have with these other nonprofits. Over 80% of the clients last year were people of color, recent immigrants or women, and allowing them to get that support from our clinic allows them to create that economic wealth and create a more equitable society. So we are really grateful for the support that we have received from this fund and from the prosper Portland and the city of Portland.

**Wheeler:** Excellent. Thank you. We appreciate your participation.

**Fritz:** That explains why we are not getting a general if request for funding the small business legal clinic, right? Because you are getting it through this program.

**Elegant:** That's right.

**Fritz:** Very nice.

**Wheeler:** Thanks to both of you for being here. Karla, how many people do we have signed up?

**Moore-Love:** May only have one -- alicia jean applegate. She may have signed up for the morning session.

**Wheeler:** All right, this is a resolution, any further discussion, colleagues? Karla, please call the roll.

**Fish:** Well, thank you for an excellent presentation. It's been quite an afternoon, first the design commission report and now e-zones and the opportunities that they present to us to first, for our workforce and raise standards, and kimberly, I appreciated your very clear answers to my questions about a couple of e-zones that don't, on their face, seem like they naturally fit, but because of their proximity to areas that are struggling and because of the certain advantages of e-zones in terms of you being able to create a contractual obligation around workforce, it makes sense. So, appreciate the hearing, and learned a lot. I am pleased to vote aye.

**Hardesty:** I also want to share my appreciation for a thorough report. My only disappointment is that we don't know who has benefited from all of the previous enterprise zone resolutions that have been passed. I will hold prosper Portland to its word when it says that it will start gathering that data and be ready to report that data back the next time. I have every confidence in kimberly and her team to do the right thing. I have seen it in action when we are intentional about doing the right thing. I vote aye.

**Fritz:** I love this program. I have loved it ever since I was looking to pick holes in it before I was elected and found that there are not any holes to pick. It's really a great program and does what it is supposed to do. I am proud of having expanded it to east Portland in 2012, and I appreciate mayor wheeler in leading us to the revisions for the public benefit

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agreement and the revised reporting in september of 2017, which required the demographic reporting of who is getting the benefits, so I appreciate mayor, your ongoing commitment to prosper Portland and economic developments. Good jobs make housing affordable, and you see that connection. I noticed in your proposed budget today that you have \$344,000 ongoing and \$728,000 one-time for prosper Portland, and those are based on this report, a wise and prudent investment, and I appreciate that. Aye.

**Wheeler:** Thank you, commissioner. I appreciate that acknowledgment. I would like to take the credit, but I can't, the people who testified today are doing the hard work, kimberly and chair cruz. You are living up to the promise. There is a lot of ways that these things can go sideways if they were not taken seriously, and I appreciate your leadership and the commission and your staff. You guys are doing a great job. This is easy to support, and I vote aye. Resolution is adopted, and we are adjourned. [gavel pounded] thank you, everyone.

**Council recessed at 4:29 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.

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**2:00PM**

**Fish:** Before we ask Karla to read the time certain we're going to turn to our esteemed attorney who has a

**Hardesty:** Roll, call the roll.

**Moore-Love:** We'll do roll call first.

**Fish:** Let's do the roll call first, Karla.

**Hardesty:** Here. **Eudaly:** **Fritz:** Here. **Wheeler:**

**Fish:** Here. Now we will turn to our esteemed counsel who has a statement to read.

**Heidi Brown, Chief Deputy City Attorney:** Thank you. Welcome to Portland city council. The city council represents all Portlanders and meets to do the city's business. The presiding officer preserves order and decorum during meetings so everyone can feel welcome, comfortable, respected and safe. To participate in council meetings you may sign up in advance with the council clerk's office for communications to briefly speak about any subject. You may also sign up for public testimony on resolutions or the first readings of ordinances. Your testimony should address the matter being considered at the time. 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 the length of testimony. Individuals generally have three minutes to testify unless otherwise stated. When you have 30 seconds left a yellow light goes on. When your time is done a red light goes on. If you are in the audience and would like to show support for something that is said, please feel free to do 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 you're 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 ejected for the remainder of the meeting. After being ejected, a person who fails to leave is subject to arrest for trespass. Thank you for helping your fellow Portlanders feel welcome, comfortable, respected and safe.

**Fish:** Thank you very much. Karla, let me turn to you and would you please read the first time certain item number 391.

**Item 391**

**Fish:** First of all, to our invited guests and members of the public that are here today, you've probably noticed that I'm not Mayor Ted Wheeler. I am serving as the president of the council. Mayor Wheeler is going to be delayed about 30 minutes but looks forward to catching the second half of the presentation. He has asked me to read some prepared remarks. It's a pleasure to introduce the Portland historic landmark commission state of the city report 2018 part b. The historic landmarks commission was here last November to present the longer 2018 report. This is a follow-up to that report with slightly revised goals and new requests of city council. The historic landmarks commission is a seven member volunteer commission that meets twice a month often for many hours as they review land use cases and provide design and policy advice. They are a dedicated, hardworking and

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passionate group that includes kristen minor, chair, maya foty, vice chair, matthew roman, wendy chung, annie mahoney, ernestina fuenmayor and andrew smith. Would like to ask all of the members of the commission that are here today to please stand so the council can recognize and thank you for your service. [applause] Thank you very much. I apologize for any mispronunciations of names along the way. They are not in phonetics in front of me. I would like to thank hillary adam, who staffs the commission. And Kara fioravanti, who supervises the bureau of development services staff who do historic resource reviews. The commission will be presenting their 11th report before council but they have been operating in the city since circa 1969 providing leadership and expertise on maintaining and enhancing Portland's historic and architectural heritage. This report comes at a time when we're confronted with facing existential challenges like climate change, housing affordability, and a potential catastrophic seismic event. I look forward to hearing more today from the historic landmarks commission members and invited testifiers and am committed to working with the commission to meet their stated goals. Chair kristen minor, would you please come forward and begin your presentation. Welcome to council.

**Kristen Minor, Portland Historic Landmarks Commission:** Thank you so much. I really appreciate the mayor's introductory remarks as well. So as stated i'm kristen minor. I'm chair of the Portland historic landmarks commission. We are presenting the 2018 part b report for you today. The reason why you saw us so little time ago was because we're moving our timing of our annual report up to match the fiscal year. So you should see us from now on at about the same time.

**Fish:** Great.

**Minor:** Maya, do you want to – yeah, great. So the mayor's remarks already did go ahead and introduce the members of the commission. I just want to add to that that we are a relatively young commission, in other words I shouldn't say young, perhaps new commission would be a better way to put it, in that we're all in our first term. So far i'm excited that we have so much expertise and passion and are really coming together, and it's a group that will be able to work together for some time. And I also wanted to add to the mayor's remarks he did note that hillary adam and kara fioravanti are special liaisons from bds. I also wanted to recognize brandon spencer-hartle. Although he's not here, he had to teach a class. He is just instrumental in helping us understand all of the legislative work that bureau of planning and sustainability does. So I thought I would start from the beginning and advance one more, if you would. Thank you. So what do we do? We do make land use decisions. That's the bulk of our work. But we also make a series of formal recommendations to this body. We also provide advice to other commissions and agencies and that encompasses quite a bit of other internal city agencies as well as other commissions, and then finally we do outreach. I think as you'll see in a moment one goal is to do more of that outreach work. We definitely feel that it's sorely needed, but we coordinate with neighborhoods, advocacy groups and with state agencies. I'll just go ahead and start in with what we're asking of you. So I basically have two pleas for money for two separate bureaus. One of them is really to supplement the bureau of development services land use fees with some general fund dollars. The reason for this is that staff do so much more than land use reviews. They serve on advisory committees, legislative reviews, they provide in depth customer information and assistance as well as staff not only our commission but the design commission. It's quite a bit of extra work. Then I also wanted to make a plea for bureau of planning and sustainability for the historic resources inventory. As you probably know, the bureau has managed to start this very small pilot survey work out in montavilla, which we're extremely excited to hear the results of that and they have been working with that neighborhood and we want to hear how that went in every sense. It will keep coming through the system hopefully here to add to the data that we want to compile with the hri. So that hri actually needs some level of annual funding,



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and the reason for needing annual funding for that is that they have to manage the data so they kind of need a salaried person there to work with neighborhoods to do outreach and to manage that database.

**Maya Foty, Portland Historic Landmarks Commission:** What we are reviewing, one of the things we have been really involved in is --

**Fish:** Can you move the mic just a little closer? That way we'll be sure to hear you. Thanks.

**Foty:** Sure. Recently are all these city regulatory initiatives that are rolling out. There's the historic resources code project, residential infill project, better housing by design. These are -- as of now they are not -- they don't directly related to historic review but we are a regulatory body that enforces these regulations that are being mandated by the city and so we have been trying really hard to understand what they are and how they could potentially be touching historic, which means for example kristen printing out binders of this material and going through every single word to understand in the future how it might impact us because while now they are just words in ten years they could come back and we have to enforce these things so really trying to understand them. I can't say that's an easy task, but we're trying very hard.

**Fish:** Could you go back to that slide for one second.

**Foty:** Sure of course.

**Fish:** My understanding is the council may be taking up better housing by design this summer. My understanding is residential infill project may come mid fall and it may not actually come to a vote if there is a vote at council until, say, january. Can we assume that since you have put down reservations and potential amendments in this slide that when we are taking up these matters you'll send us a letter reminding us about your concerns and if there are specific amendments that you'll include those in your correspondence?

**Minor:** Yes, Commissioner. Thank you for asking. We definitely intend to not only provide a letter but probably come and testify so that you can ask us questions and we can hear your feedback.

**Fish:** And let me just say, Commissioner Hardesty once served in the legislature. In the legislature, the amendments come fast and furious and it's just part of the process. At some point in a big omnibus piece of legislation there's a substitute with amendments. In my experience, we get lots of letters from people expressing concerns, but we rarely get attended to the letters proposed amendments. I don't want to make extra work for you but for example, under residential infill you say move away from residential unit counts to former volume based allowances -- I have actually no idea what that means. Although I'm going to make sure that I understand it when we get closer, but working with the city attorney's office to draft an amendment that says strike this, add this, whatever, will make it easier for people like me to understand where you're coming from, and I am very interested in making sure that we have incentives for preserving historic structures. I urge you to consider both the letter and draft amendments when the time comes.

**Minor:** We can do our best. Absolutely.

**Fish:** Thank you very much.

**Foty:** Another one is the --

**Hardesty:** I's sorry, I thought you were going to go through -- could you go back --

**Foty:** Sure.

**Fritz:** Your mic's not on.

**Hardesty:** I thought you were going to go through each one.

**Foty:** Oh I'm happy to.

**Hardesty:** You went so quick --

**Foty:** [inaudible] want to go through this.

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**Hardesty:** No, let me just ask you then about the residential infill. Your third bullet stop developer led demolitions and cookie cutter construction that doesn't offer affordability or quality. You are aware that we have seven years of permits already issued out on the street that developers can do pretty much what they want? Are you referring to the next decade we should do that, and I would suggest we won't have anything left that we will need to advise developers on. So i'm kind of -- that just seems like this is out of left field, so could you give me some context for that recommendation?

**Minor:** I can make a stab at that, commissioner hardesty. I think what we're looking for is always incentives to help people keep and fix up their existing structures rather than make it easy for developers to demolish and build new. So when we say we're using words like cookie cutter, I understand that's not a very flattering term, but we have definitely seen the impact in older neighborhoods of developers coming in, taking down a house, then putting up something that's twice its size, and I understand there's a market for this, but it's our job I think in the government to push back a little bit, provide incentives but also make sure that our codes are written in a way that don't incentivize that kind of behavior.

**Foty:** I'll add to that – I'm sorry. I was going to say one of the things that we were asking to be considered is to give more value to keeping houses on a property that we didn't see in there as of now because it was sort of like if you keep it that's great, and you got just as many points or whatever, and to kind of give more value to keeping identifying versus [inaudible]. That's one cut and dried example that we commented on.

