



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **12th DAY OF JUNE, 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; Lory Kraut, Senior Deputy City Attorney; and Dorothy Elmore and Daniel Sipe, Sergeants at Arms.

On a Y-5 roll call, the Consent Agenda was adopted.

The meeting recessed at 10:59 a.m. and reconvened at 11:05 a.m.

COMMUNICATIONS		
550	Request of Dorothy C. Holland to address Council regarding Portland Gray Panthers (Communication)	PLACED ON FILE
551	Request of Sally F. Fronsman-Cecil to address Council regarding Portland Gray Panthers (Communication)	PLACED ON FILE
552	Request of Michael Drassell to address Council regarding Portland Gray Panthers (Communication)	PLACED ON FILE
553	Request of Marih Alyn-Claire to address Council regarding Portland Gray Panthers (Communication)	PLACED ON FILE
554	Request of Lew Church to address Council regarding Portland Gray Panthers (Communication)	PLACED ON FILE
TIMES CERTAIN		
555	TIME CERTAIN: 9:45 AM – Proclaim June 20, 2019 to be Summer Free For All Kickoff Day (Proclamation introduced by Mayor Wheeler and Commissioner Fish) 20 minutes requested	PLACED ON FILE
556	TIME CERTAIN: 10:05 AM – Proclaim June 2019 to be Portland Pride Month (Proclamation introduced by Mayor Wheeler) 20 minutes requested	PLACED ON FILE

<p>557 TIME CERTAIN: 10:25 AM – Appoint Mike Elliott and Erin Zollenkopf, and reappoint Jenny Glass and Paddy Tillett to the Portland Parks & Recreation Board (Report introduced by Mayor Wheeler and Commissioner Fish) 5 minutes requested</p> <p>Motion to accept the report: Moved by Hardesty and seconded by Eudaly. (Y-5)</p>	<p>CONFIRMED</p>
<p>558 TIME CERTAIN: 10:35 AM – Add Evaluation of Applicants for Dwelling Units to include renter protections in the form of screening criteria regulations (Previous Agenda 512; Ordinance introduced by Commissioner Eudaly; add Code Section 30.01.086) 1 hour requested for items 558 and 559</p> <p>Motion to require annual reports to Council on this policy: Moved by Fish and seconded by Hardesty. (Y-5)</p> <p>Motion to remove Code Section 30.01.086 C.2.a.(2) : Moved by Wheeler and seconded by Hardesty. (Y-2 Fritz, Wheeler; N-3 Eudaly, Fish, Hardesty. Motion failed)</p> <p>Motion to amend Code Section 30.01.086 C.2.a.(4) : Moved by Wheeler and seconded by Fritz. (Y-5)</p> <p>Motion to amend Code Section 30.01.086 C.2.c.(2) : Moved by Wheeler and seconded by Fritz. (Y-5)</p> <p>Motion to amend Code Section 30.01.086 D.2.d: Moved by Wheeler and seconded by Fritz. (Y-5)</p> <p>Motion to amend Code Section 30.01.086 D.2.e: Moved by Wheeler and seconded by Fritz. (Y-5)</p> <p>Motion to add Code Section 30.01.086 G.2.d and e: Moved by Wheeler and seconded by Hardesty. (Y-2 Fish, Wheeler; N-3 Eudaly, Fritz, Hardesty. Motion failed.)</p> <p>Motion to reconsider vote: Moved by Fritz, seconded by Fish. (Y-5)</p> <p>Action: Fritz changed vote on amendment to add Code Section 30.01.086 G.2.d and e: No objection. Approved. (Y-3 Fish, Fritz, Wheeler; N-2 Eudaly, Hardesty)</p> <p>Motion to amend ordinance language for items 512 and 513 to change the implementation date from October 1, 2019 to March 1, 2020: Moved by Eudaly and seconded by Fish. Y-5)</p> <p>Motion to add Code Section 30.01.086 E.2.b: Moved by Eudaly and seconded by Hardesty. (Y-4; N-1 Fritz)</p> <p>Motion to amend Code Section 30.01.087 F: Moved by Eudaly and seconded by Fish. (Y-5)</p>	<p>PASSED TO SECOND READING AS AMENDED JUNE 19, 2019 AT 4:15 PM TIME CERTAIN</p>
<p>559 Add Security Deposits; Pre-paid Rent to include renter protections in the form of security deposit regulations (Previous Agenda 513; Ordinance introduced by Commissioner Eudaly; add Code Section 30.01.087)</p>	<p>PASSED TO SECOND READING AS AMENDED JUNE 19, 2019 AT 4:15 PM TIME CERTAIN</p>

CONSENT AGENDA – NO DISCUSSION

Mayor Ted Wheeler

Bureau of Planning & Sustainability

June 12-13, 2019

<p>*560 (Y-5)</p>	<p>Authorize an Intergovernmental Agreement with Metro in the amount of \$50,000 to provide funding to the Center for Intercultural Organizing to form the Southwest Corridor Equity Coalition to implement the Southwest Corridor Equitable Development Strategy (Ordinance)</p>	<p>189553</p>
<p style="text-align: center;">Office of Management and Finance</p>		
<p>561 (Y-5)</p>	<p>Create three new represented classifications of Office Support Specialist Assistant, Maintenance Assistant, Maintenance Assistant-CL and establish an interim compensation rate for each classification (Second Reading Agenda 531)</p>	<p>189554</p>
<p style="text-align: center;">Commissioner Nick Fish</p>		
<p style="text-align: center;">Bureau of Environmental Services</p>		
<p>562</p>	<p>Authorize grant agreement to award up to \$73,000 in FY 19/20 to Southwest Neighborhoods, Inc. to provide outreach, technical assistance and community involvement for watershed projects in Portland's westside sub-watersheds (Ordinance)</p>	<p>PASSED TO SECOND READING JUNE 19, 2019 AT 9:30 AM</p>
<p style="text-align: center;">Commissioner Chloe Eudaly</p>		
<p style="text-align: center;">Bureau of Transportation</p>		
<p>*563 (Y-5)</p>	<p>Authorize application to the Metropolitan Transportation Improvement Program Regional Flexible Funds for 2022-24 for eight grants up to \$36 million (Ordinance)</p>	<p>189555</p>
<p style="text-align: center;">REGULAR AGENDA</p>		
<p style="text-align: center;">Mayor Ted Wheeler</p>		
<p style="text-align: center;">Office of Management and Finance</p>		
<p>564 (Y-5)</p>	<p>Amend City Code to reflect current structure, operations, and responsibilities in the Office of Management and Finance (Second Reading Agenda 541; amend Code Chapter 3.15, and Code Sections 2.12.020, 3.02.060, and 3.18.010)</p>	<p>189556</p>
<p>565 (Y-5)</p>	<p>Amend Transient Lodgings Tax Code related to the administration of short-term rental laws; require short-term rental platforms to either enter into a pass-through registration data-sharing agreement or choose listing locations from a Short-Term Rental Registry created by the City (Second Reading Agenda 542; amend Code Chapter 6.04)</p>	<p>189557</p>
<p style="text-align: center;">Commissioner Nick Fish</p>		
<p style="text-align: center;">Parks & Recreation</p>		

June 12-13, 2019

<p>566 Replace Park Exclusion Code to clarify ejection and exclusion processes from city parks to improve parks management and safety at park facilities (Ordinance; replace Code Section 20.12.265) 20 minutes requested</p>	<p>PASSED TO SECOND READING JUNE 19, 2019 AT 9:30 AM</p>
<p style="text-align: center;">Commissioner Chloe Eudaly</p> <p style="text-align: center;">Bureau of Transportation</p> <p>567 Adopt PedPDX, Portland's Citywide Pedestrian Plan, a 20-year strategy to make Portland a great walking city for everyone (Previous Agenda 546; Resolution) 20 minutes requested (Y-5)</p>	<p style="text-align: center;">37429</p>

At 12:45 p.m., Council recessed.

June 12-13, 2019

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **12th DAY OF JUNE, 2019** AT 2:00 P.M.

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

Commissioner Fish left at 2:44 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Naomi Sheffield, Deputy City Attorney; and Cheryl Leon-Guerrero and Daniel Sipe, Sergeants at Arms.

568	TIME CERTAIN: 2:00 PM – Conduct a Proposed Use Hearing on State Shared Revenue (Hearing introduced by Mayor Wheeler) 30 minutes requested for items 568 – 574	PLACED ON FILE
569	Certify that certain services are provided by the City to establish eligibility for State Shared Revenues (Resolution introduced by Mayor Wheeler) (Y-5)	37430
*570	Approve accepting funds from the State of Oregon under the State Revenue Sharing Program for the fiscal year beginning July 1, 2019 and ending June 30, 2020 (Ordinance introduced by Mayor Wheeler) (Y-5)	189558
*571	Update fund statements of purpose for various City funds (Ordinance introduced by Mayor Wheeler) (Y-5)	189559
*572	Create the Fire Capital Fund (Ordinance introduced by Mayor Wheeler; add Code Section 5.04.580) (Y-5)	189560
573	Adopt the annual budget of the City and establish appropriations for the fiscal year beginning July 1, 2019 and ending June 30, 2020 (Ordinance introduced by Mayor Wheeler)	PASSED TO SECOND READING JUNE 19, 2019 AT 9:30 AM
*574	Approve levying taxes for the City for the fiscal year beginning July 1, 2019 and ending June 30, 2020 (Ordinance introduced by Mayor Wheeler) (Y-5)	189561

At 2:44 p.m., Council recessed.

June 12-13, 2019

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **13th DAY OF JUNE, 2019** AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Eudaly, Presiding; Commissioners Fish, Fritz and Hardesty, 4.

Commissioner Hardesty arrived at 2:05 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Lauren King, Deputy City Attorney; and Rafael Duenas and Cheryl Leon-Guerrero, Sergeants at Arms.

575	TIME CERTAIN: 2:00 PM – Accept Vision Zero Annual Report and 2-Year Strategy and direct rapid response actions (Resolution introduced by Commissioner Eudaly) 1.5 hours requested for items 575 – 577 (Y-3 Fish, Fritz, Eudaly; N-1 Hardesty)	37431
*576	Accept a \$6,719,841 grant from Oregon Department of Transportation and authorize Intergovernmental Agreement for the City of Portland Safety Projects (Ordinance introduced by Commissioner Eudaly) (Y-4)	189562
577	Authorize a competitive solicitation and contract for the Photographic Traffic Enforcement System and related services (Ordinance introduced by Commissioner Eudaly) Motion to remove emergency clause: Moved by Eudaly and seconded by Fish. (Y-4)	PASSED TO SECOND READING AS AMENDED JUNE 19, 2019 AT 9:30 AM

At 4:14 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.

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.**

JUNE 12, 2019

9:30 AM

Wheeler: Good morning, everyone, this is a pre-gavel. Karla, this is pre-gavel so we're not yet in session. We have two very special commemorative proclamations this morning. The first is for the organization solve. Solve is a well-known nonprofit organization here in the state of Oregon. This is their 50th anniversary, and it just so happens that we also have a pick it up Portland event on Friday, June 14th. So there's a lot of things that are coming together. But we wanted to acknowledge the strong partnership that we have with solve throughout the city of Portland. And we wanted to have an opportunity to acknowledge solve as well. And so with that, I have a proclamation that I'd like to read. But before I do that, could I see a show of hands? Are there people here from solve today? We have quite a few. You're the back benchers today and in a moment after the proclamation, I'll ask you to come up and we can get a photograph with all of you and the proclamation, if that sounds ok. Where is solve? It was founded as solve, stop Oregon litter and vandalism by Governor Tom McCall in 1969. And whereas, solve has engaged thousands of volunteers to pick up the city's parks, rivers and neighborhoods through Keep It Pretty Rose City and pick it up Portland. Whereas, solve has partnered with business and community leaders, nonprofits and individuals to remove incalculable tons of litter, illegally dumped debris and invasive plants from the landscape and tens of thousands of native species have been planted in Oregon's natural area for 50 years. And whereas, SOLVE's education programs have reached tens of thousands of students helping instill a sense of civic pride and responsibility in multiple generations of Portlanders and whereas, solve has been a leader in sustaining Portland's environment and reputation as an environmentally aware and responsible city which helps promote tourism and thereby supports Portland's economy. Now, therefore, I, Ted Wheeler, Mayor of the City of Portland, Oregon, the City of Roses, do hereby proclaim June 14th, 2019, to be Solve Day in Portland and encourage all residents to observe this day. [applause]

Wheeler: Commissioner Fritz.

Fritz: I am really excited that we have this proclamation. I have become obsessed with plastic on the street. I was just in Seattle on Monday walking along First Avenue. And if you've ever been to Seattle and you're walking on First Avenue, you can just look across to Puget Sound to the bay and all this plastic on the floor which on the sidewalk which you know is going to end up in the bay. It is a mass of plastic a third the size of Texas in the Pacific Ocean and that's probably partly why some of our marine mammals are dying and just various other things so I have a passionate plea to everybody. If you see a piece of plastic on the floor, pick it up and put it in a trash bag. I mean literally there were trash receptors every block in Seattle and yet people couldn't be bothered to walk two more steps before they dropped their garbage and so, as a nurse, also I encourage you then to go back to your, wherever you next stop and wash your hands, and let's all join together in first of all not dropping stuff on the floor and second of all, helping to pick it up when it gets down there.

Wheeler: Very good. And Kris Carico is here, right? Yeah. Kris did you want to come up and just say a few words, just to get people excited about pick it up Portland or anything else you'd like to state about solve.

Kris Carico, SOLVE: Right here?

June 12-13, 2019

Wheeler: Yeah, you bet. If you would just state your -- actually, we're not on the record, so you can just --

Carico: Oh we're not, so --

Fritz: Say your name anyway.

Wheeler: You can do whatever you want.

[laughter]

*****: Oh.

Carico: Uh, that, since you opened that up. [inaudible] Hello, my name is

Fritz: Excuse me, excuse me?

Hardesty: We need you on the mic --

Fritz: We need you to, because otherwise the caption is --

Carico: Sorry, I want to address the audience.

Hardesty: They look so much better than we do. [laughter]

Carico: Well they do and they're the ones we want out on Friday, as well, so that's why i'm talking to them. My name is Kris Carico, I'm the ceo of solve and we have our two-day litter pickup event in partnership with the city of Portland on friday and saturday. So we'll have 11 locations across the entire city picking up trash and we really encourage all Portlanders to come out. It's very important that we are here and that we're doing the work in taking care of our city. So, thank you, mayor for your support of all of our programs. We're really appreciative of everything that you do for us.

Wheeler: Thank you.

Carico: Yes.

Wheeler: Appreciate it. Maybe we can get -- you have some fans in the back --

Carico: Yep, yeah, we've got people back here.

Wheeler: Maybe we could all come up and get a photo with the proclamation.

Carico: Yeah, thank you.

Wheeler: Great, excellent.

[photo]

Wheeler: The next item is very exciting as well. This is a proclamation honoring the Portland trail blazers. I'd like to thank coach terry stotts, neil olshey, chris oxley and the blazers staff for joining us this morning. I want to congratulate the players for having a truly incredible season this year but more importantly, I want to thank them for reenergizing us. And I have to say this on a personal note. The blazers played hard right down to the final buzzer. And people in this city noticed it. People in this city were inspired by it. And I thank you. I'd like to thank the rip city organization. I'd also like to thank the blazers fans throughout the city for supporting the blazers on their journey to the western conference finals. And i'd also like to especially thank asena lawrence from commissioner Fish's office and mustafa Washington in my office for working hard to bring this proclamation together. We're so proud to have a team like the Portland trail blazers here and their entire organization and this is a proclamation on behalf of the entire Portland city council honoring you for the great things you do in this community. Not just on the court. But beyond in helping to serve young people and people throughout this community all throughout the year.

Fish: Mayor, before you --

Wheeler: Commissioner Fish.

Fish: Mayor before your read the proclamation, could we ask terry and neil just to come forward and grab a seat at the dais? Because I know after the proclamation, I know a number of us were hoping to ask you some questions and welcome you officially.

[laughter]

Neil Olshey, Portland Trail Blazers : So you sandbagged us?

Fish: Thank you, mayor.

June 12-13, 2019

Wheeler: It's an age-old tradition in this building. [laughter] Whereas the city of Portland is honored to recognize and celebrate our men's professional basketball team, the Portland trail blazers for an incredible 2018-2019 season and whereas, the trail blazers joined the nba in 1970 as an expansion team secured by founder harry Glickman and were led by coach Rolland todd aka mod todd, and whereas the trail blazers have had an incredible history with former players such as clyde drexler, bill walton, terry porter, jerome kersey, cliff robinson and arvydas sabonis to name just a few of the greats. And whereas paul allen, owner of the trail blazers for over 30 years, passed away three days before the start of the season but joined the team in rip city in spirit. And whereas, the trail blazers blazed through the 2019 playoffs and brought rip city to its first western conference finals since 2000. And whereas, over the last seven years, terry stotts has honorably led the trail blazers as head coach along his coaching staff. And whereas, point guard damian lillard with an average of 26 points per game has been named an all-star for the fourth time in his career. And whereas jusuf nurkic, winner of the 2018-2019 maurice lucas award for his community engagement efforts donated over 800 game tickets to bosnian community members and to local nonprofits. And whereas, president of basketball operations neil olshey and ceo Chris mcgowan have been exemplary executives in guiding this beloved nba franchise. And whereas, the trail blazers engaged the wonderful diversity of the Portland metro area through its impactful social responsibility and environmental stewardship. And whereas, the trail blazers aminu, Collins, curry, harkless, hood, kanter, labissiere, layman, leonard, lillard, mccollum, nurkic, simons, trent, and turner, we thank you for a season well played. And we're immensely proud and grateful for your hard work and the example that you set for all. Now, therefore, I ted wheeler, mayor of the city of Portland, Oregon, the city of roses, do hereby proclaim june 12, 2019, to be Portland trail blazers day in Portland and encourage all residents to observe this day. [applause] Commissioner Fish?

Fish: Well, I thought we'd start by inviting the coach, coach stotts who by the way is about a foot taller in real life than --

Terry Stotts, Portland Trail Blazers: Actually I'm the same size in real life as I am on television. [laughter]

Fish: But coach, every year, thanks to neil's good work, every year, you get a different line-up. And you have essentially a different team. They add pieces. Subtract pieces.

Stotts: Other than damian.

Fish: Other than damian. Other than our all-star. And every year, you bring out the best in whatever team you have. We're a small market. We're the 25th largest city in the country and yet, we were in the western conference finals. I'm just curious for the young people that might be watching out there, what is the -- what is the secret of leadership in sports that people can learn from? How this team has consistently achieved?

Stotts: You know for me, and I assume it's like this in most areas, but if you have the respect of the people that you're leading and however you do that, that to me is the most important thing. So I try and gain the respect of my staff and the players and the people I work with by bringing good energy, doing my work, doing it in my own style, and, you know if you have that respect of the people that you're leading, then that's, to me, that's over half the battle.

Fish: That's great. And I also just want to make just a little pitch for the future. You know, we were very lucky to have an owner of this team that invested freely in building great teams and keeping us here. And then we lost mr. Allen to cancer. His sister is now running the team and obviously will be making the decisions in the next few years about the direction of the team and her intentions. I wouldn't want to miss an opportunity for the city to go on record as saying we'll do everything that we can within our power to keep the trail blazers here forever. They'll be other cities competing for the trail blazers. There may be

June 12-13, 2019

owners who have fancy ideas but the trail blazers belong in portland and the city is committed to keeping you here. We hope that's the outcome of whatever happens in the years ahead.

Stotts: Me, too.

Wheeler: Thank you. Could we get a photo up front?

Stotts: Sure.

Wheeler: Thank you for being here. Appreciate it.

Olshey: Mayor, I wanted to thank you. I know, you know chris mcgowan wasn't able to be here today. I want to let you know that no organization has a greater owner right now than jody allen. A lot of -- I think a lot of what was missed in this season was her leadership and the grace and determination that she exhibited throughout the year once she inherited just this huge mantle, the void that was left by, you know, paul's passing. And her -- her motivating us every day led to acquiring rodney hood. It led to acquiring enes kanter and it helped see us through when jusuf nurkic went down and the adversity we faced and staff members that faced cancer and car accidents and all the things that this team has overcome relative to the character of the people in this organization. From the business division, coaching, front office, and none so much as the ownership and what she was able to do and I think if you saw her at games, you saw how invested she was in this franchise. So I want to thank her in front of this body for everything that jody has done for our organization. And also, I wanted to let you guys know that as we mentioned damian's name more than once, while this meeting is taking place, damian is formerly being named by the professional basketball association writers of america their nominee this year. Jim, what is the exact?

Jim***:** J. Walter Kennedy Citizenship Award.

Olshey: He won the j. Walter kennedy citizenship award. [applause] You know a couple other trail blazers have won it, but just to show how important for all of us, it isn't just on the court here with the trail blazers. We know that the players we bring are part of this community may they represent the city of Portland and none do that better than damian lillard and his respect campaign which is why he won the award.

Hardesty: Yes.

Olshey: So thank you.

Wheeler: Well, thank you for that, that's --

Fish: Thank you for that.

Stotts: And, you know I would just like to say i'm very appreciative for the trail blazers. For this award is very kind of you, of the city. I would like to say we'd be remiss if we didn't say how much we appreciate the city and the fan base here. Its, I feel very blessed. I've been in the nba for over 25 years and i've seen, i've been to all the cities, know all the teams. And to be a part, to be the head coach of the Portland trail blazers in this city with this fan base, we are very fortunate and as much as you appreciate what we do, we appreciate the city and the fan base and how much we're respected and how much we're supported.

Olshey: Absolutely.

Wheeler: Commissioner Fish?

Fish: Mayor, I omitted, I neglected to mention one other thing. After this presentation, we're going to be honoring all the private donors for summer free for all, the people that help us provide that programming, the civic minded business and I would be remiss if I didn't thank the trail blazers and both of you, and chris mcgowan and others, gary, for the investment that you've made in helping us replace the basketball surfaces of all of our outdoor courts. The trail blazers and nike have teamed up and within a number of years we'll have all of our basketball courts resurfaced courtesy of the trail blazers. So, we're extremely grateful for that and that's what it means to have a hometown team that's civic minded and invest back in the community. So, thank you. [applause]

June 12-13, 2019

Wheeler: I'd like to say one other thing. I want to share something with you that somebody said to me when I was watching one of the last playoff games. They said it's nice for us to all be able to get on the same page about something. And there's a lot of truth to this. This is a divided time in which we live. For a little while, the trail blazers did something nobody else and nothing else seems capable of doing which is bringing us all together for something that we could all cheer for and it was really exciting not only that it happened, the way it happened and the way this team fought so hard, they scrapped it and there was good life lessons there for everyone, but that was the first thought that came to mind. The second thought thinking on what commissioner Fish said about the reality that we all have interests. We have the negotiations coming up soon on keeping you here for the next 100 years which I hope to do. The blazers are part of the dna of this city. You can't take that franchise and move it somewhere else and have it be the same franchise. It would be fundamentally different. It's an integral part of this city. And so we have to do everything we can for the people of this community to make sure that we address each other's concerns and get to yes so we continue to have this great organization in our community for generations to come. Thank you for all you do.

Stotts: Thank you.

Olshey: Thank you.

[photo]

Stotts: I'm sorry I was on the other side.

Eudaly: Oh, nice to meet you, yeah.

Stotts: Thank you so much.

Fritz: Thank you.

Wheeler: Ok. Good morning, everyone. This is the morning session of the Portland city council, June 12, 2019. Karla, good morning. Please call the roll.

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

Wheeler: Here. And now, a few words from legal counsel about the rules of order and decorum. Good morning.

Lory Kraut, Senior Deputy City Attorney: Good morning. Welcome to the Portland city council. The city council represents all Portlanders and meets to do the city's business. The presiding officer preserves order and decorum during 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 are a lobbyist. If you're representing an organization, please identify it. The presiding officer determines the length of testimony. Individuals generally have three minutes to testify unless otherwise stated. When you have 30 seconds left, a yellow light goes on. When your time is done, a red light goes on. If you're in the audience and would like to show your support for something that is said, please feel free to do a thumbs up. If you want to express 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 out of 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.

June 12-13, 2019

Wheeler: Very good. First up is communications. Karla, It is my understanding that the gray panthers would like to come up together, is that correct? Yes? Okay, if you wouldn't mind just calling all five please.

Item 550

Item 551

Item 552

Item 553

Item 554

Wheeler: Good morning. Welcome. If you could just, when you speak, state your name for the record. And three minutes each. Thank you.

Item 550

Dorothy Holland, Portland Gray Panthers: Ok. My name is dorothy holland. And i'm with the gray panthers. And I have two things that i'd really like to talk about. The first one is we have a lot -- I live in the northwest area. And from the pearl district and, say, powell's bookstore all the way to northwest 23rd and thurman, the entrance onto the freeway, we have street people camping on the sidewalks. And then when we politely, you know, and respectfully ask them to move so that we could get by, they get all belligerent with us, and want to like attack, you know, and so we don't know what to do about it. But something needs to be done because they not only create a problem that way but they create a problem with the trash accumulating and everything because once they move on to another location in the area, they leave a whole bunch of trash there. And you have to go through the trash to get to where you're going. You know, and a lot of businesses you can't even get into because they're there. You know, and they won't move. So what do we do? And for example, we had a street person that went to the safeway pearl and he held a lady hostage with a knife to her throat. And he wound up getting shot by the police because he wouldn't let her go and he wouldn't drop the knife either. So what could they do? You know, there was no other way for that to happen. And then the second thing I want to talk about is specifically having to do with seniors. When you say you have a bad illness like a stroke or something and you spend about a week in the hospital, then they send you to a convalescence home because you're by yourself so they don't want you to be hurt or anything and they want you to go through rehab and all that. But when you're in the convalescence home, they take your money because the insurance won't pay for that. So they take your money and you cannot pay your rent on your apartment and your home say that you've had for a long time. So you wind up losing your home and you wind up going out on the street because you have no other place to go. No relatives, no nothing. And the seniors, they really a lot of times they're -- they can't think straight because they've had strokes and things. So they don't know how to get services and everything. And more services should be made available to them especially to get them into another safe place or a safe environment.

Wheeler: Great. Thank you for being here and sharing that. We appreciate it. Good morning.

Sally Fronsman-Cecil, Portland Gray Panthers: Good morning, i'm sally fronsman-cecil, is that too loud. It needn't be so close. Portland gray panthers supports the youth climate change initiatives which youth are promoting not only in Portland and Oregon but throughout the whole world. They are fighting for their future. In the face of climate emergency. We must support their struggle. In Oregon just, we saw that the situation was a challenge by our children's trust to the constitution on the basis of life, liberty and property. They were denied their trial at this level so there will be another appeal. Portland gray panthers is suggesting that the city council follow this case and that we consider writing an amicus brief during the next stage of the appeal. Of course, you'll have to see what the next stage looks like to write a brief. But we also would like you to track and

June 12-13, 2019

actively support the Portland sunrise movement in their efforts and education towards the green new deal. Of course, they like us would like to see us get past our dependence on fossil fuels and establish a sustainable power infrastructure. We should also expect considered action in the future from youth who are participating in the worldwide strike for climate. We support our young people's urgent push for a major special political, social, and economic shift. We think that there needs to be a paradigm shift which would go much more quickly than seems to be happening with government. We want them to make this change with us now. That is where these people are pushing. We can't really wait, things are going much too slowly at this point. We need to get this change for our youth worldwide, for ourselves, for our children, for our grandchildren and great grandchildren. I have a great grandchild now, and for seven generations in the future and beyond.

Wheeler: Thank you. Appreciate it. Good morning.

