



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **15th DAY OF MAY, 2019** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fish, Fritz and Hardesty, 5.

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

Item Nos. 424 and 425 were pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

The meeting recessed at 10:13 a.m. and reconvened at 10:17 a.m.

COMMUNICATIONS		
414	Request of Stan Herman to address Council regarding answering his question (Communication)	PLACED ON FILE
415	Request of Wayne Wignes to address Council regarding confirmational bias in federal research on homelessness (Communication)	PLACED ON FILE
416	Request of Robert Patterson to address Council regarding homelessness (Communication)	PLACED ON FILE
417	Request of Brad Perkins to address Council regarding Sullivans, Rose Quarter to gorge trail, Rose Quarter, Trailblazers, Cascadia high speed rail (Communication)	PLACED ON FILE
418	Request of Nansi Lopez to address Council regarding police (Communication)	PLACED ON FILE
TIMES CERTAIN		
419	TIME CERTAIN: 9:45 AM – Accept the Quarterly Technology Oversight Committee Report from the Chief Administrative Officer (Report introduced by Mayor Wheeler) 30 minutes requested Motion to accept the report: Moved by Fritz and seconded by Hardesty. (Y-5)	ACCEPTED
420	TIME CERTAIN: 10:15 AM – Amend permit fee schedules for building, electrical, land use services, mechanical, enforcement, plumbing, signs, site development, and land use services fee schedule for the Hearings Office (Ordinance introduced by Mayor Wheeler) 30 minutes requested	PASSED TO SECOND READING MAY 22, 2019 AT 9:30 AM

<p>421</p>	<p>TIME CERTAIN: 10:45 AM – 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 375; Findings; Report introduced by Mayor Wheeler; LU 18-190331 CU) 5 minutes requested</p> <p>Motion to grant the appeal, overturn the decisions of the Hearings Officer and adopt the findings but change the date on pages one and seven to reflect today’s date, May 15th: Moved by Wheeler and seconded by Fish. (Y-3 Eudaly, Fish, Wheeler; N-2 Fritz, Hardesty. Motion carried.)</p>	<p>FINDINGS ADOPTED</p>
<p>CONSENT AGENDA – NO DISCUSSION</p> <p>Mayor Ted Wheeler</p> <p>Bureau of Planning & Sustainability</p>		
<p>*422</p>	<p>Authorize grant agreement with the Center for Intercultural Organizing for \$40,500 to fund engagement activities that support the Southwest Corridor Inclusive Communities Project (Ordinance) (Y-4)</p>	<p>189495</p>
<p>423</p>	<p>Amend Intergovernmental Agreement with Metro to accept an additional \$40,000 for administration of the Master Recycler Program (Ordinance; amend Contract No. 30003529)</p>	<p>PASSED TO SECOND READING MAY 22, 2019 AT 9:30 AM</p>
<p>Office of Management and Finance</p>		
<p>*424</p>	<p>Pay employment lawsuit of Gail Thompson-Ivory in the sum of \$200,000 involving the Portland Bureau of Human Resources (Ordinance) (Y-5)</p>	<p>189501</p>
<p>*425</p>	<p>Pay property damage claim of The Archdiocese of Portland in the sum of \$19,316 involving Portland Bureau of Environmental Services (Ordinance) (Y-5)</p>	<p>189502</p>
<p>Commissioner Nick Fish</p> <p>Bureau of Environmental Services</p>		
<p>*426</p>	<p>Authorize the Bureau of Environmental Services to reimburse property owner at 2634 NE Columbia Blvd for sewer user fees, paid to the City, in the amount of \$4,203 (Ordinance) (Y-4)</p>	<p>189496</p>
<p>427</p>	<p>Authorize an Intergovernmental Agreement with Clean Water Services for construction of Woods Creek stormwater facilities for an amount not to exceed \$73,325 (Ordinance)</p>	<p>PASSED TO SECOND READING MAY 22, 2019 AT 9:30 AM</p>
<p>428</p>	<p>Authorize the Director of the Bureau of Environmental Services to formally adopt a Trail Master Plan for the Tryon Creek State Natural Area to the Willamette River Greenway, and to work in partnership with the City of Lake Oswego and Metro on the implementation of the plan (Ordinance)</p>	<p>PASSED TO SECOND READING MAY 22, 2019 AT 9:30 AM</p>

<p>429</p>	<p>Amend various sections of the Public Improvements Code for clarity, correction of references and consistency (Ordinance; amend Code Chapters 17.14, 17.32, 17.34, 17.36, 17.37, and 17.39)</p>	<p>PASSED TO SECOND READING MAY 22, 2019 AT 9:30 AM</p>
<p align="center">Commissioner Chloe Eudaly</p> <p align="center">Bureau of Transportation</p>		<p align="center">189497</p>
<p>*430</p>	<p>Authorize the Bureau of Transportation to execute temporary easements with the Port of Portland and other entities as part of the North Rivergate Freight Project (Ordinance) (Y-4)</p>	
<p align="center">REGULAR AGENDA</p> <p align="center">Mayor Ted Wheeler</p> <p align="center">Bureau of Police</p>		
<p>431</p>	<p>Amend an Intergovernmental Agreement with Multnomah County in an amount not to exceed \$197,160 and extend funding through March 31, 2020, for the Forensic Consultant contract expenses related to the National Sexual Assault Kit Initiative Program (Ordinance; amend Contract No. 30005612) 10 minutes requested</p>	<p align="center">PASSED TO SECOND READING MAY 22, 2019 AT 9:30 AM</p>
<p>*432</p>	<p>Extend contract with Central City Concern to provide treatment services, transitional housing, and support services to chemically-dependent, homeless adult chronic arrestees to June 30, 2022 and increase the not to exceed amount by \$6,477,785 (Ordinance; amend Contract No. 31000971) 20 minutes requested Motion to add emergency clause because it is in the public interest to finalize contract as soon as possible: Moved by Fritz and seconded by Hardesty. (Y-5) (Y-5)</p>	<p align="center">189500 AS AMENDED</p>
<p>433</p>	<p>Authorize an agreement with Multnomah County to address youth and gang violence in an amount not to exceed \$109,835 (Second Reading Agenda 409) (Y-4; N-1 Hardesty)</p>	<p align="center">189498 AS AMENDED</p>
<p>434</p>	<p>Extend contract with Cascadia Behavioral Healthcare, Inc. to June 30, 2022 and increase the not to exceed amount to \$3,223,577 for mental health clinician services (Second Reading Agenda 410; amend Contract No. 30003831) (Y-4; N-1 Hardesty)</p>	<p align="center">189499</p>
<p align="center">Office of Management and Finance</p>		
<p>435</p>	<p>Authorize a contract for utility bill printing, mailing and presentment for a term of five years for \$4.6 million (Procurement Report - Project No. 122817) 10 minutes requested</p>	<p align="center">REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</p>
<p align="center">Commissioner Nick Fish</p> <p align="center">Bureau of Environmental Services</p>		

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Amend contract with Brown and Caldwell, Inc. for professional engineering services for the Alder Pump Station Upgrade Project No. E10359, in the amount of \$85,000 (Ordinance; amend Contract No. 30003063) 10 minutes requested

**PASSED TO
SECOND READING
MAY 22, 2019
AT 9:30 AM**

At 12:27 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **15th DAY OF MAY, 2019** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fish, Fritz and Hardesty, 5.

Commissioners Hardesty and Eudaly arrived at 2:02 p.m.

Commissioner Hardesty left at 4:00 p.m.

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

The meeting recessed at 2:51 p.m. and reconvened at 4:02 p.m.

437	TIME CERTAIN: 2:00 PM – Revise residential solid waste and recycling collection rates and charges, effective July 1, 2019 (Ordinance introduced by Mayor Wheeler; amend Code Chapter 17.102) 2 hours requested for items 437 – 439	RESCHEDULED TO MAY 22, 2019 AT 4:10 PM TIME CERTAIN
438	Authorize the rates and charges for water and water-related services beginning July 1, 2019 to June 30, 2020 and fix an effective date (Ordinance introduced by Commissioner Fritz)	PASSED TO SECOND READING MAY 22, 2019 AT 9:30 AM
439	Revise sewer and stormwater rates, charges and fees in accordance with the FY 2019-2020 Sewer User Rate Study (Ordinance introduced by Commissioner Fish)	PASSED TO SECOND READING MAY 22, 2019 AT 9:30 AM
440	TIME CERTAIN: 4:00 PM – Settlement with the U.S. Environmental Protection Agency for certain Portland Harbor Remedial Design Costs (Ordinance introduced by Mayor Wheeler and Commissioner Fish) 30 minutes requested	PASSED TO SECOND READING MAY 22, 2019 AT 9:30 AM

At 4:35 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **16th DAY OF MAY, 2019** AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Molly Washington, Deputy City Attorney and Robert Taylor, Chief Deputy City Attorney at 3:00 p.m.; and Christopher Alvarez and Tania Kohlman, Sergeants at Arms.

The meeting recessed at 2:59 p.m. and reconvened at 3:08 p.m.

441	TIME CERTAIN: 2:00 PM – Accept the Citywide Tree Planting Strategy (Report introduced by Commissioner Fish) 1 hour requested for items 441 – 443 Motion to accept the report: Moved by Hardesty and seconded by Eudaly. (Y-4)	ACCEPTED
442	Accept the 2018 Title 11 Trees Trust Funds report (Report introduced by Commissioner Fish) Motion to accept the report: Moved by Hardesty and seconded by Eudaly. (Y-4)	ACCEPTED
443	Amend regulations for Tree Planting & Preservation Fund to improve tree planting program outcomes (Ordinance introduced by Commissioner Fish; amend Code Title 11)	PASSED TO SECOND READING MAY 22, 2019 AT 9:30 AM
444	TIME CERTAIN: 3:00 PM – 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 392; Report introduced by Auditor Hull Caballero) 1 hour requested Motion to reject Police Bureau finding of “not sustained” as being supported by the evidence: Moved by Hardesty and seconded by Eudaly. (Y-3 Hardesty, Eudaly, Fritz; N-1 Wheeler) Motion to make “sustained” the Council’s finding on the allegation of retaliation: Moved by Hardesty and seconded by Fritz. (Y-3 Hardesty, Eudaly, Fritz; N-1 Wheeler)	FINDING SUSTAINED

At 3:24 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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Key: *** means unidentified speaker.**

MAY 15, 2019 9:30 AM

Wheeler: This is the may 15, 2019 session of the Portland city council. Good morning, Karla. Please call the roll.

Fish: Hardesty: Here. **Eudaly:** Here. **Fritz:** Here.

Wheeler: Here. Now we will hear from legal counsel.

Lauren King, Senior Deputy City Attorney: Good morning. Welcome to the Portland city council. The city council represents all Portlanders and meets to do the city's business. The presiding officer preserves order and decorum during the city council meetings so everyone can feel welcome, comfortable, respected and safe. To participate in the council meetings you may sign up in advance with the council clerk's office for communications to briefly speak about any subject. You may also sign up for public testimony 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 and 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 thumbs down. Please remain seated in council chambers unless entering or exiting. If you are filming the proceedings, please do not use bright lights or disrupt the meeting. Disruptive conduct such as shouting or interrupting testimony or council deliberations will not be allowed. If there are disruptions, a warning will be given that further disruption may result in the person being ejected for the remainder of the meeting. 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: Very good. Thanks. First up is communications. Karla.

Item 414

Wheeler: I do not see mr. Herman here, but just so people know my office has reached out to him per what I said I would do last month, and we are taking care of that issue so that may explain why he's not here today. Next individual, please.

Item 415

Wheeler: Good morning.

Wayne Wignes: My name is wayne wignes. Beginning in the 1990s, the field of research on homelessness underwent a paradigm shift. We went from seeing the issue from a social and even cultural phenomenon to one that today is considered to be a clinical issue. Clinical means treatment, the results of treatment are tied to the place of treatment. While I don't disagree with this, it's a big leap to go from that to the catch phrases we find in policy discussions today such as homelessness is a housing issue, or we know what works. Housing first. Or these phrases intended to withstand scrutiny, housing would never have replaced clinical in the first phrase, and the second phrase would read more like, we know what works, for some, while leaving the rest out in the cold. But these phrases are not -- these phrases are, in fact, more like ploys on group psychological for which researchers

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have known for centuries that crowds can only hold simple concepts, and while they may be attenuated to say someone contradicting their own ideas, they care little for factual correctness. The scientific method these research reports are attempting to emulate relies on two parts. One, creative connections, and two, rigorous scrutiny of these connections. Without that the second part it's more like creative writing, not research. Real research is inherently open ended in the sense that the goal develops simultaneously with our understanding, both the goal and the method do. Understanding is a real goal of research. Of real research, I should say. But the federal government has targets, not questions. And now they have taken to bullying agencies into compliance with their targets. Whereas the focus used to be on alleviating the suffering of everyone who is homeless, now agencies are pressured into literally scoring people on how helpless that they are, and then throwing all of our resources at a minority few, some of whom are not even homeless for the first time. The problem with prevention strategies and with entertaining pipe dreams of solving homelessness by waning people on private housing is two-fold, one, we cannot afford to give everyone their own private unit. The literature is clear on this. The strategies we've adopted, they are not even intended to work for everybody, and two, we cannot predict who is going to become homeless. The literature is clear on this as well. Neither of these things will improve so long as long as we persist with the false notion that homelessness is a housing issue. This was a notion that was just caused us to overlook potentially relevant social and cultural factors of causation. Homelessness is a clinical issue, not a private housing issue. We were never justified in jumping straight to saying that we should try to give everyone their very own private unit. At least when it comes at the expense of the majority. I have posted a detailed review of what has been a guiding federal, supposedly research-based policy directive on each of you council members' Facebook. Decriminalizing life without property is a more pressing issue, and the more realistic goal. Thank you.

Wheeler: Thank you.

Item 416

Wheeler: Good morning.

Robert Patterson, Emerald Alley: Good morning. I want to thank the council for having me here again. My name is Robert Patterson. I'm homeless, I am a homeless activist, and I'm the executive director of Emerald Alley. I recently signed up to volunteer for Senator Elizabeth Warren's campaign for my party's nomination largely on the basis of her \$100 billion plan to combat opioid addiction. I can't think of any plan from any party leader that will literally save the lives of tens of thousands of homeless. Yes, it is revolutionary, but I have spent too many nights laying beside a friend, wondering if they would ever wake up to accept anything less than revolutionary with regards to heroin and the homeless. You see, we homeless are generally a patient and peaceful lot. I dare say we've been lulled into a meek resignation by the indifference of political leaders. But I am new so being homeless and having untapped reserves about piss and vinegar, especially when it comes to the safety of homeless people. Mayor Wheeler, I am pleased to hear about your proposed mobile showers, but I believe that without sufficient attention to the risks that they pose an overdosed corpse will be found in one. Showers are needed, and more of them to be sure. What is revolutionary are safe injection facilities, which I hope this council will explore bringing into the Portland street. Such facilities would create a space for users to inject under the watchful eyes of a nurse, to test the purity of their drug, and to access clean needles and a safe place to dispose them. Safe injection facilities would save lives, decrease the spread of infectious disease, and promote moderation, and act as a portal to serve as recovery, employment, housing, and mental health. Furthermore, we know that naloxone saves lives as does the outstanding training in naloxone administration that outside in provides. What is lacking, however, is having naloxone nearby when it matters

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the most, in the minutes following an overdose. Therefore, I hope that the council will work with regional leaders to equip every tri-met bus with the lifesaving medication and train every driver in its administration. It's an easy precaution to take and it will save lives. Commissioner Hardesty, I heard you speak once of angels shepherding you through difficulties. Through your commitment to Portland street response, you're an angel to thousands of Portlanders in crisis. Thank you. \$500,000 is not nearly enough for the good work street response will perform, but we will get there. Most of you know me with regards to everyone counts, and the work that I have done to ensure that the homeless are counted accurately and fairly in next year's census. That work continues, and I will leave you with this reminder, Many of us homeless turn away from the census for the same reasons we turn away from government and from society, itself. There is a gnawing sense of loneliness that comes from one that is ostracized, and an aching otherness that leaves one lacking trust and with only spit and spite for one's tormenters. The traumas of the past bear a thick scar, indeed, but what is needed now is not just a tokenism of being counted for a decennial census, but rather, a constant mission of understanding us, of honoring us, of asking our forgiveness at your indifference, and of inviting our attendance to the national family and the American dream. Thank you.

Wheeler: Thank you.

Hardesty: Thank you Mr. Patterson. Mayor, may I?

Wheeler: Yes. Please Commissioner Hardesty.

Hardesty: Thank you so much for being here. I want to say the mayor deserves credit, as well, for the Portland street response since he did put a half million dollars into the budget

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Patterson: Thank you mayor.

Hardesty: To make that happen. And we are working cooperatively, our two offices to actually make sure that we can roll this out in a way that is very humane, and serves the purpose that we want, which is to make sure that nobody dies because they are asking for help. I had a question for you about whether or not you have spoken with Multnomah county commission about the safe injection sites. As you know, that's where the county health clinics are.

Patterson: I haven't, no, but it's a message that I am eager to take to them.

Hardesty: Yes, I think they would be very open. I know that the commissioners have been looking at how to make that possible. I think that you will find a very welcoming audience if you go and talk to the Multnomah county board of commissioners.

Patterson: Thank you.

Hardesty: You are welcome.

Wheeler: Next individual, please.

Item 417

Wheeler: That's the list. Wow.

Brad Perkins: I will try to get it all. After last night's meeting, I don't know. Golden state. Okay. Thanks all for hearing me today. Portland wants to be a winner. Portlanders want to be a part of the progressive city that blazes a trail to fight climate change. People move here from all other parts of the United States for the great outdoors, weather, historic downtown, bikes to transit, pedestrian orientation, and environmental goals. The trail blazers, timbers, thorns, diamond baseball and citizens of Portland are ready to make an impact and help us become a first tier city but we lack the planning process to do so. Citizens have the design to discuss the big ideas and plan in small groups if given a chance by leaders. Just five months ago, the city adopted the massive comprehensive plan. It sets a general plan for growth but will need constant refinement. When there is a need to refine a part of the plan, residents and business people need to be involved as a task force, private team or community involvement committees to address and direct major

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transportation development projects. Hearings and open houses for a new bridge, greenways, freeway widening and rose quarter project is not community involvement. Samples are many. The propped Sullivan's gulch ridge over I-84 head, only two open houses. A community involvement committee was never formed, so a viable connection to a future of Sullivan's gulch trail was never planned. Without a CIC, it took a lot of pressure from the sole district business association to get PBOT to listen to the black community before PBOT made the right decision to make NE 11th Avenue the least destructive community greenway. The Green Loop is marching along by city development department heads without neighborhood and business association support nor does it have a CIC. ODOT's I-5 R 2 lane widening project has an environmental assessment that only fools would accept. It needs an environmental impact statement study and CIC to review the results. I appreciate that Commissioners Eudaly and Hardesty are in support of this smarter planning approach to through this half billion dollars disaster in the hood. Lastly, and most importantly, we need to expand the Albina Vision Group with the Rose Quarter area stakeholders, who will study the district between MLK Boulevard and the Willamette River and I-84 to Russell Avenue. This expanded group in the city need not be shy about including its plans with the new Rose Quarter transportation hub and a Cascadia high-speed rail space with Willamette Greenway and Rose Quarter to Gorge Trail corridors. Teamwork makes for a winning trail blazer team. Just as Portland can be a winning city in its inclusive planning efforts only if the city passes the ball to its citizens to play as equals on the team. I just want to draw in how much is being done over at the post office on the other side of the river. What we are asking is fair, fair planning effort on our side, the east side, so I appreciate the time.

Hardesty: Thank you.

Wheeler: Thank you. I am just wanted also to let you know, Mr. Perkins, that the proposed budget has \$75,000 in it for the Albina Vision to help further that public process. Just so you know.

Perkins: If we could expand the group, that's the main goal in the area.

Wheeler: Very good.

Perkins: Thank you very much for that

Wheeler: Thank you, sir. You bet. One last person, Karla.

Item 418

Wheeler: Good morning.

Nansi Lopez: Thank you Mayor Ted Wheeler and council members for your time today and hearing my concerns. Today I am here to talk about my son's future, Ivan, a soon to be graduating senior from Lincoln High School who is here in the back with me. Ivan is a smart kid and learner in his circle of friends and a sweetheart amongst any adult that knows him. He's part of various cultural club such as Brothers of Color and Mecha at Lincoln High School. He will be taking a gap year in August and travel the world and visit impoverished countries to do volunteer work and will come back to enroll in a four-year university. I've educated my son on how to respond when it comes to contact with police because I personally have seen who fills our jails and prison in the tri county area, state, and federal levels people of color. As a person of color I've lived in predominantly white neighborhoods. I introduced my son to neighbors so they avoid calling the police if in case they ever saw him walking home at night from practice. He's not allowed to walk at night unless I am aware of that and it's relatively a short walk. At the early age of 12, I taught Ivan about rape culture because it was an age that girls are now a focus, and I wanted him to understand his responsibility as a male. It's always been my mission to make sure my son grows up to be a man with a great heart, integrity, humility, intension and great purpose so that he could one day be a great citizen of any community he chooses to be a part of. Ivan is my greatest pride and joy and he's my only child and rock. I am a single

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mother with an education in the criminal justice field and have worked for or with entities such as the Washington county juvenile department, Multnomah county juvenile, Portland police bureau and various nonprofits, so you can understand why in addition to having great parents, I've learned to be a loving, responsible, strong, and knowledgeable parent so that I could only equip my son for life, but to be a pillar of great strength in his personal life and the lives he comes in contact with. On April 2nd at 4:51, my son was pulled over while I was the passenger of the scene. He was pulled over allegedly for speeding. As soon as the officer approached the vehicle, he was -- he said why were you going so damn fast? The voice was very condescending and disgusted at my best description. He asked for my son's driver's license while Ivan reached to the back seat for his black school backpack and pulled out his wallet and proceeded to get his license to give to the officer in the moment. I didn't think about this interaction, and in the process I will explain this piece in latter. The officer then came back with a ticket in hand. In this moment I decided to educate the police officer about the communities of color report as most of the jobs in Multnomah and Washington county I have done have focused on. I explained the fear of Ivan, who was very scared and anxious and stressed about the situation, I'm going to skip a bit. The officer chose to, instead tell me that he had no -- that I had no knowledge of his personal experience, and that I had no idea about the reverse racism he experienced as a white male in the quote/unquote south side. This further frustrated me. I'm going to run out of time. I just want to let you guys know about that, and I am just asking for support in regards to my son.

Hardesty: Excuse me, mayor.

Wheeler: Commissioner Hardesty.

Hardesty: I would love to hear the rest of her statement, if that's okay with the council?

Wheeler: Without objection.

Lopez: Okay. Okay. In this moment, I decided to educate the officers about what communities of color report as most of my jobs in both Washington and Multnomah have focused on. We can best, on how we can best serve our communities of color. I explained the fears of Ivan, who was very scared and anxious and stressed about the situation. I took a moment to address his approach and how it, in these moments, that a situation can turn highly brutal, especially with the person of color and the overwhelming bad statistic Portland police bureau has against its communities of color. The officer, instead, chose to tell me that I had no knowledge of his personal experience and I had no idea of the reverse racism he experienced as a white male in the quote/unquote south side. This further frustrated me as a white police officer with much privilege than my whole family together could ever have or my entire Community as a whole could ever have to use quote/unquote reverse racism. As a way to understand how my son could possibly feel in this situation. Later I realized that after Ivan was anxiety ridden, for a week he could not drive. We had to talk to the school officials about the situation. We decided to be proactive and figure out ways to support our quote/unquote adult school children. Our students need to know how to have -- how to live their lives around the Portland police bureau and they need to learn how to have better interactions with our children of color, that is the Portland police bureau. I am an Oregon taxpayer and a resident of Portland, and I am appalled that my taxpayer money has yet to see Portland police bureau be fully trained on diversity, equity, and inclusion. The city's plan and initiatives of equity are failing our communities of color. This could have been a learning opportunity for both of these men, especially for my son. Instead it became a moment of distress, sadness, disappointment, prejudice, misunderstanding, and an oppressive matter. I later pulled a report, and the officer used my statements to benefit his report quote, "pulled his wallet from his backpack and back seat with no issues", is a subjective statement. He had no knowledge what my son suffers from, that my son suffers from anxiety and he was highly stressed. Our communities are

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currently under attack locally and nationally under the current administration. What I hope for is that Portland police bureau continues to improve training, culture competency, and inter-personal communication and changing the ways the city responds to these types of police contacts, that could either be a moment of learning and opposed to the common theme of stories that make newspaper headlines and stories for the tv. I will commit to working with Portland schools and pps on how we can best support adult youth that are still in high school to avoid their future trajectory to a grave, instead of the bright future the students regardless of color deserve. I have contacted an attorney so that my son could understand the situation and his rights, and he is scheduled for a ride along meeting with the police lieutenant and a police officer. A to-do list that most, if not all, most white families don't feel the need to do. It's time and money, but for me and him I will do anything. I also plea that if he can please have his ticket dismissed before we go to trial because he has chosen to go to trial. My son deserves an opportunity to learn to avoid further issues in the criminal justice and yet become another statistic. I ask that you please protect my son, ivan sanchez, and not apologize in the future for laying him six feet under because you have failed to continuously hold the Portland police bureau for their shortcomings as it pertains to our communities of color. We are under attack and we need your Protection. Thank you very much for your time.

Wheeler: Commissioner hardesty.

Hardesty: Thank you, mayor. I just want to say I am so sorry that happened to your son. I want to ask you, do you have the officer's name? Please don't tell me. Just yes or no, and if you have the name, I would love for you to come to my office and leave that information so you do know the officer's name?

Lopez: Yes.

Hardesty: Excellent. Is your son here?

Lopez: He is.

Hardesty: Please have him stand up.

Lopez: Ivan?

Hardesty: Thank you for being here. I apologize for what happened to you. All young people should feel safe in our community. Thank you, ma'am.

Lopez: Thank you.

Wheeler: So I appreciate the last part of your statement because my suggestion was going to be since you definitely feel aggrieved based on the facts that you presented, it would be appropriate, and I know that the chief would have a particular interest in this issue. We have, in fact, gone through extensive retooling the training that's required for our police officers, that includes implicit bias training, de-escalation training, restorative justice training, so they are most certainly making that effort. I am hearing from your perspective that you feel that that is not succeeded. That has failed. So my recommendation was going to be how could we facilitate communication between you or better yet your son and the officer to better understand what happened. It sounds like there may have been some misunderstanding both ways here, and I would like to see that resolved, and it sounds like you have taken that affirmative step to do that. I am very appreciative of that. Thank you. Thank you for coming. Commissioner hardesty.

