



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **5<sup>th</sup> DAY OF JUNE, 2019** AT 9:30 A.M.

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

Commissioner Fritz arrived at 9:32 a.m.  
Commissioner Hardesty left at 11:31 a.m.

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

Item Nos. 526, 528, 532 and 534 were pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

**COMMUNICATIONS**

<b>514</b>	Request of Robert Patterson to address Council regarding homelessness (Communication)	<b>PLACED ON FILE</b>
<b>515</b>	Request of Nicholas Caleb to address Council regarding fossil fuel infrastructure (Communication)	<b>PLACED ON FILE</b>
<b>516</b>	Request of Bob Schatz to address Council regarding Council approval to change zoning of property and how decision is affecting career (Communication)	<b>PLACED ON FILE</b>
<b>517</b>	Request of Max Heine to address Council regarding high rate of fatal and near fatal motor incidents on Tioga and Fessenden (Communication)	<b>PLACED ON FILE</b>
<b>518</b>	Request of Lee Cowles to address Council regarding NE 102nd Avenue Corridor Safety Project (Communication)	<b>PLACED ON FILE</b>

**TIMES CERTAIN**

<b>*519</b>	<p><b>TIME CERTAIN: 9:45 AM</b> – Adopt Administrative Rules for Chapter 2.16 Open and Accountable Elections Program (Ordinance introduced by Commissioner Fritz) 25 minutes requested</p> <p><b>Motion to add emergency clause because it is in the public interest to have these rules in effect when the program opens on July 1, 2019:</b> Moved by Fritz and seconded by Eudaly. (Y-5) (Y-5)</p>	<b>189544 AS AMENDED</b>
-------------	---	------------------------------

<p><b>520</b></p>	<p><b>TIME CERTAIN: 10:15 AM</b> – Adopt the Portland Parks and Recreation Integrated Pest Management policy to prohibit the use of Avitrol and other avicides on City-owned property and infrastructure (Resolution introduced by Commissioner Fish) 30 minutes requested (Y-5)</p>	<p><b>37427</b></p>
<p><b>521</b></p>	<p><b>TIME CERTAIN: 10:45 AM</b> – Accept the Build Portland 2019 Annual Update presentation and commend the multi-bureau partnership for advancing the Phase I projects in a timely and fiscally responsible manner (Resolution introduced by Mayor Wheeler) 15 minutes requested (Y-4; Hardesty absent)</p>	<p><b>37428</b></p>
<p><b>CONSENT AGENDA – NO DISCUSSION</b></p> <p><b>Mayor Ted Wheeler</b></p>		
<p><b>522</b></p>	<p>Reappoint Mary Ann (Miki) Herman, Damien Hall and Matthew Gebhardt to the Home Forward Board of Commissioners (Resolution) (Y-5)</p>	<p><b>37426</b></p>
<p><b>Bureau of Development Services</b></p>		
<p><b>*523</b></p>	<p>Waive application of Title 33 Buffer Overlay Zone requirement to 2025 SE 82nd Ave to facilitate the relocation and alignment of an existing driveway in conjunction with construction of the SE 80th Avenue and Mill Street Local Improvement District (Ordinance; waive application of Code Section 33.410.040 C; C-10060) (Y-5)</p>	<p><b>189535</b></p>
<p><b>Bureau of Planning &amp; Sustainability</b></p>		
<p><b>*524</b></p>	<p>Authorize application to Oregon Department of Transportation in the amount of \$150,000 for the Parkrose Neighborhood Center City project as part of the 2019 Transportation Demand Management Grant Program (Ordinance) (Y-5)</p>	<p><b>189536</b></p>
<p><b>525</b></p>	<p>Amend Restrictions on Single-Use Plastic Serviceware to extend effective date, clarify compostable plastics, fast food and electronic ordering, and exemptions (Second Reading Agenda 493; amend Code Sections 17.103.300-310) (Y-5)</p>	<p><b>189537</b></p>
<p><b>Office for Community Technology</b></p>		
<p><b>526</b></p>	<p>Grant a franchise to XO Communications Services, LLC for telecommunications services and facilities, for a period of 10 years (Ordinance)</p>	<p><b>PASSED TO SECOND READING JULY 10, 2019 AT 9:30 AM</b></p>
<p><b>Office of Management and Finance</b></p>		
<p><b>*527</b></p>	<p>Pay bodily injury claim of David Merklin in the sum of \$30,000 resulting from a motor vehicle collision involving the Portland Police Bureau (Ordinance) (Y-5)</p>	<p><b>189538</b></p>