Lew Church, Portland Gray Panthers: I'm lew with portland gray panthers. I'll try touching today on a few organizing areas and issues, locally and globally. Trimet, gun control, and what might be called astroturf non-profits or astroturf leaders. As we know at portland state, rahmat Shoureshi, who might be called an astroturf university president absconded with \$800,000 golden parachute when fall tuition is said to go up 11%. As an astroturf organizations, we particularly want to thank both commissioner eudaly and civic life suk rhee for cutting their funding last summer for the now defunct elders in action. While eia claimed to be doing x over the years, on equity and transparency, elders in action or elders against action was simply and very consistently mia. At Portland state despite shoureshi's repeated [inaudible] violations we especially want to thank Oregon attorney general ellen Rosenblum for taking time to speak with a lively crowd at our recent gray panthers community forum at chit-chat cafe. Oregon's first woman ag spoke on the \$1.5 trillion student debt crisis. Two of us, lane Thompson and I, were also able to go to ag Rosenblum's 100 attorney national conference on student loan ripoffs held at the Portland doj office downtown. On the local issue of trimet, gray panthers along with downtown neighborhood association, transit riders union and saturday market, all have come out in opposition to trimet general manager doug kelsey's short sided push for deep six, four downtown max stations. Mercy corps, u of Portland and all five Multnomah county commissioners support keeping the saturday market stop open. We urged our city council folk to also oppose such machinations by trimet's killer managers doug Kelsey and bernie bottomly. On gun control, panthers continue to push for banning assault weapons and high capacity magazines. We have heard from chief outlaw's office that the chief, as did ellen Rosenblum, is looking forward to speak at our community forum this summer. While jo ann hardesty was kind enough to talk with panthers at Portland state, we want to make sure both jo ann and ted wheeler are invited and welcome to join the chief at one of our forums. Gun violence is something all of us from baltimore to chicago to north Portland can work to stop. We also want to work -- hope to work with chief outlaw, mayor wheeler and governor brown on the issue of security for our planned stopping gun violence conference at Portland state this fall. We've already invited our proposed keynote speaker Jacinda Ardern. We've hosted an international speaker in the past, mohanned yahya from the masalit tribe in sudan speaking against the recently renewed dictator, omar al-bashir. We have not, however, worked on security for a head of state. Besides being a visible force for gun control, jacinda ardern is new zealand's prime minister. We also want to thank the staff of council members for their work supporting social justice initiatives in our community. Thank you.

Wheeler: Thank you all three of you. Appreciate it. And karla, there are two others?

Moore-Love: They're not here.

Church: Mike's working and marie has been sick lately, sorry.

June 12-13, 2019

Wheeler: Oh, I'm sorry to hear that. Very good. Thank you for being here. Appreciate it, as always.

Fronsmann-Cecil: Thank you.

Wheeler: Next up, then we will move to the – actually, let's go to the consent agenda. Karla, have any items been pulled off consent?

Moore-Love: I've had no request.

Wheeler: Please call the roll.

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

Wheeler: Aye. Consent agenda is approved. First time certain item please item number 555.

Item 555

Wheeler: Commissioner Fish.

Fish: Thank you, mayor. I'd like to invite up parks director adena long and julia brim-edwards from nike. If you could join us at the table. I have some opening remarks and the panel has some remarks. Mayor, you're going to read a proclamation and then we are joined today by dozens of civic minded businesses in Portland who are supporting summer free for all and maybe we'll try to get a picture with everybody at the end of this. Today, we are so proud to celebrate Portland parks and recreation summer free for all program. Summer free for all provides free family friendly events like the Washington parks summer festival, movies and concerts. Free lunches for hungry kids, open swims and swim lessons and play all summer long, all across Portland. At the core of the program is building community. Families enjoy free events, kids stay active and make new friends and we celebrate our diverse city with vibrant multicultural events. Summer free for all can only happen because of public/private partnerships. And this year, we raised a record amount from our private partners. I want to recognize nike, our first title sponsor for their generous support and they're listed in the program as made to play. I also want to give special thanks to the nearly 50 other civic minded businesses, organizations and foundations who make summer free for all possible. Many of you are here today and you have our deepest thanks. Colleagues, we've handed out a program and in the center of the program, you can read the full list, the honor roll of sponsors in the guide and you can also see this on the summer free for all website. Just as important are the neighbors and community organizations who raise funds to present concerts and movies in the park. Summer free for all is a team effort and these partnerships leverage city dollars to go even further. You'll find something for everyone in our guide. This year available in nine languages.

Commissioner Fritz, thank you very much for setting the standard for that. In fact, i'll pass down to you. These are the nine languages that we have these translated in. And --

Fritz: Thank you.

Fish: That is one of her innovations and we're pleased to follow that great tradition. For the historians in the room, we are building on a long and great tradition. Concerts at the city began in 1901. The Washington parks summer festival began in 1949. We've been serving free lunches since 1970s making sure that kids that get out of school and have a summer where they're not getting those healthy meals in school have a chance to get the nutrition they need. And we've been hosting movies for the last 13 years. So thank you, all of our sponsors for making this tradition an enduring one. I also want to extend my appreciation to our mvp staff that make this program happen and especially kellie torres and chariti montez. They are terrific public servants. Now, i'd like to turn the mic over to our director, adena long who has just completed four months on the job. Probably has felt longer, and julia brim-edwards from nike to share some brief comments. Ladies, welcome.

Adena Long, Director, Bureau of Parks and Recreation: Thank you, commissioner Fish, mayor, commissioners –

Wheeler: Good morning.

June 12-13, 2019

Long: And many thanks to all of the sponsors here today. Summer free for all is about fun but it's also about basic needs. Our partners like Portland's five school districts and several hunger relief nonprofits have come together to ensure that we are able to distribute more than 100,000 free lunches to children across the city. And volunteers and partners have also helped us shape this summer's music, film and dance programming to be more reflective of the communities we serve. To tell you more about what inspires them to be a part of this public/private partnership, I'd like to introduce Julia Brim-Edwards, Nike's senior director of global strategy and operations and government and public affairs. Julia?

Julia Brim-Edwards, Nike: Great. Thank you. Good morning, commissioners. I'm Julia Brim-Edwards and today is the perfect day to call attention to summer free for all because today is the last day of school for the 48,000 students in Portland public schools. So it's very timely. On Nike's behalf, I want to thank the city of Portland and Portland parks and recs for the opportunity to bring summer free for all to the city. I also want to thank commissioner Fish who never misses an opportunity to give us an opportunity to be supportive. [laughter] We've had a long partnership between Nike and Portland parks and rec and the city of Portland. As a native Portlander, I can attest to the value of our parks and programming for youth in the city. I used, I grew up living next to Mount Tabor park and in fact, I still do. I spent my summers in the park, playing tennis, or just out -- being out in nature in form of play. I also -- I don't go all the way back to 1901, so not that historic, but in 1977, I worked at Creston pool for summer. So I can -- I've really seen the value that parks and the programming can offer youth during the summer when they're out of school. In addition, I want to just emphasize that I think the real value of this is the extra effort the city has gone to try and make the programming accessible to all, across the city, in all income brackets, ages. This is just -- if you look through this, this is an incredible testament to what this -- what people and citizens of the City are going to have an opportunity to take advantage of this summer. So just a great job by the parks staff of putting this opportunity together. So on Nike's behalf, we love that we can support summer free for all because we believe that kids are made to play and this is going to give them an opportunity to do that.

Fish: Ladies, thank you both. Mayor, before you read the proclamation, could I ask all of the other sponsors that are here, if you're able to stand and to accept our thanks? [applause] Mayor Wheeler, we have a proclamation.

Wheeler: Very good. Whereas, summer free for all builds community through free inclusive and family friendly activities that celebrates Portland's diverse cultures and local artists. And whereas, this year builds on a decades long Portland tradition with movies, concerts, free lunches and the Washington parks summer festival. And whereas, Portland is home to extraordinarily talented musicians, artists, and arts organizations who will perform and share their art at events this summer. And whereas, neighborhood groups and culturally specific community-based organizations help shape summer free for all programming. And whereas, for the ten weeks of summer that youth don't have access to free and reduced lunches, Portland parks and recreation partners with school districts and meals on wheels to serve over 100,000 lunches. And whereas, summer free for all will deliver 31 movies, 32 lunch and play sites, 23 concerts and support for cultural events like festival latino, good in the hood, slavic festival, tonga day, world cup soccer's 10th anniversary tournament and many, many more. And whereas, summer free for all is only possible through the commitment of public spirited businesses, volunteers, neighborhood leaders and Portland parks foundation and others who have committed their time and treasure year after year. And whereas, this year's summer free for all is sponsored by nearly 50 businesses, organizations and foundations including this year's title sponsor, Nike's made to play. Now, therefore, I Ted Wheeler, mayor of the city of Portland, Oregon, the city of roses, do hereby proclaim June 20th, 2019, to be summer free for all kickoff day

June 12-13, 2019

in Portland. And encourage all residents to observe and participate in this day. Thank you.

[applause]

[photo]

Fish: Mayor, we're [inaudible] back on schedule. Can we take a photo?

Wheeler: Sure.

Eudaly: I didn't dress for photos today.

Fish: Folks, would the sponsors like to come and join us here for a second? We'll put Julia and adena in the middle here

Wheeler: Julie, could you and adena hold that. Thanks, and I'm here as well.

Hardesty: You wanted in the picture?

Fish: Randy, why don't you come join us?

*****: Yeah.

[laughter]

Wheeler: I was one of the short people. [laughter]

[Photographer 1]: People on the end, can I get you to crunch a little bit?

Wheeler: Crunch?

Long: Everyone prom shoulders, prom shoulders.

Hardesty: Prom shoulders?

Long: Yeah, like...

Hardesty: I don't get out enough.

[Photographer 2]: Okay, everyone right here, right here...

Wheeler: Alright, now a sassy look.

[laughter]

Fish: Thank you.

[Photographer 2]: Very nice, thank you.

Wheeler: Thanks a lot.

Fish: Julia, thanks very much.

Hardesty: It's the day for this up and down.

Wheeler: Get a little workout here and that's good. Next item, Karla, please. Oh, wait.

Never mind. I have to move something else into this slot. One sec here. Can we get a 564, please?

Item 564

Wheeler: Colleagues, this is the second reading of an ordinance. There has already been a presentation in public testimony on this item. Any further discussion? Karla, please call the roll.

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

Wheeler: Aye. The ordinance is adopted. Can you call item 565. That is also a second reading.

Item 565

Wheeler: Colleagues, this is also a second reading. Any further discussion? Please call the roll, Karla.

Fish: This is long overdue. Aye.

Hardesty: I agree. Thank you, thank you, thank you. Aye.

Eudaly: I've said this before but it bears repeating, the lack of compliance with our short term rental regulations is contributing to our housing crisis. Whether platforms [technical difficulty]

Moore-Love: Is it on?

Eudaly: Whether platforms like air bnb want to admit it or not. Because the legal ruling that we are using to create this new enforcement mechanism did not exist when I was a commissioner in charge of bds, we were stymied in our attempts to force short term rental hosts to come into compliance. I want to thank the mayor and his staff for pursuing this so

June 12-13, 2019

diligently, for not allowing these platforms and their lobbyists to continue to get away with their very deliberate attempts to ignore our rules and regulations, and for acting so quickly when an opportunity arose to get some desperately needed housing stock back into circulation. It's long past time to hold the illegal hosts and the platforms that support them accountable. I vote Aye.

Fritz: If at first, you don't succeed, try, try, try again. And I agree with my colleagues. This is a nonemergency ordinance that will go into effect in 30 days. After that, there will finally be a mechanism for people to be held accountable for operating illegally within the city. Aye.

Wheeler: Aye. Ordinance adopted. Next item please. Time certain is 556.

Item 556

Wheeler: Colleagues, before we get to the presentation today and the proclamation, I'd like to take a moment of silence in order to raise the awareness that while we're celebrating pride month and pride day, we're still losing even in just the last month, our community members in the LGBTQ community due to the confounding effects of racism, sexism and homophobia. It is time for a celebration but we also have to acknowledge that we still have work to do because even one is too many. And I'd like to ask you to please join me in observing a moment of silence. [moment of silence] Thank you. I appreciate that. With that, I will bring up Aja Blair from my office, who will walk us through today's presentation. Good morning. Thank you for being here.

Aja Blair, Mayor Ted Wheeler's Office: Good morning, mayor, commissioners. My name is Aja Blair. I use he, his, him pronouns and I'm executive assistant to Mayor Ted Wheeler. I'm honored to be here this morning and speak for the first time in front of city council to introduce this pride proclamation event and on behalf of the other council offices and community members who help shape today's program. As someone who grew up in Portland, I feel such an honor to be in this space and be present in a time where in city council hall chambers we can have celebrations for pride and other LGBTQ events like transgender day of visibility. Being a person of color and a member of the LGBTQ plus community, I know from firsthand experiences the hardships, bullying and emotional labor many, if not all of us, in this community face for just existing. The emotional labor in our community is still something to perform and having to explain who we are and to continuously urge folks to understand that this is not a time to relax, or to think that things are done. Thank you for giving us this space. Today, we will share a video that features Holly Hart, an LGBTQ elder, writer, founder of the Remembered Old Wives Tales restaurant and lovingly thought of as the mother of pride, Robin Wills, the president of GLAPN, the gay and lesbian archives of the Pacific Northwest and Debra Porta, the executive director of Pride Northwest who is also here as part of our panel. Joining Debra on the panel is Jim Clay from Cascade Aids Project and we're supposed to have a youth from Youth Educating Police, Taji Chesimet, but due to a last minute personal emergency, had to cancel her attendance today. So without further delay, let's get started. Or with further delay.

Wheeler: There's something all the way at the top of the screen.

[video]

Holly Hart: It was 1970, it was right after Stonewall. There was nothing happening in Portland but in other cities, there were gay liberation organizations being started.

Robin Wills: We were invisible for a long, and we were unmentionable for a long time because we were known, you know, in my lifetime we were criminals and we were insane just by definition. We weren't mentionable usually except as a joke.

Hart: It was kind of the beginning of coming out for a lot of people because they could understand the social utility of doing that, you know, which has been really important in the gay movement.

June 12-13, 2019

Wills: I can remember being afraid to join a gay bowling league because of who would know.

Hart: We utilized the facilities at a local church to have a one night coffee house for men, a one night coffee house for women. Those were the...where underage people could come, where people who didn't want to be in drinking environments could come, as well as any lesbians or gay men.

Debra Porta: The biggest thing that I see is our ability to let other people in our community know that they have a community.

Wills: Gay people can go out and do something like pride or wear their rainbow suspenders on the street or any other thing. That is new in my lifetime.

Hart: And I believe that the pride movement and the diversity in the pride movement is encouraging all kinds of people including quote unquote straight people within whom there are tremendous diversity to realize that they don't have to necessarily conform, even though they're straight, they don't necessarily have to conform to binaries, you know, of various kinds, that people can really be themselves.

Wills: If you were to tell 18 year old me what I would be doing at age 70, I would have just said you're crazy.

Porta: Pride is really about... you know it's about claiming our place in the public sphere. It's the, we're...the old adage of we're here, we're queer, we're not going anywhere. That really is actually what it's about. It's about the... we are just as rightfully here as someone else in our society. [end video]

[applause]

Blair: Council, I would like to call debra porta, executive director for pride northwest and jim clay from cascade aids project.

Wheeler: Good morning. Thanks for being here.

Debra Porta, Pride Northwest: Good morning, commissioners. My name is debra porta, executive director of pride northwest. I have been part of the organization in one form or another since 2006. And here we are in 2019 and doing it again. Pride northwest and Portland pride have changed a lot in the last 25 years. 2019 is our 25th birthday. Larger, more celebratory, but we never forget where we come from. A friend once called pride the community's family reunion where we come together and celebrate surviving another year, gain strength to make it through the next year, and as far as we've come, and as many of us as there are who make it, we have a long way to go. We remember on this third anniversary as mentioned the many lost in the pulse massacre. We remember titi gully, lost to our own Portland community just days ago. That is why pride still exists and that's why pride is still necessary. One of the interesting things about being around for a while and having been here so long is being able to see the changes, how far we've come, being able to appreciate that, while also recognizing the work still to be done. Pride northwest remains committed to that work, to celebrating our community, to advocating for changes needed and to making the difficult decisions when they need to be made. We thank you for this recognition and look forward to your support in making all of our communities the best they can be for all of us. Thank you.

Wheeler: Thank you.

Jim Clay, Cascade AIDS Project: Mayor –

Wheeler: Good morning.

Clay: Commissioners, thank you very much. I'm jim clay, also known as the guy with gray hair. I'm here to represent to the best that I can those of us in our community who are aging and who are part of this community. More specifically, I have most recently become erstwhile a representative of aging adults who are living with or affected with hiv. Actually, I would represent to you that I retired eight years ago, and quite glorious you will enjoy it when you arrive at that, I hope. At the same time, I heard last year that cascade aids

June 12-13, 2019

project had made a commitment to support aging adults who are living with or affected by hiv. I went to a job interview. At 72 years old, I went to a job interview. I had to make a resume. I hadn't done that in decades. The question they asked, of course, the classic question in an interview, why are you applying for this job? I told them that I was called. So this is a project I would like at another time if that's ever possible to offer you a briefing, either in private or as a group. I think there's a lot to be gained by exposing the reality, experience, and strengths and needs of this population that's often overlooked. I understand that we are here to celebrate pride and how righteous that is but i'm reminded in advice that I heard a couple of days ago from the community leader, Kathleen saadat, who said yes, let's celebrate but also, let's keep an edge of politics. With humility, I will add one other thing to that. Let's also add an edge of remembrance. Mayor, I really appreciate your remembrance earlier in the session here today. I would like to add a remembrance of the people who are not part of pride right now other than in our memories but assure you that they are still with us. Thousands of Oregonians and at a national level, at an international level it's almost unbelievable but, a national level 700,000 deaths including my late husband who is not here today with me. There's no time here today to offer you any background on the hiv/aids epidemic but I will say that I was in an exercise once where we were asked in 10 words or fewer, could we describe the experience of hiv? Playwright william hoffman said, his 10 words or fewer would be that it was a time of mass death, brutality, and human indifference. Gay historian hugh ryan said that he could do it in less than 10 words. He said simply his experience was we let people die because we didn't like them. So with all that as a background, I also would like to say we take great pride in having people who are aging and living with hiv still with us here. Many have been lost, some are still here. We're looking to have a voice. We're looking to be recognized. We appreciate your willingness to learn about them. I'd acknowledge our people here with us today who are part of that cohort. Thank you very much. Thank you for your remembrance.

Hardesty: Thank you.

Wheeler: Thank you. Appreciate it.

Blair: Mayor, that's our invited testimony and so I'd like to turn it over to the council if you have any remarks to...

Wheeler: Very good, but before I read the proclamation, i'm going to read a statement but I know my colleagues have some issue, items they'd like to raise as well. Commissioner eudaly?

Eudaly: I mostly just I want to give a whole bunch of shoutouts. So thank you for being here today and thank you for all your hard work and your service to our community. I want to thank everyone from council offices who put the proclamation and festivities together, starting with aja blair, betsy quitugua.

Betsy Quitugua: Quitugua

Eudaly: Ah, you were right there. I messaged my entire staff. And I said how do I say betsy's last name? Quitugua. Did I get it? Angela tran, Angelita Morillo, Claire adamsick, seraphie allen, robin mullins, acena Lawrence, pollyanne birge, and caryn brooks from the fire bureau and debbie caselton from bes. Also, thanks to holly hart and debbie porta from pride northwest. I want to mention since no one else did, it's pride northwest's 25th anniversary so very happy anniversary. And let's see, that would put the first pride at -- no. It's the, organization.

Porta: Prides been in Oregon and Portland since the mid 70's, early 70's. Pride northwest as an organization was founded in 1994.

Eudaly: Yes, so one of my first pride marches and festivals would have been right around that time so thank you for making that possible. And finally we are serving cake and punch

June 12-13, 2019

in the atrium directly after the proclamation so please go downstairs and enjoy some treats.

Wheeler: Thank you, Commissioner. Commissioner Hardesty.

Hardesty: Thank you, mayor and thank you all so much for being here. Jim, you and I worked together when we put together the very first ryan white funding mechanism for folks living with hiv and you -- so that means you and I been around for a little while. Right? You tell people your age. I don't. Except it shows up in a paper all the time. So thank you all for being here. Debra, I know you've put your heart and soul into this festival as long as you've been involved in it. When I moved to Portland, the oca was alive and well, and for you young folks, Oregon citizens alliance was an organized hate group that was targeting gay, lesbian and transgender people in our community. And it was absolutely horrifying to think of the vial things that they put on our ballots to try to get us to legislate hate. I am so grateful and thankful that Portlanders and Oregonians over and over and over again with one exception, we won't go there, fought back every step of the way. And we are better for it. But I also want to take this opportunity to remind us that white supremacists are on the rise and our communities are being targeted over and over and over again. And what we know is that there's power in numbers. And when we speak our truth and we hold our ground and we're firm, white supremacists go back into the woodwork. And hopefully, when this administration leaves, they will go back underground into their mother's basement and stay there. I want to take this opportunity before you read the resolution to acknowledge lisa knight. Lisa knight, are you in the audience today? There you are. Thank you. Lisa knight is a Portland fire and rescue employee. She is the first out lgbtq person to be honored as firefighter of the year. Would you please stand and be acknowledged? So we still got a long way to go. But we're going to enjoy the ride while we go.

Wheeler: Thank you. Commissioner Fish?

Fish: So I want to do a special shout out for aja partly because I had the great fortune of working with him before he took a sabbatical and came back and worked for the mayor. And the work that we've done in the community around all user restrooms and educating people about that rather modest change would not have happened without his leadership so I want to thank aja for framing the issue and helping to lead that effort. I'm also very proud to be on the council that is able to put its values into action from time to time. Whether it's health care benefits or contribution we made to prison health or to all user restrooms or marching in pride or supporting key events. We have an important role to play. And I thank you for framing the issue of older adults living with hiv. I think there's a huge opportunity there, and i've -- that issue has been seconded by everyone i've spoken to from cameron whitten at the Q center to tyler termeer at cascade aids project. And I think that to the extent we really want to be a welcoming city, we have to think about -- and to the extent that we think our strength is that older adults choose to live here and stay here, I think this is a particular cause that we should take up and be intentional about so thank you for framing it.

Blair: Thank you very much.

Fish: And you have my full commitment during the balance of my service. I am proud to live in a city where we value everybody regardless of who they love, and that we respect the rights of all. We have a lot of work to do as a country. But I think Portland has a lot to be proud of. So thank you.

Wheeler: Thanks, commissioner. Commissioner Fritz?

Fritz: So I still have a poster in my office window. It's going to go into the archives after I retire at the end of next year. And I thank debra porta in particular for allowing me, enabling me to be in office when we had that historic win at the supreme court because without your help in 2012, I wouldn't have been re-elected so thank you very much. Which just points out that we're all in this together. We're all part of this work whether it's the work

June 12-13, 2019

of politics, the work that you're doing in your communities, the health care work, there's many aspects to a person. And it's important that we recognize that, that nobody is just one thing of their identity. They're a lot of things. We are all a lot of things. So not putting labels on people except by our own choices. I love that we're now identifying our pronouns, all of the staffing, all of my bureaus now do that, now have that in their e-mail. Just things that, that i've been learning and continue to learn. And I thank you to the graciousness of people in the community that have taught me what I didn't know and gently corrected me when I say or do things that haven't been helpful because I really want to help. I want to be part of the gay/straight alliance that continues to make a difference in the city of Portland and thank you very much for all that you do.

Wheeler: I'd like to start by thanking debra and jim for being here and providing testimony. We appreciate it. Appreciate the leadership that you've provided in the community over many, many years. It's inspirational and it's important. So thank you both for that. First, I want to start out by asking a basic question and that is why is this important? Why does the city council take time to recognize pride? The reason is that we need to acknowledge the trauma as well as the triumphs that the lgbtq community have experienced and continue to experience to this day. I feel better knowing that there's a generation, for instance, my daughter's generation that will grow up in a world where there is already a pride movement. But I think we all have to acknowledge there's still a lot of work that has yet to be done. This movement really started at stonewall. That took place over 50 years ago. And the work still continues. Did you know that today, 40% of trans adults indicate that they have attempted suicide. 40%. Did you know that today, of the youth experiencing homelessness, 40% self-identify as lgbtq. Did you know, in this day and age, our federal government, the department of health and human services, published a final rule encouraging hospital officials, staff and insurance companies to deny care to patients including transgender patients based on religious or moral beliefs. Did you know, even as recently as april 12th of this year, the department of defense put donald trump's ban on transgender service members into effect putting service members at direct risk of discharge if they come out or are found to be transgender. This is why today is important. I think about what I can do and what this council can do in the position that we are in. We have the ability to create access, to create equitable and inclusionary policy and stand with the lgbtq plus family and community. In fact, I would argue that it is our duty to do so. I'll continue to fiercely support the rights and the laws that protect the lgbtq plus community locally and nationally. And I want to thank the panel of pride northwest for 25 years of incredible service. And I hope many, many, many more years of incredible service in the years ahead. And this really has been a team affair here on the part of the city council and our collective offices. I want to acknowledge some people who maybe don't get acknowledged very often. Angelita morilla, Betsy quitugua, pollyanne birge, robin mullins, Claire adamsik, caryn brooks from fire as well as seraphie Allen, adam thompson and aja blair from my office in organizing what I believe is both a very special and a very important day. And I also want to encourage all city employees to join me and my council colleagues at the pride parade this sunday. If you've never been, you have missed out. It is one of the most incredible, meaningful and fun events that we do here in the city of Portland. And I strongly encourage people to come bring your family and participate in the fun. So now, let's get to the proclamation and let's celebrate. Whereas, the city of Portland is committed to diversity, social justice, equity, and mutual respect as a fundamental aspect of a healthy community. And whereas, the long and ongoing struggle of transgender, gender queer, lesbian, gay, bisexual and other sexual minorities for basic civil and human rights continues to provide inspiration for all of those who work against discrimination and oppression. And whereas, the presence and visibility of the lesbian, gay, bisexual, transgender, and queer community continues to enhance the quality of life here in the city

June 12-13, 2019

of Portland. And whereas, pride celebrations have been held continuously in Portland since 1971 and pride marches since 1976, pride continues to be the largest lgbtq plus cultural celebration anywhere in Oregon. And whereas, 2019 marks the 25th birthday of pride northwest incorporated, producers of the Portland pride waterfront festival and parade since 1994 where each year, tens of thousands of lgbtq plus and allied people come together to be visible in one of the largest west coast pride celebrations. And whereas, Portland's pride waterfront festival and parade will be held on June 15th and June 16th of this year and all Portlanders are invited to participate. Now, therefore, I Ted Wheeler, mayor of the city of Portland, Oregon, the city of roses, do hereby proclaim June of 2019 to be Portland pride month in Portland and encourage all residents to observe this month. Thank you. [applause] Photo time.

[photo]

Hardesty: Exercise.

Fish: Good thing I got dressed up.

Wheeler: Hey Debra? Can you come back here and stand in the middle. Could I even get you to hold this proclamation? You're very important [inaudible].

[Photographer 1]: One, two, three. You all look great.

[Photographer 2]: Over here. One, two, three. And one more. One, two, three. Thank you.

Wheeler: Thank you. Alright thank you, everyone.

[applause] [laughter]

Eudaly: Oh, I wish I was a little more on the ball with my outfit.

Fritz: [inaudible] you never [inaudible]

Eudaly: Huh? It's probably a good idea because I do and I'm mortified. I just hate [inaudible] This is the worst part of [inaudible]. Not being able to control my [inaudible]. Because I am photogenic, but not always [laughter] and I'd like to destroy the evidence of that. [laughter] Oh well. I bought a little rainbow pin [inaudible]

Fritz: Thank you for [inaudible]

Eudaly: Oh yeah. I yeah. Lots of people worked on it so [inaudible]

Wheeler: Getting down to the hard [inaudible] folks. Nah, let's keep, let's keep powering through and then take a break before the real estate one. [gavel] All right. This is worth celebrating. Let's celebrate in the hall. There's a good reception out in the hall. Excellent. Alright. We are, let's see, yes, we can do, Karla, item number 557, please.

Item 557

Wheeler: Commissioner Fish?

Fish: I think -- I think you just caught me -- let me just see. Oh, ok. Good. Excuse me. We had a very busy morning. Mayor and colleagues, the Portland parks board provides a forum for public discussion and advises the parks commissioner, parks director and city council on policy matters relating to Portland parks and rec. Board members are all volunteers and we are grateful for their service to the community. Today, I'm pleased to welcome up parks director Adena Long. Adena, you're having a busy day. This is, I think, one of three event, three issues that you'll be speaking to. To provide a report on the parks board membership including welcoming two new board members. Welcome director Long.