Hardesty: Mayor, I just want to say that there is a power in balance when a 17-year-old child is stopped by a police officer, so I just can't imagine there being a wrong on both sides. I think it's really important that we acknowledge that there is a total power imbalance, and that no young person should be so fearful that they are going to lose their life when they get stopped.

Wheeler: Commissioner hardesty, I'm not going to sit here and dispute the testimony that we have had because I don't know what happened. I was not there, so I take her at her word that what she has provided was accurate and so my recommendation was going to

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be that we work to facilitate a meeting so that we can ascertain whether there is a misunderstanding. You don't have to agree with me. That's all right.

Lopez: I would ask, if there is any way that anyone could give me the names of who I could contact for that because in regards to what I, my testimony, I work in the Washington county area, so I contacted individuals that I feel comfortable to have a sit-down with my son. I did not contact anybody at the Portland police bureau because I did not feel comfortable.

Wheeler: You do not have to. We have the independence police review commission through the auditor's office and ombudsman program, which is located on the third floor of this building. They are independent from the police bureau. If you feel more comfortable going in that direction, that certainly is an option that's available to you.

Lopez: Thank you very much.

Hardesty: I will give you my card so that you can contact my office, and we will help you walk through that process.

Lopez: Thank you so much.

Wheeler: Commissioner Fritz.

Fritz: Ms. Lopez, thank you for taking the time to come in today. Thank you Mr. Lopez for coming in too and thank you for being a really good mom and for helping us all to understand that there are many things that each of us can do to help fix this situation, and the council is very much wanting to fix it, so thank you for telling us what happened and the steps that you are taking as a parent. I just really appreciate your work in the community and with your son.

Lopez: Thank you very much. I appreciate that.

Wheeler: Thank you for being here. Appreciate it. And that completes our communications. Have any items been pulled off the consent agenda, Karla?

Moore-Love: Yes, we have two items. Item 424 and 425.

Wheeler: Very good. Could we please call the roll on the remainder of the consent agenda?

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

Wheeler: Aye. I would like to make a note of one item that we had supported on this consent agenda because it's come up a couple times this week. For the past -- with regard to item 422, this is a grant agreement for the center for inter-cultural organizing for \$40,500. For the past two years, the bureau of planning and sustainability has resourced unite Oregon and other community-based organizations in the southwest corridor to engage low income renters, transit riders, immigrants, and refugees and people of color in the planning process for the light rail project and affordable housing strategy. Their engagement activities were critical to ensuring that the community's priorities for anti-displacement policies and investments, and the results of these activities were included in the southwest corridor equitable housing strategy, which was adopted both by this city council and the Tigard city council last year. Now, the bureau of planning and sustainability, the Portland housing bureau, and prosper Portland are in the early stages of implementing that anti-displacement strategy. They are committed to continuing to build relationships with those communities most impacted by light rail, and the ongoing station planning that's taking place in that area. Preventing displacement of vulnerable populations starts with an early commitment to engaging those groups in the early decision-making process. So, this grant will allow unite Oregon to develop a deeper relationship with the community through the bureau of planning and sustainability's west Portland town center planning process. It's also going to help unite bring historically marginalized communities into the center of the planning process and identify their priorities for building up a healthy, connected town center without displacement. Commissioner Fritz.

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Fritz: I am glad you raised this one. I was just wondering why are we using the old name in the ordinance rather than the new and if you don't know you can get back to me, later.

Wheeler: I honestly don't know the answer to that question.

Fritz: I just thought that was interesting.

Wheeler: That caught my attention, as well. Very good, we will move on then to the first time certain item number 419.

Item 419

Wheeler: Colleagues, the technology oversight committee provides citizen oversight on significant city technology projects especially those deemed to have high risk or high cost for the purpose of increased accountable and transparency. The independent five-member committee reports on a quarterly basis on projects under its oversight to the chief administrative officer who then forwards these reports to us here at the council. The quarterly reports include information from each project's external quality assurance consultant and the technology oversight committee's assessment of the project's status. I am now going to turn this over to heather hafer. She is the senior management analyst from the office of management and finance for a presentation on the report that's before us today. Thank you for being here.

Heather Hafer, Office of Management and Finance: Thank you very much. Good morning, mayor and commissioners. It is our pleasure to be here today. As mayor Wheeler mentioned, I am heather hafer. I'm joined today by two people, one familiar face, jeff baer, the director of the bureau of technology services, and a new guest to my left is jimmy godard, one of our newer toc members who was appointed by commissioner eudaly, and commissioner eudaly, I want to thank you because jimmy has been a fantastic addition to the team, and I am thrilled to be sitting next to him here today. Toc members that are not present here today are dyanna garcia for commissioner Fritz, victoria trapp, who represents commissioner hardesty, wilf pinfold, appointed by mayor wheeler, and Leland knell is our newest member of the toc, appointed by commissioner Fish. As the mayor Wheeler mentioned, toc advises the chief administrative officer tom rinehart -- we are here to present that information given to him for the time of january-march, 2019. During this time the toc monitored one project, and that's the Portland online permitting system, or pops, which you are all familiar with. Toc is overseeing the Portland Oregon website replacement project, and the integrated tax system project, but did not rate these projects for the quarter. Toc also is now actively monitoring the open and accountable elections program, but did not rate it for the first time until april, so we will be reporting on that at our next update. So with that, I am absolutely delighted to turn this over to my new friend jimmy, and jimmy.

Jimmy Godard, Technology Oversight Committee: Thank you heather. Good morning, mayor wheeler. My name is jimmy godard and I was appointed by commissioner eudaly to represent her office at the technology oversight committee. Along with my colleagues on the toc meet monthly to review this technology project, and we are pleased and delighted to see the progress being made on the Portland permitting online -- Portland online permitting system, also known as pops. We would like to acknowledge the work the team is putting into this, and understand this is a major lift, but we are confident in the ability to deliver this project. As a matter of fact, yesterday I talked to a business owner on 82nd who did not know I was part of the toc and she shared with me some great comments about the inspector app, as she had an inspector visiting her location. So, we also have great feedback from on the street about this effort. We are also looking forward to overseeing the integrated tax system project, which is another complex technology project, and I will yield to jeff for additional information.

Jeff Baer: Thank you, jimmy. And thank you, mayor wheeler and members of the city council. I want to provide a few more focused comments related to the Portland online

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permitting system. As you can see, it continues to trend in the -- show in the report that it's trending in the solid yellow, yellow green, or yellow green categories so we've got a lot more green than we have had before. We have had a substantial amount of work to complete, and, but all indicators in these categories are showing positive progress. Two of the six work streams have been launched since we had the program moving forward. That includes the development hub, pdx and also the electronic plans, and actually, bds is receiving very positive reviews by the development community for these two features, and they are getting requests to expand the functionality, which we will continue to work on moving forward. Also the pops team has been hosting a number of different town halls and open houses to provide project updates and very focused questions about the system in the different features and what's to be expected once we go live. Overall, the pops team is making very good progress towards our go-live date later this year in november. Also the toc members received an overview of the integrated tax system for our it's as it's known, which will be another project that will be coming up underneath the toc purview shortly, and our next quarterly report will also include the QA assessment on the open accountable elections project. We recently brought on case and associates as the QA consultant. It might be a name familiar with the council – mr. clifford smith has been working directly with director motay and the project team and he will be providing his qa assessment this coming Monday at our toc meeting. So with that, I am glad to pause and answer any questions on any of the projects we have under the review.

Wheeler: Commissioner hardesty/ Oh, sorry. It looks good. We are happy to see yellow and green. And we are happy not to see red.

Hafer: So are we.

Wheeler: Thank you. We appreciate this report and will see you next quarter. Thank you.

Fritz: I move to accept the report.

Wheeler: I will accept a motion.

Fritz: So moved.

Eudaly: Second.

Wheeler: We have a motion from commissioner Fritz, a second from commissioner hardesty. Any further discussion, please call the roll. We've lost Karla.

Fritz: We can just call it ourselves. [laughter]

Wheeler: She's finally had enough of us [laughter]. Here she is. We're just calling the roll on the report for 419, please, Karla.

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

Fritz: Thank you to the toc members, not only for your work but being here today. Aye.

Wheeler: So, this was not necessarily the most exciting report today, and I am grateful for that, heather and to your entire team. The work you do is critically important, and we appreciate the fact that you are there taking a good, hard look at the work that we are doing so that, frankly, we don't have to because we don't have the bandwidth to dive into the details the way that you do, so I am very grateful for your service, and I am grateful for the work you do to make sure that things are staying on track. I vote Aye. The report is accepted, we will see you next quarter. Thank you. Next item, Karla. We can't quite go to 420. Let's please go to a second reading item 433.

Item 433

Wheeler: This is a second reading. A non-emergency ordinance, and we have had a presentation, and taken testimony. Please call the roll.

Fish: Aye. **Hardesty:** No. **Eudaly:** Aye. **Fritz:** Aye.

Wheeler: This is a position in collaboration involving the office of youth violence prevention. The police bureau and Multnomah county. This is a collaboration that results from the local public safety coordinating commission's local public safety recommendation. Support of this organization is support for the Portland police bureau and Multnomah

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county splitting the cost of the position in the office of youth violence prevention. The purpose of the position is to implement, monitor and provide ongoing evaluation of all aspects of the plan under the guidance of the Ipscc youth and gang subcommittee steering committee. The coordinator position will offer sustained enhancements and coordination of multi-disciplinary and data driven strategies across the spectrum of prevention and re-entry programming resulting in the achievement of better outcomes for youth, their families, and their community. The key here is data collection and transparency. I support this position in addition because it leverages strong partnerships emphasizing prevention and intervention rather than after the fact incarceration. The work done provides resources and coordination to address the destructive behavior patterns before they become more problematic. This is an excellent example of working together and finding solutions that result in stronger and safer communities. I voted Aye. [gavel pounded] The ordinance is adopted. Let's go to another second reading, item 434, please.

Item 434

Wheeler: Colleagues, this is also a second reading. There's been a prior presentation and public testimony on this item. Any further discussion? Karla, please call the roll.

Fish: Mayor, my understanding is that the next time this goes out to bid, there will be an rfp in 2022. With that understanding, I vote Aye.

Hardesty: My understanding is that this is -- my understanding is that this is the fifth time that this contract has been amended, and I am concerned about any contract that we just continue to add money to without actually doing any evaluation of its effectiveness. And because of that, I will vote no.

Eudaly: Aye.

Fritz: So I had those questions last week, and in response I received this binder, which is an absolute -- it's a page turner. I was fascinated by it. I wanted to thank lieutenant Casey Hettman from the behavioral health response team, Frank Silva, the behavioral health unit analyst and Barbara Snow, the Cascadia behavioral healthcare program manager. It sounds like the rest of the council didn't get this binder. It is phenomenal work, so I encourage you, Mayor, to have everybody get one of these and then colleagues, for you to each read it because it actually shows that the program has been extremely successful. I thank also Dr. Elisabeth Garrettson, who is -- hang on, looking at my binder, who is the training division senior program manager. I worked with her in my first term when I was in charge of emergency communications, and Dr. Maggie Bennington-Davis, who was then in charge of Cascadia, and I and multiple other -- all the other jurisdictions who were concerned about public safety with relation to people experiencing mental health illnesses, in particular, work together and piloted the first mobile response unit, so it's really, really impressive to see that ten years later, not quite ten years, this program has been really successful, and so last week I was tentatively prepared to support it because of the Mayor's knowledge and insistence that it is part of the solution for looking at street response, etc. I am now very enthusiastically supporting it. Aye.

Wheeler: Rarely is a book written that has such an impact in such a short period of time. May I borrow your binder briefly, and then what I will do is make sure that we have copies for the full council.

Fritz: You have to give it back. It's actually --

Wheeler: I promise. I'm making a promise right here on camera live. [laughter]

Fritz: [inaudible] [laughter] I do vote Aye. Sorry I shouldn't interrupt you.

Wheeler: I'm just speechless, I vote Aye. Great program. Glad we are continuing this partnership. I vote aye. The ordinance is adopted. Thank you.

Fritz: The interesting part, Mayor, of this binder is that there is a report from March of 2018, multiple reports that have been written along the way but haven't been passed along to the council. So, I know that sometimes we get so many reports, and we don't get the

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amount of testimony on the reports, either that the bureaus might feel reluctant to be giving council the information. At the very least, it would be helpful to get it to us outside of a council session, but I think it's important for the public to know what we are doing with the taxpayers' money, and what the outcomes are.

Wheeler: Very good. Commissioner Hardesty.

Hardesty: Thank you, mayor. I certainly agree, commissioner Fritz, that it would have been helpful for all the council to have had this information so that we could have studied it had and weighed whether or not to support it. I think that, that sends a strong message that some people get information and some don't. I am troubled by that.

Fritz: I asked for it in particular last week. Nobody said I would like too.

Hardesty: I didn't know that I had to ask for information about something I would be voting on that was over \$3 million, but I hear you.

Wheeler: All right, so I have stretched -- actually, there is one more thing that I can do to stretch this out for two more minutes. Item number 435. Could you read that, Karla? I will pull it back to my office.

Item 435

Wheeler: Colleagues, I am returning this to my office for further work. So, we will not be hearing item 435 today. Now, we are going to take a two-minute recess. [gavel pounded]

At 10:13 a.m., council recessed.

At 10:17 a.m., council reconvened.

Wheeler: Thank you, everyone for your patience, we had a time certain item, and we Are not allowed to start early on type certain items. Karla, please call item 420.

Item 420

Wheeler: Karla, you mentioned everything except the trail blazers in that opening statement. This is the annual rate setting hearing for our permitting bureaus. Here's some context. Previously, we have done this in silos because each council office has a role in the permitting process and various bureaus are involved, as well. My goal here today is to amplify this cross bureau collaboration. We need a fuller, more comprehensive picture of the cost to development from the permitting process because this, ultimately, affects people's lives like housing and places to work for Portlanders. Permit fees have not kept up with the cost of doing business, and we haven't had a significant increase in them for quite some time. This is not about development just for the sake of developing. To explain this in detail, I want to now call up Elshad Hajiyev, who is already here, the business operations and finance services manager for the bureau of development services. Good morning. Thanks for being here.

Elshad Hajiyev, Bureau of Development Services: Good morning, mayor, good morning commissioners. Elshad Hajiyev, senior business operations manager for the bureau of development services. With me I have Kyle O'Brien, the BDS finance manager, who is going to co-present with me. Today we are here to present to you our annual fee changes in all our programs at the bureau of development services. To give you a little bit of a background, the bureau of development services is funded 98% by permit fees and charges, only 2% of our revenues are coming from the general fund, and they only support one program, neighborhood inspections. So, we pay a very close attention to our fees, to our charges of our revenue collections because that's what pays our salaries and that's what let us provide services to Portland. We haven't raised our fees for the last five years. During those five years we experienced construction boom, and there was no need to raise those fees. We were at the cost of recovery, and we were able to build a healthy city service. However, the construction boom is almost over. We just are getting some remnants, some larger projects coming in as they trickle down. Also, in the meantime, during that period of time, we also experienced not only BDS but also the city experience, cost of living adjustments, merit and pay step increases, purse contributions went up, and two years ago, there was substantial increases to salaries and wages for the representative employees in the union contract. 70% of our expenditures are personnel, so that directly affects the cost of doing business for us. As I mentioned, overall development activity has declined, and that contributed to the lower revenue collections than previous years. This is substantially due to the decrease in the number of multi-family projects coming in into the pipeline. We have been very proactive in addressing the slowdown in the construction. We implemented a bureau wide hiring freeze, that is in effect through December 31st, 2019, we limited any non-essential expenditures in the bureau. We also have a round of layoffs in one program that specifically affected by the downturn in land use services back in January and March. And we also are gaining efficiencies in providing services to our customers. You heard from TOC, our regulatory and plan of use already actually generating efficiencies in providing services to our customers, as well as the Dev Hub and different apps that we are slowly releasing to our employees and also in the future, to be used by our customers. Our fee changes are already incorporated in our financial plan. Our BDS financial advisor committee viewed those changes, and they agreed that those are necessary. Overall, kind of a strategy for the bureau, have been over a very long time, is that we keep those changes very gradual and very, in rare cases, and those fee changes are actually substantial. And I will focus on the ones that are not the usual gradual fee changes later in the presentation. We are trying to achieve the fee changes this year is as I mentioned, to keep up with the inflation. Just to give you an example, cola alone, effective July 1, 2019, is 3.9%. What we are asking overall, a fee change of 5%. We want to make sure the fees across our different fee schedules are

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consistent, specifically, hourly charges and minimum fees. And again, where the cost of services are way below the current fees that are being charged, we are making more pronounced changes for those particular fees. To summarize the changes, they will affect building, mechanical, electrical, plumbing, site development, signs enforcement, and partially land use fee schedule. Overall, it's a 5% increase across the board. We are not raising fees that are based on valuation. Hourly fees are going up to \$155 per hour, and they standardizer across all of the programs. The same goes for the minimal fee, up to \$110 from \$95. In our flagship programs like field issuance remodel and facilities permits program, hourly fees are going up to \$220, and we also are standardizing fees across those two programs. Larger changes is the major project group fee is increasing from \$50,000 to \$75,000 per project. This is the elective program that the bureau has for large developers, that are willing to pay that much money to have kind of a coordination across all of the bureaus to help them with the project. Some of the other fees, the process management fees are going up from \$525 to \$1200, and again, it's an elective perhaps, they can go through a regular process and not pay that fee. Land use services. We are proposing a slight change to one of the fees that was adopted by the counsel back in april. This is the historic resource review fee. We have heard from our customers, and thank you, commissioners, and your staff, for forwarding those emails us. We looked at the fee again, and we are proposing this time is a tiered structure that would differentiate the fee across the three tiers. The initial proposal, what was adopted by the council was the increase from \$250 to \$750, and right now, we are proposing a tiered structure that will arrange from \$900 to \$750.

Fritz: \$1,700, in both cases it was \$1,750.

Hajiyev: I apologize, \$1,750. Yes. We did the outreach. We presented our changes to the development review advisory committee. And got their support. We also posted all of our fee schedules on our website and also included notifications in our plans examiner newsletter, and we also are reaching out to different inner city groups to inform them about these fee changes. As mayor mentioned, we are not the only bureau that is involved in the developmental review process. There are other city bureaus that are included in that process, including bes, pbot, water, fire, Portland housing bureau. So this is the second year we also present you with examples of how collectively the fee changes across all of our bureaus affect different projects. In the exhibits you should have --

Wheeler: Commissioner hardesty has a question.

Hajiyev: I'm sorry.

Hardesty: Thank you, mayor. I had a question about the land use service fee changes. Around the tree preservation violation review. What is the difference between type one and two reviews? The cost is substantially more for type 2.

Hajiyev: I have a land use services division manager here with me. I will invite her to the stand so she can answer your questions.

Hardesty: Please. Thank you.

Wheeler: Good morning.

Kimberly Tallant, Bureau of Development Services: Good morning. I am kimberly tallant, land use services division.

Hardesty: Thank you. Can you tell me the difference between type 1 and type 2 for tree preservation violations?

Tallant: Well, I am looking at the fee schedule, tree preservation violation review, there is only a type 2 and a type 3.

Hardesty: My bad, type 2 or type 3, yes but there is significant difference between type 2 and type 3.

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Tallant: That is because a type 3 review is a staff recommendation to a hearings officer, so there is an automatic public hearing. That takes more time and there is more notice and notification involved, so the fee is to cover the additional time involved with those reviews.

Hardesty: Thank you. My second question is, this is like a general question, is there a difference in fees paid for building housing that's affordable, that's affordable for people to live in? Like when I think about our nonprofit partners and stuff like that, are they paying the same fee that big developers are paying?

Hajiyev: So the majority of our fees are based on the valuation, so the fees are calculated based on the tables that are created by the international code council and the our fees are applied to that table to calculate the valuation and calculate the fees. The short answer is yes. They pay -- yes. The short answer is yes, so there is really no differentiation, but yeah.

Hardesty: And have you thought about, because of the housing crisis, that we're in, and because of the bond money we are getting in, that there should be an opportunity for affordable housing developers to get fees waived? Are we even looking at opportunities to do that?

Hajiyev: Good question. We do waive some of the fees for some of the projects when the fee waiver is requested, whether it's, for example, if it's a low income family doing some remodeling around the house. As far as the larger projects, a lot of times we may get some direction from the mayor's office and some of the fees might be waived, but it's not a common practice.

Hardesty: I would sure like us to look at making it a common practice until we get out of the housing crisis because I think that there is an equity built into the fee structure, especially if we are building housing that's really low income housing. So, I just can't imagine them paying the same as a big-time developer, but we will talk about that another day.

Hajiyev: Absolutely. Thank you.

Fish: Can I get a clarification? My understanding is that affordable housing doesn't pay the same as a big-time developer, and the one example, most conspicuous example is that we waive systems development charges.

Hajiyev: Correct. We do -- I guess I was answering from the perspective for bds, so our fees are fees for services, we have to be at the cost recovery, so that's why we charge, so yes, in certain cases, sdc's are waived by other bureaus, but we, as a bureau, we don't have authority to do that.

Fish: We consistently waived the sdc -- the point that I was making is here you have the mayor trying to present all of these fee increases in an omnibus legislation that shows each of the other bureaus. But the one significant benefit that we provide to affordable housing is we waive the systems development charges. I think that that's an area where by doing so, we, in effect, shift the cost to the for profit development, and make it easier, more cost effective to do the low income development. That's not the subject of today's hearing.

Hajiyev: Yeah. But that's -- your comment is exactly right. We do not charge the sdc's, so I was answering the question from the perspective of that.

Hardesty: I appreciate it. We are talking about apples and oranges. Thank you.

Fritz: Also, thank you. If we made a policy decision that we were going to charge for profit developers more in order to cover the fees of the affordable housing developers, would that be allowed by state building laws? Could we do that?

Hajiyev: I need to research that. I don't have the answer to that, but I can get the answer.

Fritz: Thank you.

Hardesty: Please share, when you get it, with all of us.

Hajiyev: Absolutely. Yes.

Hardesty: Thank you.

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Wheeler: Great. Does that complete your presentation?

Hajiyev: Yes.

Wheeler: Very good. Any further questions? Commissioner Fish.

Fish: I think it's important in your report at paragraph 6 of section 1, you say that the development review advisory committee fee and regulation subcommittee has endorsed the fee changes referenced in this ordinance. Can you tell us in broad strokes who is on that committee?

Hajiyev: Representative from the development community from neighborhoods, we have large developers. We have representatives from the neighborhood associations, and we have representatives from land use advocates, so a very diverse group of people.

Fish: Was there a general consensus around this? Was it a contested vote? What can you tell us about their recommendation?

Hajiyev: They don't usually vote. We present the fees and second year in a row, we do it in a collaborative manner with other bureaus at the same time. They ask questions. A lot of times they have comments on certain fees or suggestions, and we take it back, and we look at those fees again, so it kind of goes through the review there.

Fish: And remind me again, this is the first proposed fee increase for how long?

Hajiyev: Five years.

Fish: Okay. Thank you.

Wheeler: Commissioner Fritz.

Fritz: So I asked during the budget hearings about what would the cost be if we were to do so a general fund subsidy for -- to keep the historic reviews at \$250 instead of \$1750. Can you give me that number?

Hajiyev: Absolutely. So if we revert back to \$250 for the historic resource review fee, then the subsidy will be around \$87,000 per year.

Fritz: How many projects are there? Do you remember that offhand?

Hajiyev: So, last year, there were three tiers, tier one -- a, b, and c, so I believe tier one, there is a very small number. I want to say under five. The majority of them are in the tier b, around 60, and the tier c --

Tallant: I don't have the tier breakdown, but it was 58 total last fiscal year. 74 the prior year.

Fritz: Thank you that's really helpful. I know we're going to get testimony, so I might want you to come back after the testimony. Thank you.

Wheeler: Very good. Thank you. We'll take public testimony. Karla, how many people do we have signed up?

Moore-Love: We have four people signed up.

Wheeler: Very good.

Moore-Love: The first three please come up are maggie, jim heuer, and brooke best.

Wheeler: Good morning. Maggie, why don't you go ahead and start.

Maggie: Okay. I think I mentioned before that when I talked to walsh construction, that got the thing for the contract for the affordable housing, he did not miss a beat when he talked about composite roofing versus aluminum roofing, and he said composite was cheaper. Why can't we have fee schedules for permits that are based on -- is this material going to end up in a landfill? Is it going to hurt people. Is it going to cause cancer in the making? Is it fuel-based? Why can't we have a fee schedule, whether it's affordable housing or for profit housing that gives lower permit fees to people who do gray water systems and composting toilets and solar and wind and why can't we have fee schedules? You know, did you watch bill nye, the science guy on MSNBC and see him torching the globe? I mean, even if we cut all carbon out right now, the globe would continue to heat up because it is like taking a roast out of the oven. It still continues to -- the temperature still goes up.

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Why can't we have fee schedules based on the better, greener building that reduces our carbon impact? Thank you.

Wheeler: Thank you. Good morning.

Jim Heuer: Good morning. Mayor wheeler and commissioners, thank you for having us here. My name is jim heuer. I am here today on behalf of the Irvington community association's land use committee. It's a group of about 20 volunteers. Our job is two-fold, we review historic review applications in the Irvington historic district, and we routinely work with our neighbors who need guidance in navigating the sometimes murky process of historic resource review. We are very concerned about the proposed increase in the type 1 historic review fees as proposed in the latest bds schedule found on page 2 of exhibit c. While this new fee schedule does reduce the fees slightly since the version that went into effect April first of this year, the new fees are still out in left field relative to the \$250 fee that's been in place since 2013. With the testimony I handed in to you, I've attached to it my testimony for the Portland coalition for historic resources from march of 2013. That was when the \$250 fee was originally adopted by this council as opposed to the initial bds for \$475. As the information in that earlier testimony is still relevant, we have \$6,000 single family residences and small plexes covered by historic resource review either in districts or as individually listed landmarks. The overwhelming majority of these are not mansions or the homes for the wealthy, but they are ordinary middle class homes. There are something like 22 exemptions from the historic resource review introduced in march of 2013, but there is still many small projects that will trigger this kind of review. For example, putting a six-inch vent for a fire place, gas fire place in your roof under the proposed rules would require a fee of \$1450 for a project that probably doesn't cost that much. So it really is a disincentive for people to do the right thing when it comes to historic resource review. I might point out that the districts that are effected have a disproportionately large percentage of people of color relative to the average for the city of Portland. So that further exacerbates the problem. With six years of experience behind us, we've learned that type 1 review is very popular if such a thing could be said of fees and it allows people to do the right thing, they might grumble at the \$250. We acknowledge that some historic review processes are more expensive. Bds includes external adus in the type 1 process. Actually, we think that's probably not following the code precisely but we've never objected to that because the ica formally supports adus in our area. However, it might make sense to take that \$1750 that's being proposed for accessory structures and keep that in place. However, we would urge that if an external adu is going to be subject to system development charge waivers based on the choice of using it for long-term rental, then we would argue for the hrr to be waived for those as well.