*528	Pay bodily injury lawsuit of Ramon McPherson in the sum of \$40,000 resulting from a motor vehicle collision involving the Portland Police Bureau (Ordinance) (Y-4; Hardesty absent)	<b>189549</b>
*529	Pay property damage claim of Portland General Electric in the sum of \$5,700 resulting from a motor vehicle collision involving the Portland Bureau of Transportation (Ordinance) (Y-5)	<b>189539</b>
*530	Pay property damage claims of Tim and Marianne Leipzig in the amount of \$28,445 resulting from a motor vehicle collision involving the Bureau of Development Services (Ordinance) (Y-5)	<b>189540</b>
531	Create three new represented classifications of Office Support Specialist Assistant, Maintenance Assistant, Maintenance Assistant-CL and establish an interim compensation rate for each classification (Ordinance)	<b>PASSED TO SECOND READING JUNE 12, 2019 AT 9:30 AM</b>
<b>Portland Housing Bureau</b>		
*532	Approve application under the Multiple-Unit Limited Tax Exemption Program under the Inclusionary Housing Program for Willis Apartments located at 1627 N Willis Blvd (Ordinance) (Y-4; Hardesty absent)	<b>189550</b>
<b>Commissioner Nick Fish</b>		
<b>Bureau of Environmental Services</b>		
*533	Authorize the Director of the Bureau of Environmental Services to execute certain easements needed for private sewer laterals (Ordinance) (Y-5)	<b>189541</b>
*534	Authorize the Director of the Bureau of Environmental Services to execute certain lease documents with BNSF Railway needed for fire suppression maintenance (Ordinance) (Y-4; Hardesty absent)	<b>189551</b>
<b>Parks &amp; Recreation</b>		
*535	Amend contract with Passport Labs, Inc. to add funds not to exceed \$250,000 to provide mobile parking payment system services to Portland Parks & Recreation (Ordinance; amend Contract No. 30005152) (Y-5)	<b>189542</b>
<b>Commissioner Chloe Eudaly</b>		
<b>Bureau of Transportation</b>		
*536	Accept a \$13,460 grant from Metro and authorize Intergovernmental Agreement for South Waterfront Wayfinding enhancement (Ordinance) (Y-5)	<b>189543</b>
<b>REGULAR AGENDA</b>		

<p><b>Mayor Ted Wheeler</b></p> <p><b>Office for Community Technology</b></p>		
537	<p>Grant a 10-year franchise to New Cingular Wireless PCS, LLC for wireless communications services in the City (Second Reading Agenda 376) (Y-4; Hardesty absent)</p>	<b>189545</b>
<p><b>Office of Management and Finance</b></p>		
538	<p>Accept bid of Just Bucket Excavating, Inc. for the N Greeley Avenue Multi-Use Path Project for \$1,334,193 (Procurement Report - Bid No. 00001196) 10 minutes requested <b>Motion to accept the report:</b> Moved by Fritz and seconded by Fish. (Y-3; Hardesty and Wheeler absent)</p>	<b>ACCEPTED PREPARE CONTRACT</b>
539	<p>Accept bid of Keystone Contracting, Inc. for the Luther Road Restoration Project for \$1,827,000 (Procurement Report - Bid No. 00001204) 10 minutes requested <b>Motion to accept the report:</b> Moved by Fish and seconded by Eudaly. (Y-4; Hardesty absent)</p>	<b>ACCEPTED PREPARE CONTRACT</b>
540	<p>Amend the policy for the Minority Evaluator Program to increase the threshold for which it applies from \$150,000 to \$1 million (Resolution; amend ADM-1.18) 10 minutes requested</p>	<b>REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</b>
541	<p>Amend City Code to reflect current structure, operations, and responsibilities in the Office of Management and Finance (Ordinance; amend Code Chapter 3.15, and Code Sections 2.12.020, 3.02.060, and 3.18.010) 15 minutes requested</p>	<b>PASSED TO SECOND READING JUNE 12, 2019 AT 9:30 AM</b>
542	<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 (Ordinance; amend Code Chapter 6.04) 30 minutes requested</p>	<b>PASSED TO SECOND READING JUNE 12, 2019 AT 9:30 AM</b>
<p><b>Commissioner Nick Fish</b></p> <p><b>Bureau of Environmental Services</b></p>		
*543	<p>Amend Ordinance to authorize contract with the lowest responsible bidder and provide payment for construction of the Luther Road Restoration Project No. E10854 in the amount of \$1,827,000 (Ordinance; amend Ordinance No. 189430) 10 minutes requested (Y-4; Hardesty absent)</p>	<b>189546</b>
<p><b>Parks &amp; Recreation</b></p>		
544	<p>Authorize two-year grant agreements with seven youth-serving organizations in support of the Teen Collaborative Initiative not to exceed \$560,000 and per grant not to exceed \$80,000 (Second Reading Agenda 496) (Y-3; Fish and Hardesty absent)</p>	<b>189547</b>