Adena Long, Director Bureau of Parks and Recreation: Good morning, Mayor Wheeler, commissioners. I'm Adena Long, Portland parks and recreation director. At parks, we have a strong and engaged board with members who bring to the table a broad set of skills. They are passionate about parks and the mission of the bureau to provide access to parks and recreation for all Portlanders. This year, the parks board has two vacancies to fill. One vacancy was left open last year and one vacancy was due to the resignation of a member earlier this year. In February, then interim director Kia Selley reviewed the 2019 parks board appointment process with Commissioner Fish. The board selected members to serve as

June 12-13, 2019

the nominating committee along with the commissioner's staff, Todd Lofgren and myself. Following the recruitment application review and interviews, the board voted to nominate Mike Elliott and Erin Zollenkopf at their May 14th meeting. Mike has nearly 30 years of business experience with national employee benefits consulting firms. Most recently with Portland-based M Benefit Solutions. He is an analytical systems – I'm sorry, systemic thinker with broad-based experience that includes management, budgeting, consensus building, strategic planning and consulting to C-suite management teams and boards of directors. A third generation Oregonian, Mike traveled extensively as a military brat. He graduated with a BA from Northwestern University with majors in economics and mathematical methods in social sciences. After returning to Oregon and joining M. Benefit Solutions, Mike earned his MBA from the Portland State University. Mike retired in October of 2016 and is excited about giving back to the region in ways that align with his interests in the local community, the outdoors, financial services and food access. For the past two years, Mike has been a member of the board of directors for Farmers Market Fund. As noted in Mike's interest statement, he's been a frequent user of Portland parks for over 30 years. He is excited about working with the members of the board and the bureau to serve the community in their efforts to carry out and enhance parks to benefit all Portlanders.

Erin is the CEO of a Susan Matlack Jones and Associates, a firm that specializes in accounting and bookkeeping services for nonprofit organizations in Oregon and Washington. Erin serves as the board treasurer for Boom Arts, a small arts organization focused on bringing global performance with a social justice method to Portland and also as board treasurer and head of the finance review team for Ninety-Nine Girlfriends, a collective women's giving circle that has granted over \$770,000 since it started three years ago. Erin speaks at and leads workshops in her field including a workshop series through the regional arts and culture council called DIY Accounting for Small Arts Nonprofits. Besides accounting, Erin enjoys spending time with her husband and two young children, playing piano and mandolin and adventuring outdoors. Erin is a fifth generation Oregonian who grew up in northeast Portland. She graduated from Portland State University with a degree in English in 2008. Erin's interest in serving on the parks board stems from her lifelong benefit from using Portland's parks and recreation community centers. From learning how to swim to hiking through Forest Park to going with her 3-year-old to explore and play at Westmoreland Park, these experiences help develop Erin as an individual and connected her with her family in meaningful ways. She'd like to give back to the community by joining the Portland Parks Board. Mike's appointment would be to fill the partial term left vacant that ends June 30th, 2020, with the option to be reappointed to a full three-year term next year. Erin's appointment would be her first full three-year term. The board also has two members up for reappointment. At the May 14 meeting, the board voted to reappoint Jenny Glass and Paddy Tillett that will complete their first term on the board June 30, 2019. Jenny is the executive director of the Rosewood Initiative and lives in northeast Portland. She has a BS in community development from Portland State University. Jenny has been involved with the Portland Development Commission now Prosper Portland, neighborhood economic development leadership team, East Portland Action Plan and EPAP subcommittees, community peace corps collaborative, Renew, and East Portlanders Inspiring Change. Jenny's service on the parks board is driven to ensure that East Portland has representation on the parks board and receives needed investment including great quality and culturally relevant recreation activities. Paddy Tillett is an architect, urban designer and city planner with 40 years of international professional experience having worked for consulting firms and public agencies in many parts of the world before settling in the Pacific Northwest. Paddy has been involved in downtown revitalization strategies and over 30 campus master plans for colleges, universities and state capitols. He resides in northwest Portland and holds a diploma in architecture from Oxford and a master of civic design from

June 12-13, 2019

liverpool. Paddy brings to the parks board his extensive professional experience as well as his experience on the Portland parks foundation board and 30 years on various urban design committees in Portland. Jenny and paddy's reappointment to the board would be for their second three-year term ending on June 30, 2022. We have submitted the report for these parks board appointments and reappointments for your consideration and approval. Thank you.

Wheeler: Very good. I'll accept a motion, unless there's any further discussion.

Hardesty: So moved.

Eudaly: Second.

Wheeler: I have a motion from Commissioner Hardesty, a second from commissioner eudaly. Any further discussion? Please call the roll.

Fish: We're very excited to welcome Jenny and Paddy back. Jenny Glass and Paddy Tillett have unique perspective to offer the parks board and we thank them for their service and I want to also thank the parks board for the elaborate process they went through to identify new members. Mike Elliott and Erin Zollenkopf are really terrific candidates and we're lucky that people of this caliber are choosing to volunteer their time. By the way, I'd be remiss if I didn't say on Saturday, Director Long and I were at David Douglas High School opening our 57th community garden. Our 16th east of 82nd and our second with David Douglas. So it was -- it was quite a -- quite a wonderful celebration. Thanks to all four, I'm pleased to vote Aye.

Hardesty: Aye.

Eudaly: These all sound like wonderful appointments and I want to thank all of them for their service. And I want to especially appreciate Erin Zollenkopf. I'm a big fan of Boom Arts and other the work that she does and I appreciate -- I'm excited to see what she will bring. I vote Aye.

Fritz: It was an honor to work with Patricia Frobes and Kendall Clawson, the parks board co-chairs when I was in charge of parks to look at how do the new members get selected. And as was mentioned it's a collaboration between a subcommittee and the commissioner's office and the director. They also developed an elaborate matrix to look at all of the different demographics and interests and skills of the current members to see where the gaps and where -- what -- where do we need people to live, work and play and what kinds of things do they do? So we use that with the recent recruitment or that system with the recent recruitment for the Portland Utility Board. And I think it should stand as a model for the entire city for all of our recruitments because it really points out where you've got expertise and where you need different kinds of skills and experiences. So I'm a big fan of the Portland parks board. Aye.

Wheeler: I think these are excellent appointments and reappointments, and I appreciate it when people are willing to step up for what can often be very complicated but, obviously, very important work. Our parks are beloved, as Commissioner Fish has said many times. And we need the right people from the community helping to guide us. In this case, I think Commissioner Fish and Director Long, you've provided us with some excellent people to do just that. I vote Aye. The report is accepted and the appointments are accepted as well. and the appointments are accepted as well. Thank you.

Long: Thank you.

Fish: Thank you, Adena.

Wheeler: Colleagues, could we take a three minute recess? Thank you.

At 10:59 a.m., council recessed.

At 11:05 a.m., council reconvened.

June 12-13, 2019

Wheeler: Colleagues, while we're waiting for Commissioner Hardesty to return, and I'm sure she'll return in just a moment, why don't we call the item. Commissioner Eudaly, I assume you want items 558 and 559 called together, is that correct?

Eudaly: Let's see.

Wheeler: We read them together last time so I don't see any reason why we couldn't today.

Eudaly: Sure.

Wheeler: Karla, would you mind reading items 558 and 559 together?

Item 558

Item 559

Wheeler: Very good and just to get us back on the same page in terms of where we are in the process we have already heard both of these items. We have taken testimony on these items. Commissioner Eudaly offered a substitute amendment which – excuse me, a substitute exhibit which we voted in favor of. So the substitute is on the table before us. A number of amendments were offered up that have all been moved and seconded for the purposes of discussion and for public testimony. So today assuming I have the flow of the process correct, we will be having discussion, answering questions, and it is my hope and expectation that we would be voting for the -- on the amendments today. Is that everybody's expectation? Then those amendments that are approved today would move to second reading and I believe next week is the week that has been picked for that. Does that comport with everybody's understanding?

Eudaly: Yes.

Wheeler: Very good. So with that then we can start wherever the will of the council is. I would obviously like to have the opportunity to discuss the amendments I put on the table and ultimately vote on those, but it may be the people would like to start with a broader conversation first. Really, whatever is the will of the council.

Eudaly: Sure. You pretty much covered everything that I was going to say in my introduction other than the final vote is scheduled for Wednesday, June 19th at 4:15 p.m. Unfortunately Commissioner Hardesty will be in DC at that time. We searched for another date when we would all be here and it's not happening pretty much all summer. So it's really next week or put it off even longer and it's just we really need to move forward and move on.

Fish: Will Commissioner Hardesty be appearing by telephone?

Hardesty: No.

Fish: Okay.

Eudaly: We did schedule it at 4:15 in the hopes that might make it possible for you as it will be the evening and I wanted to have a conversation with you before this meeting, but.

Hardesty: As did I.

Eudaly: Yeah, yeah.

Hardesty: Apparently we're having it now. [laughter]

Eudaly: Okay. Alright. So Mayor, you put several amendments forward in the last session or last hearing. I have let your staff and all the commissioners' offices know where we stand on those amendments, and if you want to just – I'm not sure, first of all, do we need to read the amendment language?

Wheeler: No, the amendments are on the table so we can simply refer to them by number and then maybe with a sentence or two just to make sure we're all talking about the same amendments but they've already been read into the record.

Fish: My understanding is we're just going into discussion and we have all of us have a cheat sheet with the sponsors formal position whether to accept, reject or modify any amendment. So that guides the conversation. Can I kick things off with amendment one if we're having a discussion?

June 12-13, 2019

Eudaly: Of the mayor's amendments?

Fish: Of the mayor's.

Eudaly: Yeah. Okay.

Fish: It looks like we're going to start with the mayors amendments. I have an amendment which is pretty proforma but we'll come back to that. Okay, mayor wheeler one proposes to eliminate a particular provision dealing with the timing of applications, in this instance, dealing with the situation where if someone applies for something earlier than the open application period. My question to the sponsor is how did you arrive at the essentially eight hour penalty clause that's currently in the language which says that it's treated as if it came in eight hours afterwards and what's the rationale for that?

Hardesty: Do we need to bring Jamey out?

Eudaly: I was going to do that in a minute, but, I, okay, so. Jamey if you could come up because some of these amendments are extremely technical. I'm going to have Jamey answer some of the questions.

Jamey Duhamel, Director of Policy, Office of Commissioner Eudaly: That specific part of the policy was developed in our beta test group at the end of policy development when we modeled out and walked through some mock screenings with the group that included some lawyers, tenant and landlord lawyers in the room. We recognize that there was a gap in the policy where there was no accounting for if somebody sent in their application – let's say the open application period is 12 p.m. on January 1st and somebody submits their application at 11:00 or the day before. What is a landlord to do in that circumstance, and while we didn't want to eliminate somebody's ability to apply for that rental because they didn't recognize the open application period, we also didn't want to advantage them by putting them at the top of the line. So this was the compromise that we made. We chose the eight hour period because that is the kind of waiting period for particularly around ADA units and preference policies, and so they got stuck at the top of the line after that first waiting period for preference applications.

Fish: So under this language there are potentially a number of scenarios where that application that came in before the open application period still gets the unit.

Duhamel: Correct.

Fish: It's just that there's no reward for having come in ahead of the period and you settled on eight hours because there was a precedent for that period of time.

Duhamel: Correct. Exactly.

Wheeler: Could I give some of the logic for why I made the amendment? First of all, commissioner Fish, as you indicated there's a degree to which this is arbitrary. Eight hours was picked, seven wasn't picked, nine wasn't picked and I want to be clear what stays intact with this. What does not change is the 72 hour notification period. That does not impact it. What this is impacting is the actual question of the application itself, and if we -- Let me give you an example of where I think this becomes complicated. If you're a landlord and you come in a monday morning and monday is the day you have picked for your application period and you have a stack of applications in the mailbox, you cannot time stamp them. You have no legitimate way of knowing what time those applications came in. So there is in fact some degree of discretion here on the part of the landlord to say, okay, all of these applications came in and I can accept them or I can put them in the middle of the pile, top of the pile or bottom of the pile. I acknowledge that. But what also happens is it is administratively complicated. It adds an extra burden, and in some cases that eight hours if it is with a competitive unit, may in fact cause people to lose the opportunity. Eight hours effectively if you pick up the mail at the beginning of the day, that's really the next day's business. So we know that in this particular market those units especially if they have been posted for 72 hours, they are going to get scooped up fairly quickly. Another administrative issue that was brought to my attention is in the case where you do not have

June 12-13, 2019

competitive units, you could in fact be incentivizing people to pre-apply for a whole host of units whether or not they have even been posted under the 72-hour requirement. So that then creates the potential for long waiting lists for units on a defacto basis. So on balance as I looked at this, I believed it does not significantly impact the intent of this portion of the ordinance, but it does simplify it from an administrative and a potential cost perspective but it gets rid of the uncertainty which will be not so much by digital applications but by those that are mailed in and the other question then that would arise by this is somebody might say, well, one of the things I really like about this ordinance and that I strongly support about this ordinance is the potential impact it would have on people with disabilities. We know that factually there are people with disabilities, mobility disabilities who are currently being discriminated against. They still have access to reasonable accommodations under the fair housing act and the ada. In my mind that is not impacted by this at all.

Fish: May I follow up on that for a second?

Wheeler: Sure.

Fish: I appreciate the explanation you've given for the amendment. Let me offer a counter narrative. If we allow people to essentially jump the gun on the open application period, then we're creating a class of people who are treated differently. My guess, without thinking about this too deeply, is that it's a class of insiders. It's people that are given a heads up in advance or landlord may want to steer or for whatever reason. While I agree that the eight hours could be viewed as arbitrary, I mean we can say six hours, seven hour, eight hours, nine. I mean it's just a number. Isn't the risk here that creating in essence an incentive for people to apply before the open application period just creates a class of people who are advantaged and doesn't it in effect render the underlying -- doesn't it significantly undercut the whole purpose of having an open application process and leveling the playing field?

Eudaly: It absolutely does. If I could weigh in here.

Wheeler: Go ahead and then I'll give my response.

Eudaly: Since this is – so I feel like we have just heard some incredibly complex rationalization for something that's pretty simple. We created a waiting period to make this process more equitable to people who face challenges or barriers in the application process. That may be a language barrier, that may be a disability, there's a variety of reasons why we would want to give people an opportunity to get their materials together, complete the application before that process opens up. Eight hours is not arbitrary. Eight hours is linked to the waiting period on ada units. So what this amendment does is negate that waiting period. We were trying to find a fair solution for people who perhaps inadvertently applied too early so that their application wouldn't be thrown out. Frankly, I think it'd be – and I need to say the vast majority of applications are happening online. I don't think landlords are getting a stack of applications -- or in person. A stack of applications coming in the mail. I think it's unlikely. Landlords can put an auto responder on the email attached to the application saying i'm sorry, you know, this isn't open or, and you need to apply at this time. We simply made a concession to renters who may have accidentally applied too early so they will still be in the queue but not at the front of the line because they didn't follow the instructions. I'm just feeling if you want to get rid of our waiting period, make an amendment to get rid of the waiting period, because taking this language out effectively negates the waiting period.

Wheeler: Okay, so let defend my position, then I'll let Commissioner Fritz come in because I don't necessarily agree with that narrative. I do agree with what you said that this could be simplified. It could simply be, first of all let's be clear about what's in the body of the ordinance. There's no requirement that the landlord make the application available. What's required by the 72-hour notification period is that the landlord has to stipulate what their screening criteria are. They have to stipulate what the unit is, they have to stipulate

June 12-13, 2019

whether or not it is an ada-accessible unit and they have to stipulate the time that the applications will actually be accepted. The simple thing to do would be to say applications are not accepted until time x –

Eudaly: Which is what we've asked.

Wheeler: Or alternatively not make the application available until the actual time –

Eudaly: But that, yeah –

Wheeler: That the unit is available.

Eudaly: But then, okay –

Wheeler: Ultimately I think that's where it will go because why would a landlord send out the application in advance knowing that that exposes them not to, only to administrative burden in having to time stamp, sort, first in line, move it to eight hours back but it also potentially opens them to legal exposure.

Eudaly: So mayor, that just negates the waiting period, the purpose of the waiting period in a different way. The purpose of the waiting period is to allow people that face barriers or challenges to completing the application time to complete it. So it needs to be provided in advance so that they can get it in and be competitive with people who don't face those barriers and like I said, that could be language, it could be disability, it could be an individual facing some of the barriers we're trying to address with our low barrier screening criteria who need to get together supplemental information to kind of argue their case for why they are a good tenant despite whatever marks may be on their record. So interfering with that waiting period, whether it's taking, allowing people to apply earlier than the waiting period and get to the front of the line or not giving them the application in advance to fill out, negates the entire purpose of this waiting period. It's an essential part of this policy because we're trying to decrease barriers to housing for people who face extraordinary barriers or challenges.

Wheeler: But the examples you just gave are currently, these are all examples of reasonable accommodation that an applicant could ask for under existing law.

Eudaly: No, they're not.

Hardesty: No --

Eudaly: No they're not. Absolutely not.

Wheeler: Well, I would point you to reasonable accommodations under fair housing law.

Eudaly: Jamey, do you want to come back up and comment on that? I'm, you know, there may be wording in that law but part of the point of this policy is that we're not seeing adherence to the fair housing act. We are seeing discrimination in the rental market and we are trying to solve for it. So jamey, can you please respond to that specific concern?

Duhamel: So reasonable accommodations allows a prospective tenant to negotiate certain conditions in their unit, when they're negotiating getting into that unit but it doesn't speak to the processing of the applications ahead of time. So they could be effectively not even processed or ignored before they even get the chance to request reasonable accommodations for the unit.

Eudaly: Thank you.

Wheeler: Is that legal counsel's opinion?

*****: Mr. Mayor –

Wheeler: Yes.

*****: I did not advise on this matter but I could certainly get the attorney who did provide advice down here and answer your question.

Wheeler: The ordinance speaks to mobility disability, so that is physical disability. It's my understanding that that is protected under reasonable accommodations under the fair housing act and ada.

Eudaly: But this doesn't –

June 12-13, 2019

Hardesty: I would say, mayor, that if you show up and you have a mobility device, that's one thing. But if you are doing an online application and you are applying a landlord will normally try to pick the most expedient applicant they could possibly get. As a renter I can tell you that apartments in my complex don't stay empty too long. It's to the apartment owner's to get as many people applying while they're claiming the apartment that the person just moved out of, and so I absolutely agree that even though we have laws in place that are supposed to protect some of our most vulnerable people in reality it absolutely does not work. It's just like they're not supposed discriminate against people but we know that happens every single day in this community. So I'm not -- I would love to hear what commissioner Amanda Fritz has to say because I know she's been patiently waiting.

Wheeler: She has and I will call on her in one moment. I just want to point out one thing though. This is in reference to applications received early. This does not impact the rest of the ordinance with regard to first come first serve. This is specifically this whole clause with regard to how do you deal with applications that come in the door prior to the open application process. That is narrowly focused on that --

Eudaly: Then the person --

Wheeler: Commissioner Fritz.

Fritz: Okay, I think it would be helpful to acknowledge right off the bat that we all agree that there are problems with the housing, with the way the laws are implemented, that we've had multiple audits and we know that people are being discriminated against. So there's no opposition about that on the council. The question is how do we address that? I have a basic question. We received testimony, written testimony from a property manager who said that they already do first come first serve and they are sometimes greeted when they arrive at work with people throwing applications through the car door window, so, and we know that there is a digital divide that low income people, people of color often do not have access to internet. We know that 5g is coming that will cost more money but it will be faster so that the people with the 5g phones are going to be able to get their electronic applications in right on the dot, although as somebody who buys a lot of concert tickets online, I wait and watch until my computer tells me the time has clicked by, I click enter and i'm often put in the queue and wait as somebody at the back here has also had that experience. You wait for five, ten, 15 minutes. Please let me put my application in. To the sponsor, what is the process whereby if you open it at 8:00, you've got a line of people? Are there allowed to be a line of people outside of the property manager's door, waiting to put in their application and they've been waiting there for 72 hours, which is also, can you afford to be outside for 20, 72 hours? Who is first? The person who is waiting outside the door or the person who gets online, or the person who gets it online, happens to get in first online?

Eudaly: So just like the fair housing act that was passed 51 years ago and the ada act that was passed about 25 years ago, this policy does not solve any possibility that you can come up with. Emails have times on them so it would be very easy to intersperse emailed applications which the vast majority of them are with applications received in person. I don't know how they would treat applications received in the mail. That presumably would be up to the discretion of the landlord. I feel like -- I feel like people are coming up with every possible eventuality or little hang-up. The issue here is that we have created a waiting period to reduce barriers for people who face challenges in securing rental housing and this amendment will effectively negate that purpose. So we're not -- I know I haven't entirely answered your question although I think I mostly have and it isn't really the question at hand. The question at hand is if someone applies earlier than the stated application day and time, should they get to go to the front of the line, and my position is no and Jamey, working with community partners and through the -- including landlords and

June 12-13, 2019

through the beta test came up with this compromise which is that they will not get to the front of the line. They don't deserve to be at the front of the line. But their application will not be discarded. It will be placed in the queue after an eight hour waiting period and I'm going to have Jamey come back up because I want to make sure we get all the details right.

Duhamel: That is absolutely correct. I would add one more thing is that we made changes to the ways in which receipts are provided for tenants and that is also to decrease administrative burden and account for the fact that landlords may be taking in applications from multiple venues at the same time. On the one hand, landlords have the ability to change their business practices and may just require that all applications come through the front door in a certain way to minimize the chaos for themselves. On the second hand we have changed the receipt process and the queuing process so landlords only have to respond when requested and within five days. That gives the landlord the time to figure out which order people were in so they are not giving the wrong receipts at the moment and telling people they're in a certain line of the queue when they didn't realize they had emails that had people coming in sooner. There are mechanisms built in there for landlords to develop their own system that decreases the administrative burden for themselves.

Wheeler: Jamey, if I may, this section, again, this, it is not prescriptive in terms of telling landlords during that 72-hour period that they need to make the application available at all. This is simply an opportunity for them to be clear about what their screening criteria is in the availability of the unit, is that correct?

Duhamel: I think technically you may be correct that we have not said in policy that you must make the application available. I think there was certainly an understanding that landlords when they say I have a unit open and I want to take applications will make those applications available. I'm not sure why they wouldn't otherwise because they want to get the ball rolling. It's landlords who told us that the 72 hour window will diminish the turnover time for their own property, so waiting the 72 hours and then handing out applications is them in effect diminishing their own turnover time, so that doesn't seem logical to me but also the policy is in effect only when landlords advertise, so theoretically they could give that property to a friend or family member because they don't have to legally advertise that property, but secondly the --

Eudaly: Or use their waiting list.

Duhamel: What's that?

Eudaly: Or utilize their waiting list.

Duhamel: Right. There is also, they can also process multiple applications at a time and put them on the waiting list as long as they are making a determination in order. And finally the policy is triggered by the submittal of a completed application. So it's not even so much when the applications are handed out. So even if they waited the open application period, then handed out applications they don't have to process those applications until they are received fully completed.

Wheeler: Okay, and I don't want to belabor this too much but I have read this thoroughly and there's nothing in it that implies, suggests or requires that landlords must provide the application. I did not see that. I did have one other question, which is let's follow commissioner Fritz's -- I by the way I agree with commissioner eudaly that I would assume the majority of applications will be digital and they'll time stamped. So that's sort of a nonissue from my perspective, but let's say somebody hands in the application or somebody chooses to mail the application. There isn't really any way of telling whether or not the landlord is faithfully putting those on an eight-hour time stamp or whether in fact they are putting them at the top of the pile. We have no way of knowing, do we?

Duhamel: Well, that's partly why there's a receipt and queuing component. That they are handing out receipts to folks when they're turning in their applications. Again, we've kind of

June 12-13, 2019

diminished that because of the administrative burden issue and because of the multiple applications but you're correct. If landlords choose to not follow the law, we have limited ability with which to make sure they are doing that.

Eudaly: Which is already true.

Duhamel: Correct.

Eudaly: So again, we can't solve every possible eventuality or outcome. What our aim here is just to continue advancing fair housing law to decrease barriers to housing for people who face challenges.

Duhamel: And if I may, just one more comment, commissioner –

Eudaly: Yeah, please.

Duhamel: We debated the type of application processing ad nauseam over two years of this policy. What we determined is that the first come first serve process is the most equitable, oh well not fully equitable but most equitable while also balancing enforceability through the receipt process so the most equitable process would obviously be a random lottery of folks who qualify for the property but because we have no system to ensure enforceability on that we would essentially end up with the same exact system we have today which is landlords just say, you know of course I chose this person randomly but they end up just picking out of the pile who they like the best. So this is the best way that we have found and it is recommended in fair housing guidance and it is followed right now voluntarily by many of the larger landlords because of its equitable intention.

Wheeler: Any further discussion on this amendment?

Hardesty: I guess I'm still not clear, mayor, what your amendment seeks to do.

Wheeler: It seeks to reduce what I believe is a barrier that is somewhat arbitrary in nature that will be very difficult to enforce, that in my opinion will provide one more barrier to the unit being available. I believe that this issue is already addressed through reasonable accommodations, and at the end of the day I think ultimately landlords for the most part will choose not to provide the application in advance because it exposes them both to the administrative burden and potential legal ramifications. That's the basics for this one.

Hardesty: And so are we at a position that we're going to be voting on this amendment?

Fish: Yes.

Wheeler: I say yes. I think everybody knows what their position is on this so let's go ahead and call the roll, Karla.

Fish: If the discussion on the other amendments is as lively as this one -- [laughter] we may have to push the session into the early evening. I really appreciate this discussion. I think it's helpful. I have thought a lot about this amendment and I want to say, mayor, I appreciate that in bringing a suite of amendments you have signaled a desire to try to get to yes on this. There's a number of amendments here that have the sponsor support which I think is important. I'm concerned that this amendment does undermine the open application period. I am somewhat comforted by the fact that through the next year of doing further outreach through the rulemaking process and through the annual reporting if there is a barrier that we missed or in practice becomes significant, I will be interested in revisiting these issues. But at this point I think the risk is that we undermine the open application period in essence privilege a class of applicants which I don't think is the intent. So I can't support the amendment. No.

Hardesty: Ditto what commissioner Fish said. I vote No.

Eudaly: No.

Fritz: Both the urban league of Portland and the community alliance of tenants have agreed that the whole first come first served is fundamentally inequitable as we know, as I said. The fact that people not everybody can be online at a particular time, they have to wait for the libraries to open, for example, I think this would have made it slightly better and so I vote Aye.

June 12-13, 2019

Wheeler: Obviously I support this or I wouldn't have put it on the table. First of all, thank you, everyone, for the discussion and the clarification. Commissioner Fish, to your point, my expectation is that assuming the majority will pass this in some form either amended or not amended, it would be my expectation that there will be parts of this the housing bureau will have to bring back to the council. We'll just have to see where the chips fall on this one. I vote Aye. The amendment fails 3-2. Can I go on to the second amendment?

Eudaly: Yes, please.

Wheeler: Is this working for everybody in terms of how to structure this?

Eudaly: I would like to call Jamey up and Jamey, just stay at the table for the duration of this, please.

Wheeler: Unless you want the exercise. That's always an option.

Fish: Mayor.

Wheeler: Commissioner Fish.

Fish: I'm just a little concerned about time. The sponsor has accepted your amendment. I move the amendment.

Wheeler: The amendment's already been moved. It's been moved and seconded.

Fish: Oh, I mean I move to a vote.

Wheeler: So before I go to the roll call it would be nice to know that I have three votes on this.

Fish: Well, the sponsor accepts your amendment.

Eudaly: I accept the amendment. I want point out cat and urban league were two of our most important community partners in developing this policy and they came out in force to both of the hearings to support it, they, you know with some concerns. Was this one of them, Jamey?

Duhamel: Can you remind me of what amendment this is?

Eudaly: I'm sorry. This is the amendment taking out the language 50 or fewer in regards to excluding tenants who have been I guess evicted within 365 days.