Wheeler: Thank you, sir. Appreciate it.

Brooke Best, Portland Coalition of Historic Resources: Good morning, my name is brooke best and I'm here on behalf of the pchr.

Fritz: What's pchr?

Best: Portland coalition of historic resources. I was going to say jim mentioned them earlier. So I submitted written comments via email as a resident of ladds addition historic district and Commissioner Fritz you responded to my email and let me know about this meeting, so thank you. I'm here to say that the proposed tiered type 1 fees are still punitive as a cover even the most trivial projects. And jim pointed out one example of this this with the roof vents which are not exempt from historic resource review and still would be charged a \$1450 fee. So pushing this fee increase is objectionable due to the excess fee and the lack of the public process and then I want to mention also that the code amendment project that's currently underway and being crafted by bps and bdf staff will likely require bds to revisit this fee schedule because of new process and exemptions that are being proposed there. This is really an urgent matter because there are a lot of

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projects that are already in the pipeline in these various historic districts and many individually listed properties that will need to file applications and these owners have been expected that they would qualify under the expedited type 1 \$250 review. And I just want to point out when bds staff was doing their presentation and they were talking about keeping fee increases very gradual, I just see this one standing out as a really glaring exception and I find it, I don't know, I'm just really troubled by it and when there's a 5% fee increase across the board and then I see historic resource review being slammed with a 600% increase, it just doesn't reconcile for me. Thank you.

Wheeler: Thank you.

Moore-Love: The last person who signed up is lightning.

Wheeler: Good morning.

Lightning: Good morning. My name is lightning and I represent lightning super humanity. Due to the fact that we're in a state of emergency on housing, I would like to have a moratorium put on any and all fees currently. Again, what I found rather interesting is that when we're talking about the building industry slowing down, I didn't hear anything from the presenters on how we might pick that momentum up. And I was really kind of surprised on that because that's why we're sitting here right now, is because they had plenty of building going on and in my opinion, Commissioner Saltzman want to put an inclusionary zoning and you, commissioner Saltzman, that is going to be the biggest failure in this city and that's your legacy because we were supposed to adjust that if we thought the market was beginning to get soft which it is. We need more building, we need the fees not to change. You're not incentivizing builders now to build. They're looking at this and saying this is ridiculous. You want to increase your fees, your cost recovery, your 79% personnel cost. Well guess what? Lay some of your people off. Enjoy your retirement. We're not going to carry you when the market is beginning to soften up because of Commissioner Saltzman's failure on inclusionary zoning, and then not adjusting with the market. It's an absolute failure. And you know, from my position as you know, I've been very outspoken on these foreclosures of homes where you go in, and how you can justify to me ever a senior citizen that owns a home, and you walk in one time and hit her with a bill of 40 to \$50,000. Guess what, we need more public input on this. We need public input from those people you are stealing their homes from, for foreclosing on them, using code enforcement fees that are outrageous. You just sink them and bankrupt them and damage their credit ratings and send them fleeing out of their neighborhoods. Again, if anybody deserves to have a moratorium on what you do and your fees, it's you. So in my opinion, there hasn't been enough public input in how you set these fees. It's just outright ridiculous. It's just not -- it should not be passed. There needs to be more public input, and the developers need to step up and say, enough is enough. You keep adding up our fees, we are going to other states, and that's what's going to happen. You're just going to have a lot more homeless people out on the streets, and enjoy that, bds because you are the problem. You are the reason and this is why I'm going to stop from giving you any fee increases because you plain don't deserve it. Thank you.

Hardesty: Thank you.

Wheeler: So is there any further discussion? I just want to point out -- Commissioner Fritz.

Fritz: I would like staff to come back, please. Just real quick --

Wheeler: Yeah, go for it, you bet.

Fritz: So I appreciate the folks who came in to testify on short notice and also your getting me answers on short notice. Have you had a chance to look at Mr. Heuer's suggestion to increase the first two to \$300 and keep the other at \$1750?

Hajiyev: Yes. So I think that you were asking about what the subsidy was.

Fritz: Yes, what the subsidy needs to be.

Hajiyev: That would be \$70,000.

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Fritz: \$70,000.

Hajiyev: Yes, if we increase the type a and b, only to \$300, and keep the type c at \$1750, then the subsidy would be around \$70,000.

Fritz: And miss best mentioned some other process that's coming along that might affect how many projects are subject to this. Can you tell me something about that?

Hajiyev: I will have to ask kim tallant to join me and talk about that project. I know very little about it.

Tallant: Hi, that is the historic resource code improvement project that bureau of planning and sustainability is working on. I do not know the timing of that but our intention was to reevaluate our review fees as part of that project, and then bring to you any potential or needed fee schedule changes with that. That may adjust the tiers or the scope of work or the procedures.

Fritz: Thank you very much. Mayor, do you happen to know off hand if the historic resources inventory is funded in your budget?

Wheeler: So it's being directed to be funded in the next fiscal year. We will direct that funding from existing resources. But yes, it will be completed in the next fiscal year.

Fritz: Well it's really great the fees are coming at the time that we are still haven't finalized the budget and so we're not voting on this today, right? It moves to second reading?

Wheeler: No. This is a first reading.

Fritz: So before next week, we'll be voting on this and also having the discussions on the budget so potentially we could find some one-time money for a subsidy this year, pending that review. So the discussion to be continued. Thank you very much for raising this issue.

Wheeler: Could I ask a question related to that? As you were giving the answer to commissioner Fritz earlier about the \$87,000, that question was going through my mind as well. But there are two things I noticed in the ordinance that raised questions for me. First of all, the fund that we're talking about, it's called the development services operating fund and that was created in 1988. It was established it says with a policy, the construction related programs in the fund would be fully self-supporting. Is that part of the problem here that you operating under that existing ordinance that requires this fund to be self-supporting?

Hajiyev: We are required to recover all the costs.

Wheeler: Is that one impediment to what commissioner Fritz is mentioning as a possible solution here?

Hajiyev: What commissioner Fish --

Wheeler: Fritz --

Hajiyev: Fritz is mentioning is a subsidy from the general fund to cover the cost that we are not recovering via our fees.

Wheeler: Would it require us to change the 1988 ordinance if we were to subsidize?

Hajiyev: No.

Wheeler: It would not --

Hajiyev: One of the reasons why these fees, especially land use fees, are going up that significantly is because land use services program lost general fund support two years ago and over the years, that support was dwindled down from \$2 million per year to a million dollars a year, and then \$600,000, and then it was gone. That is the reason why we are here, and that's why the [inaudible] specifically for the land use program are so substantial because we don't have that funding any more. So there is no need to change that ordinance because in the past the program was getting general funds.

Wheeler: Okay, that's --

Fritz: The rationale for that was that there's public benefit in these kinds of reviews, and therefore, it's appropriate, it was deemed appropriate when we had general fund to be able to subsidize that so you didn't have to raise the other fees.

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Wheeler: And I appreciate in the narrative the discussion about the steps that you have taken to prevent fee increases over the last five years, and I want to acknowledge that and thank you for that. The second thing that caught my attention was the requirement, and I believe this is state statute but I am not positive. It reads like it's a state statute so I am sort of inferring it's a state statute. It says fees charged must be used to cover the cost of administering and enforcing the state building code only.

Hajiyev: Correct.

Wheeler: And may not be used to cover the cost of administering or enforcing local codes.

Hajiyev: That's exactly correct. So the bureau is comprised of two very distinct groups of programs. One group, and that's the largest group of programs that are being delegated, the authority is being delegated to us by the state of Oregon to administer them. Those are building, mechanical, plumbing and electrical, and any kind of program, combination of those, like fpp and fir, so those programs, the state law does not allow us to inter-mingle funds that are from those four or five programs with the programs that are enforcing local code. The land use services is a program that is enforcing the local code.

Wheeler: Got it.

Hajiyev: So and even land use services, city code, prevents us from charging more than the average or actual cost of providing services, so they are very, very distinct borders, and limitations on how revenues from each program can be used.

Wheeler: Okay. That is very helpful for me. I appreciate it. Any further questions?

Fish: I have a question. What is our deadline for resolving this issue?

Wheeler: The second reading is next wednesday.

Fish: I understand. But do we have, are we under a statutory deadline?

Hajiyev: For particularly for the land use fee, no. For the rest of the fees, yes. Because there is a fee that is effective on july 1 of 2019. So we need 30 days before those go into effect. So –

Wheeler: We have until the end of the month.

Hajiyev: The answer to your question is no, but it's just a timing.

Fish: I am anticipating that someone may -- it is possible someone will be bringing an amendment to soften the blow on historic resource review fees, and I want to just make sure we have the time if someone does, to fully debate that and take that up.

Hajiyev: Okay.

Wheeler: Commissioner hardesty.

Hardesty: Thank you, mayor, to commissioner Fish's point, I wanted to know your reaction to the gentleman who said it would cost \$1450 to review putting a gas fireplace into a home. Based on what you are proposing, does that sound reasonable or does that sound like something a regular homeowner would be able to afford?

Hajiyev: I cannot speak to a regular homeowner. I just can speak from the perspective of our bureau as far as how much it cost us to review that case.

Hardesty: It sounds like you are going to go out and see if they put it in correctly, right?

Hajiyev: Not only that, but --

Tallant: No, so the latest review process requires a planner be assigned, they review the application materials against the zoning code requirement, write a letter to the applicant, outlining any discrepancies or additional information we need. There is a public notice, so we have notification requirements and mailing costs. That involves other staff. There is a public comment period, where we take in public comments and then we respond to those in a written decision. So, there is a site visit, but there is a lot of work happening behind the scenes on the noticing, on talking to customers, talking to interested parties and issuing the written decision.

Hardesty: And you were doing that for \$250 before you proposed a fee increase, is that correct?

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Tallant: That's correct.

Hardesty: So again. It just seems an enormous jump.

Tallant: Right, but again, in prior years we had general fund money to subsidize the difference, so these rates reflected what the cost of our services are to do those fees.

Hardesty: Thank you. I do think you should anticipate some amendments coming forward because I don't think that that's an appropriate increase. I think that's way too radicle. It would be great if you had a tiered system based on the complexity of what you were doing, but just to go from \$250 to \$1450 just seems outrageous to me.

Tallant: So this fee schedule does include a tiered system, so there is a tier of a, b, c. One option would be to change tier a, which is the \$900 fee to include other minor work. This scope of work was picked out and selected because that's when I could group that work together, that's where I could show that the average cost of doing that work was at different rates, so one option would be to put roof or fireplace vents in a tier a.

Hardesty: I just want to say I greatly appreciate the bringing together all of this information and trying to create one consistent document. I know the public will love that, that they don't have to worry about going from one bureau to the other to figure out what the fees are, but I do think that the fees must be reasonable, so I appreciate the presentation and look forward to working with you to make it better before the vote. Thank you.

Wheeler: Good. Commissioner Fritz.

Fritz: I just wanted to thank commissioner Fish for pointing out the timing issue, and I think even if we have an amendment next week, we're going to have another week after that before the end of may so I think we can still get it in effect by july 1.

Hajiyev: That will push it to may 29 and we still have 30 days for it to be effective.

Fritz: Thank you for noticing that.

Fish: Thank you very much.

Wheeler: Yeah. Very good. Thank you everyone. Thanks for the presentation. That was very helpful. This is a first reading of a non-emergency ordinance. It moves to second reading [gavel]. And I would like to switch the next two items please. I would like to take up the first item please on the regular agenda, 431 next, please.

Item 431

Wheeler: Good morning.

Molly Daul, Portland Police Bureau: Good morning, mr. mayor and commissioners. My name is molly daul. I am the detective supervisor of the Portland Police Bureau's sex crimes unit and with me is susan hormann, the forensic consultant employed by the Multnomah county district attorney's office. A brief background, ppb was awarded three sexual assault kit initiative grants since the fall of 2015. The grants resulted in 1,754 untested sexual assault kits being tested. The saki grants also funded victim advocate and investigator positions, a nationally recognized and distributed database called sams, and reimbursed the county for a district attorney, a forensic consultant and an investigator dedicated to the saki cases. All kits have been tested as of fall of 2018. To date, the bureau's work group has produced five convictions and recently indicted their sixth sexual offender. There have been 300 codis hits that have been uploaded into the national database. One of the grants reimbursed the district attorney for a half time forensic consultant who acts as an intermediary between the private lab, state lab and the bureau. The consultant evaluates complex dna findings and recommends how to proceed after a codis hit. The iga amendment will allow the city to continue reimbursing the district attorney's office for the consultant's work through the end of the first grant period, which is march of 2020.

Susan Hormann, District Attorney's Office: Good morning.

Wheeler: Good morning.

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Hormann: I am Susan Hormann, Mr. Mayor and Commissioners. Thank you for giving me the opportunity to testify today. As Molly Daul said, my job is as a forensic consultant. I work for the DA's office but my primary job is to review all of the information that comes in on the sexual assault kits. As Molly had said, we have completed the testing, which is only part of the case investigation. We had decided when we were doing this project that we were going to do a 360 review of all of the sexual assault kits which means we're not only going to look at the test results but we're also looking at the information from the hospital and from the police reports to see if there is additional testing that could be done that might assist in the investigation and bringing these cases forward. So what we're doing now, even though the testing has been done, is reviewing every single one of those cases very thoroughly and my job is to sort of summarize all of that information related to the evidence and make a recommendation that if we did this testing, this might move the investigation forward, and as part of our multi-disciplinary team we discuss that recommendation. We discuss the DA's office take on the viability of the case as well as the investigator's input. So that's really my primary responsibility and why this project continues to take so much time, even beyond the testing is because we really are doing that thorough review of every single case. Also my secondary responsibilities are when the case goes to trial when they bring in forensic experts from the crime lab or from the private laboratory, I help the DA in sort of that intermediary between science talk and what needs to be presented to the general public. Sort of that communication then with the laboratory if there are some technical questions that need to be resolved I'm there to do that. And really just overall education to the multidisciplinary team and to the DA's office on what the scientific evidence means and what our options are moving forward.

Wheeler: Excellent. Thank you. Colleagues, any questions? Do we have public testimony on this item, Karla?

Moore-Love: Yes, we have I think we have I think it's just three people.

Wheeler: Very good. Please call them up.

Moore-Love: Nansi Lopez. I think she left. Then we'll go lightning, Maggie and Charles Bridgecrane.

Wheeler: Good morning.

Maggie: There was an article in one of the papers the other day about a woman who had gone to do a test kit and someone in the testing process notified her rapist that he was going to be charged. And then she was harassed continually and then raped again by the same person. So I want to make sure that whoever is doing the testing that they're really being secure about their information about the person and they're protecting their identity and that these, the veracity of these testing kits are going through their double checking process to make sure that they go to the crime lab very securely and that at the crime lab they double check and that the people who are doing it are not told anything about anything so that the clinical aspect, the crime lab aspect is tested where the tester is blind to any knowledge of you know what the circumstances are for testing that sample. So I want to see, you know I don't want the 4% who are innocent who end up in jail are innocent because the government messed up somewhere along the way. So we don't want that happening. But we don't want information about women who go to get tested to get out and then for them to be harassed by their assaulters. So that's my concern is all along the way how are we protecting the process for veracity and security. So that would be my comment to the test kiters.

Wheeler: Very good, thank you. Good morning.

Charles Bridgecrane: Good morning, Commissioners. Let's be honest about why it's very important for you to vote yes even though it's a strange and I think wrong impact on the budget. What you're doing is clearing up the mess of past administrations. While the Portland police were buying a fancy riot control vehicle and tear gas and while the

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president of the Portland police union was talking about what a cesspool he lives in we were not adequately funding tests, as a matter of fact we never actually ourselves adequately funded the testing of sexual assault kits. We got bailed out by the manhattan district attorney I believe it was cy vance. There was special funding from something that happened in the city of new york. And thousands of victims of sexual assault in Portland that had had their evidence ignored and not processed are finally getting help and getting, when you vote yes on this with some additional services so that we can find sex offenders that could have been apprehended years ago if the Portland police and the district attorneys at that time had been doing their jobs. So obviously you need to pass this money. But you need to do it in the context of saying whoa, our priorities for policing were screwed up. We were interested in buying tear gas that in the past has been sprayed out in this block right here when brilliant police officers chased protesters toward city hall with all of the antique glass that has been knocked out of the windows before your mayor ted. All the, there was a couple weeks when all the bottom windows were boarded up and Amanda Fritz remembers those days when the bottom windows were boarded up here on 4th avenue. That was not from a riot, it was a nighttime vandal all by themselves. So when you pass this money make a silent or spoken commitment that the Portland police bureau will always do better at assisting and providing services, forensic and otherwise to victims of sexual assault. And not so much about harassing citizens about whether they think the police are murderers or anything like that. Thank you very much.

Wheeler: Thank you. Good morning.

Lightning: My name is lightning. I represent lightning super humanity. One of the things I stressed before on this issue is that what I want to make sure is that with this forensic consultant is that you also have the ability to provide information on what you think is necessary to update our forensic labs and again i'm talking state owned. As you know when we went to the private lab say in salt lake city and other areas, what I want to make sure is that obviously what has been stated on why this has taken this long to get to this point is funding. And i've stated from my position numerous times that that's not even to be used as an excuse on this on not getting these sexual assault kits tested in a timely manner. And there were other foundations, non-profits that would have funded that money almost immediately if you would have asked and said we are having a problem with funding. So now let's take it another step and let's start looking at the forensic labs. Over capacity, not able to do this fast enough, we need to look at the equipment, we need to look at the new advances in technology, we need to look at do you want to buy the equipment or lease the equipment because things are changing so fast on this type of technology that really needs to be analyzed on how to update the current forensic labs which are state and which we utilize and to make sure that we can meet certain time frames on getting these kits tested. And we need to have the most advanced equipment to do that. And that's why I want to have input from the forensic consultant on this issue because you go to the various labs. You understand everything about the labs. But you also understand that I don't want to hear we need more funding to update the equipment. Because if we need updated equipment then we should also be getting funding for that equipment. And that's what I want to stress here is not the use of private labs in other states but to continue to use our state labs and make sure that they are up to date with the technology and that needs to be looked at and focused on because again if you keep throwing back the funding reason for not testing these kits, I don't buy it. It should have never happened. And somebody made some big mistakes. Thank you.

Wheeler: Thank you. Does that complete public testimony?

Moore-Love: Yes, that's all.

Wheeler: So I'm going to move this on in a minute. But first of all, I want to make a few acknowledgments. First of all I want to thank the sergeant molly daul for continuing to fight

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hard for this program and ensure that we are up to date on the testing. And I want to thank Susan Hormann for her work as our forensic consultant. I appreciated their testimony. This is a program that was actually started in the fall of 2015. The grants resulted in 1,754 untested kits being tested. It also funded a victim advocate as well as investigator positions. And the question of the database that was raised is central to all of this. This also helps connect us to a national database with all of its security protocols. And of course it also reimburses the county for one district attorney that is associated with this program, the forensic consultant and an investigator dedicated specifically to saki cases. As was said all kits, all kits have now been tested as of the summer of 2018. We are now caught up on the testing side. As has been mentioned there are other steps in this process that we do not necessarily control but we are responsible for the part here at the local level and I'm pleased with the work we're doing to get us up to speed. There have been five convictions as a result of going back and taking a harder look at this data. And it's my understanding that just last week a sixth sexual offender was indicted under this program. So we're seeing good work. And without further ado I will just say this will allow us to continue to work with and reimburse the DA and the consultant for the work they're doing in partnership with us. This is the first reading of a non-emergency ordinance. It moves to second reading. I would now like to move to item number 432, please, Karla.

Item 432

Wheeler: Very good. Thank you for being here. Thank you for your patience. Emily I understand you're kicking this off, is that correct?

Emily Rochon, Portland Police Bureau: I am.

Wheeler: Very good.

Rochon: I'm Emily Rochon, the service coordination team program manager embedded within the behavioral health unit in the Portland police bureau. I'm with Melissa Bishop who is the associate director of recovery housing programs with Central City Concern. As well as Tony and James and Fletcher is missing somewhere, he's right here. He doesn't have a chair. Who are representing current participants in the program and also graduates of the program. I also want to just point out in the audience and folks who are here representing the program the service coordination team, if you could stand and raise your hand.

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

Rochon: Those in the audience are representing graduates, staff in the program, and graduates from actually day one of the program all the way up to current who wanted to show their support today. This contract continues a partnership between the Portland police bureau service coordination team and Central City Concern through their housing rapid response program and supportive transition and stabilization program. The service coordination team is a crime reduction program for the city of Portland. The service coordination team is responsible for coordinating law enforcement, criminal justice, supportive housing, and treatment resources for individuals who are experiencing chronic addiction, chronic homelessness, and chronically in and out of the criminal justice system. In collaboration with partners, the service coordination team offers direct access to behavioral health treatment, housing, and robust wrap-around services. Individuals we serve have very complex needs and we have developed a program that treats the root causes of these behaviors therefore breaking the cycle of addiction and crime. Another component of the program is the collaboration with the behavioral health unit and Central City Concern which provides direct service connected housing for individuals assigned to the behavioral health response teams, the officer clinician teams within the behavioral health unit. The goal is to decrease police contact by assertively addressing the needs of the individuals with mental health, co-occurring disorders and unstable housing. For over ten years this program has shown a positive impact not only for the community but for the individuals served. Both components of the program show success in reducing police

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contact. We entered into the current contract through an rfp process in fiscal year 2016-17. We are asking for a three year extension of the contract with central city concern. We have a well-established dedicated partnership which we work together to continuously evolve the program to address the complex needs and barriers of the individuals we serve. I did give out data points to the commissioners and mayor. And I hope you were able to review those. But would you like me to review them again?

Wheeler: I think it would be good for the public to hear them.

Rochon: Okay. It's a lot.

Wheeler: Well pick your favorites then.

Eudaly: Highlights.

Rochon: I'm sorry, what?

Eudaly: Highlights perhaps.

Rochon: Highlights, okay. We are currently in our 11th year of evaluation with Portland state university capstone study. So this is the 11th year, we're currently in that. The tenth year in 2018 what they find is 31% of individuals who engaged in the program for over 30 days complete the program. Individuals who complete the program have an 86% reduction in crimes the year after exiting the program. 75% of all participants whether they complete or not actually have a reduction in crime as well. And they also do a cost benefit analysis and it showed that every dollar spent on the program is a \$13 savings in just jail beds and criminal justice costs alone. So it's \$26 million of savings.

Hardesty: Mayor --

Wheeler: Commissioner hardesty has a question.

Hardesty: Thank you. Most programs with a 30% success rate we would say were a failure. Why do we think this program is a success with such a low success rate?

Rochon: There's twofold. One, i'm actually very proud of that knowing the clients and the complexity of their needs. This is chronic as I said before chronic addiction, chronic homelessness, chronically in and out of the criminal justice system. That's really hard to break that cycle. And we're talking about folks that have been in the cycle for 10, 20, 30 years. And if we're expecting someone to get it right away, it's not realistic. But what we want to do and what we want to do in this program is to make sure that if someone is not successful, that they're going to come back to the program. They know where to come back to. They know where to walk through the door. I get passionate about this. And so we want to make sure that if that's not the time for them then they can come back. That that door is always open.

Hardesty: And I want to be clear, I love the work that central city concern does. That is not a problem for me. I just know that the service coordination team was added into funding mechanism when the department of justice came. And it's never been a program that I thought, I thought it was a program that worked directly with the police and community members. And now there's a component that has central city concern as one of the key pieces. I love the work that central city concern does. So don't get me wrong.

Rochon: Oh sure.

Hardesty: I'm just trying to understand how that fits into working with the police to address the issues that central city concerns addresses with or without police intervention.

Rochon: Right. So actually it was established prior to the doj settlement agreement.

Hardesty: [inaudible]

Rochon: Yeah, and that was 2008 when we entered into kind of what we call the service coordination team. And that's when providers came directly to the table. And that was with central city concern even at that point too. So all of this is about services. So the intersection between law enforcement and the criminal justice system and our clients are going to be there. But this is an opportunity and to have access to break that cycle. So, does that answer your question?

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Hardesty: Yes, well, from the beginning, the police started this service coordination team and they reached out to community service providers.

Rochon: Yes.

Hardesty: I'm just trying to get a clear picture today, what is the service coordination team and who are the players that are involved in it?

Rochon: Myself, so myself as the program manager. So kind of the project manager over the contract. I have one officer that is assigned to me and the service coordination team. So it's really just the two of us. Everything else goes to services. Everything else because that is the most important component of this is it's not us, it's for them.

Hardesty: Thank you.

Rochon: That's why this contract and this money for this contract is all going to services.

Wheeler: Could I add maybe a few highlights, first. First of all the data that you provided the 31% of individuals that is the percentage of individuals who complete the actual totality of the 30 day program. That is not the success rate. That is the completion rate for the program. And that is consistent with drug and alcohol outpatient treatment programming nationally.

Rochon: Right.

Wheeler: And so for a lot of people, and I come from a family where addiction has been a significant issue I know that the first time one seeks that treatment the success rates tend not to be very high. It is a very difficult process. And the people who are going through this program are amongst the most vulnerable in our community. They have been homeless for a long time. They have been living under conditions and trauma that makes it a very difficult proposition to begin with. The statistic that's more interesting to me that you gave is that when people go through these programs they are not being cycled through other social service programs. They are not on the street, they're not in shelters, they're not having interactions with the criminal justice system. They are in fact able to restore themselves and their lives through their hard work with the support of this program being in place. Where the public safety interaction is one of my favorite comments was in one of my early meetings with chief outlaw and she was reading through this program and she was like this is extraordinary, we're providing housing. We're providing housing. Me and the police bureau, through its funding is providing housing. And the answer is yes because the people we are housing are people who repeatedly had had interactions that were not very positive with law enforcement and there was an opportunity here to realize that something other than jail would be a better investment and you said it's a 13 fold return on investment and it reduces interactions with the criminal justice system to the tune I think you said of 75% overall. Which is a good thing for everybody. That's what's called a win, win, win. That's why I support what you do.

Rochon: Thank you very much.