**Commissioner Chloe Eudaly**

**Office of Community & Civic Life**

**545**

Increase fee schedule for the Office of Community & Civic Life Noise Office for noise variance applications in the amount of 5% as permitted by Code Section 18.14.020.B (Second Reading Agenda 509)

(Y-3; Fish and Hardesty absent)

**189548**

At 1:07 p.m., Council recessed.

June 5-6, 2019

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **5<sup>th</sup> DAY OF JUNE, 2019** AT 2:00 P.M.

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

Commissioner Hardesty arrived at 3:15 p.m.

Commissioner Fish left at 4:28 p.m.

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

The meeting recessed at 4:28 p.m. and reconvened at 4:38 p.m.

<b>546</b>	<b>TIME CERTAIN: 2:00 PM</b> – Adopt PedPDX, Portland’s Citywide Pedestrian Plan, a 20-year strategy to make Portland a great walking city for everyone (Resolution introduced by Commissioner Eudaly) 1.5 hours requested	<b>CONTINUED TO JUNE 12, 2019 AT 9:30 AM</b>
<b>*547</b>	<b>TIME CERTAIN: 3:30 PM</b> – Approve Mini Area Parking Permit Program to reduce requirements for initiating an Area Parking Permit Program (Ordinance introduced by Commissioner Eudaly) 30 minutes requested	<b>REFERRED TO COMMISSIONER OF PUBLIC SAFETY</b>
<b>*548</b>	<b>TIME CERTAIN: 4:00 PM</b> – Authorize settlement agreement and memorandum of understanding with Portland Fire Fighters Association to settle a retroactive pay grievance and tort claim and allow for the City to make payments totaling \$53,495 to certain former and current bargaining unit members (Ordinance introduced by Commissioner Hardesty) 15 minutes requested (Y-4; Fish absent)	<b>189552</b>

At 4:45 p.m., Council recessed.

June 5-6, 2019

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **6<sup>th</sup> DAY OF JUNE, 2019** AT 2:00 P.M.

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

Commissioner Hardesty arrived at 2:08 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Heidi Brown, Senior Deputy City Attorney; and John Paolazzi and Rafael Duenas, Sergeants at Arms.

**549**

**TIME CERTAIN: 2:00 PM** – Accept the 2019 Annual Report on Sister City Activities (Report introduced by Mayor Wheeler) 45 minutes requested

**Motion to accept the report:** Moved by Fish and seconded by Fritz.  
(Y-4)

**ACCEPTED**

---

At 3:06 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 5, 2019 9:30 a.m.**

**Wheeler:** Good morning, everyone, welcome to Portland city council, this is the Wednesday, June 5, 2019 morning session of the Portland city council. Good morning, Karla. Please call the roll.