Duhamel: It's true those organization do not support this amendment. It was their request that we limit it to smaller landlords because they didn't want particularly tenants to be effectively banned from entire areas. But we felt like this was in the end a smallish concession to move the policy.

Wheeler: Very good. Karla, call the roll.

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

Wheeler: Thank you, colleagues. Aye. The amendment is passed. Amendment number three, commissioner Eudaly and my team -- commissioner Eudaly's team and my team have drafted some language. I put a placeholder in removing section two. I put a placeholder language in. The language that we have agreed to I've spoken to legal counsel this morning is a friendly amendment and therefore would not require an additional amendment according to legal counsel. I'll read it into the record. So we will strike the language I put in which is preferential access for the accessible dwelling units will be given to people with mobility disabilities. That was a placeholder. The more formal language is if there are multiple applicants for an accessory dwelling unit with a family member that is mobility disabled, the landlord must accept, conditionally accept or deny such applications in order of receipt but prior to processing completed applications for applicants without household members that are mobility disabled. And I accept that as a friendly amendment. Any further discussion on this item? Please call the roll.

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

Wheeler: Aye. The amendment passes. Item amendment number five.

Fish: Four.

June 12-13, 2019

Wheeler: Four was withdrawn last week based on testimony. So this is amendment number five and it is related to amendment number six and it's my understanding that the sponsor accepts these amendments so please call the roll.

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

Wheeler: Aye. That's five. If you can call six.

Fish: Aye. I voted Aye because the sponsor has accepted language in amendment six.

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

Wheeler: Aye. Amendment seven, I had a question for commissioner eudaly. The exemptions that we put on the table parallel the exemptions we use for relo. Commissioner Eudaly had come back with an alternative set of amendments. Commissioner, the question I have for you is legal counsel could not agree that those constitute mere friendly amendments because they strike a key section of the original amendment which would mean that we would have to take testimony and move this to a second reading. I didn't know what you felt about that.

Eudaly: What's -- jamey, if you could remind me what the substance of changes --

Duhamel: The revision simply adds for subsections e and f at the beginning of the amendment.

Eudaly: D and e.

Duhamel: On we on --

Eudaly: We're on seven, d and e.

Duhamel: Amendment number seven?

Wheeler: Yes, yeah, so this is the one where it would exclude the same exclusions, the same exemptions that we have in relo from the selection criteria but under commissioner eudaly's counterproposal it would be limited to section e and f only. That is the screening criteria section.

Duhamel: Correct.

Wheeler: But they would still have to comply with the 72-hour requirement, the i.d. requirement --

Eudaly: Yes.

Wheeler: First come first serve, and the like. So my question really is a process question for commissioner --

Eudaly: Okay.

Wheeler: Eudaly, which is do you want to take testimony on this amendment and have it moved to second next week, which means that --

Eudaly: I guess if that's what we need to do.

Duhamel: If it moves to second next week then we would not be able to vote on the policy next week.

Eudaly: Yeah, that's the problem with getting last minute amendments so I'm not sure what to do. I --

Hardesty: I don't see much fundamentally different between the two.

Eudaly: The difference is that the mayor's amendment would have exempted these landlords from the whole policy and we --

Wheeler: Like we did with three [inaudible]

Eudaly: Because we don't have a complete registry, we have no idea how many units this type of landlord represents, and I frankly don't think that small time landlords should be more able to discriminate than anyone else. What we heard in testimony over the course of these two sessions from small landlords is they're not professional enough to adopt our policy and from large landlords that they're too professional. Everyone agrees that discrimination is bad. No one wants to change their practices. So it's my strong position that while I am fine with exempting them on -- sorry, i'm getting on the screening side, right? We're not exempting them from all the requirements of the policy.

June 12-13, 2019

Duhamel: So it sounds like we either – we can't amend the amendment without opening the record back up and moving it to second reading which would delay the final vote. So the only other option is to vote up or down the amendment as proposed by mayor wheeler without revising it.

Wheeler: That's my understanding from legal counsel.

Eudaly: Okay.

Wheeler: If I could put one explanation on the table, I think we all agree that there's a balancing act here. And the concern that I would raise is with a very, a legitimately small landlord, not one who is gaming the system by having 25 different llcs, but somebody who, and we had a couple of people come and testify. Somebody who rents their adu, or rents a room in their home. My concern would be that if we create too much of an administrative burden, 72 hour reporting, the first in line, the time stamping and the other requirements of the full ordinance, it may be easier for people to go click on the air bnb site instead. That's my concern. Commissioner Fritz.

Fritz: I agree with that concern as one of my neighbors is adding an accessory dwelling unit and they are going one step further and they're not going to advertise because they're -- this is not a landlord who doesn't advertise, doesn't have to follow these rules and so that then further means that it's going to be friends of friends rather than open to anybody to access. We did receive one piece of testimony while the record was held open from a person who moved into her adu, and is renting out her main house, and so that was pointed out as a problem for both the relocation exemption and for this that clearly that's something we want seniors to be able to do, is to downsize and for them to be able to occupy their adu, but that, the rules should be the same then for the family who is going to share their property.

Wheeler: Commissioner Fritz, to that point, just sort of an aside, the housing bureau is in receipt of that testimony to council, and it's my understanding that they will be bringing a potential revision back to council for our consideration on that exact point.

Fritz: Really great.

Wheeler: Because we really didn't take into account what happens if you choose to vacate the main residence and instead live in the adu and rent the main residence and I think that was just a legitimate oversight.

Fritz: Presuming that that could be fixed here, as a friendly amendment.

Wheeler: Or it could be done through further code revision and frankly that would be my preference, so we just do it all at once.

Eudaly: This isn't ideal but i'm happy to just accept this amendment and if it is something that we feel we need to revise, we have got nine months before this policy is implemented. So let's take a vote.

Wheeler: I think that's right, Commissioner Eudaly.

Eudaly: I'm sorry, but I don't want to cut off Commissioner Hardesty.

Wheeler: Commissioner Hardesty.

Hardesty: That's okay. I was actually going to recommend why don't we just not do it and then have them come back with the recommendation six months or eight months from now?

Eudaly: I'm fine with that too.

Wheeler: We'll find out right now.

Hardesty: As we will.

Wheeler: The suspense –

Hardesty: Is killing us.

Wheeler: Is palpable. Please call the roll.

Eudaly: I mean we really did accept most of them, so.

Wheeler: And just to be clear this is wheeler amendment seven.

June 12-13, 2019

Fish: This is the last of the mayor's amendments. I want to compliment the sponsor and the proponent of the amendments for the conversation that we have had. We should have more conversations like this. This reminds me a little bit of the conversations we have on land use matters where we have a chance as council to air our differences in public. The feedback that I get from people is they really appreciate the transparency of hearing people. My touchstone as a commissioner unless a fundamental principle that I care about is violated is I look to the sponsor for guidance. The sponsor in most of the work we do is doing the heavy lifting, is keeping an eye on compromise, trying to build a bigger coalition. I have been extremely impressed with the sponsor's efforts to do this. Because the sponsor is willing to accept the amendment with the proviso that we can come back and revisit it, which I think makes a lot of sense because of the time frame which you've given us, I welcome the chance to come back with more data but based on the record we have now I can support this amendment. Aye.

Hardesty: I would love to have had more conversation about this particular amendment and because we have not been able to do that and we anticipate changes coming back sometime in the next six or eight months I am very confident to vote No.

Eudaly: I do think commissioner hardesty's suggestion was the most logical choice here. We have delayed implementation of nine months. If we feel like this is something that needs to be fixed or even i'm hearing from some colleagues expanded upon it would make more sense to me to not pass the amendment as it is today but to come back to this conversation sometime before the implementation with a better worded and perhaps more flushed out amendment. I vote No.

Fritz: This is challenging because I don't know what the process is going to be of whether we've got the right exemptions here or not. It's obvious that one is not right. I think it would be better to have these come back sooner rather than later. No.

Wheeler: Yes. The amendment fails 3-2. All right, next up are --

Fritz: Actually, could I move to reconsider?

Wheeler: Motion to reconsider?

Fritz: Yeah.

Wheeler: Second?

Fish: Second.

Wheeler: Commissioner Fritz.

Fritz: I think I would like to change my vote, please. So I would like to -- is everybody okay with accepting the motion to reconsider?

Fish: It's a courtesy.

Hardesty: Yeah.

Fritz: Thank you. So I would like to change my vote to yes.

Wheeler: The motion passes 3-2.

Fish: Mayor we have one more amendment, I think.

Wheeler: We have several more. Commissioner eudaly has three, and you have one. Should we get to yours next, commissioner Fish?

Fish: I'm happy to follow commissioner eudaly's lead.

Wheeler: Thank you.

Eudaly: So let's take Fish one? Please call the roll.

Wheeler: Is there any further discussion on Fish one? Please call the roll.

Fish: Aye.

Hardesty: I love amendments that are very well worded and I can understand them when I read it the first time. I vote Aye.

Eudaly: Thank you, commissioner. I support this amendment. I vote aye.

June 12-13, 2019

Fritz: I'm concerned about giving the housing bureau yet another responsibility on this. On the other hand I do believe that there should be annual reports so that we can fix any of the problems that come up. Aye.

Wheeler: As the housing commissioner I want to be clear it's the housing bureau's opinion that there will need to be revisions to this policy and that it is imperative that the housing bureau work closely with this council. So the reporting requirement is appropriate and it would be my expectation as the housing commissioner that we would be reporting back even more frequently and sooner than proposed in the amendment that I assume this is sort of an outside bracket in terms of reporting requirement to the council. I vote Aye. Fish one passes. Commissioner Eudaly has three amendments. Any further discussion of Eudaly number one? Please call the roll.

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

Wheeler: Aye. The amendment passes. Eudaly amendment two, please.

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

Fritz: I'm concerned about this. This is about requiring considering of supplemental evidence. I think it's really complicated and an administrative burden as was the rationale for taking it out, so I vote No.

Wheeler: Aye. The amendment passes 4-1. Amendment three, call the roll, please.

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

Wheeler: Aye. The amendment passes. So that is, unless I screwed up here, that is all the amendments. Is that correct?

Eudaly: That is all we've got.

Wheeler: Okay. Very good. Any further discussion on this item or does that close this out for today? Then it is my understanding that we will come back on Wednesday, June -- was it 14th, Commissioner Eudaly, or is it 19th?

Eudaly: The 19th.

Wheeler: Wed -- okay very good. Wednesday, June 19 at 4:15 p.m. time certain and if there's any changes to that we'll go through the usual notification.

Eudaly: Will not be any changes -- [laughter] if I have anything to do with it.

Wheeler: Great. Alright, good, and -- very good so this is a first reading of a nonemergency ordinance, it moves to second reading as amended. And that is item number 558 and number 559 is also a nonemergency ordinance, it moves to second reading. Alright. Good. So we're finally in the regular agenda. 566, please.

Item 566

Wheeler: Commissioner Fish.

Fish: Thank you, mayor. We would like to welcome two honored guests, Vicente Harrison, who is parks security and emergency manager, and senior deputy city attorney Linda Law who are going to give us a brief presentation. Where is Todd? Todd, do we have a handout for the council? Okay, good. Colleagues, we had a number of very thoughtful questions that we received from council offices over the last couple of days. So our team has produced a one-page document which just confirmed the information we've shared with the offices and our hope is that it also focuses on what we're proposing today and equally important what we're not proposing because this is actually fairly narrow in scope. Let me do a brief introduction. Portland city code title 20 includes parks rules to ensure Portland parks and recreation properties and facilities are safe for everyone, both visitors and our employees. Today we will consider a narrow update to our exclusion rules. There are several goals to the proposed update. First to recognize the different types of parks property require different rules. The community centers and pools need to be managed differently than parks and open spaces. Second, to recognize that certain violations are more serious than others. Currently bias crimes, child abuse, elder abuse and other serious infractions are treated the same as smoking and minor property damage. Finally,

June 12-13, 2019

this update maintains due process rights while strengthening protections for vulnerable users and workers including our teamwork force. Now I'd like to turn this presentation over to mr. Harrison, our esteemed park security and emergency manager.

Vicente Harrison, Bureau of Parks and Recreation: Thank you, commissioner Fish. Thank you, city council. Good morning.

Wheeler: Good morning.

Harrison: My name is vicente Harrison, security and emergency manager for Portland parks and recreation. Since I began my career in parks eight years ago it has been evident that title 20 was intended to help manage our outdoor assets and has been silent on facilities. This update clarifies the different needs between parks and facilities. Facilities include community centers, pools, golf courses, Portland international raceway. These locations have several key differences from parks including structured programming, high frequency use by all ages, a concentrated environment, and body sensitive spaces like locker rooms and pools. Facilities are not only draw for children and families but also frequently staffed by young people. For example our lifeguards are primarily teenagers. Without causing alarm, I want to flag that both visitors and staff have reported isolated examples of concerning behavior. Today's update helps rangers and other staff keep everyone safe. Under the current rule if someone is excluded from a community center it only applies at that one center. So that individual could go to another community center and repeat the same behavior. I would like to mention that in my experience, our contacts with visitors and education about the rules of conduct to visitors has increased. Before I turn it over to linda for more details about the proposed code update I would like to give you a brief overview of the ranger program. Park rangers offer a positive presence in Portland parks and facilities. Rangers are nonsworn enforcement officials who are given the authority under the city code to enforce park rules and maintain safety. Rangers serve multiple roles including providing information, helping users solve conflicts, and enforcing city code such as dog leash and scoop laws, events permit use, drug and alcohol rules, and other park rules. Overall, the Portland parks are very safe. Park rangers maintain relationships and contacts with law enforcement, Multnomah county animal control, neighborhood associations, and social service partners to identify, prevent and address concerns. All rangers are trained to assess a given situation and use verbal persuasion and problem solving skills to gain voluntary compliance. If warranted, they can call upon other emergency partners, appropriate partners. I want to emphasize too that we offer park rangers a customized diversity and equity training specific to rangers and how we enforce our rules a in our parks. Now I would like to turn it over to linda law for an overview of the existing code and proposed updates.

Wheeler: Commissioner Hardesty.

Hardesty: Thank you, mayor. Park ranger harrison, I have a question for you. You introduced yourself as a park ranger and you do security and emergency management. Could you elaborate more on what is the mission? Is that an accurate title, you do emergency management?

Harrison: Yes, my correct title is security and emergency manager. I started in my career as a park ranger. So I started as a seasonal ranger with the city of Portland. Was promoted to a full-time park ranger supervisor and now the security and emergency manager which oversees the park ranger program for the parks and rec bureau.

Hardesty: Thank you. As the commissioner that's in charge of the bureau of emergency management when someone introduces themselves as emergency management and they are not part of my team I have to figure out why that isn't. Are my people training your people or –

Harrison: Yes. We work with very intimately with the Portland bureau of emergency management. I'm part of the steering committee that meets there monthly and we

June 12-13, 2019

coordinate with not only pbem but other bureaus on emergency response that the city has in the coop plan.

Hardesty: Well, it's wonderful when I learn something new about my bureaus every day, right. Thank you very much. Appreciate that.

Harrison: No problem.

Linda Law, Chief Deputy City Attorney: Good afternoon. My name is Linda Law and I'm a deputy city attorney senior deputy. The purpose of exclusion is not to punish any person for prior conduct but rather to provide civil and nonpunitive enforcement necessary to protect health, welfare and safety at parks. An exclusion may be issued when a person violates a rule. It's for a defined period. Title 20 includes additional details about the due process and appeals process for exclusions. Exclusions do not prevent the exercise of constitutionally protected rights like free speech. As commissioner Fish mentioned there are several key parts of this update. First, it clarifies the difference between an outdoor park and the bureau's facilities. As Vicente mentioned facilities include community centers, pools, golf courses, and Portland International Raceway. Second, it identifies certain violations that are more serious including abuse of children, older adults, persons with mental illness and developmental disabilities, and bias crimes, crimes against other persons such as our patrons and staff and serious property damage to parks. Third it clarifies which bureaus staff are authorized to issue exclusions. Fourth, it allows more flexibility for length of exclusion for when a person has a prior park violation when a person engage in serious offenses and it looks back a period of three years instead of two. Finally, as commissioner Fish already noted, the update retains due process rights including an oral warning requirement to give people the reasonable opportunity to stop their behaviors with an exception for certain criminal or dangerous activities. The right to appeal and exclusion to the code hearings office and a stay of exclusion when the appeal for violation occurs at parks but not at facilities. Currently when an exclusion is appealed it is stayed or held off until the appeal is finalized. The update retains that provision for parks and green spaces. At facilities, though, the exclusion will be enforced pending appeal. Thank you for your time and I'm going to turn back to Vicente for more.

Harrison: Thank you, Linda.

Wheeler: Commissioner Hardesty had a question.

Hardesty: Thank you. I'm curious as to whether there is a legal definition of bias crimes.

Law: Yes ma'am. Bias crime under the law is as defined in the code. It is intimidation crimes that are under ORS 166 and point 155 and 166, 165. Those are essentially harassment, menacing, that kind of crime or assault to which you're doing it because of the person's protected status and that is the reason why they are called bias crimes.

Harrison: Okay. Thank you, Linda, again. Just in closing the entire premise behind the ranger program is education and de-escalation with enforcement as a last resort. As I mentioned our parks and recreation centers are very safe places. But we want to make sure we maintain the safety for all visitors and employees. This narrow update helps us recognize that differences -- the differences of the types of properties require different rules and that certain violations are more serious. Thank you and we are happy to answer any additional questions that you have.

Wheeler: Commissioner Hardesty.

Hardesty: Thank you. For the record I want to ask the question in regard to the expansion of exclusion. Is this consistent with the exclusion laws that we have in this chamber or is this expanding exclusion laws significantly?

Law: It is similar to what we have for council chamber under 3.02060, as well as --

Hardesty: I just love it when people point out the numbers -- [laughter]

June 12-13, 2019

Law: Which is the council proceedings exclusion process as well as the city buildings exclusion process under Portland city code 318.

Fish: Let me answer the question slightly differently. In the hierarchy of spaces in which we enforce rules, what we have learned time and time again is because this is a public forum and because people have the right to come and present to council it is afforded the highest level of first amendment protection, and therefore, our tool kit has been limited in terms of what we can and can't do. We don't have the same level of constitutional protection when we start talking about our facilities. People are not coming to the facilities to petition their government or seek regress or whatever. So we have more latitude and that is why one of the cornerstones of this policy is that you're not allowed to go to another community center and put other people at risk.

Wheeler: Commissioner Fritz.

Fritz: So in fact it's different from what we have here because if you get ejected from council chambers you still can go to the Portland building when it's open to other facilities. This is saying parks facilities are treated as a group.

Hardesty: And I guess, thank you, Commissioner. I guess the fact that there are 120-day exclusions and i'm just trying to understand is there criminal behavior attached to these significant exclusions of 120 days and 270 days? Because as you said if we can only exclude people from the council chambers for a day or so, it's pretty significant when you start talking about six months and longer.

Law: This particular code update preserves the existing exclusion length, 30, 90 and 100 –
Harrison: 80 –

Law: Excuse me, 180 for parks by themselves. But when those particular serious offenses occur, that's when we believe that for those more serious offenses more serious length of exclusion should be given. Because they are going to be a way for the parks bureau to manage the properties differently because of the different circumstances.

Hardesty: And so, again, basically just for the record i'm trying to understand, so if somebody has been found violating laws around child abuse, there would be a criminal prosecution right? And then a court would determine what the appropriate punishment would be. Are you suggesting that then the park bureau would decide after they have been punished by the courts that they would also determine what an appropriate punishment would be on top of the punishment they have already received?

Harrison: No. That's not the case. It's a case-by-case basis, but in terms of a parks exclusion and how we want to manage the safety of our facilities, we would implement our exclusion before the court hearing had taken place, so after the court hearing whatever the courts decide is the appropriate, we would govern ourselves according to that. Our exclusion process would still work its way and it would not differentiate from what the courts decide, it would not add penalty or decrease penalty based upon what the courts decide unless the person was found completely not guilty or whatever the case may be of the crime that they were charged with.

Hardesty: Well if they were found not guilty then --

Harrison: If they were found not guilty we would definitely relinquish what we had, but it would not add to if they were found not guilty we wouldn't continue in that.

Hardesty: Thank you.

Wheeler: Commissioner Eudaly.

Eudaly: Thank you. So this isn't an emergency ordinance. I guess I would just like to say on the record I want to thank commissioner Fish and his team for addressing our questions. This policy on its face sent up some yellow flags for me and I want to say first and foremost it's no reflection on my confidence in the commissioner or in the bureau. I'm just always looking out for unintended consequences and always mindful of the fact that these policies very well may outlive our tenure on city council and under the direction of a

June 12-13, 2019

different commissioner in charge or different mayor they could be used differently. I'm very satisfied with all the answers I received. I understand this is very narrow. It is addressing serious crimes or violations. I also want to say i'm really impressed with the training that the rangers get and just the overall commitment to equity and kind of nonbiased enforcement. So, not a question, just wanted to share that.

Fish: Thank you very much.

Wheeler: Very good. Thank you.

Law: Thank you.

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

Moore-Love: Yes. We have three people signed up.

Wheeler: Alright.

Moore-Love: Edith Gilliss, Charles bridgecrane johnson, and Maggie.

Wheeler: Very good. Come on up. Three minutes, name for the record, please.

Edith Gillis: My name is edith gilliss and among many college degrees one of them is recreation park management and another in elementary education, another in child development. I want to say that I'm wanting us to have more clarity about exclusion. I want us to have more clarity about the process. I want us to think it through, be much more aware of class, and of ability, and of culture and of language. Bias, those who are perceiving, labeling and responding to different behaviors. I want us to be very clear about the grievance process and the right of due process. I think this is an improvement but I have a lot of concerns about it. My concerns are that we're still -- what I like is that we're prioritizing human life safety health over material things, and that we're putting child life endangerment over dog poop, but I still want us to be aware that there's a difficulty in how you address folks. I spent a lot of time with people in special education and along autism spectrum and with folks who come from different culture and trauma. What I have seen at gabriel park, at mt. Scott park, at other places is well intended whites who don't get trauma. They don't get racism. They don't understand how in different cultures you do or don't have eye act or you do or do not agree to authority even when it's wrong or that you laugh not because of mockery but because of submission or terror. And i'm concerned that as much as it's far better than the Portland police, we really are not having as much training and understanding, we're not having things in different languages. We're not having asl training, we're not having clear signage in facilities. It would be totally inappropriate and dysfunctional for me to be going to a neurotypical able body person and kind of manhandling them and give them bossing directions and that maybe the safest, kindest, most respectful and appropriate way with someone on autism spectrum or in a trauma crisis. So I want us to slow down a little bit and add more enrichment and training and be more aware of consequences.

Wheeler: Thank you. Good morning.

Maggie: I like your comments. I would like to say that --

Charles Bridgecrane Johnson: Say your name.

Hardesty: Maggie, who are you?

Maggie: Maggie, Portland homeless town hall. I would like to say that what about women nursing their babies? Is that offensive? You know they just excluded --

Fish: It's not covered --

Maggie: A woman nursing her baby.

Fish: It's not covered under existing code or proposed --

Maggie: Okay, and what about, say you've got a transgender woman using the bathroom who needs to shave her legs and her face and put on her makeup. Are they going to exclude her for being perverted or something? Or excluding transgendered and lgbtq and elderly and homeless people from the bathroom because they are needing to do hygiene type things which going to the bathroom is a hygiene thing. You know, and they're

June 12-13, 2019

prioritizing locking homeless people out of the bathroom over say a pedophile taking a picture of toddlers running around in a fountain. So where is the -- you know, rainbow sensitivity and you know where is the prioritizing children not being objectified by pedophiles and put on the internet? So, you see it can get very confusing. It's like a park ranger can put a sign on her door saying the bathroom is closed for maintenance when there's nothing wrong with the bathroom but because he saw a transgender person go in there and shave their legs.

Hardesty: Have you had that experience, Maggie?

Maggie: Yes, I've seen that at directors park.

Hardesty: Thank you.

Maggie: Yeah.

Wheeler: Thank you. Appreciate it. Good morning.

Johnson: Good afternoon, mayor, [laughter]

Wheeler: You're right, it is. You're right.

Johnson: For the record, Charles bridgecrane johnson and when we had the earlier dialogue amongst you all about the amendments commissioner Fish mentioned transparency. I really think that you would best serve the community if you would follow some of the places where the federal government gets it right. The federal government requires institutions of higher education to make available crime reports and I think that your process here would have been better suited if parks and recreation made an a anonymized public yearly report on what they've had to do as far as exclusions so we would know how much ranger time is, or at least how many incidents of rangers having to deal with a serial dog pooper problem versus something much more serious but then for maybe they only exclude somebody from a parks and recreation facility because the district attorney has said there's not enough for them to prosecute them for something else. So I hope you work through these nine pages of things, you know, this definitely looks like things that you're going to approve -- and should vote yes on, but as you noted with the earlier item it would be even better and I think it would be better position to improve the policies if there's a public annual report about safety incidences and exclusion incidences in the parks department. Commissioner hardesty will be aware it's very hard to get bias information out of the Portland police department. While we work with the Portland police department to improve their reporting, it would be great to set better example in at the parks department. Thanks very much.

Wheeler: Thank you. Thanks all three of you.

Hardesty: Mayor, if I may?

Wheeler: Commissioner Hardesty.

Hardesty: Charles bridgecrane johnson, I just want you to know that was one of the questions I asked when I was being briefed about kind of who is being excluded, what's the democratic break down and one of the things I love about what the parks bureau is doing is that they are not keeping their own data. So, it is the auditor that is collecting those -- that information, and it is the auditor's office that could report back to us and that would be a recommendation that I would have would be that annually they report back and let us know just what is the demographic breakdown of people who are being excluded. Are there people that ultimately were arrested and what were the outcome of those cases. It's important that we are transparent about what we're doing with this policy because again, we have a lot of policies that have very good intention but at the end of the day they actually have a very negative impact on the most vulnerable people in our community.

Johnson: Thank you, Commissioner.

Hardesty: You're welcome. I was thrilled to find out because a, I hate when people tell you how great they are, we have bureaus that report back on their activities and tell us how

June 12-13, 2019

wonderful they are. I think it's even better when you have an auditor do an independent assessment about what's taking place.

Johnson: And during the conversation it was interesting, I think there was brief mention of people who might be, exclusion might be related to mental health. I hope that we can all as a community work to make sure exclusions can also be paired with referrals and connections to services because when people are just excluded but they're left roaming, it's a danger to the community – not to say danger, but even discomfort, even better if we can help those people mainstream. Thanks very much.

Hardesty: Thank you.

Eudaly: If I could just –

Wheeler: Commissioner Eudaly.

Eudaly: Add a comment. I know that at least in the event of an interaction with someone experiencing homelessness that the rangers are trained to connect them with services. As we know a lot of our chronically homeless are experiencing mental illness as well so --

Johnson: Thank you for your attention.

Eudaly: that is happening and it's a very reasonable suggestion.

Johnson: Gettin' unanimous, y'all.

Wheeler: Thanks. Alright, any further discussion on this item? Very well, this is a first reading of a nonemergency ordinance. It moves to second reading. Karla, could you please call item 567.

Item 567

Wheeler: Commissioner eudaly.

Eudaly: I'm sorry, mayor, i'm a little behind.

Wheeler: No worries.

Hardesty: It's all good.

Eudaly: So is this the last –

Hardesty: [inaudible]

Eudaly: What number are we on?

Wheeler: 567, this is the pedpdx.

Eudaly: Oh great. 567.

Wheeler: It's a resolution.

Fritz: We already had the hearing.

Eudaly: Yeah, I've just got a closing. So we can go ahead and – well, we lost Karla.

Wheeler: Karla walked out on us. It finally happened. [laughter] Is there a presentation or are we just going right to the vote?

Michelle Marx, Portland Bureau of Transportation: I don't have a presentation.

Eudaly: I had asked if – and i'm not sure if you're prepared to do this or not but I had asked if someone could explain what a plan is because my colleagues were understandably overwhelmed by this massive document that they received just a few days before council, and it's my understanding that plans are somewhat akin to reports. By accepting a plan we're not authorizing the bureau to go ahead and do everything in this plan. We have many plans that we have developed and set aside. There's a parks plan that was set aside. A skateboard park plan that was set aside. A bike plan that was set aside. What pedpdx really serves to do is you know state our vision and priorities and explain to the council how we are setting that vision and priorities so what happens, you know, could you explain what a plan is and what happens when we accept a plan?