**Hardesty:** So I will just say, that I don't think there's any clear idea whether or not this council will support residential infill or not. There seems to be a widespread of ideas about whether that's a good thing or bad thing. But having said that, clearly we need to be building more housing. We need housing every income level in every neighborhood. So as I think about just the term affordable is not sufficient for me. What I need you to come back with is what do you mean when you say that because developers say that for studios that cost \$1600 a month. I'm not sure what you mean when you say affordable. Affordable for who would be a really good definition. And so thank you for that.

**Fish:** If I could follow up on that I got my second round of boot camp the other day on rip. Joe Zehnder and his team have sort of started me. It's boot camp for dummies and it's starting at the very basics and then working through all the work. I was struck by one statistic that is under one scenario rip if successful would add 4,000 units over 15 years. That's not a lot of units.

**Hardesty:** No.

**Fish:** That's not a lot of units given the amount of heat this proposal is likely to generate. That's number one. Number two, it is not driven by this notion of affordability. Affordability within the residential infill project is actually about stabilizing costs at the market rate. But not building housing that we each may consider truly affordable, which is affordable for whom, people below 30% mfi, people below 60%. So those are two things. Number three, the demolition -- I think there's going to be a lot of focus on displacement when the council comes up with its discussion because there's some evidence that rip could lead to some displacement. But with respect to demolitions, I think what i'm going to be interested in hearing from you is given that we're -- they are talking about an overlay which would allow for duplexes, triplexes and fourplexes among other things, how much of that is retrofitting existing buildings and how much of that is demolition and replacement. I know you have a view about demolition and replacement that goes beyond just historic resources. You have a view that is in line with climate change and other things. I'm hoping the conversation gets postponed until later in the fall because it's going to be very, very challenging for this council to get its arms around rip. This is just a preview of where we're going to be all over the place, I think.

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**Fritz:** I appreciate your laying this out. You're going back to the original intent, which is what we told the project to do back in 2016, was to look at how close to transit in smaller areas can you allow single family homes to be converted into duplexes or triplexes. It was not intended to be adding to the demolitions because although commissioner Hardesty is correct in terms of the multifamily developments in the pipeline, for a single family that's not the case. Each home has to go through a demolition delay and it's quite the rigamarole whereas if we made it easier to convert their larger houses into either condominiums or rental units, that is greener, more affordable and doesn't result in demolition. So I very much appreciate you putting this on the table. I personally think it's not going to be possible to amend the residential infill project to make it do what we originally intended unless we start all over again.

**Fish:** If I could make one final comment, there are two bills as you know pending in the legislature. One sponsored by the speaker, one sponsored by the president of the senate. If either or both pass, it's not even clear residential infill project still has currency given fundamental land use changes that are proposed at the statewide level. We're going to have a chance to spend a lot of time together having this conversation. I think you're hearing from all of us that we appreciate you previewing some of your concerns.

**Minor:** Okay. Thank you.

**Foty:** So continuing on, the doza is another initiative that we recently just finished reviewing, and that's another one where it's basically process improvements but also generating design guidelines that will have a real impact on many of our commercial districts, which are not currently have, designated historic but they could be designated historic in the future. So anything we do to them now could preclude potentially preservation or conservation or really understanding what that neighborhood core was like in the future. So that's another one that again lots of dog-eared pages on Kristen's desk.

**Minor:** Not just mine. [laughter]

**Foty:** Then the urm ordinance, we have been tracking this very closely and have been trying to follow it in a meaningful way. We support the urm ordinance. We understand the complexity of the urm ordinance. We understand the importance of implementing it for the safety of our inhabitants including my children that go to pps in our urm building. So it hits home. On the flip side we also are sort of terrified that people panic and start demolishing their historic buildings, and equally terrified that all of a sudden it's a free for all and we'll going to start gutting historic buildings and defacing them in any number of ways. It's complex. We have been trying to be proactive in a lot of ways. We have been involved in the big symposium, you all may have heard of it. I know commissioner Hardesty, we have been trying to pull you in to present. I know somebody from your office might be there. We're pulling people in from all over the world. It's really trying to be a neutral conversation to really look at these issues. California has done this before. They have the urm policy. California is completely different. It has a much more nuanced rules pertaining to historic, much better protections, much better opportunities for funding sources for owners of urm buildings. We're inviting somebody up from the city of St. Helena who actually implemented a mandatory urm policy. It wasn't as many buildings as we have in Portland, but just sort of what – dos and don'ts, how can we do this and how can we make it a win-win instead of people getting beat up and it's a huge question to ask and it's very complicated and it's not going to get resolved soon. It's been done before and we're really, really, really trying to be engaged and be proactive and hopefully be a neutral resource to you because we feel we really are on the fine line of wanting it done and being afraid if it gets done. I feel like we can sort of be a good neutral sounding board hopefully.

**Hardesty:** If I may, I want to say we have actually suspended or changed a urm ordinance, as you may know, and we plan to come back to the city council before the year is out with a new proposal. A lot will depend on whether or not we're able to get funding

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through the legislative body. We have had work groups with small business owners as well as nonprofit and faith leaders, and as you said, this is a very complicated process. I don't think anybody wants buildings to fall down on people in an earthquake or other major disaster, but we can't just mandate that people do things that they just cannot financially afford to do without providing some assistance. So I'm glad to have been in the lead of trying to make those changes take place. There are no easy solutions to urms. I share the desire to maintain these beautiful buildings that we have throughout downtown, but as you know it's not just a Portland problem. Statewide we have over 5,000 urm buildings. Every main street has them. It's not just a Portland problem. We have to be really thoughtful. California some cities in California are model and some are just the opposite. Some tell you what not to do and some provide a financial assistance and actually help buildings really do the upgrades where necessary. We're fortunate in Portland because we have the Portland clean energy fund initiative. The legislature has its way, no one else in Oregon will be able to get it but that's another conversation but it will be a wonderful opportunity to partner with those owners to do both green energy improvements at the same time we're doing seismic upgrades. So I see this as an opportunity for real partnerships and I would love to see you come back with some innovative ideas. I believe I will be out of the country during the symposium, which is probably why I won't be able to participate, but otherwise I would love to be there and I will definitely have a staffer there.

**Foty:** Wonderful.

**Minor:** I wanted to talk briefly about our overreaching goals for this past year and then really moving into this next year. So there's five of them and just each of them in turn very quickly here, first ensuring that historic preservation benefits all citizens. So it's the idea that we --

**Hardesty:** I'm so sorry to keep interrupting. The term citizens, can we put community members?

**Minor:** Absolutely.

**Hardesty:** It's just one of those words that has taken on a very bad meaning. I know what you mean. But it would be much more inclusive to say all community members.

**Minor:** I appreciate that, commissioner. So the idea behind this is really to seek more equity in preservation. So that preservation is really not only about the grandest houses or the most exclusive neighborhoods, but that it really does help us to preserve those places that matter to all Portlanders to find those places that matter in all of the areas of our city. The next one to engage with our community and as I mentioned before we really have committed to make much more of an effort to reach out, to go out to neighborhoods, talk to the neighborhood associations, and really educate and be educated. The next one advocate for local and state incentives, commissioner Fish I thank you so much for actually saying already that you are as committed as you can be to incentives. Just the idea that repairing and reusing is always harder than demolition and building new so we need incentives to help people do that.

**Fish:** Let me just say for the record, we're now joined by the mayor so I am ceremoniously handing back the gavel. Mayor, we did a few other things that we'll share with you later about your budget -- [laughter]

**Wheeler:** Thank you.

**Fish:** By the way, the next one you have about supporting Portland's unique places, density should first be achieved through additions and adaptive reuse rather than demolition. I don't know whether you intended to but you provoked quite a flurry of emails as a result of that. I got one from Doug Klotz, who's not shy about weighing in on anything.

**Minor:** Yes, I know Doug well.

**Fish:** He kind of picked a fight with you a little bit, but I think I know what you mean. Where it's possible to adaptively reuse historic structures we should explore that. That is the least



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carbon impact when we do that. Certainly adding density by adding more units in places that can accommodate it is an entirely different matter but I enjoyed getting a sense of your position and the having Doug weigh in and pick a fight with you. So at very least you're relevant in the broader discussion.

**Minor:** Okay, well, I'm glad to hear that. We do have Doug at a fair number of our hearings. The last one finally is to prioritize sustainability. The old quote that the greenest building is the one that already exists is true. Preservation really can be a part of that answer to sustainability. Next I wanted to drive home maybe some of our goals with just a couple of bits of data. I hope that you have had a chance to look at our actual report. We have sources cited so if any of you are interested in where this data comes from please do just take a moment and – well I don't know if you'll have the virtual report that you can click on the link, but if you have to type it in, please do so. Some of these studies are super interesting and hopeful. So I'll touch on one from the top row, which is just about sort of the category of affordability, and just to leave you with the idea that 85% of the larger Pacific Northwest tenant households, that's renters, live in older existing housing. So I think what that statistic drives home for me is really the need to keep and retrofit and seismically upgrade so much of that existing housing stock. The next category in the area of economics I wanted to just briefly highlight a comparative look at \$1 million spent on new construction versus retrofit construction. In the new construction, that same amount of money generates 30.6 jobs. In retrofit construction it generates 35.4 jobs. So that's just an illustration of how it can actually be good for the economy, making more jobs, the more we push toward retrofitting.

**Hardesty:** Excuse me. These are national numbers, not local numbers is that correct?

**Minor:** Actually – well, I should know that. The top one is definitely a local study. That's the larger Pacific Northwest. So it's an area encompassing I think as far up as Seattle and down in Oregon, and the economics is probably a national number. I'll check on that source --

**Hardesty:** It would have to be. Because there's no way that's happening in Portland.

**Minor:** But it could. I think. Then finally I wanted to highlight one statistic from the area of sustainability. That is that it can take up to 80 years for a new even if it's very energy efficient building to recover the environmental impact of its initial construction. So again, it's a real win for sustainability to embrace preservation.

**Foty:** Questions on that as we move on?

**Minor:** The next slide is our 2019 watch list. This is just another aspect of what we do as a commission which is to try to stay on top of and speak up about policies or code or somebody doing something out there that actively would encourage demolitions or the loss of important historic fabric in our town. So we have three items on our watch list. One is the new Chinatown/Japantown historic district and the original Blanchet House which unfortunately has really been neglected in the past years. Even I think I just saw yesterday from the PDC, or Prosper Portland, excuse me, that there's an RFP out for Block 25 which includes the Blanchet House as well as the right to dream site, which we're excited to see that development.

**Fish:** By the way, I know you've been critical in the past of so called demolition by neglect. I think that was an argument that the commission made when before the Dirty Duck building was demolished. I will say this about the Blanchet House; a, it's been replaced by a much nicer building; b, my guess is it's a URM, that if there were to be an investment would trigger an enormous cost in retrofitting; and c, it has one little piece of that block, which is now ripe for development in an area that craves new development, so I'll remain agnostic on the Blanchet House, but I can think of more distinguished examples in that neighborhood. I'm a little surprised to see that one just because I think it has deteriorated to the point where it's almost an attractive nuisance.



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**Minor:** And I am not going to argue any of the points that you made. I mean I think -- it's difficult to save every building certainly. So I'll just leave that. But I also just want to highlight that entire district is a rocky area.

**Fish:** Okay.

**Minor:** Then secondly, maya talked a little about this already but generally urm buildings across the east side and those often occur at these kind of commercial hubs where two main streets cross each other, and along those little main streets, so those are definitely in danger. We are concerned. Then finally, the cornerstones of community resources. That's the name of a study that's been done by the ahc and the bosco-milligan foundation. It's really identifying important historic resources mostly in north and northeast Portland, and that area has already undergone some very heavy gentrification pressure. Quite a bit of change already. We're losing resources such as that pictured to the vancouver avenue first baptist church.

**Fritz:** It's going?

**Minor:** No, no, no. Please don't get worried. This resource is actually being saved and renovated. But there are others that are definitely at risk.

**Fritz:** I was ready to go stand up and chain myself to it.

**Minor:** Thank you. Appreciate it.

**Fish:** Matt Hennissey would be here in a heartbeat if it was an issue.

**Hardesty:** And it has an historic designation, so it cannot be torn down. It has to be repaired.

**Fritz:** Thank you for that information. How many of the structures on the bosco-milligan inventory have a historic designation?