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

**Wheeler:** Here, now we will turn it on her to legal counsel, good morning.

**Karen Moynahan, Chief Deputy City Attorney:** Good morning mayor thank you. Welcome to the Portland city council. The city council represents all Portlanders and meets to do the city's business. The presiding officer preserves order and decorum during the city council meetings so everyone can feel welcomed, comfortable, respected and safe. To participate in the council meetings you may sign up in advance with the council clerk's office for communications to briefly speak about any subject. You may also sign up for public testimony and resolutions or the first readings of ordinances. Your testimony should address the matter being considered at the time. If it does not, you may be ruled out of order. When testifying, please state your name for the record. Your address is not necessary. Please disclose if you are a lobbyist. If you are representing an organization, please identify it. The presiding officer determines the length of testimony. Individuals generally have three minutes to testify unless otherwise stated. When you have 30 seconds left, a yellow light goes on, when your time is done, a red light goes on. If you are in the audience and would like to show your support for something said, please feel free to do a thumbs up. If you want to express that you do not support something, please feel free to do a thumb's down. Please remain seated in council chambers unless entering or exiting. If you are filming the proceedings, please do not use bright lights to disrupt the meeting. Disruptive conduct such as shouting or interrupting testimony or council deliberations will not be allowed. If there are disruptions, a warning will be given that further disruption may result in the person being ejected for the remainder of the meeting. After being ejected, a person who fails to leave the meeting is subject to arrest for trespass. Thank you for helping your fellow Portlanders feel welcome, comfortable, respected and safe.

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

**Item 514.**

**Wheeler:** Is Mr. Patterson here today? I do not see him. Perhaps he will come in before the end of communications. Next individual, please.

**Item 515.**

**Wheeler:** Good morning.

**Nicholas Caleb:** Good morning, council members and mayor wheeler, my name is Nicholas Caleb, I'm the staff attorney for the center for sustainability economy, a nonprofit organization and we work primarily on climate issues in Portland, Oregon, and the united states, more broadly. So, over the last six months, the conversation around climate action has shifted because of two occurrences. First, a new report from the international panel on climate change, the ipcc, gives us until 2030 to complete a massive carbon drawdown to keep forming below 1.5 degrees celsius. In essence we are in a climate emergency and we have a clock we need to follow. Second and partially in response to the ipcc report, climate advocates have been successfully raising the popularity of extremely ambitious



June 5-6, 2019

economic, social, and environmental proposals that have emerged into the label of green new deal. As Naomi Klein puts it, we are left with a stark choice. Allow climate disruption to change everything about our world or change everything about our economy to avoid the fate. Today we are encouraging you to be bold and take risks to create the possibility for a future worth living in. First, be bold in taking on tar sands and crude oil exports. This council is well versed in the risk of expanding fossil fuel infrastructure and has taken action in the past to prevent it. You must act boldly again. June 3rd was the three-year anniversary of the oil train derailment in Mosier, Oregon, the same year in 2016 city council took numerous actions to oppose fossil fuels, including passing a resolution supporting the actions of the Standing Rock Sioux to blockade the Keystone XL pipeline, which would threaten the treaty resources, ancestral lands, natural resources and sacred sites with tar sands oil. We must renew this commitment to all communities on the front lines of the resistance of the fossil fuel industry by stopping this project and any more like it, we need you to be disobedient in support of the climate movement when faced with the machinery that is fueling the collapse, and there is some folks in the audience who have been arrested at Zenith facility recently putting their bodies on the line for that. We must have a public hearing on the Zenith expansion and the threat of crude oil in Portland, we need the fossil fuel terminal zoning amendments reinstated and we will require bold action that forecloses on any fossil fuel industry plans to turn Portland into a tar sands and crude oil export hub. Fossil fuels pose inherent risks from spills, leaks, explosions and derailments and we must move quickly towards safer alternatives. Two years ago the city passed its 100% renewable energy resolution in an update on progress I think was due three days ago. I am not sure what the progress is on that. It's time to, essentially, the resolution, as we read it puts an end on the life of the fossil fuel industry in Portland, it puts a time that we can stop that, we should be ahead of 2050 but there is a time for us there. So the second bold step that we are asking from council today is to, actually, create a plan for a managed decline of fossil fuel infrastructure in Portland. To make that a community-wide plan that involves people from everywhere so that we can talk about what we want to do with formerly industrial, fossil fuel lands and how we can return those to the public. I am out of time, but we very much look forward to working with you on this in the future.