Marx: Sure. So our modal master plans, we have a series of city-wide modal master plans, we have the bicycle master plan, the freight master plan. This pedpdx for pedestrian city-wide master plan. They help to implement and support our larger city-wide comprehensive plan and transportation system plan. The intent is absolutely yes to set a vision but it's also I would add to establish a framework for how we accomplish that moving forward over 20

June 12-13, 2019

years. The plan does also include a series of action items that we are committed to exploring as a city to help accomplish our vision, and it also identifies the key infrastructure priorities where we know we have the most urgent sidewalk and crossing gaps and the intent there is to help focus our energies for improving walking moving forward so making sure we're directing our resources to the right places and the right efforts.

Eudaly: And as we move forward with those action items, any sizable project is going to come back to council one or more times.

Marx: Yes, correct.

Eudaly: For discussion and a vote. So we're not committing money, we're not green lighting projects. We're just -- the bureau is sharing with the council what the plan is.

Marx: That's correct, commissioner.

Eudaly: Okay. Thank you. It's confusing. We adopted an affordable arts plan and there were community members who assumed that we would be executing every item in that affordable arts plan when some of them were completely outside the purview of commissioner Fish or I and we had developed that plan together with our staff. We have accomplished some of -- we were graded on that plan, I understand, on states of wonder on opb, as if we would have accomplished all those items in one year, and --

Hardesty: Did we pass?

Eudaly: No, we got some -- no. [laughter]

Wheeler: Close to passing. It was just the opposite.

Eudaly: You know, there are a lot of reasons to complain about city government and we need to be held accountable but we need criticism and constructive feedback that's useful and we need to be held accountable for things we have actually promised to do. So a plan I would describe is really aspirational. It is not carved in stone as we know, and they can disappear. So I just wanted to reassure everyone that i'm not trying to force a bunch of projects down your throats won't come back to council and you won't get to decide on.

Fish: Can I just?

Hardesty: Mayor?

Wheeler: Commissioner Hardesty, then Commissioner Fish.

Hardesty: Thank you. Thank you for that, commissioner eudaly. I was certainly one of those that was very concerned about getting this mega document two days before I was asked to consider it. But i'm also concerned as you mentioned we have got 100 plans floating around at any given time that people come and present to us in these very pretty packages and we never see the plan again unless something bad happens and then we get held accountable to a plan that actually was never voted on or funded or with no real measurement about how that planned moved forward. So i'm just very concerned that we -- I mean this is a great looking plan. It's thick, it looks like people did a lot of work in it, but bottom line is that especially when talking about prioritizing east Portland, and I agree with everything in the plan as it relates to east Portland but then when you say there's no money attached to it I can't get excited about a plan with no money attached so what is the plan to actually realize the plan that we're about to adopt today?

Eudaly: Commissioner I want to add I have made a very explicit request to staff that council receives these types of documents well in advance of the hearing in the future. I think sometimes we set these time certain and they come up on us quicker than we realize and we can't get the information out as soon as we would like, but that should be an absolute priority. It's the nature of -- well, the nature of democracy. Elected leaders come and go. It's also the nature of our unique form of city government where the mayor gets to assign bureaus. The next transportation commissioner may not --

Hardesty: Like east Portland --

Eudaly: Have east Portland as a priority, may not care about active transportation infrastructure, so i'll just say as long as i'm transportation commissioner I will ardently

June 12-13, 2019

pursue advancing this plan and we do have funding and we do have concrete plans but those are going to come back in the future.

Fish: Can I just make one other observation about this? I have never been entirely clear about the difference between the council adopting a plan or accepting a plan, accepting a report and I guess my general sense is that we're accepting something.

Eudaly: Yes.

Fish: Without committing to every sentence of the document. That it is an aspirational document. It's designed to set a plan. To use the example that commissioner eudaly did about the arts plan, what that did is focused our attention on some opportunities. I'm actually incredibly impressed how many things we have been able to check as we have gone through. But without the plan, we would have had more of a scattershot approach. With the plan we have got things identified and we're going through the list. We have something coming in a week or two that's another piece of that story. At some point the citizens of Portland may choose to change our form of government. There's a view out there I hear from some people that we would be better off with a city manager. I would remind my colleagues if we had a city manager that produced a plan on behalf of the bureau that two years later council no longer wanted to fund it is absolutely no different than our current situation because it actually requires the commissioner in charge to move the plan and it requires the council to fund and we're not off the hook because every year we're going to be asked to put some money into pedestrians or vision zero or whatever. I'm not sure that's going to change. I think the benefit of a plan for me is it puts in one place the best thinking, comprehensive thinking about how you tackle a particular problem but it's not my expectation that everything is gospel or that everything's going to be accomplished and we still have the challenge at budget time of allocating scarce resources among competing plans. Whether it's adopting or accepting, I guess I generally view it's more like accepting. In that way I don't feel like I'm accountable for every footnote in the report and I have the latitude of as things come back to council to say well that was then this is now I'm not sure this the right sequence or the right plan or whatever because I have not bound myself unconditionally to the recommendations in the plan. Just food for thought.

Eudaly: I think this was an important discussion, because --

Wheeler: Good discussion.

Eudaly: It is confusing and I was unclear as well. I think the public is often unclear and they are unclear what reports are. Thank you.

Wheeler: Very good. Are we ready?

Hardesty: We are.

Wheeler: Let's see where we are with this today. Karla, please call the roll on the resolution.

Fish: So I believe this is our last item?

Hardesty: At least before lunch.

Wheeler: Correct. Correct.

Fish: I'll keep my remarks short because we're hungry. First commissioner eudaly, thank you to you and your team for bringing this home. This is a multiyear effort. It is incredibly comprehensive. And it's I think goes to the core of something that the city is known for and that is important to our future, which is how to become a more pedestrian friendly city. Frankly, there are parts of this city today that even with marked intersections and lights and dedicated turns you feel like you're take your life into your own hands when you cross the street. There's also a lot of funky behavior that I observe. I no longer have a car, so I rely on others to give me lifts and things but there's a lot of interesting behavior that I have observed that has the effect of putting people at risk. My daughter not long ago was crossing burnside not far from where we live and right in front of our car made a turn on to

June 12-13, 2019

burnside and ran her over. Fortunately it wasn't going fast enough to do any damage but it was extraordinary that the person wasn't paying enough attention. I know that happens all the time and I know that it also further east you go often results in fatalities. It's a good plan. We will be reminded at budget time of the level of investment we need to make to keep this plan moving forward, but I appreciate all the time and effort that went into it. I'm pleased to vote Aye.

Hardesty: I guess i'm still concerned that we accept all these plans and reports and i'm hoping that the connection is made at budget time. I'm hoping that the connections are being made quite frankly before budget time. I'm hopeful that on these kind of reports that we actually don't have to do it at city council unless the city council is being asked to actually make a decision about either funding it or something. I'm still challenged by the things that we hear in this body as compared to the things we could be discussing in this body. So while I think this is a worthy idea and vision about how we make streets safe for people to be able to walk, bike and use all the other modes of transportation available, i'm happy to support it today, but I do want to just express a cautionary note to say I think we could use our time here much more wisely and I hope that we as a city council will have an opportunity to talk about what is necessary for us to have on the public record and what is information that quite frankly is just information unless we're being asked to actually make decisions around a big, new public policy or a funding decision. I think we waste a lot of time in this chamber. I vote Aye.

Eudaly: Thank you for remarks commissioner hardesty. I agree we hear a lot in council that perhaps is not necessary. I don't think that this plan or a lot of the plans brought forth by bureaus are among them. The public has an endless desire to be engaged and to be informed and I think it's critical that we share this plan with them as we move forward on our improving our transportation infrastructure. We have more projects going on this summer either completing or beginning this summer than we have in I think ever perhaps or at least in recorded history. I think it's 49. We have to let them know somehow. This document offers the vision of a truly pedestrian friendly city, one that I and my team will work hard to make a reality. It works in concert with and is vital to our plans to improve public transit and bicycle infrastructure. We'll receive a report from vision zero tomorrow. This plan is one of the many ways we're prioritizing safety, equity and the environment in all the work we do at pbot. Using the triage metaphor which I believe came up last week I can think of no more important criteria for this plan than safety, equity and demand. In a traditionally complaint based system the squeaky wheel gets the oil and when not everyone feels entitled to complain or knows how to advocate for their issue we get an inequitable distribution of services and improvements and that is evident on our city streets and I'm really committed to reversing that trend moving forward. It was touched on last week but I want to reiterate that this plan is also vital to reaching our climate goals. I'm especially pleased we'll regularly update the plan. Thanks to michelle, perhaps. It must be as dynamic as our city as we continue to grow and change and as we continue to battle a rapidly evolving climate catastrophe. I want to thank the staff who dedicated such enormous time, energy and passion to this plan. Thank you especially to michelle marks and the whole project team for bringing us this community driven vision and for presenting it so well. Thank you to irene marion for guiding our bureau around our equity goals so brilliantly. Thank the ped pdx community advisory committee as well as the pedestrians advisory committee who oversaw this process for the last two years. Your service is greatly appreciated. I don't think anyone is in the room right now, so I'm sending this out into ether. Finally I want to thank the community organizations that advised and partnered with us on the plan including opal, apano, erco, PAALF, black parent initiative, and many others whose input was critical and invaluable. I vote Aye.

June 12-13, 2019

Fritz: First thanks to commissioner eudaly for embracing the Portland bureau of transportation and the safety aspects of it. I'm looking forward to tomorrow's discussion on vision zero and I really appreciate all of your work. We are making decisions today and I appreciate this plan coming to council because we were asked to make multiple amendments and I then appreciate staff, michelle marks and Denver Igarta meeting with me yesterday and walking me through some of those requested amendments. I share commissioner Fish's thought that perhaps we should be accepting rather than not adopting. Really adopting means yes we are going to do it and accepting means we accept this has been done and indeed the resolution specifies this resolution is nonbinding city policy. And I'm particularly wanting to use the word accept which i'm going to do in here. I accept this is what it says and i'm not proposing any amendments. I don't like some of the things in here, and for instance there are no prioritized improvements south of barbur which is an area annexed to the city about the same time as east Portland. I accept that that's, actually adopt that that is the right thing to do. As we are going to hear tomorrow in vision zero tomorrow, the majority of pedestrian fatalities and crashes are in east Portland and we need to prioritize life and death here and now today, tomorrow, this week. We also need to look at climate change. But by accepting this report we're saying essentially we are expecting people in southwest Portland to continue to drive. Frankly by accepting this report, colleagues, I don't want to hear when we have the discussion about the barbur transit center park and ride that you can't have a park and ride at the barbur transit center because we are saying we are not going to be providing sidewalks to the barbur transit center in the near future. I agree that's the right decision. I agree that east Portland should get the priority and it means that we still are going to need to find ways to get people to the transit centers so they can catch the bus and at least not drive the entire eight miles rather than just driving one and then taking a seven-mile bus trip. So that's important. We are directing the bureau of transportation to update the transportation system plan to reflect the updated pedestrian classifications in this plan. I accept that some of the classifications such as the safe routes to schools can be changed in future processes and I look forward to that discussion. We are directing the bureau of transportation to update the pedestrian design guide to reflect the recommendations of pedpdx which means that should the mayor decide that commissioner eudaly doesn't get to present tomorrow but somebody else gets to present the vision zero because she's going to reassign the bureau on a whim at the end of the day, which I don't expect to happen, but if it did it would mean the next commissioner is still, we as council are directing to update the pedestrian design guide and it' setting out this is the expectation so I think it's absolutely necessary that we hear these plans in council chambers. The community members have that last chance to come in and say we should do x, y, and z. My understanding is that many of the requests will be considered in the pedestrian design guide for instance the zebra crossings at trails providing legal places for people to cross streets why there isn't a street intersection. That's something that will be looked at. I'm assured by the pbot director, chris warner, that the, seems like decades long issue but five year or more issue of the right of way trail in southwest coronado from lancaster to arnold will be considered in a different process and I appreciate the community bringing that to our attention. Thank you to all the community advisory committee members and the pedestrian advisory committee members, Art pearce as well as Denver and michelle, Chris warner, the pbot director. i'm really excited about pedestrian stuff so, this is, we get to consider things in the budget. In the budget we always say we should have more discussion about these things outside of the budget. So we would not have been able to spend two weeks on this plan during the budget process because you hear about a bazillion other things so it's really important we have these discussions in public so that people know this is why we're prioritizing these things and I'll go home to my neighbors

June 12-13, 2019

and if they say what's all this about being a neighborhood walkway. I'll say don't worry about it. We'll still be walking in the dark with no sidewalks, so –

Hardesty: And no lights.

Fritz: Exactly, that's just the way it's going to be because the greater need is in east Portland and for all these reasons I am very happy to accept the plan and to vote for the resolution. Aye.

Wheeler: You'll be missed on this council. Your attention to detail always interests me. I think you've raised some really good points. I just want to say that on the record. I want to thank commissioner eudaly and I want to thank the transportation bureau for bringing this plan forward. It is large, and I will simply quote dwight Eisenhower who said planning is everything. Plans are nothing. In this case while the plan itself is important it's the process that led up to the plan over the last two years that I think is the importantly part of this. It establishes an opportunity for people to engage for the bureau to reassess itself and its own direction, gives council the opportunity to think this is a glorious 20-year vision but we have finite resources. So what truly are our priorities? It forces to us think about that as a council. I have enjoyed this. I've enjoyed the conversation. I appreciated the testimony received last week. I vote Aye. The resolution is adopted and we're adjourned at least for a little while.

At 12:45 p.m., Council recessed.

June 12-13, 2019

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.

JUNE 12, 2019

2:00PM

Wheeler: Wednesday afternoon session June 12, 2019 meeting of the Portland city council. Please call the roll.

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

before we get into the particulars we'll hear from legal council on the rules of order and decorum.

Naomi Sheffield, 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 meetings so everyone can feel welcome, comfortable, respected and safe. You may sign up in advance for communications to speak about any subject. You may sign up for public testimony on resolutions or first readings of ordinances. Your testimony should address the matter being considered at the time. Please state your name for the record. Your address is not necessary. Disclose if you're a lobbyist. If you're representing an organization, please identify it. Presiding officers determines length of testimony. Individuals generally have three minutes unless otherwise stated. When you have 30 seconds left a yellow light goes on and when your time is done a red light goes on. If you would like to show support for something, please feel free to do thumbs up. If you want to express you do not support something, thumbs down. Please remain seated unless entering or exiting. If filming the proceedings, please do not use bright lights or disrupt the meeting. Disruptive conduct will not be allowed. If there are disruptions a warning will be given that further disruption may result in the person being ejected 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: We'll take a ten-minute break so they can reconfigure the room for this afternoon's work session if that comports with everyone. Karla, please read items 568 through 574.

Items 568, 569, 570, 571, 572, 573 and 574.

Wheeler: Very good. Colleagues, this looks more daunting than it will prove to be. Colleagues, today we take the final series of steps necessary and the necessary votes as part of the adoption of the fiscal year 19-20 budget as proscribed by Oregon state law specifically council will hold a hearing on proposed uses of state revenue sharing then pass a series of legally required ordinances, adopt the city's fiscal year 2019-2020 budget appeared approve levy of taxes. I'll turn this over to director Cannard who will give us an overview of council action needed today. Good afternoon.

Jessica Kinard, Director City Budget office: Thank you. Good afternoon. As Karla called there are seven unique items you will consider in relation to adopting the city budget. I'll provide a brief description. The first three are required by local budget law and are related to the city's use of shared revenues. First the mayor mentioned you'll hold a hearing on proposed uses the shared revenue. Second vote on resolution determining the city is eligible and third vote to accept state revenues. This ordinance to accept state revenues was filed as an emergency so the city can receive these state revenues beginning July 1. Mayor, you may now open the hearing.

June 12-13, 2019

Wheeler: This hearing is being held by city council in compliance with provisions of the state revenue sharing regulations. Ors22.1770 to allow citizens to comment on the proposed use of funds in conjunction with the annual budget process. Fiscal year 2019-2020 budget anticipates receipts totaling \$22,416,522 from state revenue sharing under ors221.770. As has been the case in prior years it's proposed this revenue be allocated equal awards to support fire prevention and police patrol services of the city. Is there anyone here today who wishes to be heard on this subject?

Moore-Love: No one signed up.

Wheeler: There's nobody signed up. I'm closing the hearing to discuss proposed uses of state revenue sharing. So that gets us to item 569. Is that right?

Kinard: That's right.

Wheeler: Certifying certain services are provided by the city to establish eligible for state shared revenues. We'll now consider and vote on a resolution to certify the city meets eligibility requirements for state shared revenue.

Kinard: So the background is the state requires that large cities provide certain services in order to receive these state revenues. Council determines the city provides the required services and direct the budget office to provide a copy of the resolution so that we may receive the revenues. Mayor, you may now call a vote on this resolution.

Wheeler: Very good. First of all we have to ask for public testimony but it's my understanding that has not changed in the last 30 seconds.

Moore-Love: I have a specific one for that one.

Wheeler: I don't see anyone. Call the roll.

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

Wheeler: Aye. The ordinance is adopted. One simple thing I had to do today. [laughter] item 570, approving and accepting funds from the state of Oregon under the state revenue sharing program for the fiscal year beginning July 1, 2019, ending June 30, 2020. We'll now consider a vote on this ordinance to accept state shared revenue. Director Cannard.

Kinard: This is now council's election to officially receive the state revenues done via emergency ordinance.

Wheeler: Very good. Any public testimony? Anyone signed up? Anyone want to be signed up? Seeing none, call the roll.

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

Fritz: We would like the state's money. Aye.

Wheeler: She said it best. Aye. The ordinance is adopted. Now 571 and 572 combined to create funds and update fund statement of purpose for various funds. The city comprehensive financial management policy 2.04 states each fund shall have a statement of purpose. This ordinance updates those statements for various funds. Director Cannard.

Kinard: So as the mayor stated the fund statement is retained as part of the Portland policy documents and provides clarification on what fund resources should be spend on, who manages the fund and if there are reserve requirements. The statements were developed several years ago following recommendation from the auditor's office and this requirement is codified in city financial policy. These changes you're considering include updates to reflect accurate bureau management of certain funds footbaling several organizational changes for the folder children's levy, local improvement district fund -- bond funds assessment fund and recreational cannabis fund. Attachment include information on this.

Wheeler: Tell us more about the fire capital fund.

Kinard: The second item you will vote on is to create a new fire capital fund. City budget officer and Portland fire and rescue worked to create this fund to improve their ability to plan, set aside and set aside funds for repair and replacement. The thinking is that we're

June 12-13, 2019

setting it aside to help the bureau start to plan and have a place to reserve funds for future capital asset and major maintenance needs.

Hardesty: Thank you, mayor, thank you jessica. So the money that we had originally set aside to replace the breathing apparatus would have gone into this fund had this fund existed at that time is that correct?

Kinard: So the way the funds were allocated is that they are going to be going first towards whatever is needed to purchase the equipment. The thinking is the remainder if there is any would be put into this fund.

Hardesty: Which was the original plan before the board voted to take that money back. Thank you. I got it.

Wheeler: Any public testimony on either item 571 or 572? Is there anyone present who would like to be heard? Call the roll on 571.

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

Wheeler: Aye. The ordinance is adopted. Call the roll on 572.

Fish: I want to note that commissioner hardesty has been on this council for less than six months and she's already established the fire capital fund. [laughter] which will be the envy of a number of general fund bureaus. I was going to offer a friendly amendment but realized the tide was against me. Aye.

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

Wheeler: Aye. Thank you, director cannard. 573 is adopting the annual budget of the city. Establish appropriations for the fiscal year beginning July 1, 2019 ending June 30, 2020. Colleagues we'll now consider an ordinance to adopt the fiscal year 2019-2020 budget. This is the first reading with the final vote to be heard next week. Director cannard.

Kinard: In a moment we'll discuss the changes to the adopted budget as filed as compared approved budget which you voted on a few weeks ago. Any further amendments must be moved and seconded, opened for discussion and voted upon. As part of the ordinance you have several items. The appropriations scheduled by fund, attachment e. Final budget notes which is attachment d.. You have a list of changes by fund from approved to adopted budget, attachment c, and a detailed list of adjustments by bureau which is attachment d. I will briefly walk through the high points of these adjustments which are detailed in attachment b. A number of them are technical. Feel free to interrupt with questions. The first change is in the bureau of planning and sustainability they are reducing the requested fte by .5 for the Portland arts guide project. They realized that the work is more technical in nature and better serve the purpose of that package to move those dollars into materials and services. There are a number of small changes in the general reserve -- funds in debt management. These are primarily associated with changes already approved during the spring bump so the first two items there's a \$2 million deposit related to a carryover request approved in the spring bump for region replacement, reflecting the rebudgeting of those dollars into next year's budget. Similarly the next item is 500,000 that council approved for parks encumbrances as part of the spring bump. This reflects the other side of the transaction, rebudgeting those dollars. Thirdly there are instances where bureaus realized they carried over too much resource as part of the spring bump so are asking for some back. In the office of community technology -- for community technology there's 55,000 being rebudgeted in the current year budget and 50,000 is being rebudgeted in the housing bureau budget again taking from one year and putting it back in the next. The next line is office for community technology, 55,000 reduction, taking the money that was put into next year's budget, they need it earlier. Office of management and finance is a technical true up, a position they had funding for meant to be put in the budget but was not so we're cleaning that up f. The bureau of transportation, there are a number of changes predominantly technical in nature. A couple changes I will highlight, there are a handful of positions the bureau is adding to make sure

June 12-13, 2019

they are in compliance with the creek settlement for the ada curb ramps and they are taking money from contingency to fund those positions. Those positions will be built into their internal budget in the out years. Then secondly they are reducing contingency to fund an interagency agreement with Portland parks and recreation for \$50,000 to contribute to the maintenance of the transit mall planters. In the office of community and civic life they are transferring 210,000 in one time resources, part of the program carryover in the cannabis tax fund to prosper Portland for small business development grants, part of an agreement between the bureaus and part of the rfp process that has been completed. Then in the Portland housing bureau again they are rebudgeting money, 50,000 for contract funds that they do now anticipate to get out in the current year rather than next. A couple of technical true-ups in the grants fund adjusting risk mitigation pool and housing investment fund and another carryover cleanup in tax increment financing reimbursement fund. Portland parks and recreation a technical true up in the golf fund in the way they budget the different golf programs that nets zero. In the general fund again this is the reflection of that \$50,000 contribution from pbot to help fund the transit mall planters. This is adding back one position that otherwise was slated to be laid off. Portland police bureau, the bureau is reestablishing three positions that coordinate the strength programs at the direction of the commissioner in charge. This is being funded through reallocation of internal resources.

Fritz: Hurray. Thank you very much. Thank you to mayor wheeler for that.

Wheeler: Thank you for giving me good advice. Smart move.

Kinard: Within the water bureau technical adjustment correcting data entry typo then finally in process Portland we see they are receiving that \$210,000 in cannabis tax resources for grants from the office of community and civic life. So those are the high level changes in the budget. There was a small change to a note regarding the funding plan for the integrated tax plan. It does provide more specificity around which different funds are expected to contribute to the new integrated tax system under cost recovery scenario. That concludes the overview of the changes from the approved to adopted that I have planned today. This is first reading so we are open for the next stage whether it's discussion --

Wheeler: Anyone have any questions? Is there public testimony on this item, 573?

Moore-Love: No one signed up.

Wheeler: Very good. This is -- commissioner hardesty.

Hardesty: Thank you, mayor. I just wanted to go back again to the office of -- I want to call it pdc, prosper Portland. You talked about a change to the allocation and i'm not speaking of the marijuana tax funds that have already been pre-granted. But there's also -- is it a million dollars supposed to be granted by prosper Portland as part of the 1% in construction that they are supposed to have an oversight committee making those decisions? Any information on that as part of this process?

Kinard: The 1% set-aside for construction I believe the conversations of that group its still under way. I believe there's a work group --

Wheeler: Can you come to the mike, please? I'm sure people at home have an interest in this.

Katie: My understanding is the conversations around that are still under way and there's not anything actually budgeted in 19-20 as far as going out the door for that work.

Hardesty: I think that's kind of problematic if we are already one year behind in getting those grants out the door and there's not even a process in place where we have a committee that will review how those dollars -- they are supposed to benefit the community, sitting in prosper Portland's account, is it really going to benefit the community. Is there something that we can do to help expedite both the creation of the committee and then the granting process that we could utilize to get those dollars out the door?

June 12-13, 2019

Katie: I would note that the bureau of revenue and financial services has a new position to help coordinate that function and that position has been recruited and has resources budgeted in 19-20 to begin that work.

Hardesty: My concern is if we hire someone in 19-20 that means it would be at least half a year before the first dollars went out the door, and so that would mean we would be two years behind any commitment that we made to the community about supporting community efforts to expand access those dollars around contracts, especially supporting small contractors to be able to get the resources they need to apply. I apologize that I'm asking you this question at this time, but this question just occurred to me as we are talking about this process, so I would accept any advice from any of my colleagues or --

Wheeler: Commissioner Fritz looks poised. Here she goes.

Fritz: It's complicated. Always is. Partly it's complicated because the authorizing ordinance director of the office of management and finance and equity and human rights to work with the prosper Portland due to personnel changes within the office of management and finances there wasn't anyone in services who was able to do that coordination. That's why we lost a year. Currently they are in the process of hiring the replacement for that person. Then the resolution also has a process for establishing a community committee to then help get the money out the door. I absolutely share your frustration. I believe there's a new -- an agreement, intergovernmental agreement to set out the new process coming to council soon. It took ten years to get the old process. I absolutely share your frustration and I'm sorry we have changed course again and there's a new plan coming to council soon.

Hardesty: Anything that I can do to help expedite that process I would be happy to provide assistance because I can tell you that I hear the community's frustration around broken promises over and over and over again. So it is a little frustrating to just think that we're just like, oh, well, you know, 2020 might be a good year where we get that money out. Thank you very much. I appreciate the input on that. Mayor, this is the first reading which means that this won't be voted on until next week. Unfortunately I won't be here then, so if you would be kind enough to allow me to just make my comments that I would have made next week --

Wheeler: Sure.

Hardesty: So there's a preview because I won't be here.

Wheeler: Could I ask a follow-up question on a question you asked? In the event that things move more quickly over the course of the next fiscal year since the funds are being allocated in theory if we get through the process more quickly we could begin to allocate those dollars is that correct?

Kinard: Absolutely.

Wheeler: With it have to come back to council for further approval or could they just start doing it?

Kinard: I would have to look closely how it's currently appropriated. If they have the funding appropriated they would not need to come back to council. If it is not, if it's in a contingency account they would need council authorization to spend those funds. But we can take a look at it and we can get enough lead time that we would be able to move relatively quickly to appropriate funds.

Wheeler: I appreciate what commissioner Fritz said about the complexity of the program but I also don't want to lose the benevolent offer that commissioner Hardesty put on the table if there's a way to move this forward expeditiously I would support that.

Hardesty: Thank you, mayor. I just remembered where this process started, and so it's all coming back to me, commissioner Fritz. What I remember is that it was put under a bureau and I think even as a community member I challenged why it wasn't under a commissioner to make this happen, right, because at that time we were going to have the director of the

June 12-13, 2019

office of equity and human rights convene this committee. And I still believe that is the wrong approach to take to have a bureau director actually convening the committee without having a commissioner actually being someone who is overseeing it.

Fritz: Previously the mayor and then I was overseeing the director. It's not saying that the director does it without conferring with his commissioner.

Hardesty: I would suspect that would mean whoever would be appointed to the committee would have to be approved by city council.

Fritz: Yes.

Hardesty: There would be an open process. This is the part I think that we get challenged on last time so i'm just concerned that there are more hoops we have the longer it takes and if it's not a priority for a bureau, right, it could be a priority for a commissioner but not necessarily a priority for a bureau. So this is not a top priority it will take a lot longer.