**Minor:** I don't know the answer to that, but I can find out.

**Foty:** Well again, it underpins the importance of updating our historic resources inventory because there's so many buildings out there and we don't know what their historic value is. Incentives are tied with those values so you potentially have building owners who own value who don't know they have value and they can't get money for what they could. So it's just another reason to fund the historic resources.

**Fritz:** Sounds good --

**Wheeler:** I have some news on this front. I knew I would have something useful to contribute. I'll interject quickly. The historic resources inventory would be done by the bureau of planning and sustainability. I directed them to do it in the next fiscal year. It will be done.

**Foty:** Fantastic.

**Fritz:** Thank you, mayor. My, what I see in your budget is \$30,000 for that but the request last time was for \$80,000, last year, and that was designated for east of 82nd. So maybe I could have staff come up after you've finished your presentation because I think it would be useful to have that discussion. I was going to wait to ask my questions about this until the end but I think it does tie into both the preservation and also the unreinforced masonry buildings. I think we have seen these come through council, there are some buildings which are really not all that special. They may be old, but they would cost so much to upgrade and even then wouldn't be all that special that we don't mind if they get redeveloped. I would like to know from staff how, whether we could, how many of the 1650 unreinforced masonry buildings have actually been surveyed to find out are they historic or not. If we're already prioritizing east of 82nd, which I support that, is there a second package maybe for the unreinforced masonry so that we can just decide of those 1650? We really want to preserve x number of them and then cross reference that with the bosco-milligan. It sounds like they have already done some work for us.

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**Minor:** Yes, absolutely, although it's been really tied to african-american resources, so I think there's -- there's a lot of communities that we need to have those conversations with. See who needs surveying more.

**Fritz:** Necessary but not sufficient.

**Minor:** Yes, exactly.

**Foty:** Also buildings are more than just architectural value. It could have value that's tied to the history or the culture. That has to be acknowledged and sometimes it's a cornerstone of a neighborhood. It might be a very modest building –

**Fritz:** Right.

**Minor:** Good point, maya.

**Hardesty:** I guess I'm concerned that now inner northeast has been pretty much demolished and rebuilt now we're going to protect other neighborhoods from the same demolishing and being rebuilt. As I think about historic east Portland, i'm hard pressed to think of buildings that would be -- would fit that criteria. So what plans do you have to ensure that the losses that the african-american community continues to experience in the city of Portland isn't exacerbated by this new effort that you're taking on?

**Foty:** You mean renewing the historic resources inventory?

**Hardesty:** I mean is what I hear is that we're now really going to be serious about preserving some historic buildings after we have again totally rebuilt what was traditionally a historic african-american community and we have had three or four that have been torn down and rebuilt, whether it was for a stadium or whether it was for some other urban renewal project, and so it just feels like the horse has left the barn as far as it is in preserving the african-american cultural history. I suspect other communities of color would make the same argument, and so I guess my question is what are we trying to preserve?

**Foty:** Well, i'm sorry, I was just going to say the inventory is only giving information, it's not designating. So it's really understanding what they have and then it's the owner or the community who takes the next step. It's just putting the tools into their hands to decide whether that's of importance to them.

**Fritz:** Do you know how many structures are on the bosco-milligan foundation inventory of the African-american resources, about? If you don't, we can find out later. That's okay. [speaking simultaneously]

**Foty:** I cannot remember.

**Fritz:** There's obviously at least one that's on the list, so --

**Minor:** We definitely have lost some, though in the intervening years they have been doing this study.

**Fritz:** Thank you.

**Wheeler:** One possibility since there's a lot of interest in the historic resources inventory, because this is in the budget this will create a conversation around this subject, so maybe we could hold off on those specific questions for the budget process which unfolds starting in the next couple of days then maybe have you come back just for a mini-session focused narrowly on that question of the historic resources inventory if that's okay with my colleagues.

**Fritz:** That sounds good.

**Minor:** Thanks. We'd be happy to.

**Wheeler:** Thank you. Then we'll have staff in the room and everybody can be well prepared for the conversation.

**Foty:** That would be helpful.

**Wheeler:** Good. Thank you.

**Foty:** So these are just some of our project highlights that we have reviewed. One was Portland art museum, the rothko pavilion. I guess that's also a good example of why the

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dar's work, this was a complicated project, a new addition between two landmark buildings on a piece of property that was deeded to the public and then how do you enclose it and still keep it open to the public so there was a lot of public input and when we do our hearings and our design advice requests we really try to take into account all the different comments, all the people that testify and they write so everybody feels like they are heard. This was from one of the more complicated ones, but we feel like at the end we had maybe three people show up to testify. So it sort of we felt meant that the process worked and the design team worked really hard to respond to our comments. They took it seriously. So that was a highlight in the end. Portland city hall, that's this building here, it does have a green roof, which is mandated by the city of Portland. With a lot of work there's going to be a green roof and it's again one of the sustainability initiatives of the city of Portland. There's also statistics, i'm sure you know the benefits of the green roof. There's also stone conservation so a lot of really needed work on this landmark. Then let's see, this was a highlight just because, this is getting into a little bit of the weeds of what we review, how you design historic context? Do you go faux historic or do you design modern? We have had such a hard time finding designs that really are modern and yet contextual. This was just an example of one that we all came together unanimously agreed that this was a really wonderful modern addition into a very historic neighborhood. This is a good example. I love this example this. This was actually a type 2 hearing but you can see the building on the left was what it looked like, then the owners – of their own initiative, no historic review or any mandating having to take it back, were able to remove the faux facade that you see on the left and they did a really nice restoration of the storefront. It's just a great example too to your point, commissioner hardesty, also sometimes when these buildings -- they look completely different in fact are there and just need funding to take it back in an idea of what was there. Another one was the woodlark cornelius hotel. This was two massive historic buildings that were really falling apart and so it's just a great example of developers coming and doing an amazing job.

**Fish:** It's really a testament to the power of the current housing and building boom that did this structure actually had a private funder willing to come in and tackle it because I think we were all resigned to the fact it was going to be a derelict building for a long time and potentially a demolition at some point. For someone to come in -- given the condition of the building I can't even imagine the cost to put in and to make it seismically safe and renovate it and to put a hotel there. We're going to have a hotel in every corner along with a starbucks if we're not careful. But that building was an eyesore. Now it's been brought back beautifully. One of the benefits of a market that's been very strong.

**Foty:** Yeah. And then the medallion apartments, this was just an example of so this was basically a building that was built I guess in the '70s. It was in a historic neighborhood and we reviewed it and it's just an example of the architects recladded and they changed the entry configuration and the parking configuration. And it's low-income housing, and it's a good example we can reuse existing buildings and because of the historic context -- this is plugging the review process -- the historic landmarks commission really worked with the designers to make it. It's low-income housing but it doesn't have to be awful. Let's make it inviting, let's make it wonderful, let's make it a place where people want to walk by and want to live. This is an example of recladding and landscaping made a huge difference. So that was a success. Finally we'll point to the mayo house. The only way the historic landmark commission was involved because this was an historic house in a conservation district, and it was moved by the developer and it would have been demolished but there was an african-american artist who had a property a couple blocks down and was like I would love to have this house and open it as a community center. So they came to city council, most of you were there pleading we want to keep this house, of course the historic landmark commission wanted to keep the house. Certainly we didn't want it demolished.

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Simply by the city council agreeing to waive certain fees and modifying zoning it was again a win-win-win-win situation and it would be so wonderful to see more win-win-win-win situations. It was especially poignant because of the fact this family had suffered so much loss. They had a building demolished against their, because of the blight. It was an opportunity for the extended family to show up and plead their case. It was a really touching moment when everything came together in a good way. You want to see more of that.

**Hardesty:** I agree. We were actually all in tears when the family was here. It's a good example of really owning our past history and figuring out how we can be helpful as we move forward. I would love to know whether or not the repairs are being done and it's actually going to be the museum that the family hopes to make it. So any info you have, please share.

**Foty:** I think several people here actually attended the move, too, so –

**Minor:** Yeah, and we're at the conclusion now. I wanted to finish off with what we all decided was our project of the year. This was an alteration and a new construction project in the alphabet historic district. What you're see this side, the small white building in the center of that block is the buck-prager, which this commission actually denied the demolition of in 2014. This project was certainly controversial. Remains controversial. I'm not sure it's anybody's favorite project but it's a great example of how the process works and should work. So not only did we get the preservation of a historic building and adaptation to new uses plus seismic upgrades, we got this small building book ended by two new volumes, both of which contain affordable housing, we heard many strong opinions on both sides. You may know that this project has been appealed to luba. We can talk about it because the city process has ended. The commission felt like the outcome was a win. We really do weigh the guidelines that we have to make our decisions with. The comp plan if we need to and we work to find an approvable solution. So with that we would invite any further questions of us.

**Wheeler:** Commissioner Fritz.

**Fritz:** Thank you very much for your presentation. I also enjoy and I appreciate very much the work you do. You mentioned that you hoping for a supplement for land use review services. Do you know if a number that was proposed for that? I know we got a lot of input about the cost of a permit for a history, a renovation and a historic house going up from 250 to 1750.

**Minor:** I might ask staff to come up since you're going to bring them up anyway, commissioner Fritz. Is that all right?

**Fritz:** Yeah, that's fine. If anybody has an answer. If they don't I'll just get the answer later. And that the mayor's requested --

**Minor:** I believe there are several people here who could definitely answer your question.

**Fritz:** Okay.

**Wheeler:** Very good. Thank you. Appreciate it very much. Now I understand there is a group of invited guests as well.

**Minor:** Yes, we have five invited guests to provide testimony.

**Wheeler:** Terrific. Thank you. Why don't we have the first three if there's a particular order to things. If you could state your names for the record, please, when you speak.

**Kristin Solomon, Holst Architecture:** I'm kristin solomon. I'm an associate at holst architecture. I am representing holst owner, Dave Otte, today to offer our support for the important role historic design review plays in our city and offer a current holst project as an example of how the process is working. Currently we are designing the transformation of medallion apartments. 90 affordable housing units reserved for seniors and persons with disabilities. It's owned by home forward and is in the historic alphabet district of northwest Portland. The distinct challenge of renovating the exterior of this building in a historic



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district is that the building was constructed in the 1960s, well after the period of significance for the district. So transforming the appearance of an existing '60s apartment building in an authentic way precludes using many materials, patterns, and scale typically associated with pre-war buildings that characterize the district. Because we had a unique problem, we took our initial thoughts and ideas as soon as possible to the landmarks commission for a design advice request or dar. This venue allowed our team and the city to get on the same page with what the expectations are for renovating modern buildings in a historic district. Without the dar, we would have had much more uncertainty early during our process. As binding design review hearing requires more preparation effort and risk. Additionally, the dar gave the community the opportunity to weigh in early which resulted in a collaborative effort to repair the eastern edge of our property to provide an enclosed trash room as opposed to an open air dumpster that had been visible to the neighbor. The dar also streamlined our process allowing us to obtain design review approval in only one land use hearing. I'm happy to report that we're beginning construction this spring. We found both the commission and the staff, shout out to grace jeffreys, she's here, to be reasonable, timely and united in our goal of ensuring these homes remain intact. And are as healthy and beautiful as possible for generations to come. Thank you for your continued support of historic design review and historic landmarks commission. They are doing important work. Thank you.