**Wheeler:** So Nick, if I could just quickly respond and agree. Number one, I want to be crystal clear as the mayor of this city, I do not support and will continue to oppose any expansion of oil trains going through our community, and you identified one of the situations in Mosier. There was also the derailment in Kalamazoo, Michigan, and there was the catastrophic derailment in Quebec, Canada and my recollection is that burned down half of the community and killed 46 people. That is a much more sparsely populated area than the city of Portland. Oil trains are currently going through very densely populated parts of our community, and we cannot allow this kind of activity to continue to expand in our community. I am also, by the way, concerned about the Columbia River Gorge. My immediate concern is health, safety, and the environment within the city limits, but I am also concerned about the environmental area through which these oil trains must go. I want to let you know what I have done. I have brought together all of our city bureaus, agencies, including Metro, including DEQ, and others from around the region who have a potential role to play in helping us to limit this risk. I have also met with a group of environmentalists, and I appreciated your willingness to participate in that conversation, as well. The goal of the conversations has been this, we do not control the railroads. Nobody here has any authority whatsoever over railroads. That is clearly the federal government's purview. The problem that most people see is these dangerous oil trains coming with increasingly frequency through the community. So the question is given, our infrastructure that we do control here at the local level and the permits that we issue at the local level, and the oversight that we provide at the local level, what are the actual tools that we have

June 5-6, 2019

at our disposal to help address this question? So, you have asked for a meeting, and others have asked for a meeting, and I have asked for a meeting so we will have a public works session where we will invite people with different perspectives to come to the table in a public setting and put all the ideas on the table and give us the opportunity to discuss what our options are, and that, by the way, includes requirements, regulations on the actual crude oil material that's coming into our community. You have also asked today for a community-based plan, and I would encourage you at that work session to make that desire known. I would personally support it. This is really ultimately about the community, and there are trade-offs to be made here, and it should be done with the blessing of this community. The first step and the first imperative for me as the mayor of the city is to fight the expansion of oil trains coming through our community, it is a public health, a public safety, and environmental hazard, and that has been proven beyond any doubt, and I thank you for being here. Commissioner Hardesty.

**Hardesty:** Thank you, mayor. I just wanted to ask how many other items were on the list before your time ran out?

**Caleb:** It was mostly rhetorical. I was going to give you the hurrah encouragement.

**Wheeler:** Is this your testimony here?

**Caleb:** I haven't sent it in, but I am happy to copy it and send it to you.

**Wheeler:** All right.

**Hardesty:** I want to appreciate the mayor's office leadership in trying to help us get ahead of this because as he has said, none of us want the kind of devastation that comes with having all train derailments and explosions, and so I look forward to us continuing to work on this as a city, so that we can somebody the model that we want to be.

**Wheeler:** You are meeting with Amy later today, is that right?

**Caleb:** Correct.

**Wheeler:** Great, good I look forward to hear that.

**Caleb:** And I would also say we are really thankful for the words that we are hearing today, and you know, we are prone to showing up and continuing to make our presence known, but we are excited to see the progress and are also working on new, creative approaches where the city can intervene.

**Wheeler:** Thanks for being here and sharing your thoughts.

**Eudaly:** I want to give a plug for sunrise pdx, peta-palooza climate ride this Sunday, see you there.

**Wheeler:** What time and where?

**Eudaly:** Oh, okay, what time, well it, begins at southwest park avenue and southwest Montgomery street, and it starts at 11:00 a.m., and it ends at the zenith property.

**Wheeler:** Very good.

**Fish:** There will be music and probably some food and other fun things, and there is also -- I don't have the date in front of me. I think it might be June 18, the sunrise movement and pdx is having a forum on a green new deal and a range of speakers from, I think, Merkley and Blumenauer to community activists speaking around green new deal and a vision for the community and that would be a great event for folks to show up to.