Wheeler: And I support what you do because of the people sitting in this room who have been through this program who knew what their lives were like before and what their lives are like now. [applause]

Rochon: I know, she's telling me not to cry. And I also wanted to highlight and I think that you were talking about this too is again it's a very underserved population. No one else is serving them. Not with the intensity of services that are needed. And this is a population not just in the city but nationwide that is not getting served. And we all know that it's worth it because they're here and now i'm off track. They're very embedded within social services. Our folks get employment and they want to give back. And they're in luke-dorf, volunteers America, central city, urban league, cascadia, unity, they're all working there because they know and they're the ones who know how to get through their needs and their barriers and why not reach out to other people. I have a little bit more. So the relationship goes beyond performance measures and data. This is about long term

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solutions and quality of life and serving individuals who historically and currently do not have direct access to the services that they need. This population again is very underserved and not only in the city but nationwide. We are a referral source for hospitals, social services from detox, outpatient residential, the criminal justice system, patrol and probation, several diversion programs because you have to divert to something. So we're partners with lead, mcjrp, start stop drug courts, the joint office of homeless services, and their navigation intensive outreach teams, urban league transition projects, central city concern. I could go on and on, we are a referral source. Because we want to make sure that wherever our participants are landing that we offer services. I want to be very clear that this is a voluntary program. You do not need to be on probation, not court mandated. Individuals aren't getting arrested just to get into the program. Again it's very voluntary and there's no enforcement to stay in the program. I want to give an opportunity to melissa bishop to give an overview of the specific services that our clients receive. So Melissa.

Melissa Bishop, Central City Concern: Hi, i'm melissa bishop.

Wheeler: Good morning.

Bishop: The associate director of recovery housing programs at central city concern. I want to thank you mayor and commissioners for letting us be here today. I really represent like the dream team. A team of people that come every day to work in the hrr program to really work with our people. And I just want to talk a little bit about the services that they give to every client that works through the door. We don't tell people no. When people walk in and they need help, we help them. We're doing stabilization, we're a low barrier stabilization program. So people are coming in, they need to be linked to alcohol and drug treatment, we're doing that. They need to be linked to mental health services, we're doing that. They need to see a doctor so they can stop going to the emergency room when something is going on, we do that. We're making sure they have insurance. We're doing intensive case management. That means that they're meeting with their case manager daily most of the time daily when they're first new. And then every other day they're coming to meditation groups, check in groups early in the morning to help them plan their day. We're doing a peer mentor. So we have peers, I mean who best to help our folks than somebody who's walked in their shoes. So we have a robust peer mentor position that two peers that work in our program. They're taking people to food boxes, appointments. Taking them to recovery based community meetings. They're just really connecting with them. Movie night. I mean when's the last time they got see a movie and just sit there and have that normalcy, so we're doing all of that. They're also doing groups life skills, they're doing mrt groups which is more recognition therapy groups. They're doing women's group, men's group, like light recovery based groups. We're not treatment, we're housing. But we're doing those groups to kind of enhance the stuff that they're doing in treatment. We have a robust right now outreach group. We have an outreach person and a couple of mentors and our housing specialists that are going out into homeless camps and looking for our people. We're going above and beyond because we want to keep our doors open to people that need those services. We have employment, an employment specialist embedded in our program. So people are getting linked in, as soon as they move to phase two we're talking about employment, we're talking about next step housing. Our access to permanent housing are better than they've ever been. It's amazing. Our people are leaving employed and housed. And they're staying employed and housed for 12 months after they graduate our program. That's incredible. The impact it has on the community and those clients families are really amazing. We're meeting basic needs. We're showing people how to have fun in recovery and showing them really what a normal life can look like. And so we have a robust amount of services and people don't leave our doors without their needs being met and they know where to come back to. We're building a community. And that's what these people have been missing for so long. I think that's an important part of this

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program is we build community here. So I just want to advocate and just talk about the amazing services and the amazing team that delivers those services every day. I think that's the point I want to drive home.

Wheeler: Thank you. Appreciate it.

Rochon: Especially the staff and I always loved central city concern for giving second chance employment. And so like 90% of the staff have life experience all the way up to management as well. I think that's very, very important when someone walks through the door. And we would love to -- who wants to go first? Yeah. James do you want to speak?

Wheeler: You can just slide the mic over, James. If it's easier.

James Wrens: My name is James Wrens. I would like to first thank you mayor, and thank you commissioners for listening to us today. I would like to begin by expressing my gratitude to the Portland police bureau, the HRR program which has been mentioned. And one of the front line workers Ben I. who approached me on the street and gave me the opportunity to engage in this program. I've been given all of the tools. I'm a graduate of the HRR program. I have been given all of the tools to reach self-sufficiency. I work for central city concern now. I work for the clean start one crew full-time. I'm a union member, I've never been a member of a union in my life. I am moving out to the Blackburn center from the estate building, the estate hotel August 1st, I'll be paying my own rent. I'd like to thank the case managers involved, peer support which have already been mentioned, housing specialist who's working on a budget with me Linda McNair. These amazing ladies and gentlemen have put my life back on track. Some of my work involved, but I was guided through this program. I didn't have to walk through this alone. The MRT program which has been mentioned, moral recognition therapy, gave me a chance to go back and find out my part in the things that I've done in the past. I thought that was very important. Outpatient treatment through central city concern recovery center. And I'm just honored to be given a chance to represent central city concern. Thank you for listening to us today.

Wheeler: Thank you. Really appreciate it. Congratulations. [applause]

Tony Mather: My name is Tony Mather.

Wheeler: Hey, Tony.

Mather: And I would also like to second all of those thank yous because people have put in a lot of hard work for me that I didn't know was actually available. A little small amount of background, I have over 20 years of drug addiction and homelessness as a minor. And I can say from first-hand experience that they pretty much go, after a while, they go hand in hand to deal with the homelessness and the trauma from everything that can possibly go wrong out there. Just not having a bed it got to the point to where the easiest thing to do was just not to sleep because I had nowhere to sleep. But I appreciate people giving me a second chance. As of right now I have 25 months clean and sober. [applause] I'm also a recent graduate of the Star Core. I got released from a 45 month suspended sentence because of that, because somebody gave me a second chance. Otherwise that would have been my third trip to prison for the distribution of drugs because that's what I did, that's how I survived. I did that for 20 years. I can't count how many numerous times I've been in and out of jail and prison. But now I too am also a member of central city concern. I work for the clean start program also.

Wheeler: Thank you.

Mather: Going around the east side of the river helping clean up the city. And I never would have expected that I would actually get paid by the same city that I spent so many years destroying pretty much. But just helping other people either stay where they're at, help them clean the city back up, it gives me some fulfillment. I feel good about myself which I didn't when I was high. I've also graduated MRT. I graduated rent well program so I can learn how to be a good tenant. I'm also waiting for the Blackburn to open up because I will be moving into the Blackburn too as soon as it opens. I was just cracking jokes with

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people the other day. Just the other night at target I bought the first pillow in my life. All of the other pillows I had were given to me prison, county, you know or I wasn't sleeping. It's just small things like that that keep me pushing forward and I really appreciate the second chance. Thank you.

Wheeler: Thank you and congratulations. [applause]

Fletcher Nash: Hi my name is fletcher nash. And i'm a product of the hrr program and central city concern. And I was just sitting here thinking and I had got kind of sad because the person who got me to the program is not here anymore. Her name is officer stacy dunn and I remember I ambushed her to get into this program. She was going to get her a cup of coffee and I had read about the program. And I was like I know you got this program and I need to get in it and she was like okay well I need to run your name first. And I was like whoa, wait a minute. But she said you have to have a drug arrest, you know and I joke with people I was like for the first time you know having a drug arrest turned out to be a good thing. And it was. And she made a few phone calls and she called the program and she said can you get to 707 Everett. And said, yeah, I'll get there. I remember I got there and fred was there and you know, I was an addict at the time so I got there kind of late, you know. And fred was on his way out the door. I think he was going home. And he stopped, he said okay i'm going to do your intake. And he did my intake and it wasn't a long drawn out process. He went over a couple of questions. He handed me a key, you know. And I was like, I was so happy to have a key to something. You know I was like i'm off the streets. And then I remember him telling me, you know you're going to go into treatment. And I was like yeah. And I was ready for it. And I remembered just thinking back now I wouldn't have been able to do it without the housing piece. It just wouldn't have been possible to go to like treatment, not for me anyway and then have to go back out to the streets. And even when I was in treatment i'm going to treatment, I remember I had to start to walk around the little area because now I got the guys who I used to buy drugs from they see me trying to get right. And they was like hey the first one is free. And you know I would talk to people and I was still kind of weak. I was still under 30 days. But I wanted it. And also it was my peers and the people in the program that was in front of me. I was talking to them and they were like okay this is where I was. This is what I used to do. And you can do it too. I wasn't sure. But I just held on another day. And I just hit like eight years. [applause] You know, I just celebrated my eight years. And I feel like part of a family. And today I feel good. I feel the way I was trying to get drugs to make me feel. And it's nice to have friends I can call. It's nice for friends to call me. And then there's another officer out there, officer foste, we used to play cat and mouse. I remember because he was always chasing me because I was always doing stuff. And my first job was clean and safe. And he saw me and stopped me at clean and safe and he stopped in the street and turned on his police lights and got out of his car and I'm like do I have a warrant or something, what I do? But he came over and gave me a hug. You know. And that's another thing about this program it changes the way you know we see people. Because before that, I know there's good and bad officers but before that all of them was the enemy, and they're not. We learn to realize they do have a job to do if we're doing dirty. But there are good officers out there. And I had jobs, i've worked at hr, i've been a janitor, one of my prior jobs I was going into osci and crci once a week. I had a curriculum I had to follow [inaudible] for other people like me. And for the worst of the worst who wanted to do it. And I left hr to do that to get back to talk to people to let them know that it is possible. I had a whole lot of stuff I wanted to say before I got here but, like I was talking about.

Rochon: Where do you work now?

Nash: Right now I work for luke-dorf, I work for the rental assistance program. I help find housing and keep people with mental health issues housed.

Wheeler: Thank you.

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Nash: And some of them have addiction issues and so then they kind of put them with me and I try to, there's one guy now I'm taking him to na meetings. He's got about 30 days clean and sober and he's really trying to do it. And I know as far as each one of us in the program we just don't get this and just hold on to it, we try to reach out to somebody else or at least pass the message to let them know that it is possible. Thank you for letting me speak. [applause] Thank you for letting me speak.

Wheeler: Thank you, appreciate you. Commissioner Eudaly?

Eudaly: I just have a comment and a quick question. First I want to thank everyone for being here today and sharing your stories. I'm also trying not to cry. Last month was second chance month. I had the opportunity to celebrate with southeast works that does some similar work with the community. And I listened to the stories there and it really struck me that the root of crime is not a bad person. It is poverty, it is addiction, it is mental illness, it is abuse and trauma, it is racism, and it's lack of educational and economic opportunity. And there's no breaking the cycle without housing. That's the thing that I think is so vital about this program. It's a smart, efficient use of our resources which is something I like to see. It's harm reduction for the individual served and the community. I just want to thank you and I want to congratulate everyone who stuck with the program. And my question is you said it's voluntary, it's low barrier. Could you give me a sense of how many people you might serve in a given year versus how many people you think are in our community that would qualify for or benefit from this program?

Rochon: Yes, absolutely. You're like there's a lot. And actually part of the, we had an analyst that works in the behavioral health unit and he does a trend analysis report that I'm pretty sure that you have. But just to highlight through that because it shows the need and the capacity. Approximately 200 individuals are referred to our program per quarter. So that is 800 individuals per year.

Eudaly: And those are unique individuals?

Rochon: Unique individuals are referred to the program, but in about 50% actually meet our criteria, because there is a criteria. We would say 400 people are referred so obviously there's the need and we serve between like 130 to 150. So you understand that then there's a capacity issue when it's 400 people who meet criteria but we can only serve so many. So I just wanted to --

Eudaly: Thank you.

Rochon: Does that answer?

Wheeler: Commissioner Fritz then commissioner Hardesty.

Fritz: Mayor, thank you so much for your presentation. Thank you everybody for being here. This is a great program that I've been a big fan of throughout my time here. Mayor is there any reason we can't add an emergency clause and vote on that today while all our friends are here?

Wheeler: I'd refer to legal counsel.

Fritz: We would add an emergency clause, I move to add an emergency clause because it's in the public interest to get this contract finalized as soon as possible.

Hardesty: Second.

Wheeler: We have a motion and a second. I see a head nod from legal counsel. Why don't we go ahead and take this issue up right now. Karla, please call the roll.

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

Wheeler: Aye, the ordinance is amended. [applause and shouting]

Fritz: Wait, wait --

Hardesty: You might have to wait just a few moments, we haven't actually voted on it yet [laughter].

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Wheeler: That's good practice. All we've done. Practice makes perfect. All we have done is we have voted to vote on this today as opposed to carrying this over for a week as a nonemergency ordinance. Commissioner Hardesty.

Hardesty: Thank you. I am so thrilled to live in a community that has central city concern. It is a program that's proven over and over and over again that is really about the people that they engage with. What I love most about the program is that it's also an opportunity for people sometimes to get the first work that they've had in a long, long time. There's nothing like having someone in recovery working with the people fresh in the door. And so I am very grateful for the program and my questions were really about the connection with the police and how the police interact with how this program works. I've actually had the opportunity to come to central city and talk to folks who have gone through your clean start program. And oh my gosh I was in tears before I left. So I know the value. But I've known the value of central city concern for a very long time. I want to remind you it is central city concern that is doing this work day in and day out. And it is the people that you're helping be healthy that are actually making our community better. So I want to thank all of you who are either participants, graduates, new employees for the work that you take on each and every day. It is hard work. It is not work that is really understood in many communities. It takes a while and I heard you say second chance, I suspect it's probably your tenth or 12th chance before you actually got the opportunity that you took advantage of right? Because I have known so many people in recovery it just takes over and over and over again, but somebody has to care enough to give you that opportunity. So thank you all for being here. Thank you for the work that you're doing. And it is sad to think that out of the 450 people you could serve you only have resources to serve 160. And I would say even 450 would be just a drop in the bucket for what the need is in our community today. So thank you.

Wheeler: Very good. Does that complete your presentation, I should have asked?

Rochon: Yes.

Wheeler: Very good. Is there public testimony on this item?

Moore-Love: Yes, we have five people signed up.

Wheeler: Very good.

Moore-Love: The first three are lightning, maggie, and Jeanne connett.

Rochon: Can I say one thing?

Wheeler: Yeah, please.

Rochon: I know commissioner hardesty, you're going to come tour the program on the 20th with your staff. And I would love to tell you about how officers are involved in a positive way with our clients because it's very extensive.

Hardesty: You've got to know I need to know that.

Rochon: Absolutely, and we have to share that.

Hardesty: Thank you.

Wheeler: And to clarify the service coordination team is actually part of the Portland police bureau.

Rochon: Yes.

Wheeler: And due to the large number of items we have and I don't want to lose our quorum, I hate to do this, I'm going to ask that we keep testimony to two minutes but I'll be somewhat relaxed and get about that. Lightning, would you like to go ahead and start?

Lightning: Yes, my name is lightning. I represent lightning super humanity. Again this is probably one of the best presentations I've seen since I've been in here. And I've been in here a long time as a think tank and researcher. And what's so impressive about this is the people that joined in for central city concern they are the success here today. And I absolutely approve this going through. I approve from the people in this room on how they are in such support of what's going on here. And it's so important that they showed up and showed that to the public to the people. That is the best presentation I've seen in what

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central city concern is doing I had no idea they were doing such wonderful work. I've had no idea

*****: Well then maybe you should [inaudible]

Lightning: Until I had the people in here sit down and say that so I understand that. Because one of the biggest concerns I had in the past as a landlord I had some people who had some drug issues. I tried to keep them in my housing, the police over-rod my decision and said you're going to evict them immediately or I will shut you down. I said well shut me down. And they shut me down. They shut me down at any and all costs. So we need to start looking at it again from the housing standpoint of how can we have people in housing who may have an addiction that are in treatment still stay in housing in the private sector –

*****: It normally [inaudible]

Lightning: Without being evicted. And that's a tough issue because now you're talking about the police, now you're talking about having a policy in place to allow that to happen and an understanding that if a landlord says they're in treatment I want them in my housing. These are good people, these are my friends, these are people I want in my housing, in my communities. And I want to have that happen. That's my position on this. Thank you.

Wheeler: Thank you. Good morning.

Maggie: I was really moved by the participants testimony. And I want to thank them from the bottom of my heart for coming. I think it's so important that the people who use the programs come and talk to you and tell you what's going on and how it's working out. I think you need to keep those lines of communication open. As you know we've got this whole shelter situation going on that's not working out. And these women and men are afraid to come and talk to you about the fact that the laundry doesn't work, the showers are down, the bathrooms are down, and we've got disabled people walkers, wheelchairs, canes, Alzheimer's, dementia, autism, bipolar, schizophrenia. You name it, we've got everything. And this is housing that violates the human rights codes. It violates the 8th amendment, the 4th amendment when it comes to the bedding, the showers, the laundry, the day rooms. It's not meeting any human rights standard. And these people will not come talk to you because they're so traumatized. And I would love for you to have some open communication with these people who feel that they're going to be retaliated against if they speak out. So that's all I have to say. And this is a good program and should be continued. Should be increased and emulated elsewhere.

Wheeler: Thanks Maggie.

Jeanne Connett: You're so awesome, girl. Thank you so much for all you do, man. I love you, girl. Hey, guys.

Wheeler: Good morning.

Connett: I don't know if I'm going to take two minutes or not. When I leave here all of my friends say to me, what did they say. And we all know even the guy downstairs who does my wand, she goes upstairs, she yells at everybody and then she leaves. I don't wait for a reaction. Look ccc, that is a perfect example of the town I grew up in. I don't care about you guys, I don't care where you grew up. I know this, I know community. I know how to keep kids off drugs and in parks instead of gang bangs. I'm at the lloyd center and there's cops and there's these teenagers and this 14-year-old black little boy decided that he was going to act like he had a gun down the back of his pants pushing that cop. Ask me where I was.

Hardesty: Where were you?

Connett: I was right in between them. Right where I belong. Portland police have informed me that we were just a little map dot for Danielle outlaw -- i'd like her to leave as fast as she could. I don't want to be with a police chief that has a dot on a map for my town. You

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guys don't like that, I don't really care. I'm getting really aggravated about it because when i'm out on the streets which is all of the time, I talk to these cops. They matter to me. At one point Portland had some of the best police in the world. Oh, except for new York. Because when I left here as a kid and ran I way, I knew they all thought I'd go to cali so I went to new york. Took them eight months to find me. I'd already made it like [inaudible]. I'm not dumb. I was raised and trained and taught here. Maybe over there a little bit but also a lot of Portland. So i'm sorry I missed you at the parade. I'd of loved to see you on the street in st. johns, Oregon.

Wheeler: I was there.

Connett: I missed you by ten minutes everywhere I went.

Wheeler: Sorry to hear it.

Connett: I asked four cops, I was looking hard for you. [laughter] I do appreciate you showing up for our parade that started the year after I was born.

Wheeler: It's a great parade. It's one of the best.

Connett: I want to tell you one other thing.

Wheeler: Quickly please.

Connett: I want tpi out of my state. When I got to Portland they said don't go to tpi, don't go to cpi. I could understand why. Then everybody who blews goes to tpi and they all exchange drugs and all kinds. I have witnessed all of this. You want testimony, I have no problem.

Wheeler: Very good, thank you. Tpi is not what we're discussing today.

Connett: Ccc is wonderful but I'd really like to get tpi out of Portland.

Wheeler: Got it. Thank you.

Connett: You're welcome.

Wheeler: Next three, please.

Moore-Love: The last two who signed up are charles bridgecrane and mary sipe.

Connett: See you later, have a great day guys. I never [inaudible]

Wheeler: Mary, do you want to start off, please?

Mary Sipe: I'll start as soon as she's finished.

Wheeler: Sure, thank you.

*****: [inaudible]

Sipe: Hi, I'm mary sipe. As you know i've been coming here for the last little over two years. And recently i've had to miss a few meetings because my new job is interfering with my civic engagement. But I have to say I couldn't be happier I was able to be here today. Like lightning I have to say this is the most profound presentation and experience that i've had coming to city council. I just, I wish we were talking about \$50 million, not \$6 million. And hopefully we'll somehow find more money to expand this program. Congratulations to everyone who's been through the program that's here today. One of the things that I want to kind of point out is that people that go through the program are being given the support and the tools and everything. They're the ones who did the work. The ones who come out the other end and who succeed they did the work and congratulations for that. I'm so happy to be able to look at this and not look at the 31% success rate because that's really not what it is. It's a number of lives is what I look at that have been changed for the better. And what i'm also hearing from these people that spoke today, had they not been through the experience that they have been through and been at the bottom of their lives, they now are not just mediocre, ordinary citizens. They are now exemplary citizens who have this desire to give back to the community. And I see this transformation and I am just absolutely blown away by it. The last statement I want to make is that this to me is also an example that not all interactions with the police department are negative. And the collaboration of this police program, the srt is an example of how working together and

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giving the police this tool, that those collaborations can result in very positive interactions. Kudos.

Wheeler: Thank you, mary. [applause]

Charles Bridgecrane: Good noon give or take four minutes. Charles bridgecrane johnson. I would like to be happy like mary and lightning, but the Oregonian and the inadequate response to what the Oregonian was revealed way back in june of last year. The newsroom found that 4,437 homeless people, 260 more than the survey, point in time survey, counted were arrested by Portland police last year. 4,437, she spoke about servicing between 130 and 150 in a year. So commissioner eudaly's question was extremely on point when she asked about the capacity versus the demand. And as we move forward towards election time and figure out who's going to replace our esteemed commissioner Amanda Fritz and who is going to be challenging the mayor, mary mentioned \$50 million. Because we did find somewhere between \$80 and \$100 million to rehab the Portland building. I don't remember whether that was via bonds or current revenue. This county worked with the state to find about a similar amount of money to build a brand freaking new courthouse. So we have some priorities. It doesn't seem that we have 4,437 priorities. That was in, I think usually it's gordon friedman from the Oregonian here. I think it would be great if helen jung and ms. Gunderson could send Rebecca woollington some more. Because really this city needs to work harder on all aspects of the 4,437 number. First of all a tremendous waste of police resources, the 4,437 people should not have been arrested in that volume. Maybe there was one murder in there, maybe there was zero. That article could be enhanced with crimes against persons information. And secondly it mismatches the point in time count. So the people doing our homeless services need to really engage with capstone and other places about getting us good data so we can chase money hard to put it to work at great value for our dollar getting people into housing first. It's the only thing that's going to save us from the talk about picking up needles off the sidewalk. Thank you very much.

Wheeler: Thank you. Commissioner hardesty. [applause]

Hardesty: Charles, before you leave, I want to thank you for bringing that up. Because we tend to either talk about police as all good and all bad. And what we need is a system that actually works for the community. And so I appreciate you reminding us that last year 54% of the arrests of people by Portland police but for being houseless those folks would have never, ever entered our criminal justice system. So we have a responsibility and obligation to make sure we're not exacerbating the harm to community members who are suffering from a whole host of community issues. So I applaud you for bringing that up. This is a day of celebration. So I don't want to be a downer. But the reality is we cannot talk about one without talking about the other. So thank you very much. I appreciate you for bringing that to us.

Johnson: And speaking of celebration tomorrow is world accessibility day, the als foundation so keep that in mind. It's not exactly a celebration but also a rededication to accessibility work. Thank you.

Hardesty: Absolutely. Thank you, charles.

Wheeler: Very good. So we have amended this ordinance to be an emergency ordinance. So we will now call the role on the ordinance as amended. This is actually the vote. Karla?

Hardesty: Hang on.

Fish: I'm pleased to support the ordinance. Commissioner Fritz and I have been on the council throughout the ten plus years that this program has been in operation. And I think it was commissioner randy leonard who was really the early champion for it. And then a succession of mayors funded it even though we hit some bumps in recessions and other periods of time where it made it difficult to find the funds. But it's obviously making a difference in the lives of people. And it confirms what we know around supportive housing

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and all of our most effective programs which is when you marry deeply affordable housing with services people need to become self-sufficient you have the best chance of getting people back on their feet and becoming productive members of our community. And the folks that are here who are graduates of the program are testimony to that. I want to join with my colleagues in thanking central city concern. And it's interesting that a number of people testified said they're now eligible for living in the blackburn. The blackburn of course is new central city concern housing part of a public private partnership that is named in honor of ed blackburn, long time executive director who has so much to do with the success of this organization. This has been a particularly uplifting presentation. And all of us in our families somewhere in our families have someone who has been struggling with addiction and has hit a bump in the road and things haven't always gone smoothly. And what we depend on is the community to lift folks up who are experiencing that bump. And this is a marvelous example of that. I wish we had more resources to expend. But for the 150 or so people that we're serving and the graduates of the program and the people who have a second and third chance and who have come back, this is really important work. So i'm pleased to join with me colleagues today in voting aye. Aye.