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

**Stephanie Whitlock:** Good afternoon. I'm stephanie whitlock, executive director of the architectural heritage center. Our legal name is the bosco-milligan foundation. You were just talking about our project a little earlier. We're a nonprofit educational hub that engages and empowers the public to make our shared architectural and cultural heritage more visible, valued and part of our vibrant communities. I'm pleased to speak to you today and in particular I wanted to encourage the city's investment in the historic resources inventory so i'm glad to hear the conversation is going in that direction. I'll try to affirm what sounds like we're already talking about. There are many reasons why this is a beneficial investment. But the one I want to stress is how the hri can be an ineffective tool and equitable protection of some of our most vulnerable cultural resources in particular those associated with Portland's african-american community. As the team mentioned earlier, our organization did substantial work in this area and in the 1990s we published the in depth history called cornerstones. That documented the buildings of Portland's african-american community. The project was led by our late founding director cathy galbraith, so I was not at the organization at the time. She was an expert on the city's african-american heritage. To answer an earlier question, cornerstones included nearly 1300 structures in it. Quite a few. These were not grand buildings designed by architectural masters. But the everyday spaces that were really part of the community so record stores, barbershops, restaurants, so forth. Now to inventory these structures in the 1990s was groundbreaking because it showed they were worth counting. By counting them you're showing that they are part of our cultural and historic al legacy. Now we're also completing a project that cathy galbraith was working on when she passed away last fall that will advance the work done in cornerstones. We have actually been doing it in partnership with bps, now a new project team to help carry it along. It will help facilitate national register nominations of african-american properties and we also hope it's going to generate a whole future host of projects about african-americans in Portland. So as we were mentioning earlier, many of the buildings that are part of this rich heritage have been demolished. I don't have a number on that unfortunately, it's just so hard, it's a moving target.

**Hardesty:** That was going to be my question.



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**Whitlock:** The city did create gis data from the cornerstones data, so that's one we can try to track it but that was also back in 2010s. It's changing even week by week now but we'll keep working on that because it's important to know, all the more reason to have the hri.

**Wheeler:** One more --

**Hardesty:** Thank you, mayor. I would just say it would be really helpful because we do a really good job of planning and so it would be helpful to know what the outcome of all those designations that you found. I don't know, maybe you said maybe a gis could help. What was the number that you gave?

**Whitlock:** That are currently, almost 1300.

**Hardesty:** That was on the study done in the late '90s?

**Whitlock:** Yes.

**Hardesty:** I'm sorry, you said there was a change that took place in the 2000s?

**Whitlock:** That's when the data from cornerstones was converted to gis data. I believe it was 2010.

**Hardesty:** I would be very interested in that.

**Whitlock:** Yeah, I am too, so we'll look into that. Many of these existing buildings have the potential to be creatively repurposed for their uses. They don't have to be frozen in time, but we can still respect and acknowledge their original part in our collective history, and the mayo house is one terrific recent example. The hri has not been updated since 1984 and a lot of these buildings are not included in the hri, so that's part of our problem here. It just wasn't at the time, the hri was comprehensively done. These kinds of buildings weren't thought to be included. But 1984 was a long time ago and 35 years later we know that we need to do this. Can be the hri can be a really powerful tool to sustain more equitable and diverse communities. We have fallen a little behind in our work to safeguard some of these historic resources and we've fallen a little behind other cities' efforts to survey their resources, but we have a really great opportunity to catch up and even excel and show how it can be done better. Entities, like the ahc were here to partner with you on. We've already been doing some partnerships to support the effort. So as you continue to plan the budget, I encourage you to please think about continuing to talk about allocating ample and sustained resources for the hri. Thank you.

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

**Jessica Engeman:** Good afternoon. My name is jessica engeman and I'm here to talk with you about incentives. It sounds like I may be preaching to the choir based on some of the positive comments we heard earlier from you all. I wanted to just underscore the importance, especially since that's my world, financial incentives for historic buildings. I work for venerable properties. Some of you knew my mentor art demuro, a tireless advocate for historic preservation and adaptive reuse. My firm has worked on a number of projects like the white stag block and Washington high school and other buildings like that. I know firsthand the challenge that vintage buildings, urm building, etc., face when it comes to fixing them up and repurposing them. These days I consult with a lot of local developers who are also trying to do the good work of historic preservation and face many challenges to reusing buildings. Many of them call me to inquire about the federal historic tax credit and are hoping that this incentive program at the federal level might solve all of their problems when it comes to their pro forma and trying to find a way to make all of the required and desired upgrades for these old buildings pencil out. Many of them I have to burst their bubble. The federal historic tax credit is not the incentive it used to be. It really does not work well for small to mid size projects. With the recent tax reform bill it's become even less valuable. Has created a void where we really need additional incentives and more tools in our tool box which is one of the --

**Hardesty:** What's your definition of incentives?

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**Engeman:** Incentives. I guess i'm thinking of financial incentives, means to encourage people to reuse and repurpose historic buildings in this case. So yes. So we do need more incentives. Just to talk a little bit more about some of the problems that I see that Oregon in particular is a difficult state in which to do the work of preservation. This is in large part because we don't have a state tax credit even though we have a state income tax. Many states across the nation use a state tax credit to sort of augment or fill in the gaps where the federal program falls short. We also have a large concentration of buildings in a seismic zone, where upgrades are easily triggered and it sounds like it's possible in the future there may be mandatory upgrades that are required for urms. I would also say quite frankly, Portland is a jurisdiction that overall has kind of a low flexibility on the building code side when it comes to historic buildings. So historic buildings, we have to find a way to make them comply in this day and age. So along with escalating construction costs the cards are often stacked against many of these old buildings that really can and should be repurposed. So i'm thinking about the city's goals towards increased occupancy and safety during a seismic event and potential mandatory upgrades. This is even a greater call for having financial assistance because a building owner is not necessarily going for be able to command higher rents once that money invested in their buildings in a seismic upgrade. So restore Oregon has a legislative bill that would enact the state tax credit and I think this is a very important first step. My understanding is the city is behind it so i'm here to underscore and ask whatever you can do to continue to provide that legislative backing that would be wonderful. Of course thinking of other ways to provide other types of local incentives, and I will end here with just a plug, the historic resources code improvement project that's going on also has a set of zoning incentives and while those are less tangible they don't put money directly into a project, that there are some incentives that are going to open the door to making it a bit easier for historic buildings to be repurposed in different uses. I have several clients who come to me with, say, a church in a residential neighborhood or a mansion on southeast belmont, buildings that make a lot of sense to be reused in different ways even though there's underlying zoning may not allow for those uses outright. That's something else that once that code improvement package comes before you I hope you will consider how important those other types of incentives are to historic resources.

**Wheeler:** Thank you. I want to say you're correct city council supports the historic building tax credit and we have a full-time lobbying team in salem during this legislation. This is one of the things they have been pushing hard.

**Engeman:** Wonderful.

**Wheeler:** So thank you for your continued advocacy on that.

**Engeman:** Yes, thank you.

**Wheeler:** I believe there were two more folks, is that correct? Did I get that right, I think? Excellent. Thanks for being here.

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

**Ella Lovett:** I'm ella lovett. I'm a graduate student at the university of Oregon pursuing concurrent masters in both architecture and historic preservation. So as a student of our survey and methodology course in the historic preservation program, I participated in the survey of montavilla this past winter. As a class we carried out reconnaissance level survey of properties in the area of southeast stark street and southeast 82nd avenue. I found this process of observing these sites and buildings in the field to be a very valuable learning experience because the survey forms required us to be concise in our descriptions of the sites with respect to material design, style, form and character. Sometimes it's challenging to formulate these descriptions that conform to the survey but were also comprehensive enough to accurately inform future users of this data without them being present in the field. We also completed intensive level surveys of properties in

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that area. Throughout this whole process we worked in collaboration with a preservation consulting firm, the city and local community members who are really eager to learn more about the history of their neighborhood in this case montavilla. As a class, we attended a community meeting where we learned about the scope of the survey alongside residents then we were able to listen to their interests, questions and concerns. One particularly helpful resident, patricia sanders, was even able to offer us her own personal research about the neighborhood. So this project was a chance for us as students to experience carrying out an actual survey and provide meaningful data and research that can be used in the future. So the information that we gathered will help identify buildings and sites that might be eligible for historic designation and then this database can then help inform contextual understanding of the environment that can inform future document and allow for urban design and construction that is sensitive to historic sites. These sites after all represent the character, history and culture of these places. This information will also give us a better understanding of the city of Portland at various scales and it's an important resource that can be used in the ways I mentioned. In conclusion, this project was a mutually beneficial exercise for both the students of the university of Oregon and the city, and I believe it's really important to continue fostering this relationship between academic and government institutions as i'm sure there will be additional opportunities like this in the future. Thank you.

**Wheeler:** Thank you. Appreciate it very much.

**Falsetto:** Good afternoon. My name is paul falsetto, and I'm an architect here in Portland. I specialize in historic preservation. In my time here, I want to make a couple points. One is that I was involved as a customer of sorts with the buck-prager project. So we presented the project to the city for historic design approval, hence being a customer of the city, and we were really pleased to see that it was awarded project of the year. We think it's going to be a great project, but I think the reason it was awarded such is it was an incredibly complex project that was wholly involved by a lot of people. Going through the process I would like to say that your staff at bds did a tremendous job and your volunteer staff on the landmarks commission also did a tremendous job. We thought the process was thorough and rigorous and thoughtful and fair, and we hope to get this going soon. As soon as we're done with the luba process. The second point I didn't intend talking about this, but commissioner hardesty brought up california as an example for funding for seismic upgrades. A couple of months ago I talked to a california developer and I was mentioning our challenges we have here in the region, here in the city, with our urms and upgrading them. He said, why don't you do what we do in california? Talking specifically to santa barbara. He said we have a municipality or a public agency that has bonding capacity. They have the ability to raise a lot of money. California started doing was using that capacity for sustainability upgrades and then dispensing that money to people that would have certified sustainable projects. Then they enlarged it for seismic upgrade. So they use the same armature and they applied it to seismic work, and the way it works of course is that public agency is able to raise a tremendous amount of money and then they're able to, in that case grant it out to certified retrofits. Then the owners that get this money, of course they need a lot of money up front, it's good for that, then they pay it back through their taxes. So the bond has a tremendous rating because there's nothing better than getting your money back through a tax procedure. It's great for owners because it meters the amount of money that they have to pay and they can pay it over a longer period of time. It seemed like a win-win. I was wondering if something like that could be considered, should be considered by the city. You would know better than i, especially since one of you is a former state treasurer, how this might work for the city to get money up front, apply it where it needs to be applied sooner than later then have it paid back in a metered process.

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**Wheeler:** It's an excellent idea and does warrant consideration. As with all things that make a lot of sense Oregon does things differently. One of the things that we choose to do differently is the use of general obligation bonds as prescribed in our state constitution. To create a new class of uses for bonds actually requires constitutional amendments. That's not to say it's an insurmountable obstacle but to say there's something that requires broader conversation. I think it's an excellent strategy personally.

**Falsetto:** Thank you.

**Wheeler:** As I was doing my google search around urms trying to figure out to get out how do we get out of this box that we're in and how did other places get out of it so much more quickly, one of the reasons is we continue to have very restrictive policies with regard to the use of financial tools. We don't have the same flexibility that others around the country have with the same tools.

**Falsetto:** Maybe this can incentivize that change.

**Wheeler:** Well, putting a positive spin on this, it requires us to build a coalition and create regional partnership which we should be doing anyway.

**Falsetto:** Alright. Thank you very much.

**Wheeler:** Thank you both. Appreciate it very much. So thank you to all of our volunteers on the commission and thank you to everybody who testified today. Unless anyone has any other thoughts or questions I'll entertain a motion.

**Fish:** So moved. I mean I move the report.

**Hardesty:** I Second.

**Wheeler:** Commissioner Fish moves the report, commissioner hardesty seconds. Any further discussion? Karla, could you please call the roll on the report?

**Fish:** Well, this is an excellent report. Yesterday we got the design commission's report, today historic landmark. It's a wonderful one-two punch. I appreciate the way the report is laid out. Particularly the photographs. And the commentary. The work that you do is really important. I'm pleased that the mayor in his budget is going to fund the historic resource inventory. I share your overall conviction that preserving a building is better than demolishing and replacing it. One of the proudest moments that I have had on the council was to [skip in audio and video] be part of an effort to preserve 11 affordable housing developments downtown for mostly homes to older adults and people with disabilities. We call it 11 by 13. Each required convincing a private owner to sell and then we slapped a long-term covenant on the building, renovated it, and preserved really some very distinctive buildings downtown that there were arguments at the time that it was more cost effective in the long term to demolish and replace but we disagreed. As a result we have some really tremendous buildings downtown, home to some of our most vulnerable people that were preserved through that effort. I share the conviction that you have. I can't wait for the new allied works building on 23rd. You keep teasing us about this building. I know they finished the renovation of the other building that was damaged. Perhaps they will start on this soon. It's an excellent report. We thank you for your volunteer service and I'm pleased to accept it today. I vote Aye.