**Wheeler:** Thank you. Appreciate it. Karla, next individual, please.

**Item 516.**

**Wheeler:** Mr. Bob Schatz, are you here today? Come on up, sir. Good morning.

**Bob Schatz:** Good morning.

**Wheeler:** Thanks for being here.

**Schatz:** My name is bob Schatz. I lived in Portland most of my life. My wife has lived here all her life. Our kids are born here and they went to the same elementary school my wife went to, so we tend to think that we've been here a while. We lived in lads addition for 27 years, and as of a few years ago, we kept asking the city council to help us out with the

June 5-6, 2019

homeless problem, the drug addicts that were peeing on our yards, pooping in our yards, stealing our things, camping in our driveways, and with no response, no help at all. Basically, the last communication was either they go or we do, and the response I got was, we cannot stop you from moving. So we moved. We left Portland. We still own a lot of property in Portland. We have rental properties, our business is in Portland, I come into Portland every day. It saddens me to see what has happened to this city. With the trash and the graffiti, the people sleeping on the streets, it's awful. I remember Portland when there was not one bit of trash on the ground. I own property at 123 southeast 97th avenue. I bought the property to build affordable housing and I build, design, and manage my own property. I am an architect and developer and property manager. I know all my tenants by name. I treat them with compassion. The goal is to build more housing for them. The city council has approved a change to change my zoning, so I am no longer allowed to build there. I can only build industrial. I don't own industrial. It's not my thing. I don't know what to do with it. I begged and pleaded before it happened, I testified, and I came in verbally and testified, and I sent emails and letters, and I don't know why you would have public testimony if you don't listen to us. After the zone change was made, I've been in here several times asking, can you please give me back what I bought because I bought this for a specific reason to build affordable housing. I don't do industrial. I've been ignored. I feel like I am a hot potato with you guys. You pass me from person to person, and no one can do anything about it. Mayor, I have talked with your assistant, Michelle. She was supposed to set up meetings, we were supposed to meet and do something about it. After seven attempts to communicate with her, I had no response. I told her at the last response, you are just as bad at responding to me as the mayor, himself, and prove me wrong by responding to the last communication, nothing. Last time I was here, commissioner Eudaly, you referred me to Marshall Runkle. He could not help me. He referred me back to the mayor's office. I talked to Trayvon, he gave me the same response, I can't stop you from moving. He sent me to Kyle, no help at all. I am done.

**Wheeler:** So, you have got the better of me because I don't know this issue, and so I can't sit here and confidently tell you what the zoning issue is relative to your property. I am happy to have the conversation with you and see if there is something that can be done here.

**Schatz:** We have tried that three times.

**Wheeler:** I don't know the issue. So I will do what I can.

**Schatz:** That's what you have told me before and nothing happened. That's what several of you have told me in the past and I have gotten a list.

**Wheeler:** I am sorry, I met you previously?

**Schatz:** This is my third time here.

**Wheeler:** But I have not sat down with you to discuss this issue. What I have done is referred you to staff who can connect you with the people in planning and sustainability bureau, who control all the city's zoning operations, so I don't personally do that. We have employees here who do, do that, but if you feel like you are not getting satisfaction or you're not getting satisfaction, I am happy to help you out, so if you could leave, I have a staff member here in the back, Mustafa could you make sure that you get the context and I will call you personally.

**Schatz:** That's what I have done before, it doesn't work.

**Wheeler:** You have to trust me. You can say I don't trust you all day long, but I am giving you my word, I will call you. I am not guaranteeing you I can fix your problem, but I am guaranteeing you I will contact you.

**Schatz:** You have stolen from me. I want back --

**Wheeler:** You are moving on. Do you want me to call you or don't you? I would be happy to do it. Great. Next individual, please.