Hardesty: This has been a very moving city council meeting. I'm always struck when the city council meeting reflects the diversity of this community. It is rare to have so many people of color in these chambers. And so what i'd like to say to the people of color who showed up today in support of central city concern, please don't let this be your last time in this chamber. If you're not registered to vote, get registered to vote. Please read city council agendas, educate yourself on the decisions that we're making. Because every single time we're here we're having an impact on your life. And if you're not weighing in, then we're making decisions about you without you. [applause] I have a great admiration for central city concern and the work that they have done. But again I think that it's always important that we evaluate the outcomes that we're looking for and that we just don't take anybody at their word for anything. I am someone that follows the money, I follow outcomes, and I am results oriented. And today I say my hat is off to central city concern. Well done program. Well done with their participants in the program and one of the things I love most is that it's not just let put you through 30 days and then we kick you out and then you're on your own. We need more programs that actually work with people where they are and give them the opportunity to do better. I believe when you know better, you do better. I vote Aye. [applause]

Eudaly: We all know it's exponentially more expensive and more difficult to serve people in crisis on the streets. And this program is helping to address that and address a crisis that really runs a lot deeper than the compelling person's stories that we heard today. It's our failure as a society to serve and support the basic needs and human rights of all of our citizens. I would love if we could expand this program. For now I am pleased to support extending this contract with central city concern and thank you again for everyone who came here today. And for all of your good work. I vote Aye. [applause]

Fritz: Thanks for everybody who took time to be here today and particularly for taking the time to go through the program and to do the really hard work and particularly thanks to Emily, to the former coordinator Austin raglione at echo. At Commissioner Fish's. Thanks for commissioner randy leonard who with mayor tom potter started this program. And the contract previously I believe was with volunteers of america. I think when it comes back in 2022 it might be instructive to look at the difference in outcomes so that it would be helpful for moving forward as to which great community organization continues to provide these services. But it is, and it is a truly a collaborative effort with the Portland police bureau. It's been funded through the police bureau for so many years. I appreciate hearing some of the personal stories of personal officers who gave a hug, who did the outreach, who took you to get in and who helped you through some of the worst times of your life to now

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hopefully some of the best times of your life. I loved the story of the movie night. I know that there's a lot of entertain, things, how to have fun without doing drugs and alcohol is a really important skill to learn. So i'm happy to have been a part of this program for so many years. And I wish you all the best continuing. Aye. [applause]

Wheeler: I could not be prouder of this program. And I want to thank the Portland police bureau for their management of this program. I want to thank the district attorney's office for their engagement in this and their willingness to give people second chances. And I want to thank the service providers particularly central city concern since we're here to discuss the extension of the contract. And I will vote to do so without reservation. This continues an important relationship that's existed for many years. As you heard they provide access to housing, service treatment, access to mental health services, coordination with the behavioral health unit which is another Portland police bureau unit that focuses exclusively on people in crisis experiencing mental health on our streets. And most importantly connecting people to their own potential. As you have heard all of my colleagues say, you did the lion's share of the work. You did it yourself. Some of you acknowledged that the program had to be there, there had to be a place to work with you and extend a helping hand. That is acknowledged through our strong support of this program. But the reality is you did it. And I cannot even put myself into your shoes to imagine what it took to get to here. And all I can do is sit here and tell you i'm cheering for you. I support you, I will continue to support this program and others like it so that other people who are still out there, still living on the streets, still exposed to the elements, still struggling to find their futures can have that opportunity too. And you by being here and being willing to testify and show your faces and be part of this, you are now serving as an example to many, many other people who will see this or they'll hear about it or they'll find out about it and they'll say they did it, I can do it too. That is the strongest kind of leadership that I can think of that you are providing. I also want to thank the folks who work in behavioral health unit although that's not the subject of the conversation today. It's an important sister relationship to this program. The overall reason why the police bureau wants to lead and manage this program and has for so many years is because the stated goal is to reduce interactions between people in crisis on our streets with police officers and increase interactions with people who are trained and have the resources to be able to help people recover their lives. This has been a ten year program. I wanted to talk briefly about the funding of this program. Until last year this program was funded on a one time only basis, colleagues. Meaning we were only funding it year to year. We did not have permanent funding. And this is a program that's strongly supported by people in the business community. And they came to us and said if you're going to increase the business licensing tax on businesses in this community, we would really appreciate it if you would provide permanent ongoing funding for the service coordination team. And so that's what we did. That's a partner that's not in the room today but I want to acknowledge their work. And with regard to capacity, I also want to acknowledge two things. Number one, because this is ultimately administered and according to the district attorney's website this is a crime reduction program as one of our incredible testifiers said today the only way you get into this program is if there is some interaction with law enforcement. And it's sad to me that the only way you can gain access to what's a really incredible program is through some nexus with law enforcement. And I think really the next step for us is figuring out this street response and how we can address people in crisis who aren't having interactions with the police. Why should we be waiting until that happens in order to give somebody the lifeline that they need to be successful. [applause] We tried to expand the behavioral health unit and the service coordination team last year. We had some funds that i'd hoped we could allocate if even on a one time basis to expand the program. And what we found was the shortage isn't on our side. The shortage is actually on the service provider side of

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the equation. This is a specialty field, it is a complex field, it is a very difficult field. There are many, many services that are arrayed together under the umbrella of the service coordination team. And we found that we actually need to do more to help the capacity building of our social service partners outside the city of Portland. So that's something we continue to engage in as well. So thank you, commissioners, for making this an emergency ordinance so that we can vote on it today and show the respect that the men and women deserve by continuing to support this program. I vote Aye. The ordinance is adopted.

Thank you. [applause]

Wheeler: All right. We're going to skip backwards to I left undone item number 421. If you could read that, please.

Item 421

Wheeler: Colleagues, we have already heard testimony on this. We have heard presentations. We have already taken a tentative vote on this item. This is our final vote. I move that the council grant the appeal, overturn the decisions for the hearings officer and adopt the findings, but change the date on pages one and seven to reflect today's date, may 15th. Do I have a second.

Fish: Second.

Wheeler: I have moved. I have a second from commissioner Fish. Is there any further discussion on this item? Please call the role.

Fish: Aye.

Hardesty: I need to make an announcement before I vote on this as per legal counsel. I want to let you know that on march 20 –

Fritz: You're not on mic.

Hardesty: Sorry about that. So I just needed to make a statement that said I had reviewed the records of the hearing. I had to leave early. And I am prepared to vote on this item today. And I vote No.

Eudaly: Aye.

Fritz: I'm very troubled by this decision of the council and also I don't, some of the findings I think are troubling. It says on page 15 the city council further finds that the overall maximum of 65 members and guests at the facility, limiting the number of members and guests as any one class will limit the intensity and scale of those activities so that the overall residential appearance and function of the area will not be significantly lessened. As I said at the hearing if there were 65 people coming and going every day of the week at my home I would not find that compatible with the residential area. No.

Wheeler: I vote Aye. The motion carries. We go back now to the consent agenda. Two items were pulled off the consent agenda. 424, please.

Fish: Karla, who pulled this?

Moore-Love: Lightning pulled these two. Did we get rid of 426?

Fish: Not yet.

Item 424

Hardesty: Is lightning here?

Fish: He's not.

Wheeler: We have to – is lightning here?

Eudaly: No.

Wheeler: I don't see him, please call the role.

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

Eudaly: Thanks for being here, becky. Aye.

Fritz: Thanks for being here all morning. Aye.

Wheeler: At least you did get to hear a very interesting presentation. But it was important that you be here. We thank you for that. I vote Aye. The ordinance is adopted. 425, please.

Item 425

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Wheeler: Was this also pulled by lightning?

Moore-Love: Yes.

Wheeler: Is he here?

*****: No.

Wheeler: Please call the role.

Fish: Aye. **Hardesty:** Aye. **Eudaly:** Aye. **Fritz:** Thank you for being here. Aye.

Wheeler: Aye. The ordinance is adopted. 436 please.

Item 436

Wheeler: Commissioner Fish?

Fish: Colleagues and mayor, the environmental services has completed a major upgrade of the alder pump station to improve reliability and increase pumping capacity. These improvements prevent sewage releases to buildings and help prevent combined sewer and storm water overflows to the willamette river. Before the pump station was upgraded it was a weak link in the city's combined sewer overflow control program otherwise known as the big pipe project. For example during heavy rains in october of 2017 while the rest of the system prevented overflows to the willamette river a 14 minute overflow occurred from a single location. The alder pump station. With upgrades complete and capacity increased this ordinance addresses one last amendment to the project. By the way, so far as this year there have been zero overflows. As I often say the big pipe continues to make a big difference. Here to give a brief presentation are aaron lawler and paul suto both from environmental services. Welcome.

Paul Suto, Environmental Services: Good morning mayor Wheeler.

Wheeler: Good morning.

Suto: Good morning commissioners. For the record i'm paul suto, engineering manager with bes.

Aaron Lawler, Bureau of Environmental Services: Good afternoon, mayor Wheeler, commissioners. i'm aaron lawler, engineer with the es treatment and pumping systems division and the design project manager for this project. Go ahead.

Suto: So we're here today on ordinance for amendment seven to the brown caldwell contract. The ordinance itself reads amend contract with brown caldwell inc for professional engineering services for the alder pump station upgrades. And I just wanted to mention that these funds are requested as an amendment for additional design services during construction. What we have here is a map showing the project location. Alder pump station is located at the corner of southeast alder and southeast water avenue with i-5 onramp from the morrison bridge above. The site is quite small and it's located on the northwest corner of that block. And we affectionately refer to it as a postage stamp property. This project drastically improved the operation and functionality of the alder pump station. Since the completion of the eastside cso tunnel, combined sewer overflow, Alder has historically been the weakest link in the system and typically the first location where overflows to the river would occur. In fact, since the eastside cso system was completed in 2011 there have been four instances where alder pump station was the only source of overflow to the river. Through this project we have nearly tripled the sanitary pumping capacity, reduced the capacity of the pump sending flows to the river, simplified pump station operation, integrated pump stations into the eastside cso system and provide seismic resiliency using micropiles. So here we have some photos of the original pump station located southeast Portland on the corner of alder and water. This is an area of town that has seen a lot of development since the pump station was last rehabbed in 1993. This slide right here contains a view from the ground level looking into the dry well pump room of the original pump station prior to renovation. And it gives you a picture of the ageing equipment. Alder pump station is a case on style pump station which essentially is a circular pump station that is below ground. The original configuration used a dry well wet

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well design and had two separate wet wells. One for sanitary flows and one for storm events. The dry well was essentially a pump room as we saw in the previous slide and it housed pumps and piping. The previous configuration was complicated and had limited access for maintenance. This slide is a bird's eye view of what the inside of the caisson looked like prior to this project. It's a bit complicated configuration and flow path consisting of two sanitary pumps and two storm pumps. The sanitary pumps would pump as much flow as they could to the southeast interceptor and eventually to the columbia boulevard waste water treatment plant. However, during storm events or localized high flow events, the storm pumps would be used to send flow directly to the river. Adding to the complexity of the pump station and this project all our pump station service area was unique to the remainder of the combined sewer areas of the city in that the majority of the other sewer basins have a robust intertie with the cso system. This project addresses deficiency by reconfiguring the pumping levels to take full advantage of the intertie with the eastside cso tunnel for storage, nearly tripling the sanitary pumping capacity and reducing overflow pumping capacity. These modifications along with seismic resiliency and operational maintenance improvements have greatly increased the reliability and functionality of the alder pump station. These are some photos during construction just so you can see what a day-to-day looks like for us. As you can see everything from the existing pump station was demolished except for the original concrete caisson. However we did modify the inside of the caisson as well. Here's a view of the caisson from the ground level. Looking down you can see all of the chambers have been demolished. You can see the micropiles being installed. Those are basically piles that are driven down to bedrock about 135 feet below the bottom of the caisson there. And this provides seismic resiliency which will protect the environment and human health and safety after a seismic event. Here we have more recent photos as construction nears completion at alder. The design maximized the use of this small site and provided much needed improvement to the pump station. So that was an overview of the project. But we're here today regarding the ordinance related to the final amendment. As some of you may recall this project has been presented to council on various occasions in the past starting in 2012. Because of the long history of the project we were asked to make a final report to council for this ordinance. The project was initiated in 2011 and since then we have had six approved amendments and four presentations to council pertaining to ordinances. And I just want to run through them right now. So ordinance 185681 was a contract award presentation for the original contract, pte contract with brown and caldwell engineering and that occurred in 2012. Amendment one was an administrative amendment to add a sub consultant to the contract and resulted in no change to the contract amount. Ordinance number 186764 contract amendment two was a presentation to council in august 2014. And it was a major scope change based on information gained during the predesign of the project. The original scope of the project when it was initiated was to just replace the mechanical and electrical equipment. The change in scope resulted in a major pump station upgrade and this change was presented and approved by council in 2014. Contract amendment three was another sub consultant change to the original contract and did not amend the cost of the contract. Contract amendment four was a presentation to and approval by council in October, 2016. The amendment added frontage improvements to the design scope of the project at the request of pbot to meet ada requirements. Ordinance number 188131 was a presentation to council in november 2016 requesting and receiving authorization to put the project out to bid for construction and award a contract in the amount of up to \$3.5 million. Amendment five was a change in bs project manager from the previous manager to yours truly due to the retirement of the previous project manager. And amendment six was an extension to the contract duration with brown and caldwell and no contract amount change. That's past description of amendments and ordinances and then we have an overview of the schedule

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here just to show you the history of the project. It was initiated in 2011. And at summer of 2019 we will be completed with this project. So we're here today regarding final amendment and the ordinance associated with brown caldwell pte contract for alder pump station in the amount of \$85,000. The current contract amount is \$741,789 and this amendment would bring the final contract amount to \$826,789. Through the life of the project we have been successful at maintaining the utilization of disadvantaged minority women owned and emerging small businesses. And that percentage of utilization has been above 33% and with this amendment we will maintain that percentage as well.

Wheeler: Commissioner hardesty?

Hardesty: Thank you, mayor. That's a pretty good percentage. Can you tell me the breakdown what are women and what are minority business owners? Or were they just emerging small business. Any idea?

Lawler: I don't have that information handy with me, commissioner hardesty, but we can follow up prior to the second reading next week --

Hardesty: Appreciate that because that's a consistent question I have. It would be great if you guys came prepared to answer that every time you came here. Then we wouldn't have to do it again. Thank you.

Suto: So our recommendation is for council approval to authorize the contract amendment in this ordinance. And that concludes our presentation.

Wheeler: Very good. Colleagues, any questions? I have one it's just sort of a basic question. On the construction you're going all the way down to the bedrock for a tank that's submerged underground. That sort of surprised me I guess.

Suto: It has to do with the seismic movement of the earth during the cascadia subduction event. So there would be liquefying of the soils and so our actual caisson would shift in position so we tie it to the bedrock so it doesn't move.

Wheeler: That's interesting. It looked pretty complex.

Suto: It was, it was a fun project.

Wheeler: Interesting. Good, thank you for that. And I appreciate from me I really appreciate the photographs so I can actually understand it. Thank you it was well done. Any public testimony, Karla, on this item?

Moore-Love: Just maggie had signed up.

Wheeler: I do not see her, I believe she is gone. This is a first reading of a nonemergency ordinance. It moves to second reading. Colleagues, we're adjourned until the 2:00 pm. I also just want to give you a bit of an administrative head's up i'm going to be returning our first time certain item at 2:00 back. We're going to move it to next week. The last item on the agenda this afternoon is a 4:00 p.m. time certain. So I just want you to be aware it is highly likely we will take a break in the middle of our afternoon session. And I just wanted to make you aware of that great new opportunity. We are adjourned. [gavel]

At 12:27 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.

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2:00PM

Wheeler: This is the wednesday afternoon, may 15, 2019. We're now in session. Karla, please call the roll. [roll call taken]

Fish: Here. **Hardesty:** **Eudaly:** **Fritz:** Here.

Wheeler: Here. Legal counsel, good afternoon.

Lory Kraut, Senior Deputy City Attorney: Good afternoon. Welcome to the Portland city council. The city council represents all Portlanders and meets to do the city's business. The presiding officer preserves order and decorum during the city council meetings so everyone can feel welcome, comfortable, respected and safe. To participate in 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 length of testimony. Individuals generally have three minutes to testify unless otherwise stated. When you have 30 seconds left, a yellow light goes on. When your time is done a red light goes on. If you are in the audience and would like to show support for something that is said, please feel free to do a thumbs up. If you want to express that you do not support something, please feel free to do a thumbs down. Please remain seated in council chambers unless entering or exiting. If you are filming the proceedings please do not use bright lights or disrupt the meeting. Disruptive conduct such as shouting or interrupting testimony or council deliberations will not be allowed. If there are disruptions a warning will be given that further disruption may result in the person being ejected for the remainder of the meeting. 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: Very good. Thank you. First item, 437, please, Karla.

Item 437

Wheeler: Colleagues, this item as I mentioned this morning, item 437, has been pushed to next week's council agenda. It will be a time certain at 4:10 p.m. next wednesday afternoon . Staff of the bureau of planning and sustainability have requested more time to incorporate the guidance that the administrative rules for the Portland clean energy fund will provide once published. Karla, please read the next item, 438.

Item 438

Wheeler: Colleagues, there is a bit of a typo on some of the agendas. It says that I am bringing this with commissioner Fritz. That is not accurate. I believe it's been corrected.

Karla: We'll have it fixed for the disposition.

Wheeler: Very good.

Karla: Sorry about that.

Wheeler: Very good. This is commissioner Fritz and I want to acknowledge that. Commissioner Fritz.

Fritz: Just to acknowledge that you do support it [inaudible] formal consent --

Wheeler: Of course I do. Without ruining the suspension I do indeed.

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Fritz: This is not a protest in any way, shape or form. Thank you very much. We are very happy to see each of the people who came today and to not have both chambers packed which has not always been the case over the years that I've been on council. Water bureau director Mike Stuhr will give us the presentation.

Wheeler: Good afternoon.

Mike Stuhr, Director, Portland Water Bureau: Good afternoon, Mr. Mayor and commissioners. My name is Mike Stuhr, I'm the director of the water bureau, and I'm pleased to bring our rates to you. I'm joined at the table by Cecelia Huynh, our finance director. In the back to bail me out if I get in trouble I have Kathy Koch and Corbett White from customer service. Following both the BES and water presentation, both presentations done, we have Janice Thompson from Cub to present, and also Ryan Kinsella is going to present a letter from the public utility board. The two co-chairs couldn't be here this afternoon. On that note I will continue. Water revenue. Our water business is a cost of service business and we take in all the funds from various places that support our operation. What you're going to see here in terms of rates supports the budget that we have submitted. The vast majority of our budget comes from the selling of water, \$191 million. The big blue blob you see on the slice of pie. The other items make smaller contributions to our rates and if you wish to talk about those we certainly can. But the bulk of the sales fund us. Rate summary for fiscal year 2019-20. Retail rate increase is 7.4%. We followed guidance given by our commissioner and basically echoes what we have been doing in the past and will continue doing for several years for at least the five-year forecast. Our system development charges increase 9.1%. I would add that that's actually a good news story. System development charges are based upon infrastructure in place and this is an indication of the amount of money we have been putting in the water system. You invest in the system, then the value the system goes up and that increases system development charges. Our system development charges are what's called backward looking. Basically it's people paying for their share of what has already been put in place to be serve them. The other kind are forward looking, which is more like what parks has. Then we also have fixed fees and charges. They contribute a fairly small amount to our budget and are mostly installation of services, mains, hydrants, development fees, and all of these are based on cost of service. We carefully monitor the cost of service and make adjustments accordingly. How will rates affect typical customer bills. I think this is a really good news story. Typical residential customer, their bill will go up by \$2.90. I'm only going to talk about the far right column. Qualifying low income residential customers, which is a tier 1 customer, rate will go up by \$1.46. Extremely low income residential customer, tier 2, goes up 58 cents. Medium size commercial customers, which might be something like McDonald's or Albertson's, pretty heavy user of water but certainly not the largest by any means, goes up \$39.48. What does that yield. We're still in the pretty low category. 1.4 gallons of water for a penny. If you wanted to compare that to your local grocery store it's 1.49 a gallon. This is 177 times what you buy it for in the grocery store. Kind of a neat number. Where do our bills set in relation to typical utility bills? We're slightly higher than waste, slightly higher than land line telephone for those who actually still have a land line telephone, and we're either cheaper or much cheaper than every other utility that you pay for. I think water is a very good deal. How do we compare to our sister cities? Both BES and Water keep track of the same ones so we're comparable. You can see there that Portland is kind of right in the middle. We're happy to stay right in the middle. Current rate increase and forecast, keeping with past flat 7.4%. That's for five years. This includes contributions that will be made over that period for the filtration plant. How do our system development charges compare with others? Always a controversial topic it seems. I suppose we could be lower but if you look at the chart you can see we're one of the lowest things in our area for SDCS.

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Fritz: Is that for everybody's sdc's or just for the water bureau's?

Stuhr: I'm sorry?

Fritz: Is that for all system development charges or just for the water?

Stuhr: These are just water bureau sdc's. We're I think the lowest. Assistance programs. This is why I brought Kathy and Corbett if we want to talk about this a little bit more because they can talk about it. Qualifying low income customers receive a discount of \$21.07 per month. That's based on Portland's mfi. There's two numbers floating around that people site. Mhi, and mfi, and I'm not an expert on either one, but we use Portland's mfi.

Fritz: Which and we know that one stands for is Median family income.

Stuhr: I know what it stands for but I'm not sure I can articulate the difference between them,

Fritz: [inaudible]

Stuhr: But Kathy can. Qualifying extremely low income customers receive a discount of \$33.70 per month as of this new rate. There are approximately 7,000 people in the combined low income program at this moment. The program also includes a crisis voucher of \$500 and a multifamily crisis assistance that basically is designed to preclude eviction or help preclude eviction.

Wheeler: Commissioner Hardesty.

Hardesty: Thank you, mayor. What is the criteria for extremely low income people and how is that determined? I knew we'd get somebody else up here.

Stuhr: I'll have Corbett help me so I don't tangle it up.

Hardesty: Welcome.

Stuhr: Say your name.

Corbett White, Portland Water Bureau: Thank you. Corbett white. Extremely low are at 30% or below the median family income in the city of Portland.

Hardesty: Thank you. That is extremely low income. Thank you.

Stuhr: That concludes our formal presentation. If there are no further questions we'll be --

Fish: Mike, I have a couple of questions.

Stuhr: Sir.

Fish: This presentation is in line with the presentation you gave us during the budget cycle. So there's very few surprises here. I'm curious how we are doing in moving people to electronic bills and in particular monthly bills, how we continue to make progress and maybe we could have Kathy come up and just tell us what the history has been. People do have the option of getting monthly bills. Some people like the convenience. Kathy, how are we doing in that regard?

Kathy Koch, Portland Water Bureau: Mike would like me to say my name first. It's Kathy Koch. Pleasure to be here.

*****: [inaudible whispering]

Koch: We have 45,000 people on e-bill, close to that on auto pay.

Fish: \$45,000?

Koch: Yes. Our monthly bill people, darn it, I was going to tell you right off the top of my head -- I am blanking. I will absolutely get back to you on that.

Fish: That's fine. Now that 45,000 number is a big jump, Kathy, isn't it?

Koch: It is a big jump. We have had tremendous success going with invoice cloud as our payment processor and they have been very help in the ease of the process. It's been really popular.

Fish: Does that particular software also allow you to send special messages to people?

Koch: Yes. We have the ability although not as many have taken advantage of it as we had hoped, but one of the things that we liked in particular was the ability to if you had maybe an elderly parent or on the opposite side a kid in college where they still want to

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have their independence and get the bill on their own, we can notify a person of interest, a family member that would warn them if somebody was to be in danger of shutoff or at some stage they would like.

Fish: You mentioned that a couple of years ago. So for example, if you had an elderly parent and you wanted some notification if they missed a bill and had some challenges, under this new system you can get with the permission of all parties you can get that notice.

Koch: Absolutely.

Fish: Very good. Thank you.

Stuhr: Any other questions?

Wheeler: Excellent. Thank you.

Stuhr: Thank you all.

Hardesty: Thank you.

Stuhr: Thank you both.

Wheeler: [whisper] – somebody else from the public utility board or something?

Fritz: No, I think we're done, the bes [inaudible]. We should talk, should we have read the second ordinance as well?

Wheeler: Let's finish the first one. We're going to read them separately. So does that complete the presentation on the first ordinance? Do we have any public testimony on this item?

Moore-Love: No one signed up.

Wheeler: Okay. This is first reading of a nonemergency ordinance. Moves to second reading. Now please call item 439, please.

Item 439

Wheeler: Good afternoon.

Mike Jordan, Director, Bureau of Environmental Services : Good afternoon, mr. Mayor.

Fish: All I'll say, Director Jordan, as Commissioner Fritz noted earlier that it wasn't that long ago that this room would be filled with interested and concerned citizens about their utility bills and it is a function I think about how far we've come and how much faith people have in their public utilities, that I don't even think we've had a question in our community budget forums, which is also something of a record. And people did have the chance to put a question in a glass. The other thing I want to mention because I think it puts everything in context, is that the people that we serve with water, sewer, stormwater services get a combined bill. That combined bill this year will come in under 5%. But it is worth noting just for the record that about two-thirds of your bill is sewer stormwater and about a third is water. That was a subject of great confusion a number of years ago because some of our critics talked about the water bill as if it was a single bill just paying water services and left out the fact that we're also paying for sewer-stormwater services. So, welcome, gentlemen.

Jordan: Thank you commissioner, mr. mayor, members of the council. It's our pleasure to be here today. My name is mike jordan, I'm the director of the bureau of environmental services. With me today is jonas biery, who is our business services manager and guru of finance, so most of this presentation will fall to his hands. What my job to do is today to just reframe and remind the council that we were before you about two months ago talking about our budget. What you will hear today regarding this rate ordinance is based on that budget. It's based on what you heard before. I don't know if we're driving here – yeah, next one. So I just want to remind council that our budget is based on the strategic plan we put in place couple years ago. These are the values in that plan. We have tried to gear the new programmatic approach to the budget to align our programs towards these outcomes

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and values and they are what drive really all of our decisions. The budget you have before you for this budget cycle was designed within that value set predominantly to enhance or maintain levels of service we currently are delivering to Portlanders again aligned with the strategic plan priorities. But probably that third bullet on the slide is really the most important. That is support asset reinvestment and I will add in the post combined sewer overflow era. This city and the bureau of environmental services spent a good decade and a half intensely oriented towards solving that combined sewer overflow problem. Spent \$1.5 billion nearly and quite frankly it sucked all the air off the room for anything else we do. So we have now a maintenance challenge before us that we are on, we're in about our third year of a journey of trying to get to that sustainable level of investment in the physical infrastructure that we have to make it sustainable over the long term. That's really been one of the big focuses of this budget. The next slide just will remind you of the actual dollar amounts and what it goes for. You have heard me say this before. This pie chart is telling for this bureau. Of the \$588.5 million proposed budget, 69% of it goes to capital. It's either paying debt service on capital we have already invested, it's making capital improvements in this year's budget, or we're putting money aside for future capital improvements. Again, a huge part of our job is really to try and figure out how can we maintain the system in such a way that it delivers that level of service for Portlanders in a sustainable way over the long term. That's how we shifted the financial approach in the last few years. I'm going to turn it over to Jonas and he's going to talk about the rates.

Jonas Biery, Bureau of Environmental Services: Thanks, mike. Mr. mayor, commissioners, Jonas Biery, the business services manager for BES. I have been called a lot of things, mike. Financial guru, that's another one I'll add to the list so thank you very much.

Jordan: Put it on your resume.

Biery: So this slide, just a reminder, that the vast majority of our revenues come from sewer and stormwater rates. The blue and the brown, it's about 90% of our revenues come directly from those rates. We get no general funds. It's almost exclusively from rates and a bit from system development charges and other fees. This is a snapshot of what the typical single family residential bill will look like for fiscal 2019-20, it's an increase of about \$2 a month, 2.95%. You can see that divided out about 60% for sanitary costs, 40% for stormwater costs. This slide I think is one of my favorites. One of the most important to recognize where we have been and where we're going. This shows the history and projection of our annual rate increases. If you extended this further back in time five years you would see increases north of 5% and north of 6% and at that time you would have seen rates projected that were north of 4%. It's an indication of both where we have come and how we managed the financial condition of our bureau, but also how we managed the future financial condition of that bureau and our commitment to keep the rates below 3%. It also shows that this is the third, fiscal year 2019-20 will be the third consecutive year we have delivered on that commitment to stay at increase below 3%. I said this last year, I believe, but I'll say it again. I don't believe there's another public utility in the United States that can claim a future rate increase that low and continue to invest responsibly in infrastructure. I want to show you how we compare to our peers, as was previewed in the water presentation, we're just about in the middle. I'll also flag that if you look closely you see the percentage increases for the peers on the list most of them are above 3%. That's been a trend for a few years, it's a trend we expect to continue. We expect we will continue to compare more favorably over time as we stay the course that we're on.