**Hardesty:** I also want to thank you for a very detailed report and I really appreciate the conversation that we have had around it. I certainly am appreciative of you volunteering your time to really be thoughtful about how we preserve our history and whose history gets preserved. It's important to me that we are very thoughtful. I'm very disappointed that in the '90s we knew we had to inventory and we did absolutely nothing with that inventory. So today here we are almost 20 years later, maybe more, actually almost 30 years later, we feel the loss of many of those institutions that no longer exist. I hope we can do [skip in audio and video] better for future generations than we did for past generations. I vote Aye.

**Fritz:** Thank you very much to the commission for all the time you spent. Thank you to the folks who gave time to testify today. Thank you to staff, kara Fioravanti, I forgot to say



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yesterday, thank you to tim heron for the design of your work. Hillary adam and brandon spencer-hartle as well. You could get back to me with the answers to the questions on how much you need for the supplement for land use reviews and then what are all the bits and pieces of the historic inventory. I appreciate the mayor will take it into his budget. I want to make sure that we know what the entire project looks like. I'm not sure, well I know we don't have the ongoing money that was requested and doing the inventory to start off would be a start, but as Commissioner Hardesty noted, pointed out, we do need to then do something about it and make sure we have those done. It's all coming together. I think the unreinforced masonry work is huge. We need to decide which of those buildings we want to save and which ones not. So, and thank you for the bosco-milligan foundation, thank you to cathy galbraith, and for your mentioning her legacy work. Aye.

**Wheeler:** Well I'd like to thank everybody and I'm sorry I missed the first part of presentation. Unfortunately part of my job is learning how to multi task. We are hearing this at a very important time. We're confronted with existential challenges like climate change, the question of whether or not we're ready for a seismic event, housing affordability, the equity issues that were raised, so there's much more to hear from this commission and I think even though you're meeting several times a month and you're already dedicating so much of your time I think we're probably going to be leaning on you harder in the months and years ahead. I want to personally thank Kirsten minor, maya foty, matthew roman, wendy chung, annie Mahoney, ernastina fuenmayor and andrew smith for your dedication and service to the city of Portland. I would also like to thank hillary adam who staffs the commission and of course kara fioravanti who supervises the bds staff who do the historic resource reviews. You're a fantastic team. Chair Kristen minor thank you for the good work that you do in helping keep us on track. Great report. I vote Aye. The report is accepted. Thank you. Colleagues, do you want to take a two-minute break? Okay we'll take a four-minute break.

**Hardesty:** Can we have five?

**Wheeler:** Okay, we'll make it an even five because i'm a generous man. We'll be in recess for five minutes and then we'll be right back to hear this erc appeal.

**At 3:20 p.m., council recessed.**

**At 3:25 p.m., council reconvened.**

### **Item 392**

**Wheeler:** Council will now take up agenda item 392 scheduled for time certain to consider the appeal from the citizen review committee of the Portland police bureau's finding regarding independent police review internal affairs case 2018-C-0001/ Appeal No. 2018-X-0003. This matter is being heard by council pursuant to Portland city code section 3.21.160. This is not a public hearing with public testimony. Rather council is reviewing the decision of the Portland police bureau which is crc has appealed to council. Council must decide if the ppb, Portland police bureau, decision is or is not supported by the evidence in the record. Council will not receive new evidence. I want to note that members of the council have received correspondence from the complainant in this matter. That correspondence is not evidence and is not part of the record. Although the complainant will have the opportunity to present to council today on the substance of her complaint. The hearing will be conducted as follows. Number one. Ipr will present the case and the procedural history. Number two. The citizens review commission will outline the basis for its appeal and its areas of disagreement with the police bureau's decision. Number three. The complainant or a representative of the complainant will have ten minutes to present. The police bureau will have ten minutes to present. The involved officer or a representative may elect to make a voluntary statement of up to ten minutes. Council will then have an



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opportunity to ask questions of any of the presenters. Council is asked to hold all questions until all presentations are finished. Council will then have discussion. Council may elect to move into the executive session for its discussion. If council decides to hold its discussion in executive session, an announcement of the executive session and the grounds for going into executive session will be made at that time. Following council's discussion, I will entertain a motion and a second and we'll vote on whether the police bureau's finding is supported by the evidence. Under the city code, council must make a decision, and that decision must be supported by three affirmative votes of the council. Portland city code number 3.21.010.s defines "supported by the evidence" as follows. "A finding regarding a complaint is supported by the evidence when a reasonable person could make the finding in light of the evidence whether or not the reviewing body agrees with the finding." Number nine. The police bureau's finding was that the complaint was not sustained. If council determines that the police bureau's finding of not sustained is supported by the evidence, the complaint will be closed. Number ten. If council determines that the police bureau's finding is not supported by the evidence, council will need to decide on the appropriate finding in this case. Council needs to select from the following alternative findings. Unfounded. The allegation was false or devoid of facts or there is not a credible basis for a possible violation of policy. Exonerated. The act occurred but it was lawful and within policy. Not sustained. The evidence was insufficient to prove a violation of policy. Sustained. The evidence was sufficient to prove a violation of policy. A finding of exonerated, not sustained or sustained is based on a preponderance of the evidence. That is the facts and circumstances indicate it is more likely than not that the violation of policy occurred or did not occur. Debriefings may be recommended for unfounded, exonerated or not sustained findings when it's believed the subject employee would benefit from a discussion and critique of the incident. Number 11. no new evidence may be received at the hearing. Number 12. To protect the identity and privacy of the individuals involved during the public hearing council will not refer to them by name but will refer to them generically as complainant, witness a, sergeant a, officer b. Et cetera. Number 13. Since the city code provides that no new evidence may be introduced and because this matter involves council's review of the community member complaint that potentially could result in discipline, public comment or testimony regarding this matter will not be solicited or received. We will now begin the hearing. Here's how the hearing will unfold. Number one. Ipr will now present the case and the procedural history. Good afternoon. Name for the record, obviously. Thank you.

**Rachel Mortimer, Assistant Director, Independent Police Review, Auditor's Office:**

Good afternoon. I'm Rachel Mortimer, assistant director of the independent police review. I've been the assigned reviewer on this case since we opened it in January of 2018. I'll provide a brief summary of the complaint and the procedural history of the case. On May 15, 2017, appellant crossed the street in the middle of the block while recording police vehicles as they entered the north precinct parking structure. Following a brief interaction with a sergeant and an officer, they issued her a citation for jaywalking. Appellant believes she was stopped and cited for exercising her legal right to film the police. The citation was upheld in traffic court after a contested hearing on November 21, 2017. Appellant's attorney provided notice to IPR of this complaint in a letter dated December 29, 2017. IPR opened the case on January 2, 2018. IPR completed an intake investigation identifying 13 allegations and referred it to internal affairs for a full investigation, administrative investigation on January 31, 2018. Internal affairs completed their investigation on April 3, 2018. The investigation was approved by all levels of reviewers, and then set for findings, which were reviewed and approved by May 14, 2018. On May 30, 2018, IPR sent a letter to the appellant explaining the findings in the case and providing the notice of the right to appeal. On June 18, 2018, IPR received the request of appeal from the appellant's attorney.

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The citizen review committee held the case file review and the appeal hearing on August 1, 2018, on the 11 appealable allegations. At this hearing the committee voted to challenge five of the allegations and to affirm six allegations. On September 5, the same year, Portland police chief Danielle Outlaw wrote to IPR regarding the five challenged findings. She accepted and agreed with the recommendations of the citizen review committee on three of those allegations. On November 7, 2018, the chief met with the citizen review committee for a conference hearing on the two remaining allegations. After discussion, the chief made a new recommendation for a finding on allegation five and the committee voted to accept that finding. They were unable to reach an agreement regarding allegation eight. The CRC voted 8-1 to challenge the recommended finding of not sustained, and recommended that the finding be changed to sustained. This allegation is now before council. At the conclusion of this hearing, the council must decide whether a reasonable person could conclude that a finding of not sustained is supported by the evidence, in regards to the allegation, the officer issued a citation to appellant in retaliation for exercising legal rights. Thank you.

**Wheeler:** Does that complete your testimony?

**Mortimer:** It does.

**Wheeler:** Very good. Next up, the citizen's review commission will now address the basis for its appeal and the areas of disagreement with the police bureau's decision. Good afternoon.

**Kristin Malone, Citizen Review Committee:** Good afternoon. I am Kristin Malone. I'm the chair of the CRC. The CRC, for those here who don't know, is an 11-member volunteer council appointed body who is charged with advising the chief of police, IPR and the council on police policy and hearing appeals of allegations of the police violated their own policies. I want to acknowledge that several other CRC members have taken the time out of their day to be with us. I want to say hello. I really appreciate the support. This matter is before city council for final disposition of an alleged violation of police bureau policy. After significant dialogue, the CRC and the Portland police bureau are at an impasse with respect to an allegation that officer A issued a citation to a community member who, I am going to call the appellant, in our process she's the appellant. I've done it dozens of times. I think technically we are the appellant but please forgive me, and in retaliation for her exercise of legal rights, the CRC found that officer A's own statements and the other evidence in the case file require the conclusion that officer A's decision to issue a citation for jaywalking to the appellant was motivated by her lawful and protected activities of filming and photographing the police and appearing to express disapproval of certain law enforcement activities. The facts of this case began on the late afternoon, early evening of May 15, 2017, around 5:00, the appellant was near the intersection of Northeast 6th Avenue and Emerson, which is very near Central Precinct. This was around the time, sorry, North Precinct, which was around the time that the Boys and Girls Club was letting out. There's a lot of activity in the area. At the same time, multiple armored vehicles were returning from what was a SERT engagement to North Precinct. The vehicles are alternatively called Bearcats or Bear Trucks. I take it they are pretty impressive and noticeable. The appellant took out her phone and began filming the police as they returned to the precinct. Officer A was one of the SERT members who was returning from the deployment. He said as he was pulling into the facility, he noticed that appellant was filming. He noticed the expression on her face. He noticed that she was expressing disapproval for their activities. After unloading the vehicle, he decided he would issue a citation for jaywalking. He said that because he was in tactical gear, he wanted to involve another bureau member who was in uniform at that time. That's how Lieutenant A became involved. As Officer A and Lieutenant A were discussing this plan inside the precinct, the appellant went briefly to the Boys and Girls Club across the street and then returned to a parking garage on Northeast Emerson