**Item 517.**

**Wheeler:** Is Mr. Max Heine here, please? Very good. Next individual, please, Karla.

**Item 518.**

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

**Lee Cowles:** Thank you for letting me take some time.

**Wheeler:** You bet. Don't worry, we won't start until you sound.

**Cowles:** Thank you.

**Wheeler:** Karla, while he's setting up, did Mr. Patterson come in? Is he here? I don't see him. Okay.

**Cowles:** Thank you for letting me here, I am dr. Lee Cowles, I've been a dentist on northeast 102<sup>nd</sup> for 30 years. Vision zero does some wonderful things for safety. They have been successful in New York city and San Francisco, so they are implementing plans here, and this isn't New York city or San Francisco and apparently they feel they don't need to get expert opinions or community opinions in their plans. There is a plan for 102nd that is supposed to start at the end of the month to revise this. I am very, very concerned, and I am going to request this be put on hold until it can be looked at by experts. So the current situation on 102th, there are two lanes of traffic going each way. On 102nd and sandy, all four directions of freeways meet. Most of the time it's a nice neighborhood, but in the peak hours, it is extremely congested and its not uncommon to have traffic backed up all the way to halsey, trying to get on the freeways in all four directions, it's a problem, so let that sit for a minute. Odot has a division called "crash analysis division," I don't know if you are familiar with it, they keep track of all the accidents, why they occurred, events, weather, type of vehicle, drivers, and they post these, for the 12-year period, 2005, to 2016, there were 253 accidents here, which, actually, is very low compared to most major streets. Now, more specifically on the area of congestion, right up by sandy there were 110 accidents, of those, 86 of them, or 86% were congestion accidents, rear ends, angle turning, other people not yielding. They were not due to speed or alcohol, the other concern is of those, 76% have at least one injury. Now the plan that vision one has in order to make bike lanes, they are going to make it so there is only one lane in each direction. You know what, this is the I-205 bike lane that odot last year had \$645,000 into for maintenance and repairs, a third of it is here in the park. It's very close, but because of the plans that vision zero has done in other places, they want to make a bike lane and cut down the traffic, we are very concerned about congestion. Let's look at what the experts have said. There are many reports that show that if you increase congestion, you increase accidents, and it's supported by several states in the united states department of transportation. I talked to the cab supervisor, you know about this and his response was, to my knowledge, odot has not published a publication about increased congestion equals increased crashes, and it is the general belief that the increased congestion you will increase the crashes. The real problem is these people here. This is the backbone of the community. This is why I am here today. None of these groups had any input into this, and since the project has been done, they have not been allowed to have any input at all. They are very concern. In the evaluation period, they are, again, not going to have any input. Again, I want to ask to put this on hold until the expert opinions, technical and community, can be put into play, and ask you one question -- what can these groups do to get your attention about this? Thank you.

**Wheeler:** Thank you.

**Hardesty:** Very well done. It's hard to balance all those.

**Wheeler:** And he did it. [laughter]

**Hardesty:** You did it within the appropriate timeline. You were talking my neighborhood. This is -- this is my hood, right. I live in east Portland. I travel that road daily. So like you, I



June 5-6, 2019

would be concerned if we went from four lanes to just two lanes, and I also don't know whether or not that's part of the plan.

**Cowles:** That is the plan.

**Hardesty:** Well, my -- the commissioner in charge of transportation, commissioner Eudaly, I would certainly want to have a conversation with her about what's going on with that. Maybe the three of us could have that conversation.

**Eudaly:** There have been numerous conversations with dr. Cowles, I would be happy to have you briefed and have a one-on-one with you.

**Cowles:** May I make a comment on that?

**Eudaly:** No.

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

**Cowles:** Anybody want to ask a question about this? I was hoping somebody would ask a question.

**Wheeler:** Commissioner Eudaly.

**Eudaly:** Time is up. Can we move on? Thanks.

**Wheeler:** My understanding -- thank you, sir, appreciate the presentation.

**Cowles:** I do have some information to pass out.

**Wheeler:** If you could give it to Karla, and she will make sure we all get a copy of it. Karla, it's my understanding Mr. Heine has shown up?