Fish: Is that in part because so many of our peer cities are just starting their combined sewer overflow project.

Biery: Yeah commissioner, yeah good question. That's part of it. These are not all CSO cities. But I think what it is reflective of is that we have done that work a decade ago and

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over the past couple of decades so we have already baked that cost into our profile. We have also continued to invest in infrastructure rather than kicking the can and some of our peers are just now catching up to that and that's where you're seeing some of the increases as well. I won't dwell on this. It's the exact same program and information that you saw for the water bureau. We participate. It's a single low income assistance program. We participate in that as well. You can see the impacts of both low income discount and the extreme low income discount on the sewer stormwater component of the bill. The bottom bullet I do want to flag, we have a separate and distinct discount program, clean river rewards program which recognizes property owners who invest in stormwater infrastructure, facilities on their property, and so that prevents that stormwater from going into the system and they are eligible to receive a discount on their bill for participation in that program. Like water we also have system development charges like water they are on a reimbursement basis meaning they pay for infrastructure already been built for fiscal year 2019-20. Those are increasing at about 4 to 7% which is consistent with what we expected last year. You can see a couple of examples of increases on some specific examples there. We also have a number of permits and fees that we collect charges for. These are on a cost recovery basis. The cost of staff and administration to process those. So those fees will change based upon changes in those costs. You can see a couple of them, the building plan review and land use reviews fees increased a bit more than we may have typically expected. Increases are typically due to things like cola and those kind of general fund overhead increases. A couple of these increased a bit more than in prior years due to impacts of the classification, reclassification exercises that recently occurred and then some expansions to those services so I want to flag those for you. Last slide is just kind of summarizes both the water presentation and sewer. You can see the combined bill for a typical single family residential customer. The green being the bes component, blue being the water component. You can see that that combined increase for fiscal 2019-20 about 4.5%, that equates to about \$5 monthly or \$15 for a quarterly billed customer. And that is the end of our presentation.

Wheeler: Very good. Any questions? Testimony on this item?

Moore-Love: No one signed up.

Wheeler: Very good.

Biery: If I may, I believe we have some invited testimony.

Fish: Some invited testimony.

Wheeler: Sure. Bring them up.

Fish: Janice thompson from cub and we have a statement from the pub.

Wheeler: Welcome. Thanks for being here.

Fish: By the way, I think one of the reasons we have seen less drama over the past few years is we have two separate oversight bodies which report to us on a regular basis but are part of this budget process and tell us, give us specific feedback in terms of the presentations. Janice, want to go first?

Janice Thompson: Sure, Janice thompson, Oregon citizens utility board or cub. First comment applies to both bureaus and relates to staffing level for the Portland utility board, which you're going to hear from via ryan. Just a bit of background, like all bureaus both the water bureau and bes through the general fund overhead model contribute to the city budget office, which does analysis for the city council. However, in addition, both bureaus pay for the staff person for the public utility board. That person has to be housed somewhere, and that person is at cbo, but they do analysis for the pub. This recommendation and reconfiguration of this public utility board was linked to blue ribbon commission that met in 2014, cub was a member on, and we definitely supported this reconfiguration of the pub with the staffing capacity. We were at the march council budget sessions. I did express concern about a 50% increase from one fte staffing level to 1.5 that

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was proposed by cbo. Its own budget related to this pub staffing. It is still at the 1.5 level, and we're still concerned about this increase, especially since the pub meeting frequency and other dynamics just is fairly -- has led to both agendas and attendance levels that are not consistently robust. However, when we raised this issue earlier at the very least we requested more analysis, which was done by cbo. I want to particularly thank Jessica Kinard for reaching out and touching base with me. So that means that the 1.5 fte level, which is this increase in the mayor's budget, has been more thoroughly vetted than I feel like it was prior. But I just want to highlight that I think cub will continue to be concerned about this and would just request that continued work by cbo and the commissioners in charge and the pub itself in terms of exploring efficiencies and evaluating that staffing configuration is requested because for a number of reasons, it might make sense for the next year but whether or not it's warranted in the long term requires continued review. So that's comments that apply to both bureaus. In terms of the water bureau, one issue that cub has consistently expressed concern about relates to our not supporting use of repair money for decorative fountains. In our view, it's a decorative function, just because it uses water does not constitute to us thinking that it's an essential element of a water system. So this has been kind of a repeat comment, and our understanding was that \$600,000 in the water bureau's budget for this maintenance of these fountains was going to be a one-time occurrence in last year's budget. The budget cycle that we're currently in. So it is disappointing to see this what was supposed to be a one-time thing repeated again. At the same time, it would be really good if just a definitive decision could get made on this so this bouncing back and forth could be resolved. So I think that merits further conversation. I would like to see that decision come down on the side of it not being a water bureau cost, but I think there's just -- the amount of time I think people have spent talking about this is just not warranted. So resolving it one way or another does seem prudent on any number of levels.

Fritz: However, I think the point is that we, just, we have said that we disagree and have made that choice.

Thompson: Well, when I was told that something was going to be a one-time thing I don't think there was a complete -- so. Again. It could well be. It's a matter of opinion and it's already been decided to be a certain way. And in that case, I think aligning the maintenance dollar allocations and the allocation of control of those assets would make sense. Because I think that's a little bit of the rub here is that there's not current alignment in the way that you've mentioned. Second point, regarding the mt. Tabor, definitely support the mayor's budget inclusion of general fund dollars for the final installment of the \$4 million over four years commitment made by the council that was linked to a very significant agreement reached back in 2015 between the water bureau and the mount tabor neighborhood association. Originally the cbo had recommended not to do that. I think it was prudent to move ahead that in the mayor's budget and support that. I do want to highlight that --

Hardesty: Excuse me. If I could ask a question, Mayor.

Wheeler: Sure. Commissioner Hardesty.

Hardesty: So if we did not do that this year, what would be the downside of using those resources elsewhere?

Thompson: Well, if you're talking about just delaying a year --

Hardesty: Yes.

Thompson: I don't know that would be the end of the world. I think there will be delays. In terms of getting the work done. I just think --

Hardesty: I understand. Sorry. Go ahead, Janice. I'm sorry, I didn't mean to interrupt. Go ahead.

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Thompson: I think there should be delays in getting the work done. I think it continues to open this door of like, well, maybe it doesn't have to be general fund money which I think it should be general fund money. I think it -- could potentially undermine this kind of challenging resolution issues. Would it be the end of the world? No.

Hardesty: Thank you.

Thompson: Regardless of the exact timing, however, I do want to just highlight thinking ahead to the future about what comes next. For example, that 2015 resolution did include the possibility of the city council considering a 1.5 million dollar allocation to replace -- to replace some existing nonhistoric lighting. That has not moved forward. It was only a may consider not have to consider item. Cub just doesn't see the logic of using water bureau funds for that purpose, and but this might come up in the future on that conversation and there's probably going to be other historic preservation issues coming up on mt. Tabor. I would argue that now is the time to just put those concerns into -- instead of having a little mt. Tabor bucket where those concerns are addressed put those historic preservation budget requests into a city-wide context, which seems just kind of general prudent public policy at this point in time given that a certain kind of hurdle has been achieved but also seems good from an equity perspective. I want to highlight that as being something that cub will continue to monitor in terms of, you know, use of repair money for functions that are just not integral to the system. That could include the potential ideas in the future related to historic preservation. A final comment related to the water bureau is this budget really had minimal staffing changes from the previous year's budget. I think that made a lot of sense, particularly in this time when the water bureau is undergoing strategic planning so there may be -- that that could inform staffing configurations and next steps. But I would just suggest that that strategic planning include an assessment of rightsizing -- at the same time just because there was a level gear this year, I don't think should be viewed as oh, that automatically means next or -- I guess it's 20/21 at this point, that that budget year can also be level. Nevertheless I think some rightsizing conversations I assume but I would argue should be part of the strategic planning discussion. Those are the comments in terms of what ended up and didn't end up in the water bureau's budget and some thoughts about kind of some of the things coming next.

Wheeler: Great. That's excellent.

Thompson: In terms of turning now to the water bureau or bes, got to get the right piece of paper -- a couple of look-back items. A year ago at this time there were some fairly last-minute dynamics between the water bureau and pbot with regards to the appropriate cost share for street sweeping. Street sweeping is a valid expense for bes, but the problem was a problematic process, and inadequate documentation of pbot costs and kind of a both service and science based discussion. At that time, a year ago, commissioner Fish made the best of a bad situation by urging the council to adopt a budget note, kind of laying the ground work for what i'm pleased to report was a much better process this time around. So embedded in both budgets is a street sweeping related interagency agreement based on a sound science service level methodology. I think that's a very helpful step forward in terms of -- and want to thank bes and pbot for that effort. In terms of moving forward, I also thank bes. It has done its strategic planning, however it's now doing some important work in terms of staff reorganization potential, things like that. I think a rightsizing conversation is urged in that regard. Superfund is always a big deal for bes, and I will be coming back to listen to the 4:00 presentation on that. But I want to end with a little longer discussion. Related to clean river report as noted by bes there are a little over 35,000 participants receiving this typical monthly discount of about a little over \$9. This is a discount program that cub has been concerned about for quite some time from both an equity perspective as well as whether -- as a cost benefit. I mean are there system benefits of actions taken to qualify for the discount being adequately evaluated from both a scientific perspective and

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an economic cost benefit perspective. To highlight the equity issue, one factor in somebody qualifying relates to trees and the number of trees. We just know that, you know, there are different neighborhoods with different levels of tree cover and there's equity issues when that's one of the hooks. Until now, however, the catch has been been wasn't far enough along in its stormwater system planning to quite have the information it needed to do this analysis. So that actually has meant that along the way I have been very supportive of the bureau doing that work and have requested periodic briefings so I try to keep up on that. That's really an ongoing set of planning. But it had just gotten to the point where it seemed like, okay, now we have enough data that we should really be able to dive into this. That then dovetails with another topic that I have been identifying and saying, this is coming, relates to updating the rate study. Related to the methodology for setting both sewer rates and the stormwater rates. Those documents, old is not necessarily bad, but those documents are getting older and older, and particularly on the stormwater side, there's been enormous changes in terms of sophistication, in terms of stormwater management tools. So finally in the last year it was like, okay, the stormwater system planning is seems like it's getting a critical mass of data, it's time to kick in that rate study so that process is getting under way, and one element of that rate study relates to evaluation of this clean river rewards discount. I'm going to be monitoring really carefully this whole rate study process, which will be a couple of years, but I will be particularly intrigued to see kind of what it says in terms of this clean river rewards discount. We're approaching it with an open mind. It may be it checks out, but if it doesn't, cub would be very open to modifying it or even possibly phasing it out. But in terms of trying to think ahead and what this group might be faced with it's probably fair to say if it is phased out in the future there would be some interesting political dynamics that would come before you. That's coming and I think it is a very important discussion that hopefully is now going to be informed by the stormwater system planning work, having gotten to a certain level of doneness, if you will, coupled with it's now time to do the rate study and with regard to the clean river discount program it just could mean some interesting future dynamics. With that, that's –

Fritz: Mayor?

Wheeler: Commissioner Fish.

Fish: This morning when we took up the service coordination team we acknowledged that that was the brainchild about ten years ago of commissioner randy leonard. I just want to acknowledge that the idea behind inviting the cub in to be a watchdog for our residential ratepayers was commissioner steve novick. We're the only public utility that they provide that level of oversight over. Their primary work is doing oversight over private utilities, and I just want to acknowledge how grateful we are for the partnership.

Wheeler: Thank you.

Ryan Kinsella: Good afternoon, city council. My name is ryan Kinsella, I'm with the city budget office. I'm standing in today for the Portland utility board analyst which supports the Portland utility board but is housed in the city budget office. The chairs of the Portland Utility Board have provided the following testimony that I will read into the record on their behalf and then paper copies have also been distributed.

Wheeler: Thank you.

Kinsella: The pub serves as citizen advisory body for the Portland bureau of environmental services and Portland water bureau. The public utilities make up 20% of the total city budget and the pub was created to provide year round oversight and recommendations to the mayor and council for the water, sewer and stormwater utilities. Each pub member invested substantial time over the past eight months reviewing the proposed program offers, operating budgets, major additions, and adjustments to the five-year capital improvement plans, decision package and the city budget office analyses for

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both bureaus. The pub wants to take this opportunity to publicly thank both directors and staff that have dedicated time to provide clear information and support pub through our budget review process. Overarching themes of the board discussion on the bureau budgets included concerns with the overall affordability of the utilities, the capacity of both bureaus to deliver the ambitious capital programs envisioned and the importance of performance metrics still under development. There was just one decision package to consider, a request from the Portland water bureau for the required preservation work at mt. Tabor. The pub is supportive of the mayor's proposal to continue to fund the final year of commitment with general fund dollars and avoid rate impacts for this project. With the shift to program offer budgeting the bulk of the pub time was spent understanding the base budget within this new framework. There are three key issues to highlight. First i'll touch upon the issue of affordability. The combined rate increase in the mayor's proposed budget is 4.5%. Although consistent with council direction the pub remains concerned the ongoing annual increases outpace inflation year after year. At the current planned rate increase the utility bill will increase another 20% by fiscal year 2024 up to approximately \$424 for a typical single family quarterly bill. We're concerned about the impact on rate payers, particularly those most vulnerable. Pub is very supportive of the low income discount program to mitigate some of that concern. The program that started last july provides a good foundation and model to follow. The pub advocates for a good data collection and program evaluation later this year to ensure success and identify areas for enhancements to maximize the impact. The challenge of affordability for multifamily units is a broader city concern that cannot just be addressed by the two utility bureaus. All council and other city partners need to be thinking about a holistic approach to get at affordability for multifamily units. Next i'll briefly discuss monitoring of staffing levels. The new budget processes now require fte changes to be discrete decision packages however the pub noted an increase of 20 positions within the bes requested base budge. Some of the increase this year is a shift from contracted work and pub supports addressing the capacity gap to deliver on capital projects. Pub is not debating the need for specific position changes requested, however, there's a general concern for the long-term impacts on the financial plan with the risk of a slowing economy that could impact revenues needed to support the new ongoing staffing expenses. Staffing levels will be an area the pub will continue to monitor for both bureaus as it impacts rates and affordability. Finally I will discuss the need to focus on performance metrics. A critical priority for the pub is an early development and implementation of meaningful and measurable performance metrics to monitor success of the programs at the water bureau and in bureau of environmental services. The pub recognizes the water bureau is in the midst of a strategic planning effort that impacts metric development in environmental services working to align metrics with their strategic plan and equity plan. Both bureaus are also working through the shift to the program offer budgeting. However effectiveness in both bureaus depends on developing a budget process that includes key metrics that can be used to evaluate services and program offers against measurable outcomes. It was challenging for pub to evaluate program offered budgets in the absence of performance measure data and we're committed to working with both bureaus in coming months to support development of effect metrics to track programs and impacts of decisions. Pub looks forward to continuing to work with bureaus with you, mayor, and the commissioners, to encourage utility operations and investments that ensure, safety, value, transparency and financial sustainability of these systems for the customers of Portland. Council created pub to provide citizen oversight of the utility bureaus and we appreciate the opportunity to provide feedback at this point in the budges process. Thank you for the time today.

Wheeler: Thank you. Colleagues, any questions? Come on up, mike.

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Stuhr: We thought we would take this. Kathy found the answer to commissioner Fish's question. We can deliver it now.

Koch: You can't not know the answer. It was 23,500, monthly statement folks.

Fish: Good. Thank you very much.

Wheeler: Appreciate it. Thank you. Public testimony on this item, Karla?

Moore-Love: No one signed up.

Wheeler: All right. Very good. This is a first reading of a nonemergency ordinance. It moves to second reading. Our next item is a time certain. We're in recess until that time

At 2:51 p.m., council recessed.

At 4:02 p.m., council reconvened.

Wheeler: The continuation of the may 15, afternoon session of the Portland city council, we had to take a recess as the next item is a time certain. Karla, please start with item 440.

Item 440

Wheeler: Commissioner Fish.

Fish: Thank you, mayor, we will invite up our distinguished panel. City attorney tracy reeve, chief administrative officer, tom rinehart, nik blosser, governor brown's chief of staff, also known as deborah kafoury's husband, and jim. Welcome. I didn't have you on my list, but thank you for joining us, and I have a brief opening statement. By the way, as exciting as this afternoon is, and this announcement is, I just got a text from my wife that my son made his club team after tryouts so I have to say, that puts everything in perspective.

Wheeler: That's good news.

Fish: I don't know -- mayor wheeler, i've been proud to partner with you to lead the city's effort to clean up the willamette river, and colleagues, today we will hear about a new and unique partnership that will accelerate the next phase of our superfund work and meet the city's obligation in a thoughtful and responsible way. In december, the mayor and I met with the deputy administrator of the environmental protection agency. He told us and confirmed that the environmental protection agency has prioritized this site and asked us to partner with them to ensure that we keep moving forward. We share their commitment to our river and to continued progress. During the environmental protection agency's visit to Portland, they announced specific and aggressive deadlines for the next phase, which is designing the cleanup. Our talented team seized that opportunity and worked with our partners at the state and governor kate brown's office to develop the innovative concept that we have before us today. The proposal is to form a public trust, that leverages public dollars to encourage prior to parties to begin the design work. Our invited panel will explain how the trust will work, but I want to highlight a few key benefits. First, this agreement is a thoughtful and efficient use of public dollars. The agreement caps public funds and makes sure our money is used on cleanup design work rather than administrative and legal costs. Second, the agreement increases the legal certainty. The environmental protection agency has agreed to exclude the state and the city from enforcement action, acknowledging that we are meeting our obligations. And private parties that accept the public dollars must agree not to bring claims against the state or the city. The proposal has been through several rounds of legal and fiscal vetting by the city, state, and our federal agency partners. That might be the understatement of the day. I am pleased that all agencies were able to reach agreement on the specific details. Council's vote is the final step to put this plan into action. In addition to the trust, the proposal includes two other major components. First, a coordinated approach to information sharing so community members have access to current, comprehensive, and easy to understand information. Second, an agreement between the city, state, port of Portland and department of defense to partner on cleanup

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work at the willamette cove, a popular community gathering spot. Those will be coming to council soon. Colleagues, this is a creative approach among super sites -- superfund sites, a unique and creative approach. It's a major step forward to reach our shared goal of a cleaner, safer willamette river. I want to thank many, some of the many people who got us here today. Annie von burg at bes, the city's superfund liaison, bes director mike Jordan, nanci klinger from the city attorney's office, nik blosser, the governor's chief of staff, who rolled up his sleeves and personally engaged on this issue, the jim mckenna, governor brown's natural resource policy advisor, and I would be remiss if I didn't thank our partners across all city bureaus at the state of Oregon, at epa region 10 in seattle, and at epa headquarters in Washington. Mayor, thank you again for your continued partnership on the superfund process, and let's turn it over to our distinguished panel.

Tracy Reeve, Office of the City Attorney: Thank you, commissioner Fish, mayor, council members. I am tracy reeve, I'm the Portland city attorney, and I am here today to help present you with a settlement agreement with the u.s. epa for certain Portland harbor superfunds remedial design costs. The city and state have worked together to create this agreement and approach to the next phase of the Portland harbor superfund site. With me here today are tom rinehart, our chief administrative officer, nik blosser, the governor's chief of staff, and jim mckenna, also from the governor's office, and epa region 10 administrator, chris hladick was hoping to be with us today, but unfortunately, he was unable to make it at the last minute. He sends his apologies, but tony barber, epas Oregon director, is with us today, and in the record is a statement issued by epa headquarters and region 10 supporting this agreement. Now, as you all know, Portland harbor superfund is a ten-mile site that runs from the southern tip of sauvie island to the Broadway bridge. The epa, after many years of investigation work, released its final cleanup plan in 2017. In that final cleanup plan, epa estimates that the cleanup will take 13 years of active construction and 17 years of active monitoring to reach the cleanup goals at a cost of around a billion dollars. Since the final cleanup plan was issued, some parties have stepped forward to perform environmental sampling to establish the benchmark against which progress moving forward will be measured. That baseline effort is near completion, and we are now beginning the phase where the specifics of how the cleanup will work will be engineered. This is known as the remedy design or cleanup design phase. In december, top epa leadership came to Portland to announce a timeline for the design phase of the superfund site. The epa set aggressive goals and announced that it wants the parties to be in serious negotiations by this june and to have the entire site under order for cleanup design by the end of 2019 this year, or epa will move forward with enforcement action. The city is supportive, as is the state is supportive of the epa's efforts to expedite this stage of the process to move the site closer to cleanup implementation. We all want to get in the river and start cleaning it up. As council is aware, the city and state are unique among the approximately 150 potentially responsible parties, or what we refer to as prps in the Portland harbor. Neither the city or the state are a single industrial site. Rather, we are prps because we touch the harbor in as many places where we have provided public services, and as you know for the city, that's largely our sewer system, stormwater system. The result is that we have potential legal obligations scattered throughout the entire Portland harbor superfund site. As a result of that, and in order to avoid being actively involved in designing the cleanup throughout the entire harbor, we have reached a potential agreement with the epa that will help address the city's and state's legal obligation for cleanup design and will also help us to avoid enforcement action. In the agreement that's before you, the city and state would each contribute up to 12 million into an account that is dedicated to move cleanup design forward for the entire Portland harbor superfund site. Through the agreement the city and state are each offering \$80,000 per acre of any sediment management areas identified in the cleanup plan as needing active

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cleanup, either capping or dredging, that is not already under an epa order for design. By pooling our public resources, we leverage and expedite an action at a larger scale, and that's one of the most exciting aspects of this settlement agreement. To receive the funds, the parties must sign an agreement with the epa this year that obligates them to do 100% of the design work for the area for which they are signing up. Those parties that accept the city and state funds must also agree not to bring claims against the city or the state to recover design costs for those areas. In exchange for this investment, epa has agreed the city would not be subject to enforcement through june of 2020, regardless of whether the parties agree to the funding offer for their areas. Of course, our hope is that they will. It is important to note that this is not a full settlement of claims. It provides the means for the city to resolve its liability for contributing to the design phase as to those parties who elect to accept our funds. This only goes to design. The actual cleanup work, itself, is a future step. Through this agreement the city and state do three important things. First, we reduce the possibility of the epa taking legal action against the city and state for this phase of the project. Second, we reduce some of the legal and financial uncertainty for this phase of the project, and as more areas accept the offer, that reduction and uncertainty is heightened. That's a terrible way to put it, but we get more certainty the more people take our money. Third, we maximize the benefit of public dollars by insuring that funds go directly to cleanup design work by those that should be doing the work while avoiding high administrative costs on the part of the city and state who would otherwise have to be involved in all of the areas. Here's a brief overview of what we have proposed. The city and the state will each in fiscal year 2019-20 contribute \$6 million to a trust, and that's the first pool that you see there. As parties sign up to participate and take on the cleanup responsibility for a given area, that money then flows into the epa special account, and those parties get 50% of the funds when the epa approves their cleanup design, and the other 50% you see coming out of the bottom when the work is completed for the site. The money only goes from our trust into the epa's special account, other than an initial \$1.5 million seed money if you will. The rest of our funds only moves in as parties sign those agreements and are obligated to do the work. Okay, I will now pass this over to tom rinehart, who is going to discuss some of the policy benefits of this approach.

Tom Rinehart, Office of Management and Finance: Thank you, tracy. Good afternoon, council. For the record, tom rinehart, chief administrative officer. Council, this is a responsible approach to a complex and expensive project. I worked closely with the bureau of environmental services, the lead bureau for the city on this effort, and thank you, bes, to prepare for this stage of the process and lay the groundwork for the long road ahead, as well. As tracy mentioned, this agreement as an important step towards both addressing our legal obligation and providing the city more financial certainty, but just as importantly, it is a major step towards beginning the full restoration of our river. It also ensures that all funds will go directly towards the work of cleanup design, as tracy mentioned, and reducing our transaction expenditures like legal and technical costs, which for this project are significant. Since we're in budget season, I want to zero in on the figures that tracy mentioned. Our first payment of \$6 million will come entirely from the environmental remediation fund, and because these funds have been collected, this agreement will not have a rate impact at this point. We have been in contact with affected city bureaus and will work together to identify funds for our remaining obligation outside of the environmental remediation fund. In closing, we urge your support of this agreement with the firm belief that it is a responsible approach to cleaning up the river for our community. With that, I will hand it over to our great partners at the state and to nik.

Wheeler: Welcome

Jim McKenna, State of Oregon, Office of the Governor: Thank you.

Fish: And by the way, Nik Blosser is not going to shave until the trail blazers win. [laughter]

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McKenna: Well thank you very much, and commissioner, i, too, appreciate your efforts on this effort. I know how important this project is to you. It's been great working with michael jordan and annie von burg on this great teamwork, and we're very proud of this day. We think this is a going thing, we think it's the right thing to do. The state of Oregon, through the department of state lands and Oregon department of transportation has been notified by the epa of its potential liability at this site, and the epa has requested that odot and dsl, along with upwards of 150 other prps step forward cooperatively and make proposals to do remedial design for the entire site this year in 2019. If those parties do not step forward, then epa is willing to use its enforcement tool. In response to the epa's announcement that the entire harbor site must be under order for cleanup design by the end of 2019, we are preparing to do our part. The city and state, it's important to note that we are unique amongst those 150 or so prps. We don't have a single site or facility. By providing the public services in this area of the Portland harbor, we have touched multiple locations throughout the harbor. As such, we may have potential liability at those multiple locations throughout the harbor. The city and state have reached an agreement with the epa that can help us to address those legal obligations for cleanup design and avoid the enforcement actions that may be coming down the pike. As you are aware in the draft agreement, there is a clause of "look elsewhere" look first at others for enforcement because they recognize that the city and the state are putting a great proposal forward. It's worth giving those other prps time to consider that proposal, and therefore, we have a look-first agreement through july, I believe, of next year. We are taking steps towards addressing the potential obligations, reducing our risk -- by doing so we reduce the risk to taxpayers and rate payers and we leverage harbor-wide action by bringing the parties to the table. We could have stepped forward at one location, and spent our public funds, but as I mentioned earlier, by having a potential liability throughout the harbor and using this bucket of money, the pooled money from the city and the state, we can address the remedial design at all those locations throughout the harbor as parties step forward and sign their administrative orders. I think it's important to note here that, and I know that the city attorney and others have mentioned this, these funds, the city and the state will get credit by the epa against our remedial design liability. As parties step forward and sign orders, and they are eligible for some of this money, as the money is transferred over, we get credit for those funds towards our liability. This is not a subsidy to other prps. We are not paying or otherwise transferring funds to other prps. We are resolving part of our liabilities. By investing these funds, the city and state do three important things. We reduce the possibility of epa taking enforcement action against our respective organizations for this phase of work, we protect the public dollars by providing a set amount of funding to specific work areas rather than directly taking on projects at multiple locations, and by doing so, we greatly reduce the administrative costs associated with those projects. The offer requires the prps use the funds to fund cleanup designs and move the site closer to actual cleanup. Those funds cannot be used for anything else but actual remedial design work. That will be in the agreement with the epa. And we play an important role in moving the cleanup design forward for the entire harbor. Without taking on design work that would be performed by the appropriate prps, in other words, certain prps, it's more appropriate for them to do the design at and of their respective sites, so they can take into consideration the current use and future use of that site as opposed to the city or the state doing that design. With that, nik, I was going to hand it over to you.