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and 6th where she began taking some additional photographs of the police vehicles. Around that time, officer a made verbal contact with the appellant from on top of the police parking structure. He, too, had his phone out and was taking pictures of the appellant. He asked what she was doing. She told him that she was photographing equipment that her taxpayer dollars had paid for, or something similar. As the appellant continued to talk with officer a, lieutenant a approached from behind and initiated the process of issuing her a jaywalking citation. As you've read in the case file, which you had to review in its entirety, that encounter escalated from that point. It resulted in numerous allegations against lieutenant a and officer a, including force allegations. All of these allegations have been resolved, but the crc encourages council to carefully review that file in reaching its conclusion. The allegation currently under appeal is directive 310.20, retaliation prohibited. It defines retaliation as adverse conduct towards an individual, not otherwise authorized by law or policy, which is in response to an action taken or perceived to be taken by an individual. Retaliatory conduct may impact personal or professional reputations, may impact an individual's ability to perform their job, and may deter an individual or other individuals from exercising their legal rights. Or making, or supporting a claim or a complaint. The policy goes on to state that any form of retaliation against a community member is prohibited, and lists, as examples, bureau members issuing a citation or taking other action against a community member for exercising their legal rights or questioning the legality of the bureau member's actions. In connection with this appeal, as the bureau has in other appeals, chief outlaw and internal affairs have confirmed the police bureau's interpretation of this rule as prohibiting issuing a citation for conduct that is, in fact, unlawful, if the citation was issued with a retaliatory motive. The example I've used with then and will use today, is the idea if I am going 31 in a 30, and am issued a citation because someone recognized me as the chair of the crc. For this allegation, officer a's motivations are what the questions really boil down to. He discussed these motivations during the course of the investigation. He said, the second that, you know, we're coming up the road, and she was taking the photos, like I saw all of that, I would have written the citation for jaywalking, I guess, no matter what. It's just one of those, you know, she made it so overt to me. It caught my attention enough, you know, like I said, I am not a -- I don't care about people recording me, but something about this whole event had spurred me on to at least want to go talk to her, so I was going to write her a citation from improper placement on the highway. He said she was talking to people and shaking her head and gesturing at us, and you know in my head, I was thinking, which I don't know if I should be talking about this, unless there is and then there is the sound, which I believe is the officer's union representative cutting him off, and he says, all right. Although officer a's report mentioned ambush-style attacks on the police nationally and people making threats about the police, he reported that those are simply things that he should be aware of and stated, I am not saying that she was trying to harm the police. That was not my intent. Those other things were things that I had thought about, not reasons for stopping her. The crc challenged this allegation at an august 1st hearing and met with chief outlaw and discussed this at length on november 7. From the crc's perspective, officer a made a clear connection between the protected activity and his decision to issue a citation. He thoroughly described his thought process and his motivations. He did not issue anybody else jaywalking citations that day. He was not on traffic duty. The other reasons he suggested were either backtracked or were so general that they should not be sufficient to single out a person for filming the police for a citation. It appeared to the crc to be indisputable that the only thing that differentiated the appellant from everyone else milling about that afternoon was her filming, speech, and facial expression. The crc heard chief outlaw's position that we can't know what's in someone's head. We disagreed because in this case, officer a was forthcoming about his thought process, and we thought that we did

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understand where he was coming from. We also understand that the police bureau has emphasized that the ticket was found valid in the traffic court. That's not the question here. As the police bureau has explained, if a citation is issued, even if there is a lawful basis, the motivation is what matters for violation of this particular police bureau policy. We appreciated chief outlaw's willingness to engage in dialogue with us, but we respectfully and firmly disagreed, and that's why we are here today. As you heard from miss Mortimer, as I'm sure you'll hear from the city attorney, the council, like the crc, is reviewing the decision of officer b's responsible unit manager with respect to the allegation that officer a, sorry, issued a citation to the appellant in retaliation for exercising her legal rights. Council, like the crc, must decide if the ru manager's recommended finding of not sustained is supported by the evidence. The question is not whether the appellant was technically violating the law or whether her citation was legally permissible. The question is whether officer a's decision to issue the citation was motivated by her lawful activity. The crc found the evidence pointed decisively and undeniably towards one conclusion, and that to find otherwise would have been unreasonable. Specifically, we found that the allegations should be sustained, meaning that the evidence was sufficient to find a violation of policy. We believe that council can and should reach the same conclusion. Lastly, with my remaining few seconds, I urge the city council to conduct as much of its deliberations in public as possible. Last time this happened much of what happened occurred in executive session, and we felt like we lost out on a lot of lessons we could have learned. And lest you thought I wasn't going to mention it, to the extent that council finds that the highly differential standard of review requires us to adopt the bureau's finding, we, again, encourage you to revisit whether that standard is appropriate for our citizen review body. Thank you.

**Wheeler:** Thank you. I would like us to hold off on questions until the end.

**Fritz:** So we will bring them back?

**Wheeler:** Yes, just because I was handed this by legal counsel.

**Fritz:** That's why I didn't –

**Wheeler:** They are not going anywhere, they will be here. Good. the complainant has ten minutes to present. Good afternoon.

**Kristin Bowling:** May I ask a few clarifying questions before I begin?

**Wheeler:** Legal counsel?

**Robert Taylor, Chief Deputy City Attorney:** Yes.

**Bowling:** You are not considering the letter that you received from me in february and again last week. Was that correct?

**Taylor:** The council cannot receive new evidence for -- into the record, but you can talk about the substance of that letter today at the hearing. It's argument but not new evidence in the record.

**Bowling:** Okay. That's not clear, but I assume you all received my letter in february and again in may. And also your vote must be unanimous because we are missing two members, that's correct?

**Taylor:** That's correct.

**Bowling:** I finds that very disappointing for an issue that has only come before you three times in 22 years that the full council is not here.

**Fritz:** But we are here. Don't scold us.

**Bowling:** Regarding the directive on retaliation 301.20, I would like to be very clear about the phrases that are in there. Officer a took adverse conduct toward me by calling for back-up, which resulted in me being detained, threatened with arrest three times, and assaulted, and then he wrote me a traffic citation, all of those things are adverse conduct. He also did so in response to actions that I took, specifically, taking pictures. I was not recording, by the way. There was no filming. That's an error in the record. Taking pictures, talking to



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others, and looking like I didn't like him. All of those actions were legal and legally protected, and they did not interfere with police activity. Worse, when I questioned the legality of his and his colleague's actions several times in several different ways through the course of interacting with multiple officers, that really sealed the deal in making sure that they acted in a way that would deter me from exercising my rights in the future. I am a regular person that stops when police are interacting with members in my community. I do that today. There was definitely a time period after this incident where I did not, and my witness, also, took him almost a year to agree to come and talk to the crc, and he is not here today because he's fearful of what happened. I thank chair malone for putting a great synopsis of the events before you. I would like to reiterate the points against chief outlaw's arguments in the letter that you received from her and also in -- trying to remember the name of the last hearing, we had the consultation, the conference hearing, thank you. The first prong is that my traffic violation was upheld in court. But, officers weren't standing on the corner measuring the angle at which each parent crossed the street to pick up their children at the boys and girls club. Of course not because they were not doing what I was doing, those so-called adverse actions. They knew better. They spent a lot of time next to the north precinct and keep their heads down. So it's the selective enforcement of laws and rules motivated by another intention that matters, not whether or not someone, actually, committed that offense or whether it was upheld in court. The second prong of the argument is that officer a was worried about me planning an ambush style attack on the north precinct. If we pretend that's actually true, that a middle aged woman along with a cell phone surrounded by assault vehicles loaded with weapons is the threat, then he should have contacted me alone to talk. Instead, he made sure that lieutenant a and officer b, in fact, ambushed me at the same time with detention for the alleged traffic citation. And that's what makes it retaliation. I would like to use the remainder of my time to create a bigger picture for this case. It's taken me two years to sit in this seat, and it hasn't been very much fun. I am a white middle aged middle class straight, cis gender female, well educated, housed, I have no debilitating mental challenges. I am the demographic that the Portland police seem to protect and serve the most in this city. So I want to take a moment to recognize the privilege that got me here. I am able to sit at this seat and others are not. Unless officers decide to target me because of the stand I have taken in this case, I can choose to become just another white middle aged female walking down the street any time I want and not be subject to police profiling, harassment, retaliation and abuse for going about my daily life. My fellow community members of color do not have that luxury, especially those that are activists. I fear for the black and brown boys that I work with when they grow to adult size at 13, 14, 15 years old, because that's when they get targets on their backs. Our houseless and transgender community members can't hide from the police any more than a person with a disability, mental health issues, or non-english speaker can magically make themselves capable of following police orders. I was targeted because of choices that I made that day. They were legally protected choices, but they were my choices, all the same. So I hope that behind my voice, you can hear those of all my fellow Portlanders that are retaliated against, targeted and abused by Portland police simply for being who they are every single day. So I am really here for them. I also want to emphasize how lucky I am to sit here in this process because I hope you already know that hundreds of community members filed complaints with ipr each year. 85% are rejected out of hand without an investigation. Almost all are then investigated by internal affairs. I made a request that my case be investigated by an independent ipr person. Not only was it still investigated by the internal affairs, but we never actually received a reply to that request. I don't call that an independent review in any sense. Police investigating police. A few cases are appealed for a hearing before the crc each year, and the crc agrees with internal affairs on most of the allegations and I believe that's because the process is backwards.



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We let the police investigate ourselves and exonerate their officers first, and then we come back and ask the citizen review committee to say otherwise. So the crc has held their ground in a conference hearing with the police, in only three cases in 17 years that this process has been in place. I recognize how rare it is for me to be here. In the past two years that this case has gone on, I have learned that the ipr process fails and is biased toward police in so many ways that I don't have time to list them here today. But suffice to say that I sit in this chair representing literally thousands of community members wronged and abuse by Portland police who never got their day in council, as it were, much less the uncounted thousands more who correctly determined from the statistics that their chances are too low to be worth their time. Or worse, those whose historical interactions with police and in court-like settings have terrorized them too much to even be able to participate in a process like this. So, I am here for them today. I must admit that I am not terribly optimistic since some council members sat here last year deciding matt klug's case and refused to give a man tased six times in the middle of a mental health crisis, any justice. Matt deserved your vote much more than I do. I will get over what, in comparison, was mild police treatment, but matt may be affected by the brutality he suffered for the rest of his life. I am also not under much illusion that even if you do vote in my favor, that the officers involved will change their ways. The culture of the Portland police -- that the culture of Portland police is capable of changing. Time and time again, cases are upheld to protect the rights of community members to observe and record police activities and yet I had no problem finding three other people assaulted by lieutenant a under the same exact circumstances in the previous year and a half to my case. The same officer, people filming or photographing police activity. He assaulted four people in a year and a half. So what do cases one matter, what do debriefings matter, what do changes in training and policy matter if cops keep doing the same thing over and over anyway? What does the doj settlement matter when they keep murdering our young black men and folks in mental health crisis at the same rate as before. We had another deadly shooting this week while investigators overseeing the process say that everything is fine. I beat the odds over two years to sit in this chair, and in the end, the result, I don't believe, will make much difference, so what I am really here to ask you to do is to use your power to start truly taking power away from the Portland police. You did it by voting to get Portland out of the jtff. You are considering more with commissioner hardesty's proposal to institute a non-police response team for 9-1-1 calls involving mental health crises, forgive me, I forget the name.

**Hardesty:** Portland street response.

**Bowling:** Thank you, Portland street response. In recognition that it's absurd to have people with guns to be the responders in these cases. You can do much more. Follow the example of the brave Portland students this year who flipped their school board's decision to spend their scarce education dollars for more cops in their schools. You can start truly de-policing our city. We can stop letting ppb investigate itself in so many different processes. We can shift significant funds away from neighborhood watches, which we're asking for more money for. They turn the community members into snitches. Instead, we can invest in more neighborhood mediation to help people solve their own problems. You can instruct the bureau of emergency operations to tell the 50% of 9-1-1 callers reporting people whose behavior they simply don't like, many of whom, who are houseless, that the police simply will not respond when there is no crime being committed. You can tell the fire bureau to immediately remove their riot medics from ppb riot squads where they were complicit with harming instead of helping the community. And you can take away the weapons of war that ppb uses at protests before they actually kill someone, which they have almost done many times in the past two years since I last sat in this chair and warned

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you that they would. You made a resolution against white supremacy so why would you possibly allow cops to attack the folks that stand up to resist them?

**Wheeler:** So I am sorry to interrupt. You are a minute over, and I will let you continue within reason, but I'm going to add the same amount of time onto the response for the police bureau. Are you close?

**Bowling:** That's reasonable, and I appreciate that. Thank you. I am close.

**Wheeler:** Okay. Very good.

**Bowling:** You control the money. So start taking it away from the police and putting it where it really belongs. Helping instead of harming the most vulnerable among us, instead of wasting more taxpayer funds on police accountability processes like this, that help very few. Let's start taking the police out of every aspect of our daily lives so we can all live with the dignity and peace that we deserve. I would like to close by noting that the police get the last word in this process and urge you to ask me questions at the end so that I can tell you what really happened because of all the people in this room, I am the only one that was there. Thank you.

**Wheeler:** Thank you. Question for legal counsel. So we have heard a broad statement that goes well beyond the purview of this hearing. What is your advice to us?

**Taylor:** The statement was allowed. Its argument. It's not evidence. Your decision should be based on the evidence in the record and argument that you find helpful in making your decision.

**Wheeler:** Thank you. I appreciate that clarification. Next up, the Portland police bureau will have 11 minutes and 47 seconds, should you choose to take that time.