Fish: Can I ask a procedural question? I don't remember from prior years, jessica, a lot of what we're doing today has an emergency clause on it. The adoption of the budget doesn't. The net effect is here we have a roomful of people who have worked on the the budget, who we are likely to mention in passing in final comments, who are unlikely to be here next week this will come up in the ordinary course. Has that always been the way we do it? Or is there a reason why we can't put an emergency clause on and just adopt the budget today? Because it does seem strange that we'll be making comments to essentially no one.

Wheeler: So it's varied from year to year. I think the primary thinking is that so if it were -- council wished to put an emergency clause I would ask the city attorney's office --

Fish: My colleagues may not be ready to make statements. I have a statement I was prepared to make but I also anticipated there would be a lot of people in the room who when I thank them would be here rather than getting it secondhand.

Fritz: You remember the first one of mayor hales it was an emergency and I voted against it because I didn't realize it was an emergency, went off to psu to do a class and we had to reopen it. So since then we haven't been doing them as emergencies and I think there's some question about I know commissioner hardesty had concerns about some elements of it as to whether it would be unanimous or not. It depends kind of on whether it's unanimous or not as to whether it can be an emergency.

Fish: I had not thought about that mayor, what's your pleasure? For example I have comments that I would normally make because I think this is the appropriate forum. I'm not changing my vote. Was it your intention other than commissioner hardesty is not going to be here to have those comments made next week?

Wheeler: I don't want to spend an awful lot of time talking about process. If you would like to make your comments today with bureau directors here I would welcome that. I certainly won't oppose it. I don't have a long speech prepared for myself but feel I have talked so much about this budget I could do it rote. So I know commissioner Hardesty will not be here and would like to give her comments so I would extend that courtesy to any other commissioners who would like to make a comment. I want to put one nail in the proverbial coffin. There was no testimony on 573, correct?

Moore-Love: We asked and there was none.

Hardesty: Thank you. I want to wrap up the prosper Portland conversation before we move on because i'm not sure that we actually resolved what the next steps would be in that process. So I think what I heard is there's a staffer being hired that will lead this process, right?

Kinard: Will help coordinate.

Hardesty: Help coordinate the process. I think of a staffer being hired would take six months to get up to speed. So i'm just trying to think through what would be a good recommendation for moving forward? So we're in june now. It would be criminal for us not

June 12-13, 2019

to have this commit I up and operational this year. So do you have any recommendations for me or my colleagues here about how we could move this forward in a way that actually honors the commitment that we made to the public?

Fritz: I don't think that's going to happen in the near future.

Hardesty: What don't you think will happen?

Fritz: That has to come back to council. The process has to be hire the person to convene the committee because there's nobody else and there needs to be a process to get the committee going. I would be happy to go into this, get you a full briefing. Trust me it's frustrating, fit to be tied, not at all happy with how this has gone over the past year, but that's not germane to today's votes.

Hardesty: It would be if we were approving a budget today it probably would be. I appreciate the fact that it was something that just occurred to me and I could have talked to kimberly when she was here but if we're voting on the budget it's important that we remember the commitments we made years before that we're not keeping as we start making new commitments, right? So okay. I will be done with that. Thank you so much. I appreciate both your input, commissioner Fritz and your information, miss kincaid. On to the budget, as you know, I voted -- was opposed -- I voted no on the budget when it came in front of us the first time, and if I would be here next week I would continue to be a no vote. There's a lot of wonderfully good, positive forward movement that has been articulated in this budget, but I still believe that a budget is a moral document, a moral document that actually when you put your money where your mouth is it really proves that you are who you say you are. Since I have been in this body a little less than six months I keep being told this is not the time for this conversation, this is not the time for this conversation. I think we need to change the time for conversations that we have because I think it's important that we have these kind of conversations up close in public so that the public gets to actually see and hear and be able toll weigh in on whether or not the decisions we're making are good ones. And most of the time i'm pretty polite. I'm probably not going to be polite. I was elected to ask hard questions. I was really elected to make sure that I was holding people accountable for the outcomes we all say we want. I was elected to ensure that voices that are not traditionally heard in this building actually are heard. And so i'm not going to be silenced. If you tell me there's a place for the conversation that's a public place that we can have the conversation i'm open to that. But I will not allow people to tell me that I haven't picked the right time unless people tell me what the right time is I will never know what the right time is. In my view, the time is in the public eye when we're having public deliberations, and before we take a vote, not after. So I appreciate your indulgence to allow me to speak about the budget this week. I'm excited about some of the budget allocations that have been made. Can't wait to get to work on the Portland street response and to make that a reality. I'm so appreciative that the mayor shares that vision about changing who first responders are in our community and how we can be more compassionate and empathetic as we engage with people who but for economics would not be on our streets and if not for economics would not be in our jails and if not for economics wouldn't be facing some of the huge hurdles that they face. So we got a lot of work to do and i'm looking forward to the next year and i'm grateful to the budget office. I'm also want to take this opportunity to acknowledge kristin johnson, who is the most phenomenal budget analyst that I have ever met. She works in my office. She has over ten years of city of Portland budget experience. Without her leadership, without her understanding where all the dollars are in the city's budget I would not have sounded as smart as I did through this process. So I want to thank you all very much. Thank you for your grace, mayor. I am done.

Wheeler: Very good. Commissioner Fish, did you want to say something today?

June 12-13, 2019

Fish: You can't possibly expect me to follow that. [laughter] let me i'm going to put my comments on a diet and just take three elements. One is to jessica and the council budget office all the analysts we dealt with, all the briefings we got, all the information we got, then all the folks that work as part of your extended team, thank you for doing a superb job. Without -- we fought hard to have an independent budget officer, commissioner Fritz and I felt very strongly about the value both to the institution and the public perception of what we were doing. This was not an easy budget year. Council budget office stepped up. So I thank you for that. I also want to thank my colleagues. This is the mayor's third budget where he achieved what I would call a consensus in support of his budget. We had lots of conversations, lots of collaborative conversations. Lots of listening and learning. For me one of the best parts of the budget process is the time we spend with colleagues listening to different points of view, trying to balance things, reach consensus. I thank my colleagues. I thank the bureau directors that I have the honor of working with at parks and the bureau of environmental services as well as my team and my office headed by sonia schmanski and all the talented people that work in my office. There are a lot of people that work behind the scenes to make this process work, and you do a terrific job. The one sour note that i'll strike and i'll go into this more next week, I still think the public interface piece is a work in progress. I really look forward to the candid debriefing of how this year went and ways in which we can improve it. I don't think over the last ten years we have landed on the right balance. I think we can make our interaction with the public much more dynamic and valuable than what we are currently structured. I for one thought having a modified work session in the community was a good idea and I heard from a lot of parks critics that they appreciated they knew they could be heard. They didn't have to wait to have their number called. They had their speeches ready. They had an opportunity. But I think we have a lot of pieces that we can put together. Still don't think we have found the right mix. That's not a criticism of you. We have a collective responsibility to get that right but I look forward to the debriefing and the chance to even build on our success this year and make next year even better. Thank you very much.

Wheeler: Commissioner eudaly.

Eudaly: I want to piggyback on commissioner Fish's comments. Your bureau worked with office of community and civic life. You took a lot of my suggestions to heart and I really appreciate that. I would say parks people were heard loud and clear, and it has been my frustration for three years running that we don't hear about much else. While parks is absolutely important, essential to our community, I have ongoing frustration that we're just not able to hear from community members in a meaningful way on other issues. That's because of the nature of parks being a general fund bureau and the funding always being at risk or somehow inadequate. I understand that. I want to hear about parks but I want to hear about a lot of other vitally important bureaus and priorities in this city. I want to acknowledge my part. We didn't quite get it right as far as the public process. I don't know how we solve for some of the problems that we or the challenges that we saw, but I just appreciate your willingness to work with my office.

Wheeler: Very good. I'll give a mini-speech unrelated to the final speech i'll give next week because this has been a great day. Council-wise I feel we have had a lot of really interesting conversations. I'm attracted to what commissioner hardesty says about the budget being a moral document. But I have also learned the practical side of this which is the budget is also a compromise document. There are things in the budget that I strongly support, things in the budget that I probably could have done without. But I know that we need to get to the majority in order to reach an agreement. I agree with you, commissioner eudaly and commissioner Fish, 100% on the public engagement piece. I am open to ideas in terms of how we actually get there but i'll tell you there is a massive disconnect between what I hear every single day as mayor, many, many times over the course of the day,

June 12-13, 2019

versus what we heard public testimony on during the budget process. I will tell you 50 to one I hear more about the homeless crisis than anything else in this community. I hear about it as often as ten minutes ago being outside. I heard about it at the grocery store last night. I heard about it last time I was at the gym. Our emails probably run i'm guessing probably 50-1. One item for every 50 emails we get on the homeless crisis or various manifestations of it yet weirdly enough, I see marc jolin here, we heard very little about it during the budget process. That surprised me and maybe it's because as a council we agreed it was the high priority and it was something that was important, but it is like we went through the budget process, we talked a lot about certain things, and then the channel got switched and right now i'm back to issues one, two, three, four, five through ten being the homeless crisis full stop. So that is interesting to me just why is there that disparate attention. What commissioner Fish just mentioned that parks is a general fund bureau. Well, so -- commissioner eudaly. I apologize. All of our homeless response is general fund. Whether you're talking about the joint office or a public safety component or liveability component is 100% general fund as well yet we really didn't hear about it so in that sense I feel like the public wasn't really heard on the issue that I believe based on the rest of the anecdotal evidence over the years they are top priority. That's a weird and interesting thought. Anything else on this before we move it to second? This is a first reading of a nonemergency ordinance. Moves to second reading. Last item, 574. This is approving levying taxes for the city for the fiscal year beginning July 1, 2019, ending June 30, 2020. We'll now consider a vote on the ordinance to levy taxes for the city of Portland for the fiscal year beginning July 1, 2019, direct the city budget directors to submit said tax levy and other considerations and certifications to the county assessors of Multnomah, Clackamas and Washington counties. Director Kinard.

Kinard: So this final step in today's adopted budget hearing is to vote on property taxes for the general fund, children's investment fund and fire, police and disability retirement fund for general obligation bonded debt in 16 urban renewal areas. It will raise an estimated \$452 million in city property taxes for fiscal year 2019-20 in addition to urban renewal collections.

Wheeler: Any thoughts? Public testimony on this item?

Moore-Love: I did not have a sheet.

Wheeler: Anyone want to testify on taxes? Please call the roll.

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

Fritz: Thank you to the taxpayers of Portland for your tax money which we endeavor to spend wisely. Aye.

Wheeler: I vote aye. The ordinance is adopted. I assume we will adjourn prior to the work session.

Fritz: We need ten minutes to set up.

Wheeler: Is it recess or adjournment?

Fish: We're finished. There's no notice on our agenda for the work session.

Wheeler: That's the free lawyer. What does the paid lawyer say? [laughter]

Washington: I believe commissioner Fish is correct.

Wheeler: Commissioner Fish is officially hired based on the lowest bid. We're adjourned. [laughter]

Council recessed at 2:44 p.m.

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.**

JUNE 13, 2019 2:00 PM

Eudaly: Good Morning everyone, this is the afternoon session for June 13, 2019. Mayor Wheeler had another obligation, so I as presiding officer or president of the council will preside today. Karla, please can you please call the roll. [roll call taken]

Eudaly: Thank you. Before we begin will our city attorney please read the rules of decorum.

Lauren King, Deputy City Atty: Yes. Welcome to the Portland city coin. City council represents all Portlanders and meets to do the city's businesses. Presiding officer preserves order and decorum. To participate, you may sign up in advance with the clerk's office for communications to briefly speak about any subject. You may also sign up for public testimony and resolutions or first readings of ordinances. Your testimony should address the matter being considered at the time. State your name. Your address is not necessary. If you are 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. If you are in the audience and would like to show support for something said feel free to do thumbs up. If you do not support something, thumbs down. If you are filming the proceedings do not use bright lights or disrupt the meeting. Shouting or interrupting testimony or deliberations will not be allowed. A warning will be given that further disruption may result in the person being ejected. After being ejected a person who fails to leave the meeting is subject to arrest for trespass. Thank you for helping your fellow Portlanders feel welcome, comfortable, respected, and safe.

Eudaly: Thank you. Today we have three items coming from PBOT that each address transportation safety in a different way and are integral to our overall vision zero commitment. We are referring to the day's session as PBOT Safety Day. So catchy. Thanks, guys. Karla, please read the first item.

Item 575

Eudaly: Welcome everyone, Matt, is this the time for my introductory remarks? All right. Oh hurray, Hello. No problem. You missed the rules of decorum, so I hope you remember them.

Hardesty: I am always one for rules, you know. [laughter]

Eudaly: 2019 has been a particularly tragic year for traffic safety in Portland. 22 people, parents, children, siblings, grandparents, aunts, and uncles have died in traffic crashes to date. Portlanders deserve a transportation system that gets everyone home safely at the end of every day. To that end I am bringing forward three items this afternoon that reaffirm our commitment. The first is an update of a vision zero plan and two-year strategy that takes a hard look at what it takes to make streets safer and where we need to refocus and recommit. Second is an intergovernmental agreement with the Oregon department of transportation that will transfer \$6.7 million in federal transportation funds to the city to improve signals and crossings throughout Portland. Finally, we are asking council to authorize a request for proposals to enter a new contract for automated camera enforcement program. We know these cameras have a tangible impact on the speed motorists travel and make our streets safer. It is a program revenue neutral. It pays for itself through fines but does not generate additional revenue. We would love to train

June 12-13, 2019

motorists to put this program out of business. So, with that introduction we have director Chris Horner and Active Transportation Safety Manager Katherine Ciarlo.

Katherine Ciarlo: Ciarlo

Eudaly: I shall revoke my Italian part. [laughter] been a long day. We will hear from some invited guests on the vision zero strategy, take testimony and vote on the resolution. So, director warner, welcome back.

Chris Warner, Director of the Portland Bureau of Transportation: Thank you. Commissioners, Chris Warner, director of the Portland bureau of transportation. Thank you for having us here to talk about vision zero, the progress we have made, the challenges and the next steps as we move forward. Vision zero is Portland's commitment to eliminate fatalities and serious injuries on city streets. It continues to guide PBOT's work. The backdrop of the conversation is that deadly and serious crashes continue on Portland streets. 2.5 years since implementation of the plan it is easy to be impatient with the slow progress. I know that I am. Yet I remember that the work requires transforming a system that has been in place for decades. In the 1950's and '60s we built a transportation system aimed at moving cars quickly and efficiently. The greatest predictor of vehicle deaths is number of vehicle miles traveled. Today we will share with you the successes of vision zero, what we have learned from the past two years, and how that has informed what we will be doing the next two years. We really asked ourselves a couple of questions. First, what has worked, second, what trends are we seeing, third, what should we focus the limited city resources we have to make the greatest impact moving forward. This report itself looks to answer those questions and the resolution commits PBOT to a set of priorities intended to accelerate the pace of safety improvements and address deadly trends we are seeing in Portland streets. I begin each of the budget advisory committee meetings by listing names and ages of people that have died on Portland streets. It's a powerful reminder of how personal this is for us. In 2018, 34 people died at traffic crashes on our streets. This graphic shows the names and crash locations. While this represents a 25% decrease in traffic fatalities over the previous year one year is not a trend and 34 deaths are 34 too many. So far in 2019 we are on track to outpace last year. We sincerely hope that doesn't happen. But we are here today because we recognize reversing this trend takes aggressive action. Our crash data shows that in Portland pedestrians are overrepresented in deadly crashes. This graph shows traffic deaths through June 12 for each of the past five years. The dark black bar shows pedestrian fatalities. Of the 22 people who have died in traffic crashes in 2018, ten of those were walking. As you know city count committed to vision zero in 2015 and an action plan was adopted in 2016. The action plan sets out 32 actions aimed at eliminating deadly, serious injuries on Portland streets. PBOT continues to track those actions, reported to council last year and we will post our progress every year. We have refocused work for the coming two years based on what we have learned. Before we talk about the priorities moving forward, I want to share examples of the work we have done. Example 1, truck side guards and other safety equipment. Side guards protect pedestrians and bicyclists from getting swept under large trucks. In 2018, council approved installation of truck side guards on city fleet vehicles. Thank you so much for the funding to do that. In 2019 PBOT, fleet water and parks will complete the retrofit of over 100 eligible heavy trucks with these side guards. In 2020 we will advance requirement for all City owned and City contracted trucks to have safety measures in place, including side guards, mirrors, cameras, and driver training. Example 2 is the city-wide education focus on speed. Speed is a factor in over half of all deadly crashes so ending traffic fatalities means changing culture as well as improving streets. In 2018 we launched the strut campaign focused on speed and the impact serious crashes have on people's lives. Thank you again for funding the one-time funding for that program. About half of Portlanders have seen the campaign and 56 of those that viewed it said it

June 12-13, 2019

changed their driving behavior. We will leverage with speed events. Our [audio not understandable] with distribution of more than 7,000-yard signs we brought attention to Portland's new 20 mile per hour residential speed and PBOT did over 400 runs for these signs with huge public demand and we probably could have kept going because of the demand. Third example, which is really important, lowering speeds, speed limits citywide. That is part of changing the culture around speeding. Speed limits set the expectation of how fast it is appropriate to drive and in a multimodal urban environment with people walking, bicycling, and taking transit slower speeds mean safer streets. Slower speeds reduce number and severity of crashes. On this map the gray lines represent the local streets reduced from 25 to 20 over the last year, representing over 70% of Portland streets. The orange lines represent 59 speed reduction requests on 76 miles of streets granted by the state in 2017 and 2018 and these are the nonresidential streets. We did make a great number of improvements on speed. The fourth example is transforming streets on the high crash networks. In the last two years, 65% of Portland's traffic deaths occurred on just 8% of Portland streets what we call the high crash network. Many of these wide, fast streets need transformative changes that only major corridor projects can provide. PBOT is moving these projects forward as aggressively as we can. A couple of examples, this morning we cut the ribbon on southeast foster transportation streetscape project. Foster has consistently been on our top 20 list of most dangerous streets for walking and bicycling. We expect this project to reduce crashes on foster by 20 to 50%. It includes six enhanced pedestrian crossing, wider sidewalks, buffered bike lanes, 190 trees, better lighting, and reduced speed limit. Thank you, commissioner Eudaly, for joining us at the celebration this morning.

Eudaly: I had a quesadilla at the Mercado afterwards.

Warner: It was a wonderful event. Another example is the northeast Halsey Weidler streetscape project east of 205. This is nearly complete. It will transform the east Portland business district making it safer to reach businesses by walking, bike, transit, and car. Halsey is among the city's top dangerous -- list of most dangerous streets in Portland. This will add three pedestrian crossings, improve transit access and speed operations, repave the street and add two new signals. Projects like foster and Halsey Weidler reflect Portland's commitment to prioritize investments in low income communities and communities of color. As this shows, 62% of the 110 million in safety improvements in 2017 through 2019 were made in these communities. I think one exception in 2019, only 49% of that is in communities of color because \$22 million was funding for the southwest Capitol Highway. That was a big chunk of that, but we do expect after the next year that we will go back to around 60% that will be back in low income communities, communities of color. That is an overview. I would like to turn it over to Katherine to go through the next items. This has been a labor of love. Figures outweighs to make our streets safer and your commitment has been outstanding for us so thank you so much.

Eudaly: Thank you, Chris.

Katherine Ciarlo, Active Transportation and Safety Division Manager: So, Chris talked to you about some of the work we have been doing since inception of vision zero. I walk to talk about the strategy laid out in this document included in your packet. We have been reporting annually on the 32 action items, but this year we wanted to take a different approach. 2.5 years in we are looking at what other cities have done successfully. We are looking at trends we are seeing in our own city, and we are looking at best practices. The kinds of things that we know can really make a difference based on our experience. We will be talking to you about that. I want to go back for a second to the large projects that Chris was talking about. As you all know, they take a long time. They are complicated and they need a lot of conversation with community about what and whether and when to make those improvements. As we work through that process, we remain quite committed to it

June 12-13, 2019

because those are where we are going to see the biggest gains in ending fatalities. We also have identified a number of strategic system improvements based on what we call a safe system approach. I think if vision zero is the performance measure, then safe systems is the approach that will get us there. The slide you have in front of you outlines the main safe systems principles. Essentially the starting point is that no human being should be killed or seriously injured in a crash. That is a real departure from our cultural acceptance of traffic deaths as inevitable. The safe systems that underlie vision zero says safety is the responsibility of the user of the system, but it is also the responsibility of the owner of the system and the manager of the system and the designer of the system.

Eudaly: Commissioner Hardesty?

Hardesty: Thank you, Madame Chairwoman, I was just going to say if I look at this, the implication is that somehow, it's the people's fault. They are not acting right. If they acted right the cities would be safer.

Ciarlo: Thank you for the question and clarification. If anything, the safe systems approach says it's not the user's responsibility because all people make mistakes. That is an assumption as we go into anything we do in life, but certainly moving around on the transportation system. We're all going to make mistakes. A safe system designs things and manages things and educates people in a way that assumes those mistakes will be made and looks to protect against them. Then there's a multidisciplinary approach looking at education, regulation, and street design, and it's intended to be proactive, not just responding to particular conditions or events. So, as we have looked at the factors, I described to create this strategy, we zeroed in on a few priorities, and you will see that the report is organized around those priorities. The first one is protecting pedestrians. Director Warner talked about the trends that we see in Portland. We are an inordinately dangerous community for pedestrians, and we have developed some very specific strategies to address that that I will talk about later. The second is reducing speeds city-wide. Again, the research nationally and internationally shows clearly that speed is a major factor in reducing all crashes including serious injury and deadly crashes. If those mistakes happen reducing speed makes them less severe and, in many cases, keeps them from happening. We will continue to deliver the high crash network projects and we will also deliver what we are calling our targeted rapid response safety fixes. We will work and continue to be as innovative as we can to create a culture of shared responsibility around traffic safety. Just again to be clear, commissioner Hardesty, that culture of safety isn't about assigning blame to people who are injured by the system but really to create a culture in this city of moving more slowly, of looking out for vulnerable people in the roadway, and of making decisions that result in a safe system.

Hardesty: Madame chair?

Eudaly: Yes.

Hardesty: I have a question about I have noticed that there are a lot of individuals, human beings, who move through streets and sidewalks, never actually looking up. They are on some electronic device that apparently is more important than whether or not they survive crossing the street. To me that's a huge -- I have noticed that as a huge issue. Is there any national data or local data on -- I know we're not talking about blame, but I do think that as you say shared responsibility. I think we should have expectation that people actually look where they are going when they are about to cross the street and not be on their electronic device. Is there national or local data on that?

*******:** Thank you for the question. There's a couple of ways to approach that question. When we did the vision zero action plan and looked at the ten years of data preceding that time distracted driving or distracted walking was not called out at that time as a specific factor. The factors that we saw were speed, impairment, and dangerous behaviors. Those were what were recorded in the crash data. Probably every time we talk publicly now about

June 12-13, 2019

deadly crashes, the issue of impairment comes up and the issue of distraction comes up and that is something that with the new state law that passed in Oregon couple years ago about distraction, data collection is beginning but that just wasn't -- it's not something we have great data on because it's not something that historically was quite as evident to us. That said, I think that goes straight to that creating a culture of shared responsibility point, which is we all need to drive, walk and bicycle not distracted. And again, reinforces the importance of bringing speeds down because if people are making that mistake of walking around distracted, which we do not want them to do, but we also do not want them to get killed doing it. I think it informs all of that.

Eudaly: This is a chronic problem we see people doing it all the time. It's part of education for sure. But the reality with our crashes, pedestrian involved crashes is the majority of pedestrians are obeying the law and still being hit and killed.

Ciarlo: That is the perfect segue to this slide, which again points out that half of our fatalities in the past years, the last five years, have been pedestrians, that of those fatalities, in fact of all pedestrian crashes, 71% occur at intersections and half, nearly half of those happen at signalized intersections when pedestrians are crossing legally.

Eudaly: We can't assume that that remaining 29% is people wandering into the road or crossing at midsection, sometimes it's cars driving up on sidewalks or over the line and hitting people on the shoulders.

Ciarlo: Absolutely. In many of our streets in east Portland the intersections, the signalized intersections are so far apart that human behavior being what it is and just practicalities being what they are people end up crossing mid-block or at unmarked crossings which ends up not showing up here but being a dangerous way to interact with the system.

Hardesty: Excuse me for just a second. Thank you, chair Eudaly. I guess I don't want to dismiss the fact that -- there's a shared responsibility when you're on the road whether you're walking, biking, et cetera, et cetera, right? The fact that we weren't collecting that data earlier but now because of a new law apparently, we will be collecting data on distracted walking and bicycling --

Ciarlo: I'm sorry, distracted driving.

Hardesty: Just driving.

Ciarlo: Just driving.

Hardesty: Again I think we need a full set of data to not just assume that it's one causation for the outcomes that we're getting because I can just tell you just from personal anecdotal data I'm not doing any kind of collection, but there are way, way too many people even downtown, people walking with their eyes on electronic stuff even when the light is red or green, I have observed that over and over again. I have yelled at a couple of people because they did that right in front of an automobile that scared me because I was driving. So, I hope that as we continue with this process that we will make sure that we're painting a full picture, not a picture based on the outcomes.

Eudaly: I share your belief that there's a shared responsibility. I see a lot of foolish behavior in pedestrians and cyclists and e-scooter riders and car drivers. We have a very auto centric culture. We tend to blame the victims in these crashes when in fact like the statistics show they are following all of the laws. So my push-back on responsibility isn't a denial that pedestrians or cyclists need to follow traffic laws and need to take responsibility, it's a false narrative among I guess car advocates who don't want to take responsibility for their role, who don't want us to inconvenience them by making our transportation safer for pedestrians and cyclists, and despite the fact vehicles have only really been on the road for 120 years, roads have existed for millennia, I think that they think they should be sole conduits for automobiles.

Fish: I have a question about this slide, but also want to make a comment. I now live and work downtown and one of the byproducts of that is that I don't have a car and do much

June 12-13, 2019

less driving and it's incredibly liberating. Once upon a time I lived in northeast Portland and spent a lot of time commuting. It was becoming increasingly stressful because of traffic and congestion. That is largely lifted from my life and not everyone has the opportunity to live and work in the same place, but my vehicle miles traveled that you said directly correlates with some of the bad outcomes here has come down quite a bit. It is also been from a personal point of view taken a lot of stress out of my life. I will say, and maybe this is a function of having grown up in some other cities, that despite what I see and I see a lot of the same stuff, people not paying attention, going on the wrong way on bike lanes, all kinds of stuff, I also know the law, which is that I can't think of a scenario in which the pedestrian doesn't have the right of way. One thing that concerns me greatly in my neighborhood at goose hollow, most people driving don't know the law. Don't know about pedestrians clearing pedestrian rights of way. They wait until there's a foot space to make the turn then play dodgeball with the pedestrian. That's illegal. I operate when I drive on the assumption that just about anything can go wrong and it's my job to be aware of the environment. Thankfully I don't do a lot of driving but when I do, I operate under that assumption and thank god I haven't had any accidents. I wanted to ask you a question off this slide, though. 71% of all pedestrians' crashes occur at intersections. 20% from left turning drivers failing to yield. In the high crash corridors those left turning driving are offer in a dedicated lane with a dedicated light making the turn. In 49% in low light conditions. Were you surprised at any of these data points? Was there anything in these numbers that surprised you?

Ciarlo: I will say that we were surprised by the number of crashes that occurred, the 20% that you pointed out, from left turning drivers. Sometimes those happen with left turn arrows. Obvious there are not left turn arrows and what happens is the person creeps up and waits for that gap and because they are focused on turning left quickly to get through the gap, they don't see the pedestrian there. I'll talk later about one of the treatments that we're recommending as part of this resolution and report to address that. That was surprising to us that it's that high.

Fish: I get that example you gave of people in the intersection monitoring oncoming traffic, looking for a gap then being surprised there's a pedestrian there feet away. That seems to me to make a lot of sense. I will tell you that even where it is a dedicated lane with a light what I have noticed and I spend a lot of time on 82nd street, it's the hub of a lot of places that my family and I go on a regular basis, people know that if they don't make that left turn and make the light they have a long wait. So, what I have noticed is people speeding up. Once that green goes to yellow, there's a hell of a lot of activity in that intersection because you have to wait quite a while for the next left turn.