Nik Blosser, State of Oregon, Office of the Governor: Sure, for the record, Nik blossom, service chief of staff to Oregon governor kate brown. Thanks for having me. I'll just keep this brief. The governor sends her regards and asked me to be here today before you. Thank you for the opportunity. I do want to, myself, extend the governor's appreciation to commissioner Fish and the city, including bes director mike jordan and some of the folks

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who are mentioned. It's been tremendous work to get this partnership this far. In the midst of everything else on her plate, pushing hard to get Portland harbor cleaned up has never been far from the governor's mind. When we were in Washington d.c. earlier this year, we had a meeting with epa administrator wheeler to discuss the potential for this very partnership, and I am very pleased that we are here today, only a couple months later, to finalize the agreement. It's kind of remarkable how quickly we have come, and in february, also, around that time, we were able to get the state legislature to approve, to secure the state's \$6 million commitment, so that was also a big step. This is, as has been said, a creative and unique partnership, one we believe will propel forward the cleanup of the Portland harbor superfund site. It reflects our shared commitments to making real progress to get the harbor cleaned up as soon as practicable under the existing record of decision, which is something that we emphasized in our meeting with the administrator. It is imperative that we do so in order to reduce the risk to people who use, fish, work or otherwise rely upon the river. As we know this is one of the more complicated superfund sites in the country with over 150 prps, over 300 chemicals of potential concern. In the state of Oregon, like the city, wears multiple hats as a potentially responsible party, a natural resource trustee, and as a regulator. Six native american tribes are involved as natural resource trustees, and complicating that, adding to the complication, the esa listed salmon restrict and water cleanup work to just four months per year. The legacy debt of Portland harbor is one that none of us here today caused and one that we have all inherited, yet we must address it. The willamette river is home to a wide variety of wildlife, including threatened and endangered salmon, it provides recreation opportunities and has significant cultural significance to many tribes. It's also our largest seaport in our state directly employing 30,000 people and deriving over \$400 million of state and local tax revenue generated by activity within our working harbor. It presents an opportunity for new investment and future employment, but the superfund listing has cast a dark cloud of uncertainty over the harbor. As you may know the army corps of engineers has, essentially, ceased maintenance dredging of the federal navigation channel in the lower willamette since the superfund listing. Private industry has been reluctant to invest in existing or new facilities while the liabilities of cleanup remain resolved. Therefore timely initiation and completion of the sediment cleanup will go a long way in lifting this cloud of economic uncertainty. As has been said on december 17 of last year the epa sent letters to each of the Portland harbor prps expressing the need for have commitments to perform cleanup in 2019, this year. If they don't step forward, epa may use enforcement to get the designs completed. So this partnership and the dedicated funding for it provides the opportunity to secure that cleanup design for the entire harbor, which is a huge step forward. In closing, I will just add the Portland harbor was listed as you know as a superfund site almost 20 years ago in the year 2000. It's time to bring closure to investigations, to complete the design work and move forward with actual cleanup, which we all want. To reduce health risks, improve environmental conditions for people and wildlife, and at the same time, create the opportunity for significant, economic, and commercial endeavors in the heart of the state's biggest city. Thank you again very much for the partnership and the opportunity to be here today.

Wheeler: Thank you.

Fish: Thank you. That completes the formal presentation, mayor, and we can take council questions, and I may have people here to testify.

Wheeler: Any questions, colleagues? Public testimony? Karla, is running to get the list. I know there were at least two people that I saw signed up on the list.

Moore-Love: Lightning and bob sallinger.

Wheeler: Very good. Come on up. Three minutes each, please. Name for the record. Bob, why don't you go ahead and start, please. Thank you.

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Bob Sallinger: Good afternoon, mayor and members of city council. My name is bob sallinger, I'm the conservation director for the audubon society of Portland. I wanted to come here today to testify and give our support out of appreciation for the work being done here. We're still getting our heads around it, so we are still going through the details, so it's preliminary support but we are excited that the city and state are moving forward and taking the leadership role as has already been mentioned. We've been waiting 20 years to get to the cleanup, and so seeing the city and the state step out is exciting, it's important, and we hope that the rest of the prps will follow suit, and take this as an opportunity to really jump in. We also appreciate the epas confirmation that they will hold folks accountable and look for agreements by the end of the year. So the city and the state's leadership is all the more important for that reason. We look forward to seeing the agreements signed and the implementation phase really get into full high gear. This is all the more important as we see the information come out recently talking about the impacts on salmon species. Throughout the last 20 years we've been told the salmon were not significantly affected by the pollution in the willamette river, and now we know that that's not the case, as well, so it's -- the importance is all the more heightened. The only caveat I really wanted to flag today, and we have heard both from the city and the state on this is that we want to make absolutely sure that no money, no public money goes to subsidizing the cost of private responsible parties cleanup. We've been assured by the city and state that's not what is happening here, this is really catalyzing the design phase, but none of this money will go to subsidies for responsible parties. We do feel the polluter pay principle is absolutely critical and needs to be maintained. Polluters need to be held accountable, and we should not be subsidizing them with public money. Again, we've been assured that's not the case, and we trust that will remain so. I just want to also express my appreciation to annie and jessica, who briefed us last week on behalf of the city. We will be meeting with jim and the governor this week to get a briefing from the state, so we appreciate the outreach and the efforts to keep the community involved. Thank you very much for your work on this.

Wheeler: Thank you, sir.

Fish: Thank you, Bob.

Wheeler: Good afternoon.

Lightning: Good afternoon. My name is lightning. I represent lightning super humanity. Again, all the responsible parties except the state and city, I want to have an exclusion for every business, and they are not going to have any liability or have to pay anything on this. I want this to fall on the city and the state entirely, and I want them to by a for the whole project. One of the reasons is I do not want to affect the current businesses in this area in any manner economically, and I think that when we look back through history, let's face it, submersible land is owned by who and controlled by who? Not private parties. That is by the state, and if the contamination is on their land, they are responsible to clean it up. Now, they want to go out to the private parties in the future. That's for them decide, but I am saying that a lot of this sediment can transfer over years, can go from one location to the next, and what you are looking at is something that you really can't keep track of and who is responsible at the end of the day for what's currently in the river. I am saying the city and the state needs to step in now. They need to fund a dredge, what's called the Portland dredge, and begin doing dredging on this river every year. This should have been done from the year 2000. We should have had a dredging bureau already set up. We should have been removing contamination out of the river, and let me say this to you. You think that epa is going to complain if you would have had a dredge and began removing contaminated sediment out of the river? Of course not. That's what needed to be done. That's what needs to be done now. That will save the most cost. If you begin to affect the business owners along this river to where it hurts their businesses and they shut down, this

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is going to be a disaster for the city and the state. They need to step in, and they need to take control of their problem, which is in the water, and which is submersible land, and they better understand one thing, you are not going to be limited from your liability, state and city. If you think that you are, you are in fantasy land. This is your responsibility. It should have been cleaned up tremendously by now, and you have just sat back and trying to slide this off on to somebody else, and I am actually insulted by that. And to you, governor brown, let me say this to you. You need to clean up this river. You need to get to Washington d.c., get some of that federal money, infrastructure money, deepen our channel for commercial use, and implement this cleanup simultaneously to deepen the channel with federal money, and that's what I wanted you to do from the start on this. Instead, you want to bankrupt all the businesses up and down this river, and you cannot even prove half of this contaminated sediment came from their businesses. It's all transferred over the years, and trust me I lived on the river 15 years. I pulled dredging permits, and I understand exactly what goes on this river and how the sediment can move.

Wheeler: Thank you.

Lightning: Take your responsibility and do not limit your liability. City and state.

Wheeler: Thank you. All right. That completes the public testimony. Is that correct, Karla?

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

Wheeler: Very good. Any further comment, commissioner Fritz?

Fritz: To our guests from the state, welcome to our world. And thank you for being here today, and thank you for your work on this. We will be voting next week, but I wanted to express my appreciation to everybody who has worked so hard on this, and especially commissioner Fish, who has been at the helm for so long and does such a great job. Thank you.

Fish: Mayor if I could?

Wheeler: Commissioner Fish.

Fish: I just want to thank everybody. This sort of a dream team came together that's been working on this, and we do our best work when we work in partnership with other government. This is, I think, a sterling example of the state and the city having an opportunity to work together. It took a lot of smart people and a lot of negotiating and a lot of lawyering to get to this point. It is almost a little anti-climactic, but we had to go through layers and layers, and to our friends at the epa. You know, we have a lot of disagreements with the epa. And that's not an attack. That's a fact. But we are pleased that the environmental protection agency has drawn a line in the sand and said that this record decision will be implemented. Will be upheld. And that's very important. We believe, as a city and as a state in the principle that polluter pays. We believe in that strongly as do you, so, we thank you, sir, for continuing to hold all the potentially responsible parties feet to the fire, and nik, since you have gone through most of your life without a c in your name, and that's carried a big burden, we should also, while you are here, ask you if you would transmit to the governor our thanks for the increased funding for education. Commissioner Fritz's children went through public education. Commissioner saltzman, I believe, when he served, had a child. Commissioner eudaly has a child in public education.

Eudaly: Graduating in june.

Fish: Graduating in June.

Wheeler: Excellent.

Fish: I have a freshmen in high school at Portland public school, so this is a big lift, and to carve out the \$6 million initial installment while also juggling all these other balls, is a real demonstration of a commitment to this cause, so we thank you for that. Mayor?

Wheeler: I just want to say a couple things briefly. First of all, I want to thank commissioner Fish, and I want to thank his team for their incredible work on this. I would like to thank all of the city bureaus who have worked so hard on this. Mike and bes, we

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have everybody here from the finance team, from the chief administrative officer's team, from the legal team. I would like to thank those on my staff who have worked very hard on this, and particularly amy rathfelder, who is my environmental person, who is hiding somewhere in the background like she usually does and Kristen dennis, my chief of staff, I think this is a great example of everybody trying to come to go and collaborate, and I want to thank the governor, as well. The fact that she deployed her chief of staff and her natural resources advisor at a time when the legislature is at the height of their legislative session, I think, speaks volumes about their sincere is commitment to this. And it goes without saying that we need to thank the epa. There are many, many ways that they could have shut this process down and caused further delays, and instead, they thought outside the box, and they went and in completely the opposite direction. They took some risks, and they innovated and trusted the partnership that they have with the city of Portland, and I think that that has led to a really good solution here. And I want to address bob's issue right off the bat. He's right. This should not become the public sector subsidizing others. I know lightning, I know you disagree. What we are doing here is incentivizing those who are ready to go and who share our commitment and sense of urgency to cleaning up the willamette river, not talking about it for another 20 years, but, actually, taking action and doing something about it. Those who want to come onboard now have a clear incentive and a good entry path to being able to do that with us. I think that makes this very exciting, commissioner Fish, and I look forward to playing whatever bit role I can play in this to help smooth this path going forward. So this is the first reading of the non-emergency ordinance. If moves to second reading, and we are adjourned. Thank you. [gavel pounded]

At 4:35 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 16, 2019 2:00 p.m.

Wheeler: Good afternoon. This is the afternoon session on Thursday, May 16, 2019, of the Portland city council. Good afternoon, Karla. Please call the roll.

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

Wheeler: Now we'll hear from our legal counsel on rules.

Molly Washington, Deputy City Attorney: Good afternoon. Welcome to Portland city council. The council represents all Portlanders and meets to do the city's business. Presiding officer preserves order and decorum. 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're a lobbyist. If you're representing an organization, please identify it. The presiding officer determines length of testimony. Individuals generally have three minutes to testify unless otherwise stated. When you have 30 seconds left a yellow light goes on. When your time is done a red light goes on. If you are in the audience and would like to show support, feel free to do thumbs up. If you want to express that you do not support something, feel free to do thumbs down. Please remain seated in council chambers unless entering or exiting. If you are filming 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 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.

Wheeler: Thank you. Could you please read items 441, 442 and 443 together.

Items 441, 442 and 443.

Wheeler: Very good. Commissioner Fritz.

Fritz: Thank you, mayor. Commissioner Fish asked me to preside over these items. He obviously was planning to be here but had to go home, not feeling well. He apologizes, and I'm honored as the immediate past parks commissioner he asked me to present the item. One of our favorite topics. Portland is proud to be a city where trees are celebrated and enjoyed from our parks and natural areas to street trees. Open forestry is working to improve Portland's open forest for current and future generations. For all the progress we have made we cannot rest on our laurels. I'm just reading the talking points. Good job. We need to ensure that all Portlanders -- thank you. We need to ensure all Portlanders get services from trees regardless of where they live, work and play. Our shared commitment to trees makes Portland a green, cleaner, more sustainable place to live. Today we will hear two reports, one report will describe how Portland can grow a more equitable urban forest and the second we'll share the tree planting and other activities supported by the two tree trust funds. Finally staff will propose an update section of city code. Today's presentation will be led by Jen Cairo and Angie Disalvo.

Wheeler: Thanks for being here. Good afternoon.

Jenn Cairo, City Forester Portland Parks and Rec: Good afternoon, Mayor Wheeler, Commissioner Hardesty, Commissioner Fritz and Commissioner Eudaly. I'm Jen Cairo, city

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forester and urban forestry manager. This is angie disalvo, outreach and science supervisor. We have four topics to share with you today. An overview of the city's urban forestry program, the citywide tree planting strategy called growing a more equitable forest, the required annual tree trust funds report and proposed amendments to the city's tree regulations. Our goals include council accepting the reports and amending city code as requested at the end of our time. First the overview of the urban forestry program. Portland parks and recreation's urban forestry is the city's tree team. We're the city entity responsible for managing Portland's forests. Our tree infrastructure across the city. When you think about the urban forest think of trees in streets, yards and on public land whether a park or sewer pump station. Urban forestry leads implementation, management planning and tree regulations. The management plan is from 2004 and needs updating, however its goals are very relevant. They are three. One, protect, preserve, restore and expand the forest. Two, promote stewardship of the urban forests including by residence and businesses. Three, provide equitable urban forest benefits for all residents of the city. Urban forestry's mission to preserve and expand our urban forest and the services it provides for current and future generations of Portlanders. We do this in various ways. In addition to tree planting, which we'll talk more about shortly, urban forestry does tree care and maintenance on all types of city properties. We're the city's arborists so to speak including responding round the clock to resolve tree emergencies in public streets and properties citywide. We educate receipts accidents, city groups on tree services, stewardship appeared the tree goals and regulations through many forms of outreach and education. Urban forestry assesses the health and resilience of our forests, the services our trees deliver to residents and the outcomes of our tree regulations and programs. This photo is a remarkable scarlet oak tree. It's heritage trees number 238. They provide many essential services. These are critical urban infrastructure. Think of our urban forest like the drinking water supply, road network and our sewer systems. There are many essential tree services, i'll highlight a few. Trees in cities support health by reducing respiratory illness rates and improving mental health. They provide free onsite stormwater management and better water quality. They buffer pedestrians from street, track and vehicle emissions, slow driving speeds and beautify our streets, neighborhoods and lives. Trees are also living landmarks of cultures and history and our personal stories. One of the stories trees tell in many u.s. Cities is that of environmental justice. Low income neighborhoods and areas immigrants, refugees and communities of color consistently have insufficient trees and canopy cover. Those who often most need tree services here have the least. Trees are also one of the greatest and cheapest rays of hope to counter climate change and build resilience. The other cities with fewer trees are recognizing what we already know. Just last month on arbor day los angeles mayor eric garcetti said the most skilled foot soldiers in the climate change fight are not people. They are trees. Finally, trees are the image reputation and key attraction of Portland. When visitors and residents talk about Portland they talk about how green it is thanks in large part to our urban forest. Portlanders know this and Portland parks and recreation 2017 survey 95% of respondents said managing health of trees were either important or very important. Now i'll turn it over to angie.

Angie DiSalvo, Urban Forestry Outreach & Science Supervisor: Thank you so much. Today we bring the results of a one-year project to you. Titled growing a more equitable urban folder, Portland city-wide tree planting strategy. We ask that council accept this report. Because trees are such essential infrastructure, ensuring all Portlanders have access to trees and their services is key to the guiding code and policy. Providing equitable urban forest benefits for all residents of the city is a primary goal of the urban forest management as well as title 11 trees, and parks, racial equity plan and strategic plan include specific canopy equity goals. Trees are not distributed equitably throughout Portland. Here's a map of canopy cover or the percentage of area covered by trees.

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Darker green indicates more canopy. The west side of the river contains more canopy at 54% yet on the east side where 80% of the population lives canopy covers only 21%, much lower than the city's goal of one-third canopy coverage. To compare New York City, which is a much more dense city than Portland, they have the same canopy as Portland east of the river. The primary demographic factor correlated to canopy is income. Portland's more affluent and west side areas have more canopy and more access to trees and their services. Urban forestry establishes priority planting areas to focus efforts where trees are needed most. Priority planting areas are where the lowest est income and lowest tree cover are. East Portland shows a concentration of need and east Portland happens to be home to many communities of color, immigrant and refugee communities. So the answer may seem simple at first. Just plant more trees. But we recognize that trees cost money beyond their initial planting to grow a healthy, long lived tree it must be selected carefully, planted correctly and in the right place, must be watered, pruned and eventually replaced. The property owner bears these costs even for public street trees adjacent to their property. To successfully grow tree canopy communities need resources and support to care for trees. Growing equitably requires knowledge of concerns around trees. Title 11 created an opportunity. Title 11 requires trees to be planted and preserved but sometimes this can't happen usually during development, and when the requirements can't be met a fee is paid into a mitigation fund and parks then uses it to plant trees to replace that lost canopy. This new mitigation fund gives Portland a unique united to improve canopy equity. We can make a civic difference in how trees are distributed. We embarked on creating a planting strategy. We partnered with Portland State University sustaining urban places labs for over one year to create the first planting strategy. The project goals were to engage with communities and determine what the barriers and opportunities to tree planting are. This project also brought together the best available data and technology to create a web mapping tool to guide our efforts. The end result is our planting strategy, informed by data and created under the guidance of our community. This will guide our efforts and help grow more equitable urban forests. At the center of the project we engaged a community advisory committee including community members who live in the neighborhoods where trees are needed most and it included many immigrants, refugees and people of color. Then parks commissioner Fritz appointed the advisory committee and they met monthly for six months. They advised and were instrumental in helping craft the final recommendations. We hired community engage men liaisons to gather feedback from five communities. These liaisons brought together the communities for focus groups which they co-lead and provided interpretation for. And in the focus groups we shared information and participants discussed the relationship with trees and city government. We asked about barriers they experienced when planting and caring for trees and what opportunities they saw to increase canopy. In addition PSU conducted a public web survey. Response indicated that trees are very important to the Portlanders. Respondents favored an active role for the city in maintenance and planting. 74% believed the city should prioritize maintenance and low income areas. When asked where the city should focus its efforts first they prioritized the city's rights of way and private property and in locations where there are the fewest trees and worst air quality. We also consulted with Portland's technical experts. PSU interviewed brewers, the county, metro and one nonprofit to gather their perspective. Many discussed the significant financial challenge of street tremendous maintenance for property owners. Many noted a desire and need for increased community engagement as a regular part of city processes. We also used interview findings to guide the strategy recommendations. PSU developed an amazing technical tool to assist with planting site selection, branch out pdx.org. This online interactive map puts critical up to date environmental and social data at your fingertips. At the larger census block scale you can filter for environment factors of canopy cover, urban

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heat index and air pollution index as well as social factors such as median household income and percent people of color. Zooming into the tax lot scale you can filter for the same environment factors plus specific site factors including street or private property, owner or renter occupied property, land use, and road improvement. The owner name and address can be easily exported for follow-up. Urban forestry is using this tool to plan our plantings. It's publicly available on the web and we encourage you to use this tool to find sites in the most need of tree planting. Now I would like to share some of the findings and recommendations with you and beginning with the positive we heard overwhelmingly that our community members value and want trees. Yes, there are very real and significant barriers that prevent many from having trees, but trees are valued. The key for us as government is to reduce barriers and gain the community trust. Focusing on immigrant and refugee communities and communities of color the barriers are wide ranging. They include varying cultural values and relationships to trees, competing priorities, fears and concerns, costs, renter disempowerment and lack of trust in government agencies. I'm going to touch on a few in more detail. While nearly everyone generally valued trees many immigrants and refugees did not have a connection to the trees in Portland. In their home countries focus group participants were very familiar with how trees are named, used, cared for and valued. But they expressed that they had not yet had the opportunity to be introduced to Portland trees. This lack of local tree knowledge extended to not knowing how the city regulates or manages trees or what their responsibilities as residents are or who to call upon for assistance. But there was high interest in learning more. Participants cited cost and competing priorities of barriers to tree planting, cost includes the initial purchase of the tree, maintenance and even the perceived cost of future problems. The cost of planting and maintenance are very real and there are many competing priorities for underserved communities. Unfortunately for many this means that the best way to prevent any additional burden is to just not plant trees. There were also many misperceptions about cost of early maintenance are being very expensive, watering as well as young tree pruning when this inexpensive, preventive work can head off future expenses. Fears and concerns were very big theme. This includes fear of the physical impact from tree failure or damage to sidewalks, but that's not the only thing community members fear. They also fear rising home prices, rent increases and pushback from landlords. Many renters clearly stated they did not feel comfortable asking for or advocating for trees. We also heard many communities of color, immigrant and refugee communities did not trust government agencies due to past personal historical or personal negative experiences. Putting these pieces together we created recommendations to guide future planting. You can see your report for details but I will highlight a few. The first set of recommendations centers around funding both planting and maintenance in priority planting areas where the most need exists. We're already doing work in these areas and will help improve our approach. The recommendations are to plant trees in the right of way, yards, parks and schools. To increase tree planting at rentals with the city approaching property owners. And to publicly fund public tree maintenance. To remove the burden of street tree maintenance from the adjacent property owner. I'll talk more about this in a bit. The next recommendations are to conduct culturally specific outreach, education and programming that create an opportunity for immigrants, refugees and communities of color to explore Portland trees. Recommendations also included conducting events in the relevant language and providing interpretation, offering incentives to participate and involving youth in programming. Focus groups recommended partnerships with community organizations for outreach and education but also for planting and job training. The final recommendation is to continue to improve planting and management of the city's planting program. This includes continued work to improve communication and collaboration among bureaus and sharing tools such as branchoutpdx.org. Parks should update what the urban forest management plan and

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the canopy targets. In line with the recommendations we're committed to growing a planting program that's transparent, accountable and works. To do that we continue to monitor and assess our efforts. This means tracking where trees are planted and who is benefiting from the city's efforts. We also need to track the health and survival of the trees. So now let's take these recommendations and put them into action. First urban forestry is expanding our planting work. Focusing on one geographic area at a time we're beginning with the hazelwood and mill park neighborhoods, those in orange. For the next two years we will conduct outreach, education and tree planting efforts here. We're currently planning for planting along streets, in parks, yards and the david douglass school district. Secondly, one of the most significant recommendations is to fund street tree maintenance. In 2017 city council directed the formation of a street tree task force to find out what it would take to fund right of way tree maintenance. Council has funded the task force and work will begin this summer. The task force will report back to council on optioning and costs in the coming year. Thank you for your consideration. We request that council accept the growing a more equitable forest report and at this time we have invited testimony.

Wheeler: Thank you. Good afternoon. Thanks for being here.

Anjeanette Brown, CAC: Good afternoon, mayor. Good afternoon, commissioners. I'm anella brown, one of the urban forestry commissioners. It's a volunteer position. We meet monthly. Today I want to testify, I got involved with tree business because I live in southeast Portland and one day I saw a lot of trees being cut down at one time, very close to my apartment that I lived in previously. I was really upset. I was crying. Looking out the window crying. I was trying to involve my family, you're not impacted by these trees coming down around us? My son came to me and he said, mom, there's no point in crying if you're not going to do anything. So very soon after that I got involved with the tree advisory mentioned earlier and I learned a lot there and was able to give input for the information that you heard today. And be able to give things from the point of view of my community, from what I see and know, and then I was asked to be one of the urban forestry commissioners. So currently I have a seat at that table, and the power that we can have to get some environmental justice and move forward the way that we talk about equity and diversity and the environmental justice goals that we have for our city is directly impacted by the presentation goals that we had today. So that's why I wanted to be able to give testimony today to encourage council to accept and fund our programs. The street team program will be able to empower communities of color. I will see to it myself. [laughter] I do a lot of work in our community. I do a lot of volunteering. What I have seen currently is that it's becoming very difficult to save our trees because nobody is crying outside their window or they may not have the education, may not know the value of the trees in the neighborhood. So if folks are coming in and tearing them down it will be too late and our urban forestry could potentially just become trees. So that's my testimony today. I want to encourage you all to really think about what the environmental impacts will be if we lose our trees locally and just have a look around when you go outside and see how big the urban forestry is. I like to say Portland is definitely a city inside of a forest, and hopefully we can keep it that way.

Wheeler: Thank you very much for your service, commissioner.

Fritz: Commissioner brown, thank you for being here and for your service. How old is your son?

Brown: He was 12 at the time. He's 13 now.

Fritz: You must be very proud of him.

Brown: Absolutely.

Hardesty: Thank you so much for your testimony. You know, it absolutely boggled my mind when I realized that trees were planted in a very racially specific way in the city. I had the opportunity to do a tour last year or the year before and it just breaks your heart when

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you realize how systemic racial inequality is in Oregon. And how we just year after year after year talk about equity, which is a new word, and yet if you look at the outcomes, the outcomes have not changed much in 0 years of record keeping. I noticed that on your material that at the very bottom of your list of what the objectives were was environmental justice. I -- and climate action. I would ask you if this list is listed in order of priority or if this just happened to have been added to your list.

DiSalvo: Thanks for the question, commissioner Hardesty. I was the one who created that. It's listed because I wanted the most currently relevant highest priority items to be last and emphasized most. That's why I finished with those and boldfaced them and gave more information on those.

Hardesty: I appreciate hearing that. How are we going to hold you accountable to making sure that communities of color actually benefit if we pass this plan?

DiSalvo: That's a great question. One of the final recommendations is to be transparent, report on outcomes including who benefits, where are trees planted, so that we can really hold ourselves accountable. We plan to report our outcomes annually and as well as one year update on implementation. I ask that you please hold us accountable. We want to do this the right way.