**Danielle Outlaw, Chief Portland Police Bureau:** I won't take that long.

**Wheeler:** Thanks, chief. Good afternoon.

**Outlaw:** Good afternoon, mr. Mayor, commissioners. For the record, I am danielle outlaw, the chief of police with the Portland police bureau. Thank you for allowing us to testify on this matter today. Before we discuss this case, I want to make it clear that I take accusations of officer misconduct very, very seriously. It's important, also, to highlight the significant time and effort that the members of the crc have put forth as part of our accountability system. The heart of this case is the allegation of retaliation. This would be a violation of policy if an officer were to issue a citation simply because a community member exercised their legal rights. Retaliation on any level is wrong, and erodes the trust the community has been with its police. In this case, the appellant was first contacted about her behaviors. While the appellant was exercising her legal rights, the officer noted in his report the reason that he contacted her about this behavior was due to a heightened alert by police considering the increase in police ambush style attacks. And also, recent vandalism that had taken place at the north precinct. That vandalism was to police property and vehicles, including spray painting of vehicles, and it had been a recent issue, as I stated, at this specific precinct. Following this contact, the officer issued the appellant a citation for a violation of Oregon law. The officer stated that he used discretion when he wrote the citation and did not issue the citation in retaliation for the appellant exercising her legal rights. The judge in this case heard from both parties and could have dismissed the citation or ruled in favor of the appellant. Instead, although both parties were deemed credible, the judge ruled in favor of the officer and found the appellant guilty of the violation. I can understand why the appellant might feel the citation was retaliatory. Given that it occurred after her contact with the police. But the fact is that the citation was upheld in court. In the standard of proof for an administrative investigation is a preponderance of evidence. Therefore, given that both parties were deemed credible, given the evidence that we have, I believe the evidence was insufficient to prove the officer violated policy or procedure. This is the same finding determined by the officer's ru manager, the assistant chief, and the internal affairs' captain, and the ipr assistant director who reviewed the

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finding. It should be noted that of the five allegations that the crc challenged, I initially agreed with three of them, including changing one finding from not sustained to sustained. Once at the crc hearing, we came to an agreement on another finding. Thus, leaving the finding we are here about today. My opinion on this particular case does not negate the hard work of our crc, our accountability system is incomplete, without the participation of community members, and I welcome the continued input of the crc on all matters regarding the Portland police bureau. In this instance, however, I do not believe there is enough evidence to prove a solid violation of this policy. Thank you.

**Wheeler:** Thank you. Did you have anything else? Thank you, chief. Appreciate it. Next up is the involved officer or a representative if they would like to make a voluntary statement of up to ten minutes. I don't know if they are here or not.

**Outlaw:** No.

**Wheeler:** No. Very good. Now, council, commissioner Fritz, your moment has arrived. Council may ask questions of the presenters.

**Fritz:** Just generally and somebody comes up with the answer? Or how does this work?

**Wheeler:** You know, we don't do this very often, so let's just wing it and see if it works. If this sounds like a question for you and you can answer it, unless we call on you, maybe that would be useful, unless robert's twitching over there in the legal box.

**Taylor:** I think that's fine.

**Wheeler:** Alright. Good.

**Fritz:** I am interested in the evidence in the record for what you termed as a contact, and then what the appellants talks about it into getting the citation and was the citation the -- giving the citation the mechanism to initiate the conversation?

**Hardesty:** Were you asking a question of the police?

**Fritz:** I am asking both sides. I would have asked it to them while they had been here or --

**Hardesty:** I think we need a police representative --

**Wheeler:** Yeah, if either the police or somebody --

**Fritz:** That's great. That's very helpful. Thank you all for coming up.

**Malone:** I am happy to speak to this. I know the appellant, due to our process, has not had an opportunity to review the full record, so that puts her at a bit of a disadvantage in answering this question. The officer described wanting to make contact with the appellant after observing her behavior. He wanted to know her name, and he said that a citation would be a way to start that conversation and get her name. He used it as an example of good community policing.

**Bowling:** I can elaborate since I was there. So officer a contacted me from the top of the parking garage asking me what I was doing. I exchanged a few sentences with him and was headed to my car to leave when lieutenant a came down the sidewalk from behind me and told me that he was detaining me for jaywalking.

**Fritz:** And I did see in the evidence that officer a asked lieutenant a, and we heard from the presentation that that was because officer a was in gear and officer -- that the lieutenant was in uniform. Do we know when the officer asked the lieutenant? Was that before or after this conversation from rooftop to parking lot?

**Bowling:** It would that there was some coordination between them before the contact.

**Stacey Rovinelli:** I can answer that question. My name is Stacey rovinelli and I'm the internal affairs investigators in this case. The officer said that he originally saw the appellant -- sorry -- as she was -- as he was driving and returning the truck. It was at that point that because he was in his srt gear, which is not the normal uniform, he radioed for assistance and lieutenant besner at that point walked out because he was the closest person.

**Fritz:** And looking at the city attorney again, now, presumably all police policies are part of the record, part of the evidence.

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**Taylor:** You can take judicial notice of it. This policy at question here, the retaliation policy is in the record.

**Fritz:** Okay. So I have a question then. Is it routine that the way you start a conversation is to issue the citation? Is that what's in the police directives?

**Rovinelli:** Not to issue a citation, no. The contact was due to the violation of the ors.

**Fritz:** But we heard that they wanted to talk to the appellant and that the mechanism to do that was to issue a citation. Is that within police policy?

**Rovinelli:** It's my belief it was the violation that initiated the contact, and then he described how he it was going through his head about the ambush going on and the mischief that was going on in the vehicles.

**Fritz:** I think it says officer a said the appellant's action caught his attention enough where he wanted to at least go to talk to her –

**Rovinelli:** Yes.

**Fritz:** And so I am wondering why the initial, I am here to talk to you, is not – it starts off with giving a citation rather than, let's have a conversation about what you are doing.

**Rovinelli:** It's my understanding that it was having a conversation.

**Hardesty:** I don't think that's changing.

**Fritz:** Okay, is there evidence in the record as to how many citations are issued in a given year for pedestrian traffic violations such as the one -- there is no evidence in the record about that. And would there, had, would there be a, have been an opportunity for a crc member to have asked that question at the appeal, or is that because that's not in the record you would not be able to ask that, either?

**Malone:** We do have an opportunity in the case file review to ask for additional investigation to be done. Our understanding is that there are certain of no-go areas in terms of the what can be asked. We're not supposed to know the officer's prior disciplinary history or anything like that. Perhaps we could have asked. I don't know if that's investigation that would have been done.

**Rovinelli:** I can answer that. I can't answer the general number how many that are issued. He has issued that citation before, and that is in the record.

**Fritz:** And that's as to how many times he's issued that citation before?

**Rovinelli:** I believe that is in the record, yes.

**Fritz:** Do you know the number?

**Rovinelli:** It is either one or two. It is at least once before this one.

**Fritz:** Okay, commissioner hardesty?

**Hardesty:** Thank you. I don't know if I am allowed to thank the appellant for staying with this for two years or not, but it's out there, so forgive me if I did a bad thing.

**Bowling:** Thank you.

**Hardesty:** My question really has to do with officer a suggested that the reason that the appellant came to his attention was because of ambushed attacks that had been taking place against police facilities. Do we have a history of, excuse my term, middle aged white women ambushing police stations either in Portland or nationally?

**Rovinelli:** Not on the ambush end of it, but I believe it was a white female and white male who were -- destroyed police vehicles at north station so that was another one of the, other than the ambush end of it, so I do not know the status of the ambush end.

**Hardesty:** And so was the camera that was being used visible to the officer at the time that the officer rode up, officer a rode up in his mega vehicle, was the -- was the camera that the appellant was using apparent at that time?

**Bowling:** We both had our cell phones out at the initial contact, yes.

**Hardesty:** So people who – so the appellant -- I thought I read in a report that the officer, in a desire to get the name of the appellant, and I don't know if it's lieutenant a or officer a, and I don't think it really matters that much, but the officer said in order to get the name of



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the appellant, the decision had been made to issue a citation. That sounds like retaliation to me based on the evidence that I have reviewed. So why, as an investigator, would you not see that as retaliation?

**Rovinelli:** I don't do the findings in this case. I just do the investigation in this case.

**Hardesty:** Right, right. Okay, so, but your finding was that not out of policy, everything –

**Rovinelli:** No, ma'am, I don't do the findings in the case. I just present the facts of the case. Somebody else does the findings in the case. That has changed now.

**Hardesty:** Okay, I will ask the crc that question. Maybe you can answer that for me. I am just a little confused. So if it is in the record that someone is looking to get somebody's name, and the way that they are going to do that is by issuing a citation, is that what you are accustomed to when crc is reviewing the complaints? I mean is that normal, I guess is my question?

**Malone:** We haven't seen these facts before. I think that you are describing the feeling that the crc got, which was seeing somebody filming, wanting to know their name, deciding to issue a citation for jaywalking, but probably otherwise wouldn't have been issued was the thing that caused us some alarm. I think that we were alarmed that his first thought was not simply to have a conversation.

**Bowling:** May I?

**Hardesty:** So, yes, appellant, I would like to ask you to answer that question. Can you just tell me what your reaction was when the -- when officer a approached you and actually for that reason.

**Bowling:** So a person walking down the parking garage in military assault uniform filming me saying, what are you doing, was a little alarming. He has no, no badge on, obviously, I assumed, since I had seen the other officers in their camo, that that's who he was. So we exchanged a few sentences, and like I said, I was ready to leave. The pretext of the jaywalking ticket is what allowed me to be detained, forced me to identify myself, and then allowed them to give me orders, which when I questioned and didn't follow immediately, ended in an assault. They asked me for my vehicle registration, for a vehicle that they had not seen me operate, as well, and that's the only point that they conceded. I said no, and that one was dropped. Officer b by then was in his patrol vehicle behind my car, so it would be real interesting if it's in the records that you have that I am not privy to read all of, whether they ran my plate, as well. It was very clear to me that the jaywalking ticket was a pretext to get all of this other information about me, find out if they had anything else on my record that they could use, and scare the hell out of me so I wouldn't do this again.

**Hardesty:** So if I may, mayor, I want to ask the crc, is it a normal practice for the crc to take into account a judge decision when they are deliberating on a case like in this particular case, I understand, that one of the reasons why it was not upheld was because the judge did not fill out the parking ticket, is that a normal criteria for decision-making with crc?

**Malone:** I would say most of our cases, that's just simply not a factor. But, in this case, I don't think that the crc found it particularly compelling one way or another because it did not, for purposes of the retaliation directive, the question isn't, you know, was the person, in fact, speeding or was the person in fact jaywalking. It was what the motivation -- was the motivation wrong in deciding to issue that -- take that action against that person. And I think that that was what our decision centered on here.

**Hardesty:** Thank you. I just want to, for the record, say that I appreciate the fact that the chief upheld the sustaining the fact that officer a did not provide a business card because the statute clearly says that it's not when someone asks for one, but the directive, actually, requires them to give one at the end of a police-initiated stop, and I think that this is a perfect example of a police initiated stop that is important for the public to know how to



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complain if, in fact, there is a problem with that stop. So, thank you all. This is a very weird way to have a conversation but I'm adapting. Thank you. I appreciate you all.

**Wheeler:** Very good. I have some questions, as well, and I would like to hear from the chief and ipr on these questions. I do have a question of the complainant, as well. I guess that's you. At this point, I don't know. You had indicated in your testimony that all of the choices that you made were legally protected, but you were issued a citation, and a judge agreed that citation was issued as a result of a violation of the law. Do you dispute that?

**Bowling:** I do, and actually the traffic violation is in appeal with the state of Oregon.

**Wheeler:** Okay.

**Bowling:** So it is still in dispute. Jaywalking is, actually, not a legal term in Oregon. It's not crossing the street at a right angle, so --

**Wheeler:** You had characterized the police as murderers in your testimony. Is that based on the findings?

**Bowling:** On the findings of this case?

**Wheeler:** Well, in your testimony to this panel, you described the police bureau, police officers as murderers. Is that sustained in the findings?