Eudaly: When it is red, they are still turning.

Fish: That's an example of a dedicated lane and light but where we are still being pedestrians put in harm's way.

Ciarlo: Absolutely. We'll talk a little bit later about the timing of signals and what you're describing turns out to be something that there are tools out there to try to retime signals to build in again safe systems protections about that kind of thing. Just one last thing before moving on, I do want to just let you know that every year we do an evaluation of all of the fatal crashes in the city that we have data on. We work with the police; we partner with the police bureau on that. We don't -- sometimes we see impairment of pedestrians. We don't typically see a lot of distracted pedestrians at least so far showing up as crash causes. Not to say that it's not important and what I have written down here is that we should include in our culture of safety work educating people about the laws and about distraction. So it's important that it hasn't showed up in our data as a crash cause. Then just the last thing I want to mention was this thing commissioner Fish that you mentioned which is almost half our pedestrian crashes occur in low light conditions. As many of you know, some of our

June 12-13, 2019

most dangerous streets are wide streets in east Portland having lighting only on one side because of the historical ownership by the county. So, one of the things we are working on is to improve lighting in those very dangerous places. So, I think we have talked about a lot of this, signal timing, changing signal timing, provide what we call leading pedestrian intervals to get pedestrians out first and make them more visible. Commissioner Fish, you zeroed in on this with the protected left turn timing and prioritizing street lighting. You all have led us exactly to the solutions we have been thinking about and articulating here. The next big category of action is reducing speeds, and again, as director Warner said about half our crashes in Portland have speed as a major factor. I think you have all seen these little dials before but essentially what they say is if you as a pedestrian are hit by a car traveling 20 miles an hour you have a 10% chance of losing your life. If you're hit by a car traveling 40 miles an hour you have an 80% chance of losing your life. So, this bringing down of speeds even on residential streets where we don't see a lot of crashes but don't want to see deadly crashes is really important to the system. The strategy pieces, I think this is something we really focused on in the past year and intend to double down on in coming years, it's about setting safe speed limits to help arrange people's expectations appropriately. It's about redesigning streets to encourage safe speeds. And it's about educating our fellow Portlanders. It's not always easy for people to understand why they need to slow down. One of the things we're seeing from a safe systems perspective is that it's partly our responsibility to help people understand the consequences of driving quickly and refocus the goals away from getting people somewhere quickly as commissioner Eudaly said and refocus it on getting them there alive regardless of how they are traveling. Then speed limit enforcement is an important part of our speed strategy as well. So, we talked already about transforming major streets. This just gives you a sense for outer division of what that transformation could look like. This was a design that's been developed in partnership with a lot of the people and organizations out on outer division. You can really see the change in the way the street feels and the way it functions in terms of safety. We are continuing to double down on those investments and as director Warner mentioned a lot of those investments in the coming two years will happen in east Portland. This is just a list of them. Even as we move through the process of delivering them, we are piloting a couple of important quick fix actions. The first is the left turn pilot. It speaks to this dynamic we were talking about earlier as people zooming through an intersection or accelerating through an intersection to turn left. It puts a bumper type thing in the middle of the roadway so when you turn left you can't cut the turn quickly and you need to slow down and it orients you in a way that you can see the pedestrian in the crosswalk. That's aimed at those statistics that we were looking at earlier, the pedestrians who are in crashes crossing at crosswalks with signals. We're going to do 40 of those throughout the city this year. We'll be -- we really think of these as community engagement in their own right. We'll be doing a lot of assessment beforehand looking at behaviors, looking at how people feel about them. We'll look at data afterwards that shows what's happening and how these are affecting those behaviors and we'll be speaking a lot with people who live and use those streets to help them understand. Then the second bullet point comes out of direction we got from commissioner Eudaly and director Warner in April after a particularly deadly, particularly painful -- they are all painful, deadly crash. It was just one too many after a week of too many painful deadly crashes. The direction we have received, which we have incorporated into this report, is that at every deadly crash site we'll evaluate the factors that led to that and if it's apparent that we need to make immediate changes and it's easy to make those we'll install temporary traffic and operational improvements that are needed as we evaluate long term what should happen there. Then the last challenge which obviously has come up a lot in the discussion already is this creating a culture of shared responsibility. I put three main challenges honestly here on the slide. One is that to

June 12-13, 2019

end traffic deaths we have to refocus from moving quickly to getting there safely and that is a change management challenge. There's no question about it. It's an important challenge for us as a transportation bureau as well. The other is that speeding is not just accepted in our culture, but it is expected. Helping to eliminate the deadly consequences of that expectation. The last is that Portlanders are ever more diverse. The ways we hear from people and reach people need to continue to evolve and we need to have more and more broad-based strategies to reach people we have not historically heard from and communicated with. That is an enormously important part of our vision zero work. This is just a picture showing a couple of images, upper left-hand corner is a reader board after a fatal crash. The other pictures are pictures of what we call our street teams which we partner with community-based organizations to educate people on the street about traffic behaviors and traffic safety or to provide actual training for people who say had historically lived in one part of the city where traffic norms required one set of understanding of behaviors and have moved to a place like out of stark where there's a completely different set of expectations and needs. We have worked a lot with those organizations and expect to keep doing so. I'm going to turn it back over to director warner to talk about the resolution in front of you. Again, we'll be asking you to accept the strategy report. We'll be asking you to approve the resolution and then we'll have a couple of folks testify but I just wanted to call out before Director Warner reads the resolution and talks to you about it the incredible support we have had from the county health department, who is here, and also from Families for Safe Streets who are folks who have just been there at every step along the way to develop and implement this strategy. Thank you.

Warner: Thank you, Katherine. I would be remiss if I didn't thank the staff of PBOT, Katherine, dana clay, matt, everyone has just been doing a great job in terms of really bringing the strategy to life. Portland, very few cities were vision zero cities when we began so we have become a national leader and a city that really has embraced this. So, thank you, council, for your help in terms of helping move this forward. I think I will just talk about the resolution. I think Katherine talked a little bit about it. I just wanted to say there was a directive that I made on April 24th as she said and some of the things that we were looking at in terms of the quick solutions we talked about, one is the leading pedestrian indicators, intervals, which Katherine talked about, which gives pedestrians a head start on some of those. We will be installing those. That will be our default practice moving forward. Protected left turns in terms of figuring out ways to make sure the left turns and we talked about that, then the left turn calming which is the object that makes people go around a little bit more. The other piece that is important that we're talking about is to really each of crash sites we put up a reader board for two weeks to let Portlanders know that there was a fatality at that site. Sometimes what happens is there will be a fatality and a few hours later it will be cleaned up and nobody will know what happened. We want to raise awareness to know that was a dangerous spot, that someone died this, and for them to reflect on how they are driving. That's part of the resolution you have today. It's accepting the report and we're here for any questions you have, or we can take invited testimony then come back. I think it's up to you, madam president.

Fish: Invited testimony.

Eudaly: Thank you. I want to invite Jae Douglas, environmental health services director from Multnomah county up to the table. Welcome. Sit wherever you like and state your name for the record.

Dr. Jae Douglas, Environmental Health Services Director for Multnomah County:

For the record I'm Dr. Jae Douglas, environmental health services director for Multnomah county. I work in the health department. I have also been a member of the vision zero task force since inception. I -- and my staff is here with me. They have worked with vision zero from the beginning as well. I'm here to support the continuing effort to apply a safe

June 12-13, 2019

systems in detail approach to putting safety at the center of the way we design and manage our transportation system. In the world of public health and creating effective public health strategies we talk about making the safer choice, the easy choice, whether it's access to healthy food or other strategies we know that people will have better outcomes if we build those systems into our world. We know that vision zero makes a critical contribution to our effort to commit to improve community health. Want to point out a couple of reasons why I think we need strategies like vision zero to make progress on public health. First these deaths are numerous, so numerous they contribute as a leading cause of death in Multnomah county. Of course, secondly, most importantly, they are preventable. They are -- finally and actually most importantly they disproportionately impact vulnerable members of our community, our communities of color. During the vision zero process we talked often about communities of concern and ways to think about the ways that people are vulnerable in the context of our transportation system. To my first point I want to share some data on the commonness of our traffic deaths. In a five-year period between 2013 and 2017, unintentional injury was the third leading cause of death in the county ranking just behind heart disease and cancer. So earlier the high rate of traffic deaths for pedestrians runs counter to a lot of our efforts that we're trying to advance to get people out of their cars and walking. If our streets are not safe for pedestrians, it's very hard to encourage people to get out of their cars and get on their feet. Of course, those strategies are directly related to cardiovascular disease so traffic deaths themselves are what we want to avoid but we also know our traffic system has a very big impact on the choices people make. We can't make progress on leading causes of death and injury without efforts like vision zero. The preventive nature of traffic injuries is the second piece that makes this such an important issue. One of the aspects of vision zero that stands out to me as my role as a public health practitioner is its evidence based. In public health we use data, rely on data, look to data to help us understand this. We know other jurisdictions have blazed the trail for us. They have made effective ways to reduce injuries. And like other public health agencies engage in this effort across the country and around the world we know that lowering speeds is one of the most effective strategies that we can look to reduce likelihood and severity of injuries. You know, there are estimates that we look to that says simply a 5% reduction in speed can reduce fatalities by as much as 30%. That's a small investment of change for a very large benefit. Those kind of evidence-based strategies helping us to tell the story, help us to understand how those trades, transactions, decisions we're making really affect very -- have very big impacts. Traffic deaths like all other public health issues really demand that we respond with a look toward the disparities faced by low income residents and people of color in our community. One of the things I very much appreciated about PBOT's work and the task force's work is how close they have looked at the relationship between our transportation system, the effects of our transportation system and specifically how we use enforcement tools. And how those might disproportionately impact communities in unintended ways. The two-year plan updated specifically prioritizes objectives that are important to our most vulnerable communities and communities of color. For one example is the improved street lighting plan, and that was elevated as a concern in the walking while black report. We simply can't reduce the unacceptable and persistent health disparities that we see in our community without efforts like vision zero. Want to thank you and applaud both they elected body and Portland bureau of transportation and the vision zero task force for making progress in this effort. The Multnomah county health department, environmental health, we are here to support your work and will be you all along the way. Thank you.

Eudaly: Thank you.

June 12-13, 2019

Fish: Before you go, something you said earlier really jumped out at me. That was the statistics you shared with us about the way you collect data on deaths in the county. I think you had cancer number 3. I forget what was one and two.

Douglas: Heart disease and cancer.

Fish: So, heart disease is 2, cancer 3?

Douglas: Heart disease is number one, cancer is number two, and unintended injury are number three.

Fish: Number three? And where is that data for people that want.

Douglas: We're relying on CDC data for that. My staff will be happy to help tap that for you and bring it down at a more granular level.

Fish: Thank you.

Eudaly: An interesting item for me is lack of safe pedestrian infrastructure is another -- it's a public safety issues but also a public health issue. If people can't walk, they have all sorts of adverse health outcomes. That's important to note the side effect of us having a more complete system that is safe for all users means we have a healthier community. So that is exciting. Thank you. All right. No. That's not how it works. Sorry. [audio not understandable]

Eudaly: Is there any public testimony?

Moore-Love: Yes. Two people signed up.

Fish: Was your name called, sir?

Eudaly: Hold on, please. Welcome. You have three minutes to give your testimony. Please state your name for the record. Either of you can begin.

Chad Bustow: I'm Chad Bustow. In paying attention to the testimonies earlier, I thought it was really important couple of ideas about actually changing our culture in the idea that like nobody should really be killed in traffic deaths. But I think it might be just as important in a way because as human beings we kind of have a history of being on this planet for a while and being subjected to as many types of death as like are possible. We have sickness, accidents, we have things like killing and murder. I think that it was kind of stated earlier about the subtle psychological identity of the inevitableness of dying on this planet. I think that that's one of the most troubling psychologies that we have as human beings in general. To the point that if there was anything that we could do as human beings over all on this planet to actually stop ourselves from dying, before we die, including traffic deaths, I think that it might be a really good idea to look at because the basic component of humans on this planet that we find to be everything in our societies from our laws to our educational systems is our language. If we get used to the idea because of our language of dying and death in general it presupposes us to that eventuality and one of the ideas I wanted to translate here then is the fundamental aspect of humanity and language that unless we actually change our language from the actual basic level of even so basic as the alphabet itself, I think that we're going to continue to experience traffic deaths in some way, shape or form. So that's kind of my testimony about the whole idea.

Eudaly: Thank you. Welcome. Please state your name for the record.

Jillian Detweiler, Executive Director of Street Trust: Good afternoon. Commissioners, I'm Jillian Detweiler, executive director of street trust. I was attracted to working at the street trust because of the pleasure of walking and biking using public transportation as commissioner Fish said removing that stress of driving from my life. But as I have done this work, I really have been surprised by how many people feel that their choices are curtailed because of fear of death, injury, intimidation, and personal security using our public streets. I also work with southwest Washington families for safe streets. These are folks who have had loved ones killed in crashes and are willing to find meaning in their lives by preventing other families from experiencing the tragedy they endure. It's an honor to elevate their voices. Kim stone from families for safe streets is here today. Working with

June 12-13, 2019

families for safe streets makes vision zero more personal for the street trust. We are so proud that Portland is in early and persistent adopter of vision zero, that it's a prominent guidepost for PBOT and the city. Zero is the only acceptable goal for traffic deaths. The piece that we want to underscore is street design. We have to rebuild our transportation network to give people all the signals and protections that they need for everybody to move around safely. That's why we're very active in the regional transportation measure and have worked hard to keep safety as one of the criteria for projects that will ultimately be elevated into a project list to put before the voters. My job is an advocate, so I'm going to suggest some ways we could be stronger. When the street trust is invited to participate in project design, open houses, or committees, we're looking at it now through the vision zero lens. We saw the 122nd project goals evolve in a positive way. It started with a goal of increased safety for all, improved pedestrian-bike access and support better transit while balancing the need of freight and other modes. It's that last phrase that makes you feel like, oh, yeah, we'll do those things for pedestrians and bikes as long as it does not inconvenience cars and trucks. But there's actually been some change in the language on that project and we would like to continue to encourage just that really clear priority for protecting vulnerable road users. My time is up.

Eudaly: I can extend a minute. We only have two people. You're an important voice.

Detweiler: Thank you. During my time on the vision zero task force approaches other than street redesign have been agenda items for the task force. The most sensitive of these has been enforcement there have been racially diverse people at the table who have helped eliminate the disparate racial impacts of enforcement. Those conversations I think have shaped the way that PBOT and the Portland police bureau has moved forward. There's at least a place where the data is shared. There's an opportunity to probe what the data means. The goal of enforcement is prevention, not citation. That was discussed earlier. My brief review of the literature says that citations aren't very effective in changing behavior. Someone who is cited is twice as likely to be cited again. The research shows that cameras are a deterrent. In New York automated feed cameras reduced speeding by 63% and pedestrian injuries by 23%. I know there's a lot of sensitivity to where those cameras are located. But I do think they have shown a superior deterrent effect, which is what we really want.

Eudaly: You'll need to wrap it up. Thank you.

Fish: Madame chair, are we about to vote on the resolution?

Eudaly: Let's bring staff back up.

Fritz: Thank you so much for your work on this. I just have some detailed questions which I'm sure will not surprise you in the least. The first one is it's great that we have vision zero today having had the pedestrian plan yesterday and we had some discussion about parking near intersections. I'm onto wing how quickly are we going to move forward on removing parking spots all over where parking is designated a parking spot but is actually an illegal spot?

Warner: In terms of timing, I think we are prioritizing. There's a cost involved, and I think we are open to trying to figure out the best way to do that in terms of our limited resource because it isn't free in terms of like having a lot of times we'll have to remove curbs, there's paint involved, signage. We want to prioritize the most dangerous streets and those will be where our priorities will be.

Fritz: I would encourage you speaking as one commissioner to be thinking for next year's budget, but looking forward to next year, I would be very interested in a package to look at the capital cost of doing that. In the past over the past ten years when we discussed it there's been some suggestion that losing revenue from those spots might have an impact on other programs. I would encourage you to look at that and if there is a cost to that

June 12-13, 2019

looking at the cost of the lives that we have lost. I would be happy to consider a funding mechanism.

Eudaly: This is something high priority for me. I think starting with intersections especially that don't have proper crosswalks as Chris mentioned where we're doing capital projects to save time and money.

Fritz: Thank you. I should have started by saying thank you for your passion for this project, for the pedestrian plan yesterday and for taking my interest in this up to the next level and the next level beyond that. I really appreciate your attention to all of these issues which is why I'm asking these questions without asking them ahead of time because I know you have asked them as well. I assume that you have. Do we have demographic data on the crash victims and pedestrians in general?

Douglas: We don't really have demographic data on crash victims. There's a couple of reasons for that. We get our traffic crash data from the state, and it's essentially calibrated against the DMV records. Those DMV records don't give racial data. Except age. We do have age. We often when we show graphics use the age because that's a really important indicator of vulnerability. But we don't have a good way to collect race data. One of the -- sometimes it's noted by the officers who respond to crashes, the challenge there is that when you have a severely injured or deceased person an officer may or may not make the right judgment call on what race this person is. So, we don't have reliable sources. We do have sort of state level aggregated data, but that is the closest we can come. We can't really say reliably x number of crashes happened to people of x race or ethnicity.

Fritz: I can tell you have been thinking about this a lot just as we are often concerned about demographics of people stopped for traffic infractions. I think this is important information and a way to glean from newspaper articles about the people who have been affected, there's often a personal interest story about that could then be aggregated without asking for that identification at the time. It would be as you say an estimate, not necessarily 100% accurate but I think it would be helpful. Probably would show us who is being impacted.

Eudaly: There are also go fund me pages for medical expenses and funeral expenses. Just anecdotally I do believe that the victims are people of color disproportionately represented in those traffic deaths. Especially pedestrians.

Douglas: The other dynamic at play is we do know where the crashes happen, and we do have demographic data about surrounding communities. While we may not have data on each person, though I appreciate your suggestions and our team will think about that, I think it's a reasonable thing for us to be grappling with, but we know from the demographics of the places where these incidents are concentrated that communities are impacted by fear of that, by whatever curtailment of their activities as Jae mentioned they might experience because of that type of fear.

Fritz: Thank you. Do we have information about the particular projects that have been funded with the vision zero allocation from the cannabis tax money?

Douglas: We do have that. In the conversation about the cannabis tax earlier this year we prepared a summary of the vision zero activities that have been funded by it and we can make that available to you.

Fritz: If you could get it to all of council that would be helpful. Do you know for instance how much lighting have we installed in east Portland?

Douglas: Oh. I'll get back to you on that. I don't know exactly. I know generally that the bad news answer is that it is tremendously expensive to install lighting, but more than that we'll get you actual estimates back. We will be looking at lighting as we have talked about in the budget process and in this report both as part of our major capital projects moving forward and also we have a couple of individual budget asks for specific lighting on stark and thank you for your approval of that.

June 12-13, 2019

Fritz: Again, I appreciate the street trust being here and advocating consistently for safety as well as movement and maintenance. In the fix our streets gas tax, are vision zero projects included in the safety improvements funded by the gas tax?

Warner: Many of them are.

Fritz: If we could have a list of what's been funded on the safety side with the gas tax that would be really helpful. Thank you.

Eudaly: Commissioner Hardesty.

Hardesty: Thank you, madame chair. I am also interested and I think I heard someone testify that we have been able to reduce speeds because of vision zero, and I'm assuming that was because of the speed limit reductions that have taken place in some areas where vision zero has been implemented. Would that be an accurate assumption?

Douglas: So, Dana Dickman is going to come up in a few minutes to talk about our next item. She has some very clear, collected data on the automated enforcement cameras. The before and after data collection we have done there. We have clear answers there. As far as reducing the speed limit, what we see generally and we see this nationally and we have also seen this in our own data collection, is reducing the speed limit reduces the top end speeders by a significant amount. I can get you the exact percentage but it's a significant reduction in the people who are going more than ten-mile-high city an hour over the speed limit. So, what it ends up meaning is if you bring the speed limit down five or ten miles an hour, you really do bring down some of the most dangerous speeding behaviors.

Hardesty: I appreciate that, but in some areas in east Portland we have brought the speed limit down significantly more than five or ten miles an hour. Then you could be going a couple of blocks and all of a sudden, it's backed up ten additional miles. Then you turn to the left and then it's down 20 more miles. Then you turn to the right and it's up another ten miles. It's very confusing if your goal is to change behavior, when every other street has a different speed limit.

Ciarlo: So, you are highlighting a tricky dynamic for us, which is we don't actually as a city have control over speed limits on city streets. We need to ask the state department of transportation for permission to reduce speeds. We have done that. If you remember the map that Chris showed with those gray lines which were the residential speeds, which we got legislative authority to reduce all residential streets by five miles an hour that's pretty clear, but the larger streets, the collectors and to some extent the arterials we need to ask permission. We need to make a pretty elaborate case for a particular section of roadway, so we have done it section by section. It's not our preferred method either and we actually went to the state legislature this past session to ask for the authority to be able to set speeds locally. We weren't successful, but our sponsor is interested in taking the bill back in the short session, so we'll keep working on it.

Hardesty: Only takes about ten years to get something through. [laughter]

Eudaly: I don't have ten years.

Hardesty: I'm not going to be around that long. Thank you for that explanation. My only point is that you can imagine how frustrating it is for people who live in the community who are trying to do the right thing and yet there's no commonality, consistency from one major area to the next. I just think that's not a good way that you change behavior because you're making people lose their minds because they don't know, like, how to legally operate on the street that they are operating on. As we talk about cameras today, are we talking about cameras that will actually fine people for speeding over a certain percentage or are we still talking about the readers, which in my mind have been very effective in helping reduce speeds? When you are asking for permission for an RFP, what specifically are you asking for their permission for?

June 12-13, 2019

Ciarlo: We actually have a separate item on that. We have the staff member who can answer your questions much more specifically than I can. So, if we could hold over on that until that item, you'll get better answers from us.

Hardesty: Very good.

Fish: One question. I was the beneficiary of an excellent briefing by Chris and Catherine in my office on this two-year action plan and got all my questions answered, but you said something when we met about calibrating community expectations. I was struck by something Jillian Detweiler said. Zero was the only acceptable goal. Now, I'm going to offer an analogy. When I was housing commissioner as a condition of getting federal funds to address homelessness, every city in the country had to adopt what was called a ten-year plan to end homelessness. No one who adopted such a plan expected to end homelessness in ten years, and the only city that had the nerve to sort of publicize all the progress it made towards ending homelessness was Utah, in Utah. Salt Lake City. It turned out they ended homelessness by cherry picking one category, ending homelessness, leaving everyone else behind. Once people understood that they had only solved one small problem, but the rest of the problem was getting worse and today Salt Lake continues to struggle, people were on to something. My question is, yes, our only acceptable goal is getting to zero. But even with the progress we're making, some knucklehead is going to pick up their phone and be a distracted driver and hurt someone. Someone is going to go to a bar and drink too much and get in their car and hurt someone. We can transform the roadway, we can beef up enforcement, we can do all the things you're asking, but my guess is we're still going to lose people to the senseless deaths because of behavior. So, I just want to give you an opportunity to respond because I know the goal is to get to zero. But because I'm always concerned about calibrating public expectations, I hate to see a lot of good work be evaluated at some point as to whether you got to zero versus making the kinds of systems changes and other things which have been transformative and save lives along the way.

Warner: Thank you for the question. Certainly, we have talked about vision zero and how do you achieve that. Perhaps we will never do it. I think we look at some of the Scandinavian countries where they have made a lot of progress. I was at a forum probably last month Cambridge, Massachusetts, where they actually achieved vision zero for one year. There is hope. But you're right, there will always be expectation, the naysayers who say see you can't get to zero, but unless we have that goal, I don't think our job is ever complete. I don't think that we can stop to try to do what we can to make sure while I appreciate the fact that we might never get to zero with the safe systems approach we talked a little bit about we need to figure out a way to make the streets safer and zero always has to be our goal.

Ciarlo: I guess I would add two things. The first is that there's an amazing video and this has been done a number of times in a number of ways where the interviewer will ask people generally how many fatalities do you think are acceptable. Oh, a hundred, five, 200. They will ask how many do you think are acceptable in your city. They will come up with a range of numbers. Then they will ask how many are acceptable in your family. And consistently all the same people who struggled with the numbers will say zero. I think framing it that way for people, part of our job is helping people understand that impact. That is the true partnership of a group like families with safe streets. Then just on a much more functional and transactional level, we are in the PBOT strategic plan looking to set a target of probably 50% -- interim target. In fact, I'm not going to say what it is because we're still working on it but understanding sometimes you need interim targets to show progress when your ultimate goal is so difficult to achieve. So, we're somewhere in between those two thinking about how to manage that.

June 12-13, 2019

Fish: I completely agree with your responses and I appreciate your honesty. To have a vision you got to have a goal. With the vision you've laid out we're making clear system changes along the way and we're going to save lives, but we may not get to zero as quickly as we want, but that doesn't mean that we aren't going to save lives and do a lot of good along the way. I just think that as with the ten-year plan to end homelessness sometimes we set ourselves up for those naysayers. In the ten-year plan to end homelessness we transformed our systems. We learned a hell of a lot and made a hell of a dent, but we didn't end homelessness. But it was never our intent to declare that. It was for federal funding.

Eudaly: I appreciate your remarks. I share your concern. I know that the term vision zero sparks cynicism in some community members. But as Jillian said, no deaths -- zero is the only acceptable answer. I think we have to look at zero as our aspiration and zero as -- I think of it as a tether. Every death that happens on our streets that chain is getting tighter and tighter for me. It's a reminder, a harsh, harsh reminder that our work isn't done, and we have to double down and try harder. I hear you. I definitely get that feedback from community members. But I'm proud to stand behind it. All right, it looks -- any other questions? All right. So, Karla, please call the roll on item 575.

Fish: [audio not understandable]

Eudaly: This item is -- [audio not understandable] accept the vision zero annual report and two-year strategy and direct rapid response action.

Fish: I was very proud to be on council in 2016 when we embraced the vision of vision zero. As one of two members of council that lost a loved one to a car accident and realizes that that's a loss that stays with you the rest of your life, I wholeheartedly embraced vision and the sort of focus of this effort and the way I view it is every life that we save is precious. Is a success story. But I really like about this two-year report is as our friend in Multnomah county said, it's evidence based. Clear data. I think it's a very good report in terms of it's easy to read. I like the way you laid out the information. If I can read this report and get it that's progress. I appreciate it. But it's a really good piece of work. It lays out a two-year update and you've made some very specific commitments to what you're going to do to address the problems you've identified. I think it's really a model. Has my full support not only now but at budget time. And again, the way I look at this work and the way I think as I drive the speed limit throughout the city and have people honking at me like I'm some kind of -- you know, hazard, is that we all have a collective responsibility to slow down. To get off our phones. To not drive while impaired. To look out for kids and other people that are likely to jump in front of a car. And to save lives. And that's what this is about. That's why I think it's so important. Commissioner Eudaly, hopefully you're going to take the weekend off because I think between Ped PDX, the foster road opening, this and a handful of other things you are handling you've had a full load, but this is a fine piece of work and deserves council support. I'm proud to support it. Aye.

Hardesty: I appreciate receiving this report and getting some of my questions answered so far. I continue to share the concern about whether or not we are over criminalizing one segment of the community and using them as the reason why rather than the fact that, well, using community members as the reason why people are dying rather than the poor conditions of our roads. The lack of lighting. The lack of sidewalks in many places. I think it all works together. I think that -- I think it's a good vision, I just think it could be a better vision if there was more shared responsibility, and it looks like the responsibility we're putting is primarily on the drivers of automobiles as compared to us taking responsibility for the roads we have not built, the sidewalks we haven't built. The lighting we haven't put in. There are reasons why there are a lot more crashes in east Portland, and the primary reason is there's been a lack of public investment in east Portland. So, I guess until I know

June 12-13, 2019

whether or not we are penalizing folks around whether we are still using readers or we're actually going to start giving people tickets and what that process will be, I will vote no.