Hardesty: I really appreciate the time you took to do the focus groups in communities of color. Was there an african-american specific focus group as well?

DiSalvo: There was not. There was a group that was called pan-african, primarily african immigrants. We had representation on the advisory committee as well from our african-american community.

Hardesty: I think the experience of african-americans in the community as it relates to trees is pretty unique. I don't know how you will now get that information into your planning process because of the removal of communities of color over and over and over again from different communities. I think that that will provide you with some very specific, helpful information as you move this work forward. Again, it's like now we push most african-americans out to east Portland but we're going to push them somewhere else again in 20 years I suspect. We will continue to have this inequitable problem unless we are putting policies in place that actually prevent that from happening. So thank you. Appreciate your work.

DiSalvo: Thank you.

Eudaly: First of all thank you for being here. Nice to see you. I want to thank you for including this empowerment of renters. Almost half our residents are renters. That certainly has an impact on this issue. As well as funding solutions to alleviate cost barriers. I don't -- i'm going to take a wild guess here i'm pretty sure i'm right, in many of the neighborhoods that have limited tree canopy we're also going to see a lot of broken sidewalks. That's because of the historic way that the city has chosen to allocate responsibility and financial burden for maintaining sidewalks and street trees, which I don't think is the greatest way to manage such an important public asset. I have a neighbor, in fact, who had her sidewalk disrupted by a tree. The tree was failing. She removed the tree. She had to replace her portion of the sidewalk. She's a low income, lower income older african-american woman, and she came to me and she was like now they want me to put another tree in. I'm damned if i'm going to put another tree in and have that tear up my sidewalk. I sympathize with her. So I do think it's really important that we look at that issue.

Cairo: Thank you, commissioner. We have one more invited testimony.

Vivek Shandas, PSU: Good afternoon, mayor, commissioners. It's nice to see you again. I'm representing Portland state university and I want to just start off by saying that this was a tremendous collaboration. I'm a professor at Portland state university. State that for the record. I am really grateful to have worked on this. I direct the sustaining urban places research lab at psu and was point for really running this project in terms of conducting the

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interviews with the bureaus and the nonprofit organization in terms of building the online tool as well as administering the survey. Number of the points you brought up I just want to echo in the little time I have here first off this collaboration between city and university is tremendous, kind of one of the things that brings the best of both our strengths together and in our case being able to bring the best science and research into this question. The question that was posed was how can we create a more equitable urban forest. That's what I heard early on and often throughout this process. I can say that watching angie and jeanette and the whole team working together in the community was pretty compelling in terms of the outreach work that was happening. Terms of a couple of things I want to note from our work, first and foremost in building the online tool that is called branch out pdx, two things about that. One is that there's -- it centers the focus is on community of color and those with lower median incomes. You can actually use the tool to be far more systematic about where you're planting and using what information we have to be able to identify locations individual three foot or more level. So it's very precise. I have taken this out to conferences and presented it, and I'll tell you Portland has something that no other community currently has. It's this tool, and they are really, really thrilled by it and asking for similar models to be built for los angeles, for new york, for chicago, for places around the country. So this is quite an extraordinary step. Took us a year to build and I'm pretty dang proud of it. Second piece is we conducted a series of interviews with bureaus and one of the things that really came up front and center was the need to enable bureaus to collaborate across each other with focus on title 11. There seems to be a lot of interest in trying to understand, interpret and apply title 11 effectively, there's a lot of interest in trying to move various things that might be important for title 11 to be a seamless document for all of your bureaus to be able to apply. A lot of work went into putting title 11 together. I know there's a big staff that's constantly pouring over title 11, and as chair of the urban forestry commission I hear a lot about the challenges of implementing title 11, so while it's a tremendous document and it's a model for many places it also has a lot of places that I think we can improve it. I think this tree planting strategy points in the direction of where we would like to go. So I would like to --

Hardesty: Excuse me. I want to ask probably -- I was going to say a stupid question but I don't think questions are stupid. What is title 11?

Shandas: City tree code. I apologize. It's our city tree code. It's what urban forestry and jen and angie can talk volumes about this. I knew it as an outsider from the city. I was introduced to it my very a couple of years ago and a lot went into it before my learning about it. Now in the urban forestry commission our job is to evaluate, assess and inform and advised urban forester and her staff in terms of how it can be implemented.

Hardesty: Let me say I appreciate knowing what it is because I had all kind of things going through my head.

Shandas: I gotcha.

Hardesty: It wasn't tree planting. So thank you. I appreciate that.

Shandas: Yeah. Title 11 really in that sense of the tree code is the document by which a lot of this is done. Multi bureau collaboration becomes an incredibly important issue to be able to promulgate and move forward a big and complex document like title 11. One thing I learned its this need for collaboration again as an outsider of the city, it behooves me to encourage you to figure out the mechanisms by which that can become more seamless. I heard it over and over from multiple bureaus this needs to be something we're all on the same page on and want to move to support. As the survey results suggested we all love our trees but we want to find ways of protecting, conserving them and planting them in the future. With that I'll close by saying thank you for supporting this project and for letting knowledge serve the city.

Hardesty: Mayor, would you accept a motion to accept the report as presented?

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Wheeler: We have a motion and second.

Fritz: I have some more.

Wheeler: Commissioner Fritz.

Fritz: Thank you for your leadership. What's the status of doing an update to the tree code? Or -- you're going to go over the minor amendments but then what's the bigger picture? When can we add industrial zones?

Shandas: I'll turn it over to Jennifer Cairo for this.

Cairo: Thanks. We don't have more amendments other than what you are going to hear today currently schedule like in a time frame. We are hopeful to work on amendments in the next year, in the near future. There's also one other area that will probably be coming back to you folks before the end of the calendar year. That is what's called the large tree stopgap amendment for development. It's part of 11.50, the property development chapter of title 11, so those are -- there will be that one that expires. It's a temporary one that expires in December so hopefully be reconsidered before that. Then we will be trying to marshal resources and figure out which of the amendments to proceed with which will be a lot of stakeholder involvement and some significant analysis before that happens.

Fritz: I do remember that significant spreadsheet with all the amendments people have asked for. That is a daunting task. I'm glad to be reminded that we do have to consider the large tree code by December. The one I'm getting a lot of emails about is including industrial zones now that we have updated the comprehensive plan, a way to fall back in within existing resources. I noticed there isn't an ask in the budget for updates to the tree plan. I just want to put down a marker, I have 20 months left here and I would really like to have a package, even if it's not the whole package, to have something to fix.

Commissioner Hardesty, I hope Commissioner Fish is able to watch at home. This is a really uplifting hearing. He and I worked together in his first full term when he was in charge of parks then I took it over from '13 to '17, partnering on getting title 11 passed and implemented and it was a huge task. We pulled all the tree related issues from various codes into one chapter to make it easier and more consistent. In doing so we made our best guess on some things like the large tree protection and whether industrial zones should be in or out. I think it was always envisioned that there would be a need to revisit those regulations once we saw how they worked out. In some sense we are fortunate in that some of this work can be funded with permits and other things. I know you're going to go into what the funds can and can't do. Thank you very much.

Cairo: Thank you for your comments. Duly noted.

Wheeler: We'll keep this motion open. Trees trust fund.

Cairo: This is the third of the four items we have for our time today. This is the title 11 tree code required annual report on the two tree code trust funds. This will be for 2018. You each have a copy of the report and it's also on our urban forestry website. It's got a green cover on it. Title 11 trees, the city's comprehensive tree regulations, establishes requirements for both tree planting and preservation. These requirements may be triggered when trees are removed or when property development occurs. In some situations payment may be made into the tree planting and preservation fund to mitigate for lost canopy. This is the first of the two trust funds we're speaking about. Contributions most commonly come from payments from development when trees can't be planted or preserved. They come from enforcement actions for violations for specific privately owned trees. Title 11 defines how it may be used, expenditures can include purchasing conservation easements to be preserve trees, purchasing land to protect existing trees, and tree planting including the cost of materials and labor to plant and establish, which is watering, mulching and basic care, of a tree for up to two years. Currently the code requires funds be spent in the same watershed where they were collected and you'll hear more about that in a bit. In fiscal year '17-'18 the fund received \$1,278,488 in contributions

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and expenditures were \$511,152. Expenditure highlights from that trust fund include the development of the tree planting strategy, growing a more equitable forest which you just heard great details about. Also in fiscal year '17-'18 parks planted 17,988 trees with those funds throughout the city. Plantings included students planting trees at schools, through parks urban forestry's learning landscapes program. We planted trees in natural area restoration projects such as wilk creek headquarter and gave trees away for yards. In 2017 parks began a new yard tree giveaway program with these funds and distributed nearly 600 free trees to events to east Portland residents. Moving to the second of the two title 11 trees trust funds, the urban forestry fund is also in title 11. The purpose is to enhance the urban forest through planting of public trees and to increase awareness of trees and their services. Contributions to this smaller fund come from fees and penalties from public tree violations. The city tree code outlines the following allowable uses for the urban forestry fund which include education, outreach, technical assistance for the community as well as public tree planting and other various forestry activities. In fiscal year '17-'18 the fund received \$93,405 in contributions. Expenditures were \$84,713. Highlights of how those expenditures were used in the fiscal year include the tree inventory for when twin goals of providing data to support more informed management of Portland trees while educating the public about they're benefits. Our inventories are very important to our work. We can't manage what we don't know. To date more than 1500 volunteers have given over 20,000 hours to the project making it urban forestry's most popular and successful education program. Funds also supported seasonal staff who assess with outreach and educational events. In fist call '18 they hosted over 30 workshops to provide planting, pruning and tree care information to participants. This concludes the presentation of the annual title 11 trust funds report and I request that council accept the report at the end of our time today.

Wheeler: I would be happy to entertain a motion now. Commissioner eudaly?

Eudaly: No.

Hardesty: So moved.

Eudaly: Second.

Wheeler: We have a motion and second. Next up, the ordinance.

Cairo: Next up. Finally, of the four, here we are. Yes, this is we're requesting two amendments to title 11, city street code.

Wheeler: If I could make a technical note here for folks, we will be accepting testimony on this portion of today. I just want to be very clear testimony will only be on matters discussed from this point on. Thank you.

Cairo: Thank you. Both of these proposed amendments affect how the tree planting and preservation fund, the first of the two that I talked about, can be used. You have the specific code language changes in front of you. We consulted with the urban forestry commission, Portland audubon, green spaces institute and bureau of environmental services on the following proposed amendments. The first of the two is to extend the number of years for which the tree planting and preservation fund can be used for tree establishment from two to five years. Due to climate change, Portland summers are hotter and drier for longer time periods. Simply put new trees are dying without extended watering. The needed two to five years of establishment care includes watering, mulching and other early care activities that predict the life span and health of trees in the future. Second, code currently requires tree planting and preservation funds be expended in the same watershed from which they were collected. Those watersheds in the code are four. Columbia river, willamette river, johnson creek, and thano and tryon creek together. We propose eliminating this requirement because it perpetuates the inequitable distribution of trees. The watershed requirement was intended to deter cumulative tree canopy loss within these four areas however it significantly limits our ability to provide equitable tree services to all residents. City code provides other vehicles for addressing existing canopy

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loss such as the code tree planting requirements. Also the administration of the watershed requirement is unnecessarily complex and resource intensive. Amending the code in this way was also a suggestion of the 2017 city auditor's report on title 11 implementation. Eliminating this requirement will allow more direct use of the funds to support our tree equity goals. We request that council amend title 11 as proposed and we're happy to answer any questions.

Wheeler: Commissioner Fritz.

Fritz: If I remember correctly, in the same watershed was also designed to not have money -- we thought there was a lot of construction going on in east Portland and that that money needed to stay in east Portland. Are we going to be -- we're going to adopt the tree planting strategy, so that's a different way of making sure that funds are invested in east Portland because the thought was if people there were not asking for trees and people elsewhere were that there was a danger that the east Portland funds could get siphoned off elsewhere. So we're going to address that through the tree strategy plan?

Cairo: Correct. As you've seen today and in the document you have, especially the maps. We can see what parts of town clearly have deficiencies in tree canopy. That's where we want to focus those funds. Great majority of those areas are in east Portland.

Fritz: Has the commission taken a look at the proposals which are going on at the legislature to require more density in single family neighborhoods than what the impacts of that might be on tree coverage and trees on lots?

Cairo: Commissioner, you're referring to the residential infill project?

Fritz: Similar version at the state is going through. Yes. If you can comment on the residential infill project if you would look at that.

Cairo: The urban forestry commission have been involved and are continuing to make comments on those and other bureau of planning and sustainability plans and projects that would affect potential canopy and existing tree canopy.

Fritz: Great. When they come to council I'll be looking for the urban forestry commission and your recommendations.

Cairo: Thank you very much, commissioner.

Wheeler: Any further discussion? Do we have public testimony on this item.

Moore-Love: We have one person signed up.

Wheeler: Excellent.

Moore-Love: Ted labbe.

Wheeler: Good afternoon. Thanks for being here.

Moore-Love: Good afternoon. I'm with the urban green space institute. Thank you for your service, commissioners, mayor. I will be brief. I live at 3011 northeast hoyt. I work with the urban green spaces institute. We advocate for urban green infrastructure in a way that lifts up our community and alliance with our housing, transportation goals, and I just am here to support these two really important amendments to title 11. I think it's the right thing to do, the equitable thing to do. I think it frees the hands of your fine staff. They are doing amazing work to advance our urban forestry agenda. I would encourage you to accept those amendments. We are definitely going to be engaged with the future title 11 work, and we're going to continue to be engaged with the residential infill project to address your concerns, commissioner Fritz. I believe there are ways to get trees in and also improve density -- improve access and equitable housing choices for people in the city. So we're definitely engaged with that. We'll be coming back to talk to you in the fall about that. That's all I have. Thank you.

Wheeler: Thank you. Commissioner hardesty.

Hardesty: I have a question about the two funds that you spoke about and one of your amendments is to be able to spend resources in different places than where you raised those resources. Tell me how that would work. So if I live in east Portland, can I expect to

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benefit from wealthier areas of the city of Portland from that fund? Just how do you see that working? Won't they be mad? [laughter]

DiSalvo: The goal would be to use the planting strategy to guide how we spend the funds. Really look at where we need trees the most, not look at just putting them back to where they already exist. We would use the planting strategy to really guide that effort and focus on those priority areas.

Hardesty: So you'll have an internal process that your oversight committee will be involved in to help you figure out how to invest those dollars? Is that what i'm hearing?

DiSalvo: The advisory committee is no longer together. They were one time group to focus on this particular project. But the urban forestry commission and council do provide some oversight by hearing us report back on expenditures every year and out comes on again where those trees are planted and who is receiving benefit from them.

Cairo: If I could add, the city's tree regulations require us to report to you all each year on how we use those two trust funds. So I think that's a really great vehicle for you to watch how we're using those funds and what you heard today about growing a more equity forest and our next steps for that, that is our current plan to use those funds in the best way that we know how from the study that we did with so many community members to improve canopy in the underserved areas of town.

Hardesty: Maybe i'm just playing devil's advocate but if I live in southwest and i'm giving money to this foundation because I think it's going to benefit my community because I like trees and want more, then a year from now I find out you spent it all in east Portland, what is -- i'm concerned that when you come back in a year you would have already done whatever you've done and you'll just be reporting what you've done as compared to whether or not what you thought you were going to do is actually making sense and you're still headed down that path.

DiSalvo: I wish that we received voluntary contributions into the funds. We don't. These are all required payments, so it's mitigation money for when you have options to plant back on your site or to preserve an existing tree during development and you choose not to do that or you can't do that, in that case then you have to pay this fee that goes into the mitigation fund then it's up to parks to put those trees back in the right -- the best place and the best way we know to do that and what we found was to do that in the name of equity and put it back where it's needed most. That is how we will be guiding that.

Hardesty: Thank you. That helped me a whole lot.

Cairo: I would comment too we actually undertook this project that angie led so that we would know from the communities that most need trees how best to use these public funds.

Fritz: When I became parks commissioner we had \$25 million of system development charges built up over the recession. I went to all seven district coalition areas and asked where should I invest this? I was expecting everyone to say in my park, my neighborhood. Everyone said put it in east Portland because they don't have as much as we do. We put \$65 million invested in east Portland. I did eventually get people to say where is mine? I will say you've got this and this and this. We gave some to each area but the vast majority went to east Portland. It's been one of the most heart-warming and encouraging things to me that Portlanders do care about our neighbors and we do care about fairness and about redressing past wrongs. Parks seem to bring out the best in people.

Wheeler: With regard to 441, the report, please call the roll.

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

Fritz: I'm really, really happy about this. It started under me, commissioner Fish has done an amazing job bringing it in. The work you're doing truly grounded, truly involving the community, continuing to pledge to continue to do so. So thank you very much. Thank you

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to commissioners brown and spivak. I'm really happy about how this turned out. Thank you. Aye.

Wheeler: I want to thank you for this report and the entirety of the presentation. It was very informative, well organized. I appreciated the back and forth of the council. That always helps even if I don't ask a question I always learn something new from the questions that are asked. I also want to acknowledge commissioner Fish and his team. I see asena lawrence is here. I suspect she probably had a lot to do with this as well and I thank nick for the work he puts into this and his commitment. I see director long here and I want to thank her for hitting the grounds running from the time she came here but I would expect that from a new yorker so I guess I shouldn't be surprised. Thank you for your work, to all the commissioners who worked so tirelessly and I know that there are many, many more who are involved in this process and many, many more volunteered. I think this is a great way the community comes together and does fantastic work. Aye.

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

Fritz: This is on title 11 report. I need to go back and thank my staff. Patti howard and tim and christine and cynthia and yesenia. There are several things that binds my staff together. One thing is we all care about trees. Aye.

Wheeler: Great report. I appreciate the both clarity and transparency in the way it's provided. I vote aye. The trust report is adopted. The last item is an ordinance, first reading nonemergency ordinance it moves to second reading. Thank you for your presentation. Why don't we take a five-minute break before we get into the next item. We'll be in recess until 3:05.

Wheeler: We're back in session. Please read item 444.

Item 444.

Wheeler: We have heard presentations on this matter, and we're now at the point of deliberations and accepting motions and taking a vote.

Eudaly: Mayor, I believe I need to make a statement since I was absent, not present for the may 2nd hearing. I was in Washington d.c. Representing the interests of the city in regards to major transportation projects to our federal delegation. I have, however, since reviewed the video of the hearing in its entirety as well as the nifty binder of documents provided. I'm prepared to vote on this matter.

Wheeler: Thank you, commissioner. Any discussion or i'll entertain a motion. Commissioner hardesty.

Hardesty: Thank you, mayor. I call for the vote.

Wheeler: You need to make a motion.

Hardesty: My motion is that we vote to overturn the decision made in this matter. After carefully reviewing the record and revisiting the officers' testimony, this is the only reasonable choice that I can make in this case.

Eudaly: So this is always confusing. I feel the language should be provided for us. I think the vote would be we're voting to uphold the appeal.

Wheeler: Let's turn to legal council. Could you put it in terms that are legal for purposes of this hearing?

Robert Taylor, City Attorney: Yes. The form of that motion would be appropriate. It would be a motion to reject the police bureau's finding of not sustained as being unsupported by the record. The motion is to reject the police bureau's finding of not sustained.

Fritz: To change it to sustained, right?

Taylor: That would be a second vote. If the motion to reject the police bureau's finding carries by three affirmative votes, then council must provide its own finding. Then you can make another motion to have a finding of sustained be the finding of council.

Wheeler: The current motion on the table is a motion to reject the police bureau findings of not sustained as being supported by the evidence.

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Taylor: That's correct.

Eudaly: Second.

Wheeler: We have a motion from commissioner Hardesty, a second from commissioner Eudaly. Is there any further discussion before the vote? I will not support this motion but I'll explain my reasoning when I take my vote.

Fritz: Council, when would you like -- would it be on this vote or on the subsequent one or does it matter?

Taylor: You could do it on this one would be the most appropriate.

Fritz: Thank you. We don't do this very often.

Hardesty: Want to make sure we do it right.

Wheeler: Very good. Please call the roll on the motion.

Hardesty: After reviewing the record carefully and revisiting the officers' testimony, the only reasonable choice in this case is to vote to overturn the decision. For this reason I vote yes to overturn the decision.

Eudaly: Well, I understand while I understand how stressful and even threatening it can feel to be filmed and followed by members of the public as it happens to me I'm not wearing a vest or carrying a gun and I have no legal recourse unless I can prove that I had a reasonable fear for my safety. It's clear the appellant did commit a minor violation of pedestrian law by crossing the street outside a pedestrian crosswalk. The question is whether the citation was issued in retaliation for otherwise lawful activity. In my opinion given the other individuals in the area were engaging the same or similar behavior without warning or citation from the police the appellant did not show disregard for approaching traffic or put herself or others at risk by her actions, it's my opinion that this was a retaliatory action and I vote aye.

Fritz: I really struggled with this because the standard is whether a reasonable person could make this decision. I have come to know the final decision maker chief outlaw over the time she's been in office and in general find her a very reasonable person. In this particular incident I don't find her decision or the police bureau's decision reasonable for the following reasons. On page 10 of 11 of the investigative report -- issued a citation for improperly crossing the highway -- sorry, a citation in retaliation for exercising her rights. He has issued the citation before two other times and use it is quite often but doesn't always issue a citation. Park alliance 700 to 702 [audio not understandable] as opposed to using his discretion he responded her interactions the whole time was combative and aggressive with us and I don't know, I guess, I don't know how to answer that question when it says I didn't use my discretion. I guess I did use my discretion and wrote her the citation. That's 924 to 926 on the investigative report. The CRC, in their finding on allegation number 8, states that they voted 7-1 to challenge the finding of not sustained and to recommend a finding of sustained. The committee said the citation was issued because the appellant was filming and made a face the officer found disapproving. [audio not understandable] while that may have existed the citation would not have been issued but for the appellant's otherwise legal actions therefore the committee concluded that a reasonable person could not reach the recommended finding given the evidence in the case. Finally there are others but for brevity, I cite this particular line on page 17 of 48, chair Malone says I'm reading the paragraph starting at line 161 and it goes all the way on to and then looking at the one that starts with 259 said I would have written a citation no matter whether she had given me an ID or not. She made it so overt to me it caught my attention like I said. I don't care about people recording me but something about this whole event spurred me on to at least want to talk to her so I was going to write her a citation for improper placement on the highway. It seems to me I'm going to write this ticket. That line of argument seems to me to be the reasonable response to reading it all of the record. Today we're only acting on the one disputed finding because there have been a number of

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others that have been adjudicated on. Those also -- the totality of what happened in the incident that's in the record leads me to believe that this is not reasonable. Aye.

Wheeler: Well, I have already I think lost this one. That's democracy at work. I want to start off by saying I respect my colleagues and I want to thank the citizens review commission for their hard work and their thoroughness in evaluating this and many, many other issues more often than not I agree with the conversations that they bring forward. I want to particularly thank chair malone for the time that she spends volunteering in this capacity and the time she spends with me on a regular basis updating me on those issues. In this case, though, I have to respectfully disagree. First of all, the officer in this case saw a law violation per the findings. Improper position on the roadway and the language of the law was attached in the findings. He had the legal discretion to make a stop, which he did. That's legal detention. He could do that for the purposes of identifying the person, investigate the violation he witnessed and issue a warning, verbal or written or a citation. He chose to issue a citation. The judge then convicted the violator. In other words -- well, a detailed investigation by the police bureau concluded that the finding of this case was not sustained. The chief indicated that there was not a preponderance of evidence to conclude bureau policy specifically the retaliation policy was violated. I concur with this finding. There's not evidence in my opinion to support retaliation. 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 that finding. This is the standard by which we're adjudicating this matter today. The question is could the police chief and others with the facts that are before them, whether you agree or disagree with the outcome, could a reasonable person with these facts have come to the conclusion that she came to, and in my opinion, I conclude that the chief and reviewers of these facts do in fact constitute and live up to the reasonable person standard. The officer in this case saw a law violation, improper position on the roadway. He had the legal discretion to make a stop, to identify the violator, investigate the violation, and then issue the warning and as I say the officer issued the citation. The judge convicted the violator. In his interview the officer said he did not care if he was filmed. He further said he did not write the citation because of legally filming him. The officer denied on the record retaliation and there's no factual evidence that exists in the record that proves this allegation. There's a number of concerns the officer did raise in his interviews. He said he was aware that at the time there were numerous ambush style attacks on police officers. He said he was also aware that there had been recent vandalism of police cars at the north precinct. He said there was also a bolo, be on the lookout, for a man and a woman associated with a u-haul van that was a safety concern and he was aware of that. He said he was aware that there were several film the police regularly harassing the police both at work and at their homes, and in his interview he said he did not object if he was filmed and he did not write the citation because of legal filming. He also noted that, and this was on page 202 and 203 of the internal affairs investigation, and I want to make sure I get his quote exactly right here for the record, he said he sees her reaching through the chain link fence and what I assume is taking pictures. So all of these things were on the officer's mind when he chose to make the stop or to issue the citation. I have also looked and read and reread this question of the use of it was so overt. I believe that refers to the jay-walking. So that may be part of the question here. The crc's assessment that the reviewing lieutenant was unreasonable in concluding not sustained is in my opinion not supported by the legal standing. The officer acted legally. He acted in policy. And he did not engage in misconduct. The actions of the officer are reasonable. The conclusions arrived at in the review process by the officer's lieutenant, the commander, the chief of the operations branch, the captain of internal affairs, the independent police review assistant director, as well as the chief of police all concluded not sustained. If the chief believed there was a violation supported by the

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evidence we would take appropriate action. So before I cast my obvious vote based on what I have just said, there's something else I want to say. This is a process that is proscribed by city charter. I have serious concerns about this process. I have concerns about having a simple majority of an elected city council being able to overturn the police commissioner, the chief, the independent police review, the internal affairs, the chief of operations, the commander, and the lieutenant on what is effectively and h.r. Disciplinary matter. This council has done its duty. This is what we are required to do under the current charter, but this is one more area where I wonder whether this is really a fair or reasonable process. I vote no. The motion carries. So robert, now it's my understanding we need to entertain a motion on the new findings. Is that correct?

Taylor: Correct.

Wheeler: Commissioner hardesty.

Hardesty: Thank you, mayor. I move that we sustain the finding of retaliation in this matter.

Fritz: Second.

Wheeler: Does that meet your legal muster, robert?

Taylor: The motion is that a sustained finding will be the finding of council.

Wheeler: Any further discussion? Please call the roll.

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

Wheeler: No. The motion carries. Is there anything further, robert, that we need to do?

Taylor: No.

Wheeler: Very good. Thank you, everyone. We are adjourned.

Council adjourned at 3:24 p.m.