**Bowling:** I am alarmed by the number of people that are killed by Portland police on a regular basis, yes.

**Wheeler:** Related to this case?

**Bowling:** Lieutenant a also has killed a community member, yes.

**Wheeler:** And you believe that he's a murderer based on the findings in this case?

**Bowling:** [inaudible]

**Wheeler:** Okay. Thank you. I have a question for the chief, and then I also have a question for ipr and I am willing to give crc a crack at this, as well. I heard the words "feelings" related. I heard "opinion" related. But again, our responsibility here is to the facts in the record and what was said during the interview by officer a. He said he did not object if he was being filmed, and he did not write the citation as a result of legally filming. He, specifically, denied retaliation on the record, and there is no factual evidence in the record that exists to prove by a preponderance of the evidence that the officer engaged in any misconduct with regard to this finding. Am I right or wrong on that? Is that not what the record shows?

**Outlaw:** That is correct.

\*\*\*\*\*: That is correct.

**Malone:** Excuse me, there are not a lot of chairs, but I would like to respond because --

**Wheeler:** If you want to pull one up, sorry. And the microphones slide around.

**Malone:** I think that we -- that was the crc's finding was that all the evidence besides the statement, no, I didn't, pointed in the opposite direction, and a sea of people milling about boys and girls club, the one person targeted for police action, is the person who was filming, the officer makes complaints about the fact that she was filming, she was glaring at him, that it was overt to him, he brought up ambush style attacks and a white man and white woman in a truck driving around, yelling bad things about the police, but then later said, I didn't think that it was her, and that was not my reason for stopping her.

**Wheeler:** But what he did say, and first of all, I want to go back to the record, we have a complainant who believes that these officers are, in fact, murderers, and if I was confronting somebody that I thought was a murderer, I might have a different response. But, what was said on the record was that the officer was aware that there were ambush style attacks on the police. He said that he was aware that there had been recent vandalism of police cars at the north precinct, so hackles are out. He was aware that there was a bolo, which means be on the lookout for a man and woman associated with a u-haul van that was of a safety concern to police officers in the area, yet he still said that that was not the reason why this citation was issued. There is nothing else in the record that I can

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find that suggests he's saying it was because I was biased or because I didn't like her or whatever. I am not seeing that in the record.

**Malone:** May I read you a quote again? I don't want to belabor it, but he says, she had made it so overt to me, it caught my attention, enough, you know, like I said, I don't care about people recording me but something about this whole event had spurred me on to at least want to go talk to her and so I was going to write her a citation. He knew and he said he knew. He did not believe that she was participating in ambush-style attacks, that she was the person identified in a bolo, and I believe it's a dangerous precedent.

**Wheeler:** But we don't know based on the record.

**Malone:** To say that simply because –

**Wheeler:** We don't know based on the record.

**Malone:** He did not think though.

**Hardesty:** Nobody knows.

**Malone:** Nobody knows but anybody with a camera could be ambushed.

**Wheeler:** That's correct and we're dealing with a reasonable people standard here, and in terms of reasonable people, we have six different people, including internal affairs, we have the independent police review commission, and we have the chief of the operations branch, and we have the lieutenant, the commander and the chief all looking at this record. And the chief, I think, has actually been extraordinarily forthcoming. She's said in some of these cases she was actually willing to be flexible but on this one, honestly, I am struggling to figure out how you can make this leap.

**Malone:** I think that -- I mean if, we've laid out our reasons. If you disagree –

**Hardesty:** Fine.

**Malone:** That's fine, but I think that the evidence that we saw in the record seemed to point decisively in the direction that we found.

**Hardesty:** If I may, mayor?

**Wheeler:** Yeah, please. Commissioner Hardesty.

**Hardesty:** I greatly appreciate the amount of time volunteers spend in reviewing cases of alleged police misconduct. I think that we have to -- citizens, community members who spend a lot of time reviewing cases is important that they use a regular person perspective. I feel that it's inappropriate to set the same standard for community members that we set for professionals, and when people are investigating themselves, of course they believe that they do nothing wrong. So, I appreciate the fact that the community members who volunteer to read all these reports and really weigh the evidence unanimously came out on one side. You know, I've been in enough of these situations myself personally that I believe that the reason that the citation was given was because it was a retaliatory act meant to diminish a community member's taking pictures, filming, to make that person be fearful of their next encounter with law enforcement, and so I just think that it's a bit disrespectful to expect the volunteers to have the same understanding of police who have been professionally trained to investigate themselves in cases of misconduct. That's all I want to say.

**Wheeler:** I don't have any argument with that, except that this is the process that we currently have before us, and this is, ultimately, a question of whether or not the officer was in compliance with the policies and practices and standards. This is, in effect, an h.r. matter, and there are legal standards and requirements of this body in either upholding the findings or overturning those findings, and frankly, I have a lot of confidence in the crc. I meet with the crc on a regular basis, and I think that they are legitimately doing their very best, but I am concerned that we are bringing much broader perspectives to the table and perceptions about policing that go well beyond the narrow scope of this hearing. Our job is to either uphold the reasonable standard with the findings on the record or say no. A reasonable person could not, based on the record, have come to the conclusions that they

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all came to. So, where I am struggling here is just trying to figure out how can we declare all these persons unreasonable based on the findings that I don't believe sustained the basic argument of the complaint.

**Bowling:** May I reply?

**Wheeler:** Certainly.

**Bowling:** I think that relying upon the opinion of the folks that you listed, the vast majority of whom are part of the Portland police bureau is a false way to look at it, as commissioner Hardesty pointed out. It's police investigating themselves and their standard is different than the community.

**Wheeler:** Then we should change that policy. I am all for independence. I'm all for a charter review change. In many regards, I have my own ideas I would like to put on the table, but today this is the process that we must act on.

**Bowling:** It really comes down to the directive, and I laid out the phrases that are in the directive. It took adverse conduct against me in response to actions that I took, including questioning the legality of police actions in order to deter me from exercising my legal rights. There is four pieces in there that are met. So yes, let's stick to the facts. They are there.

**Wheeler:** Commissioner Fritz.

**Fritz:** So there are 11 allegations in the record here.

**Bowling:** There were 13 when we started. Two were thrown out

**Fritz:** Right. Okay, that's helpful to know that because I was wondering about the numbers. But then there's six that the crc agreed with the findings. There are five where they felt that it was -- there was no evidence in the record, and of those, there were four that the chief agreed with that. So no?

**Malone:** There were three that the chief agreed with and one where we reached a compromise in a conference hearing, and then those three that the chief agreed with again, all of the people before us had reached the same finding and the chief and the crc together determined that that was not a reasonable finding.

**Fritz:** Yeah, so that leads me to wonder what's in the whole of the record. Now you said we had read the whole of the record. I, maybe it's a rare chance that -- occurrence of my staff not putting the reading material in front of me, or am I not looking for it, but I just have a summary. Do you have the whole thing?

**Hardesty:** I have the transcript. Is that what you are referring to?

**Fritz:** I am wondering, which is why I --

**Bowling:** There should an chart in your record of all allegations.

**Fritz:** But I am looking at the file. I have got that.

**Hardesty:** I don't have that much stuff.

**Fritz:** I am looking at the file that chief outlaw has.

**\*\*\*\*\*:** Yeah, I really don't have a lot.

**Fritz:** So if I am going to make a decision based on the evidence in the record, I really need to read that, not this small summary that I've got.

**Mortimer:** This should be what was delivered to your office in January.

**Fritz:** In January.

**Mortimer:** Yes.

**Hardesty:** Yeah, and it's like this.

**Mortimer:** It's that same folder.

**Fritz:** Okay, well then I'm sorry. I need to declare that I have not read the entire record. And so given that, there's that -- it sounds like we don't have a three -- I am very sorry. I didn't realize that that [inaudible] was one of the reasons this hearing was delayed was that I was going to be away and perhaps that file, something happened to it. We do have two other members who are not here of the council and this is a really significant --

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**Wheeler:** They are probably pretty blissful about that at the moment. But why don't we do this, and legal counsel tell me if this is not the way to go. I want to make sure that the process is fair nature to everyone. My suspicion is we may have a split vote taking the vote today, which we could do. My understanding if we have a split decision, we would carry this over. We would close the record, so we would not make people come back. You are certainly welcome to come back, but we would close the record, and it would go to a continuation, and we would wait until one or more of our colleagues was here. Is that a correct interpretation of the code?

**Taylor:** That's correct.

**Fritz:** Yeah, because to make any decision, three council members have to vote in favor of it.

**Wheeler:** That's correct. And then that would also give –

**Fritz:** It doesn't die just because of 2:1 vote.

**Wheeler:** Anybody who wants to go back and dive into the record, anybody up here, we could do that, is that correct?

**Taylor:** That's correct.

**Wheeler:** Does that seem like a reasonable strategy?

**Hardesty:** That seems reasonable, but as I look at the chief's file and I look at mine, the chief's got a lot more paper than I do. So, I mean, I just want to make sure that I also have the entire record of what transpired because just like commissioner Fritz, I don't want to be making my decision based on selected information, but I would like to make sure that I have had the opportunity to review the entire file.

**Wheeler:** Robert, do you have a thought on that?

**Mortimer:** You have the entire file.

**Hardesty:** I'm sorry?

**Mortimer:** You have the entire file.

**Hardesty:** Okay, I'm going to trust you on that.

**Wheeler:** Did you have something? Legal counsel?

**Taylor:** Crc and ipr compiled a file delivered to the offices, so they have stated that you have got the whole record, then --

**Hardesty:** All right.

**Mortimer:** We will make sure you go a copy.

**Fritz:** It's got to be there somewhere.

**Mortimer:** And it may be that because you were not scheduled to be there. It may be because you were not scheduled to be there the initial time this was scheduled. There may be some communication.

**Fritz:** Yeah, because we did not expect it to go to a second reading or anything. So it was just like, gosh I wish I could be there.

**Mortimer:** We will make sure you have that, a brand new one --

**Fritz:** Thank you very much. And you could also please send me your statement to the beginning because separate from this, I'm very concerned about the timeline.

**Mortimer:** Absolutely. And that's even in more detail in the binder, as well.

**Fritz:** Great, thank you very much, and I apologize.

**Wheeler:** Second by second.

**Fritz:** I don't know that we could get to three today anyway so.

**Wheeler:** So Robert, do we need to pick a date certain or what is the process?

**Taylor:** I believe you could consult with the council clerk to try to find a time, but you can close the hearing today and then reschedule it at the --

**Wheeler:** Well, we will continue it, won't we?

**Taylor:** Yes. Close the record and then continue it so you can take the vote --

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**Wheeler:** We'll close the record and continue the hearing. Karla, can you find us a day when we are all here? Hopefully, like a wednesday or a thursday afternoon?

**Fritz:** This is not something that we take public testimony on?

**Wheeler:** No, that's correct.

**Moore-Love:** How far out did you want to go?

**Wheeler:** I will say this, I feel sorry for the complainant in terms of how long this process has already gone, so I would rather not have this extended.

**Fritz:** I suspect you might need five here in order to be able to get to three.

**Moore-Love:** I show the next available time with everybody attending is the 16th of may which is a Thursday at 3:00 p.m. That's two weeks from today.

**Wheeler:** Okay. Can you all make it who want to be here?

**Bowling:** I guess, I don't have my calendar in front of me.

**Wheeler:** If for some reason that does not work let us know and we'll try to accommodate.

**Bowling:** I would prefer that commissioner Fritz has enough time to thoroughly review the file.

**Fritz:** And I will do so.

**Bowling:** Thank you.

**Fritz:** I do apologize for not realizing it wasn't there to be reviewed.

**Wheeler:** Okay good. So Karla, could you state again the time and date?

**Moore-Love:** Yes, it'll be 3:00 p.m. on may 16, that's a thursday.

**Wheeler:** Alright, so this is continued then to 3:00 p.m. on may 16. And Robert, the record is closed, is that correct?

**Taylor:** Correct.

**Wheeler:** The record is closed. And we are adjourned. [gavel pounded]

**Wheeler:** Thank you, everyone.

**At 4:33 p.m., Council adjourned.**