Eudaly: This is an emergency ordinance.

Moore-Love: It's a resolution.

Eudaly: Okay.

Fritz: As commissioner Fish mentioned when we adopted this in 2015, two of us have lost family members to crashes. Commissioner Eudaly has also had that experience. I admire you being able to do this work with that in your heart. I'm also very proud of having allocated \$1.5 million of ongoing tax money to this work. The plan is a great plan but without the money to do it there was no money to do it and we were getting maybe a few hundred thousand here if we were lucky. Now we have got I think 1.6 million to do this important work and I will be continuing to watch over that precious pot of money that was promised to the voters to make sure that these improvements get done. This is my shared responsibility. This is a \$3 flashlight from Fred Meyer which I keep in my purse. It's surprising to me, even when there are streetlights when I put this on at night the cars actually stop and let me cross the street and do the things they are supposed to. I have to take it from that either they are intimidated by my led light shining in their face or they were actually trying not to hit me and are grateful for having the flashlight. As Chris mentioned, sorry, director Warner, the lighting is expensive and takes time to do although many of the construction projects, three bucks. I'm hoping that maybe we could have another budget ask for \$30,000, we could get a lot of these, hand them out to every community member. They could get their own flashlight. It sounds silly but it does work. That's the part that the shared responsibility -- a driver, a transit rider, a pedestrian, I want the city to provide sidewalks. I want them to be streetlights for multiple reasons and I also don't want to be a statistic. You mentioned an interim goal for vision zero. How about one less than last year or just less than last year. If every year we have less than last year we would get there. My personal goal is no more in my family. I'm a big fan of this project. I agree with commissioner Fish that this report is very readable. My only suggestion is to have an appendix with [audio not understandable] I promise I won't ask you questions [inaudible] you about what's on page 275. Thank you very much Commissioner. Aye.

Eudaly: More of an index is not a request we get very often. Please take notes. Yes. As commissioner Fritz mentioned, I also lost a family member in a traffic crash. He was actually responsible. He made bad choices during bad weather on a badly engineered road and he killed himself and two other people. So, I take these three pieces of this plan, engineering, education, and enforcement, very seriously. Any one of those things could have prevented those three deaths. In fact, ODOT did reengineer that dangerous turn on Farmington road where my father and two other people died within a year or two of his accident. Commissioner Fritz, I agree, how do we make safety gear sexy? There is definitely a problem with visibility, especially in poorly lit areas. One of the challenges, you don't always know you're going to be walking home late at night. You maybe don't have a light or you're wearing all black. I will continue to push the principle that car drivers do bear the onus of the responsibility because they are driving a vehicle which can become a deadly weapon. We have to engineer our roads safely. We have to mitigate the impacts of human error. We have to educate the public. We have to do traffic enforcement, but drivers really need to take their responsibilities seriously, and that means not driving while impaired, not driving while distracted. Not speeding. Following all of our other traffic laws. Commissioner Hardesty, I'm very disappointed to hear your concerns with this report. If those are your take-aways, which I think are virtually unfounded, I don't think that my bureau has done a good enough job briefing you on this program. So, I'm going to encourage continued efforts there. Of course, I vote Aye. The resolution passes. Karla, can you please call the next item.

Moore-Love: Item 576.

[CAPTIONER CHANGE]

Geren Shankar, Bureau of Transportation Project Manager: Thank you, Commissioners. Good afternoon. My name is Geren Shankar and I'm a project manager at the Portland bureau of transportation. I'm here to request an authorization for an IGA with ODOT for \$6,719,840.85 to conduct a series of improvements funded by the program. ODOT's program was created because they identified a need to develop a safety program for all public roads regardless of ownership. The statistics that you see there, you can see that 50% of Oregon's fatal and serious injury crashes occur on local agency roads. So, city streets and county roads. ODOT's program goals are basically to have a non-bias allocation of funds which basically means PBOT's traffic engineers work with ODOT and their data-driven process to identify high crash locations, high crash corridors and design appropriate safety counter measures. In total, this IGA authorizes work along 15 different corridors. Go through a couple examples. The image here is on west Burnside looking eastbound and this is the only four lane pedestrian crossing along with Burnside that is not signalized. So, one will be to signalize this intersection and regarding what Commissioner Fish was talking about, another design would be to install adaptive signal timing for example along the Broadway Corridor. If there is a vehicle that is going to run a red light, that signal will then hold the opposing direction of traffic to prevent a collision. So that's a design where the signal is somewhat intelligent enough to realize that this direction of traffic is speeding up in anticipation of that stops the other direction of traffic from continuing through that intersection. Another example --

Hardesty: Can we go back to that last one for a sec? So, do all the little dots represent writing improvements, street improvements?

Shankar: Correct.

Hardesty: Thank you.

Eudaly: To signals. Not lighting.

Shankar: Signals, sorry. Signals, correct. And will also assist in improving bus performance along this corridor.

Hardesty: So, could you tell me what the percentage of improvements are on this map compared to the overall \$6 million? If you look at this map, is that 30%, 40%, 20%?

Shankar: I don't know if we can give you a percentage today, commissioner. We can get back to you. The similar concept will be installed along 102nd cherry blossom to 112th. And again, this is intelligent signals which will anticipate vehicles trying to run a red light.

Eudaly: Colleagues, questions?

Fritz: Since you just talked about the lighting, wouldn't that encourage people to run the red lights? If by running a red light they are going to do it without getting crashed into?

*******:** It is a risk that you run in trying to design the systems as to not encourage bad behavior. Some signals, the advantage of this system is that it's adaptive. So that rather than programming into every signal cycle sort of buffer time. This system uses detection so the signal will know if a vehicle is approaching with the loops on the roadway. So, won't extend the signal time every time only when it perceives the risk of a T-bone collision.

Fritz: Seems like that would -- drivers would get used to that and be aware if they run the orange light that they are going to get -- that will be fine.

*******:** It is a concern. The advantage of the intelligent signal technologies. We have a number of tools to use and continue to evaluate.

Fritz: Would it be possible then to adapt to change it to that buffer time so everybody's red so the intersection can clear? Does the technology have that switch?

*******:** It does.

June 12-13, 2019

Fritz: Great. Thank you.

Eudaly: Any more questions? Alright Karla, is there any public testimony on this item?

Moore-Love: No one signed up.

Eudaly: So, I want to point out that the majority of these -- I don't know if project is right word, signal corrections are in east Portland. There is at least 39 signals. I didn't have a chance to count the rest. But I do you happen to know the overall number of signals that are going to be improved.

****: There are dozens of locations on some of these projects so we can get back to you with the exact number, I'm sorry.

Eudaly: So, no testimony and no further discussion? Please call the roll on 576. [roll call]

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

Eudaly: Thanks for being here, I vote Aye. The ordinance is adopted. Karla, please read item 577.

Eudaly: Colleagues, before we hear the presentation on item 577, I'd like to make a motion to remove the emergency clause.

Fish: Second.

Eudaly: Thank you. The motion is moved by myself; I don't know if that's allowed.

Seconded by commissioner Fish. Karla, can you please call the roll on the motion on the item. [roll call]

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

Eudaly: The motion passes. 577 is first reading of a non-emergency item. And now to the presentation.

Dana Dickman, Safety Section Manager for the Portland Bureau of Transportation:

Hi, I'm Dana, I'm the safety manager with PBOT. Thanks for having us here today. And thank you to the traffic collision. We're here today because our current contract terminates in spring of 2020. Our vendor has been in place since 2010 and we need to run a solicitation. A competitive solicitation will allow us to look at updates in technology. Allow us to negotiate pricing and the overall process that we're using. That could be really beneficial to the city's program. It will allow for expansion of cameras part of two actions in the vision zero plan. In the action plan, the data set identified 91% of our crashes have some sort of behavioral component. Meaning there's speed involved or dangerous behaviors. Within that plan, there were two specific calls for action. One was to pilot our fixed speed camera program and red light running cameras since 2000. The system is actually comprised of a number of different types of enforcement. One is the mobile speed van which goes with a uniformed police officer and different locations. It's not a fixed system. Typically, they are going to school zones, places where we've had a lot of requests for enforcement. Work zones and other places where there's a concern about a specific location. We have the red light running cameras. Those are at intersections. Those have been in place since 2000. We have 11 cameras at 10 different approaches around the city. We have a fixed speed camera system that we have had since 2016. Those are placed on high crash corridors in both a history of crashes and significant issues around speeding. We have 8 approaches on four different corridors. And a new competitive contract would allow us to implement dual cameras which allows for intersection cameras that can cite for red light running and speeding through an intersection. We gained that authority in 2017 with the rest of the state. Our current cameras don't have the capability to do that.

Eudaly: Quick question before you move on. Our authority is limited to our properties or can we put them wherever we want?

Dickman: For the fixed speed cameras, it's limited to high-crash corridors. For the red light running cameras, it's not limited in that way. However, we've used them at places where we have a history of red light running and continue to use them that way.

June 12-13, 2019

Eudaly: We're allowed to put them on ODOT property.

Dickman: I do not believe we are.

Eudaly: Okay. That was really my question.

Dickman: This shows the existing camera distribution. These are the fixed cameras throughout the city. The red dots represent the red-light running cameras and the green triangles represent the fixed speed cameras. They are distributed throughout the city. WE have different issues on different corridors, so the type of camera is used based on the type of crashes that we are experiencing there.

Eudaly: Commissioner Hardesty.

Hardesty: Could you go back to the last slide please. Are the fixed speed safety cameras, do they serve the same function as the red light cameras?

Dickman: They are citing for completely different behaviors. The red light running cameras are citing for red lights. They are at intersections. The fixed speed cameras are citing for speed and not at intersections. So, they are looking at completely different types of dangerous behavior contributing to crashes.

Hardesty: Trucks parked on the bridge that take pictures of people speeding over the bridge, those kinds of things?

Dickman: That would be the mobile van. These are fixed and in place. They have a sign that says photo enforcement is ahead. Also has a speed reader board and a posted speed sign in advance. You have quite a bit of warning before you get to the camera and they don't move. The mobile van which we do use throughout the city, that is the only one that moves around.

Hardesty: Do you have any data on how many red light camera tickets we're getting and what's been the outcome of those and what's the demographic breakdown?

Dickman: We don't do the demographic breakdown because as Katherine mentioned race data isn't included in DMV records. So those are the records used to cite folks. We haven't done a deep analysis on race which we potentially could do. We don't have demographic data.

Hardesty: Do you think we should?

Dickman: On age, no. One of the things we discuss a lot is we don't know who is being cited. I'm not sure that knowing who is being cited is as important as what's going on in the neighborhood and who is being impacted or knowing what the outcomes are for those folks. I think it would be interesting. Not sure it would change how we're looking at where the cameras should be placed.

Hardesty: I appreciate your answer. I will respectfully disagree. I think if you're a community that's been over placed and now you have cameras that are over policing you as well, I think it would matter and would make a difference as to whether they are having those same kind of outcomes. Thank you.

Dickman: The current system performance for red light running is that we've seen a drop in five-year averages from 4.6 injuries at those locations before the red light cameras were in place to 2.8 injuries annually. And for the fixed speed cameras we've seen significant reductions on those corridors. 57% decrease on average in the number traveling over the posted speed limit and 85% decrease on average the number traveling 10 over. And again, that's the high end speeding.

Fish: I apologize for asking this again, but did you say with the fixed speed technology, there's a reader board that tells you what your speed is?

Dickman: Yeah. In advance of the camera.

Fish: I find those -- that information surprisingly -- well, first of all, it gets your attention. And second of all, I may or may not be representative of a lot of people, but I generally tailor my behavior on what I learn. And sometimes you may be a few miles over and

June 12-13, 2019

maybe not paying as much attention to the speed. But when it flashes, that gets your attention. So, I'm not surprised there's a significant impact.

Dickman: We use reader boards all over the city without cameras. So that speed back is something we try to use all over without citations as well.

Fish: One of my favorites is on the west side of Emmanuel Hospital. They have a parking structure there and there's a little road and there's a reader board that tells you your speed there. It's very large and very conspicuous.

Eudaly: Right in front of the hospital? You would think that would be enough of a reminder to slow down.

Fish: Once the ER goes in, there will just be a sign pointing over to drop off the victim.

Fritz: I was driving on Marine Drive a couple of weeks ago to go get the free compost from PBOT and came across the reader board. Not only was there a reader board, the camera, and the sign. But I was using Google Maps to find the Sutherland Yard and Google maps also told me orally that there's a speed camera coming up long before either of your notifications.

Dickman: I've heard that from many people that there's lots of ways people are notified of the existence of the cameras.

Hardesty: I agree with commissioner Fish about the reader boards changing behavior. I've noticed that myself. There's some people who are going to go fast no matter what, 90% of the people in my neighborhood when you see the reader board telling me what speed you are going, 90% of people look to make sure they are within the range they should be. So, I have found that helpful. That's why I'm interested in the data about the punitive impacts and who is being impacted by that. Because all I have is anecdotal data.

Eudaly: The flip side to this is we've seen 57% decrease in speeding and 85% in high speeds, I guess. What increase have we seen in citations? I'm not as interested in being punitive as I am changing behavior. Because there's such an adequate enforcement on the street, if we took away a perceived consequence and the secret is these cameras are not always capturing and issuing citations, we call that intermittent consequences.

Fish: Karla, would you strike that from the record please.

Eudaly: Did I say something wrong, commissioner Fish?

Fish: You said something about the little secret.

Eudaly: Oh, okay. You are being funny. All right. Even though they know, they still don't know when they are on. It's not my goal or the bureau's goal to be punitive. We know that citations are -- a high citation fee weirdly is not a disincentive according to the City's I've shown. A quick citation -- something that comes within days not weeks or months is much more of a disincentive so while I also like the speed reader, I don't like them to flash at me, it becomes a game. How do I get to the exact number? And hopefully stay there. If there's no ultimate consequence, I think we lose that effect over time. But I would like to know about the increase in citations if that's data that's available.

Dickman: On the corridors where we have cameras, they've all been within two years. There has been an increase in citations. They didn't exist before. I don't have numbers right in front of me about how the trends on citations have leveled out. But I can get that to you. We have a couple years of data on some of the cameras. And just to get back to you, Commissioner Hardesty, I agree we need more data and I don't think we disagree on whether or not that would be helpful. I'm just not convinced its data we can get in the near term. So that doesn't mean we will not continue to work to figure out ways to get it. But we don't have a consistent data source at this time.

Hardesty: Where did you get these numbers, like the 57% decrease and the 85% decrease? What is that

June 12-13, 2019

Dickman: These are from the citation numbers but not demographic numbers. The cameras both collect over all data and citation data. But that's just speed data, that doesn't tell us anything about the individuals.

Hardesty: Like every car that comes by, are they collecting data?

Dickman: Not photographic data. The law is very clear around, that the photos are not taken unless the law is broken so they are not collecting photo evidence of every car that comes. It's no different than a tube counter across the street, in terms of its collecting the speeds of the vehicles.

Hardesty: So, I'm not understanding, the decreases have been analyzed based on citations.

Dickman: No, not based on citations. Based on speed data. We did before and after studies. The before was tube counters and went out and used tube counters and also get data from the cameras. The before and after studies are related to us using the same technology that we use for collecting speeds all the time which is typically just tube counters on the roadway.

Fritz: We're going to have a good discussion next week, Wednesday afternoon because we're bringing the privacy and information protection principles back to Council. I'm seeing Commissioner Hardesty that you are out next week. So, my staff, if you are watching this in the office, I think we should consider postponing that. I would like to have commissioner Hardesty there for that discussion. It's a balancing act between government collecting information that can help us make things better vs. government collecting – information that could make things worse. And indeed, in the parks community centers while I was in charge, we stopped collecting demographic data because of the concern about targeting and all those things. So, I will talk with you later, but I would really like you to be part of that discussion.

Hardesty: I would love to be part of that. Thank you.

Eudaly: Just to be clear, this isn't a smart city's thing where we're collecting information from your phone and we know your name. We are measuring speed and capturing photos when the laws being broken. And that's it. And that is all we are looking for with the new equipment, correct?

Dickman: Yes, absolutely, the state law is very clear about what we can use photographic enforcement for, and we don't use it -- photos aren't taken unless someone has gone over the speed limit.

Hardesty: We're still collecting license plate readers. We have Portland police bureau collecting databased on automobiles driving past these readers. That's been a practice for a while. That no longer happens? Want to come to the mic?

John Holbrook, Sergeant at the Portland Police Bureau Traffic Division: For the record, my name is Sergeant John Holbrook, I am with the traffic division at the Portland police bureau. The automatic plate reader vehicles are not part of the [inaudible] enforcement program. They are a separate system assigned to the precincts. The traffic division has no automatic plate reader equipped vehicles in the division. That is a complete separate program than the photo enforcement program. The photo enforcement program only takes a picture of a vehicle and the license plate if a violation of the red light or the speeding laws have occurred.

Eudaly: What is that -- sorry. Somebody's phone. So PBOT handles the cameras, speed, and red light cameras. What is the plate reader used for?

Holbrook: I have never been trained on the plate reader car. But it does collect -- it reads license plate. It has some cameras attached to the top of the car.

Eudaly: So, this isn't traffic enforcement, this is probably collecting data on people in or around events.

June 12-13, 2019

Holbrook: Around the vehicle. It's not used for traffic enforcement. The traffic division does not have any plate reader equipped vehicles.

Hardesty: So, I do think that it would be good to have clarification because even if traffic division isn't using it, it is part of Portland police bureau's gathering of information. As we talk about privacy versus transparency, it's important that we know where all this data feeds into and who has access to this data.

Eudaly: Sure, and I am very concerned about digital privacy and I've been on the record on that, but that's not relevant to this.

Hardesty: [inaudible]. I just wanted to know whether or not they had access to the data or not.

Eudaly: Yeah. Now I know something new. We have something called a plate reader.

Hardesty: We have a lot more stuff.

Eudaly: Thank you.

Dickman: So last year, we did a community survey in part because we were working through this two-year pilot. We did a survey of Portland residents asking a number of questions related to speed. Specifically wanted to know about opinions around the use of automated enforcement. And what we found was that Portland residents were pretty in support of the use of cameras on high-crash corridors. We asked questions about automated enforcement versus officers and whether or not they felt comfortable with this as an enforcement tool. And you can see in the graphic about 75% of folks felt this was a good tool. We looked at it by neighborhoods but overall that [inaudible] and it was compared with surveys that were done online and question or surveys done in early 2016 during the vision zero action plan and aligned with what we heard then as well. There was public support for this as an enforcement tool to help support the work around reducing dangerous behaviors at intersections and reducing speeding in the city.

Hardesty: Do you have any demographic information on who thought this was a good idea? What communities thought this was a good idea and was there across the board or were there some communities thought this was a good idea versus others?

Dickman: There were slight differences. We can share the full results with you that have age demographic data and gender data, racial data and by geographic distribution as well. We can share that full report with you. This is just the first step in the process with the competitive solicitation. This is the first reading. The overall if it's approved next week to go forward as a competitive solicitation. We would do the request for proposals in July and August. Doing proposal review this fall. Contract negotiations with the vendor into early 2020. And we'd be looking at camera replacement and potentially new locations in spring or summer of 2020.

Eudaly: And I do want to point out that I've been told by traffic division they don't have capacity to process more traffic citations with the existing staff and no there is no additional money for the division in this budget we are about to pass. That's part of why we have intermittent and consequences. We need to spread enforcement around the whole city. Adding cameras won't actually increase the number of citations issued. It will spread -- it will cover more areas so we can flip them on and off and capturing traffic violations throughout our high crash corridors which exist throughout the city.

Dickman: Correct.

Eudaly: All right. Colleagues, any more questions? Or deliberation. I want to have Irene come up to the table.

Fish: Madam Chair, should we see if there is any public testimony?

Eudaly: Don't you think we should have more conversation before that? Because usually it goes testimony and then -- So welcome, thanks for being here today. I share commissioner Hardisty's concern with racial equity and disproportionate impact. And I asked you to be here today to talk about how we would view or address those things

June 12-13, 2019

through PBOT policy. And I understand the concern with over policing communities of color. As we look at the map of high crash corridors, the demographics of the community members are certainly a component. We have to take into account east Portland didn't develop the same way as a central city. Doesn't have the same level of complete and safe streets. I hear as much from community members of east Portland, that they don't feel they are getting equitable service for many reasons, including policing. That they have to wait too long for police to show up. My concern in east Portland is -- and also population density. So, in east Portland, we have 25% of the population lives in that area. My primary motivating concern in east Portland is that east Portlanders are two times more likely to die on roads. And I'm going to admit my bias, my bias is for victims and against perpetrators. And I depend on bureau expertise to help me keep that in check and make sure we are being equitable and not having desperate impacts. It's reasonable to be more concerned with who is dying on the streets than who is causing the deaths. Do you want to talk about our work on this issue?

Irene Marion, Equity and Inclusion Manager for the Portland Bureau of

Transportation: My name is Irene Marion, I am the Equity and Inclusion Manager for PBOT. I think we're up against a few challenges. One is history. The historic disinvestment in certain segment of our city means that we have a lot of work to do. Also, racial history and the history of enforcement. That's an on-going conversation, I'm in ongoing conversations with the equity manager at the Portland Police Bureau. To figure out what is the partnership we need to have to understand enforcement practices. And how they are doing their work on equity and how we're moving through those conversations together around behavior change for city employees. But also, for community members as well. And the other challenges you have seen today is absent data. For the information that is being fed to us, what we have access to, there are just huge gaps in racial demographic data. There's a lot we don't understand. Through the strategic framework, we are focused on transportation justice as a key element of the work we need to pursue. And that will include what are the additional data sets we can pull from one of the different types of analysis we can do. So, an example I was just sharing with our team is I was put in touch with a graduate researcher who has studied the economic impact of enforcement finds in Baltimore. So, I want to understand how can we understand how low income populations especially are being impacted by our find structures? So those are the types of conversations we want to bring forward that are not reflected in the data sets that we've had access to historically but are things we want to pull forward into our conversation. So, we can be making decisions and understand the impacts in potentially change the practices we have to consider how people are impacted by our policy decisions. The thing that makes me hopeful is since I've been at the bureau, we have local gas tax, fix our streets program, we have house bill money. We have a historic investment into the infrastructure in our city. And what I have been witness to is we are investing into east Portland. We know we have a lot more work to do out there. We know that is where the concentration of our high crash network is. So, I have seen and always call the question to how we're investing disproportionately in that part of town to address this historic need. So, it's happening. The challenge is we are deploying projects as fast as we can. Still going to be another three to five years until community sees the change, feels the change, understands we are addressing the data about them and not people coming into our city. So, we have a lot of work to do while we're deploying the infrastructure to get community acclimated to why we're making the changes and solve problems for them. And bring them into process so we can continue to help inform how we're doing this.

Eudaly: As far as collecting racial data in crashes, it's not only driver's license. The officers can't be relied upon to determine someone's race. I imagine there might be restrictions on being able to ask someone their race. Is there any reliable way we could be

June 12-13, 2019

collecting that data on people who are receiving citations or people who are involved in crashes or do we have to continue to rely on observation and anecdote?

Marion: I think that's a conversation we'll continue to have right now. Seems limited in how we approach that. We can read the news articles and try to understand and rely heavily on community partners. We are going into those neighborhoods partnering with a local organization. So just understand both the circumstances of the crash or the expanse of the neighborhood. But also, to connect with the family that's impacted, and the individuals and the community impacted by these events. I think there are other ways we understand who is impacted. And so, I think it's something that our team can continue to dig on.

Eudaly: Before I hand it over, I have one more comment really which is I'm glad to hear we're looking at the impact of finds on low-income community members. I wouldn't call speeding or running a red light a petty municipal violation. But I am concerned with how these fines can impact and set back low-income community members. I was relieved to find the amount of the fine isn't the disincentive. We don't need to jack up our fines to disincentivize. We do need to cover our costs because it is quite expensive. Thank you for taking all of that into account. And thank you for being here. Commissioner Hardesty.

Hardesty: Thank you, commissioner. Thank you, Irene. Portland police already collect data on who stop demographically and traffic stops. So, I find it disingenuous to say we can't collect data on who gets tickets when we already collect that kind of data and reported out on an annual basis. I think if there is the desire to collect that data, we could be collecting that kind of data already without a whole lot of new steps.

Fritz: This is cameras and we get the citation in the mail, there isn't any interaction.

Hardesty: There's a picture and really good pictures. And you can make out even the demographic information of the information in the picture.

Dickman: I just really want to caution us against going that route. There's already deep concern amongst community members of color around how they're being classified, particularly Pacific Islander communities that they are often classified as Latino or Hispanic. And there's

Hardesty: Actually, they are predominantly classified as being white.

Dickman: Potentially. The issue is that if someone is just deciding who they are, they are not necessarily right. So, I agree there are places where we are getting data and we look at stops data. But I would just caution us from using that as good data.

Hardesty: We have to start somewhere, right? And if this is already -- Ever since I've been tracking Portland police, they've been collecting this data. They've never told me how they decide what somebody's demographic information is. That data is already being used to make policy decisions. I don't see how it would be any different if we are using the exact same data for cameras.

Marion: What I can promise you is we will explore all of the options for sure. But myself as an example, I got a citation that was a photo enforcement and because I'm fair skinned, if I pull my hair back, you wouldn't know -- but the picture was not clear enough to really see my facial features. So, it's going to be different. And I think any time we are opening up opportunity for decision to be made and for bias to be an option, we're opening ourselves up to more complications. So, we will continue to explore all of the data options we can.

Eudaly: And I want to be clear, I would support that if we're not violating anyone's privacy or rights. And we can get accurate numbers. Making assumptions about someone's racial identity is

Hardesty: I don't think we've had accurate numbers. But what we have is a road map based on what Portland police think is happening right now.

June 12-13, 2019

Fish: Procedurally, I got to go in a minute. If there is someone here from the public, I'd like to hear them before I go. Do you mind if we suspend for a moment? This has been a valuable discussion, but I think we are also about to lose Commissioner Hardesty. Which means we are about to lose a quorum.

Eudaly: No problem, do we have any testimony?

Moore-Love: Yes , we have one person. Kim marks.

Fritz: Thank you Ms. Marion for coming in and also Sergeant Holbrook, that's really helpful.

Ken Marks, Director of Transportation Equity with Rosewood Initiative: Thank you. Always good to be back. Commissioners, thank you for the opportunity to speak today on this ordinance. My name is Ken Marks, Director of Transportation Equity with Rosewood Initiative. I'm at the outer east Portland. Sorry. Going to rearrange this. Although we believe that street design changes are the best way of addressing speeding and other violent behaviors, enforcement cannot be eliminated as a tool thus we support the ordinance. Given the history of racial bias enforcement, we believe that automated enforcement is the best method of enforcement. We also support alternative ways of clearing a fine such as the legal services day held every other month at Rosewood. However, this should not be a way to continually repeat bad or dangerous behavior. Placement of speed and red-light cameras or enforcement should be data driven. Top priorities should be given to high crash intersections like southeast, stark and 122nd which is the most dangerous intersection in the network. Priority should also be given to high-crash corridors. This ordinance will help reduce aggressive and violent driving behavior. Such violence makes east Portlanders twice as likely to suffer a fatality or serious injury from a driver on a pedestrian crash as the rest of the city. Those impacted are children. They are also the disabled, seniors and people of color like the blind and deaf senior killed at division and 130th earlier this year. On a personal note, a day doesn't go by when I don't experience someone running a red light to turn left. A day doesn't go by that I don't see someone speeding to get through a yellow before it turns red. I worry for myself who will take care of my family. I really think my daughter who is also legally blind and whenever she goes out. I worry for our road users in east Portland. We must use all available tools we have to get to vision zero before we can get there, however, we have to change the culture of driving and how society views behaviors like speeding and red light running. These aren't minor acts but rather aggressive and violent behaviors and should be treated accordingly. Thank you and, again, we support and encourage you to pass this ordinance.

Eudaly: Thank you.

Fritz: Thank you for coming in.

Eudaly: All right. This is a first reading of a non-emergency ordinance. It moves to second reading. I think that's a gavel. And we are adjourned.

Council adjourned at 4:14 p.m.