**Moore-Love:** Yes, 517.

**Wheeler:** Very good. Please call 517.

**Item 517.**

**Wheeler:** Good morning.

**Max Heine:** Good morning.

**Wheeler:** Thanks for being here. Just take a seat, if you could tell us your name for the record.

**Heine:** Max Heine. I live in St. John's, live on Fessenden. The last three incidences that took place within a span of two months on Fessenden, they took place immediately outside of my house. One was -- my neighbor getting hit on his way home on his bike, and he got hospitalized and put in a wheelchair, and the other one was a woman crashing into a telephone pole, and the last was an elderly woman, who was fatally hit in a hit and run, but, we just wanted to say from the community, there's been action, you know, from you taken recently, and with the speed bumps, and the traffic islands, and it's made an enormous difference. The difference is night and day, I recall a time when, you know, people would be doing like topping 70, just on that strip. There is a time when I cut across the street because of the high density of traffic. It's no longer the case now, and we deeply appreciate the investment and the action taken. I have a couple of notes. There is -- we also look forward to the pedestrian traffic beacons. I understand there's been people working with commissioner Eudaly, talking with you today about this. There is no single thing that's going to fix you know, that's going to remedy the problem. Its all these little things, I think the traffic beacons would make an enormous difference, especially for the elderly and especially for the kids. There are kids who board for school on the other side of the street and have to cross. There is also a curve where they cross to get to the public pool, so there is a very high density of young people and elderly. I think that those will make an enormous difference, I think that specifically, for the last incident, where that -- the grandmother was hit, I think those, particularly, would have been very effective, so we look really forward to the whole thing coming together with the traffic beacon. Thank you.

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

**Eudaly:** I wanted to thank you for coming today. I am glad to hear that you feel like the improvements are making a difference. We are still seeing some incredibly reckless, dangerous driving on that street. I don't know if you have seen it, but people just passing,

June 5-6, 2019

bypassing the traffic islands and people going the speed limit by driving down the wrong way of the -- on the road. To me, you know, I am doing my best to accelerate these improvements. I know the st. John's community has been waiting a long time for this, and we have seen way too many crashes and injuries and fatalities in the area. That behavior demonstrates how we can't engineer and educate our way out of this. We need more enforcement. That is largely outside of my scope of power, so I am having conversations with the mayor and the mayor's office about how we can increase enforcement because there is too many people that don't seem to care about human life, driving on our roads right now. Thank you.

**Heine:** Thank you very much.

**Wheeler:** Thanks for being here. Appreciate it. Very good. Karla, have any items been pulled from the consent agenda?

**Moore-Love:** Yes. We have 526, 528, 532, 534.

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

**Fish:** Colleagues, item 531 today, it's part of our consent agenda, is titled "create three new represented classifications." I wanted to, even though it's a first reading, I wanted to call this out because this is a real milestone for our city. This is part of the access to work program, which was established by bhr and directly inspired by the project search internships. The purpose of access to work is to facilitate entry level job opportunities at the city for people with disabilities. These positions and the access to work program were created to support the city's model employer resolution, and they are full-time entry level positions with full benefits. This program was modeled after a similar program at the city of Seattle, as well as the state of Oregon, and at ohsu. A number of years ago, I had a chance to visit Seattle and see how this program was functioning and we're in the process of replicating it. This would not happen without strong leadership at the bureau of human resources. Mayor, thank you for the commitment that you have made to expand project search citywide and to create opportunities for people of intellectual and developmental disabilities, and I want to just applaud this moment because we are creating full-time opportunities for people at the city. We have a long way to go, but I think that we should be proud of our progress. Aye.

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

**Fritz:** Thank you for your work on that project, commissioner Fish, aye.

**Wheeler:** Although 532 got pulled, I want to reference it. This is an inclusionary housing project. We have effectively incentivized down the limit on this to 60% for the units that are included under inclusionary housing, and this project will join 59 private sector projects and inclusionary housing approval pipeline, that means that there is now a minimum of 398 units of affordable housing in otherwise what would be market rate housing. So, I just want to note this for my colleagues that we are starting to see considerable movement in the inclusionary housing pipeline, and this would be one more example. I vote aye, the consent agenda is adopted. First time certain item, item 519.

**Item 519.**

**Wheeler:** Commissioner Fritz.

**Fritz:** Thank you, mayor. Colleagues, we are excited to have finalized these administrative rules, which clarifies certain aspects of the open and accountable elections program. Typically, administrative rules do not have to go through council, however this is a high profile program with interest for many members on the council and the public, so we wrote into the code the administrative rules would be presented to council. These rules have been open for public comment for about 30 days, and were created in partnership with the open and accountable elections commission. Susan Mottet program director of open accounts elections, will run through the highlights, and Amy Sample Ward, one of the open

June 5-6, 2019

and accountable elections commissioners will also discuss the creation process, in a lickity split time. Really impressive.

**Susan Mottet, commissioner Fritz's Office:** Thank you. So, with the first election cycle not having happened under this program, we -- it took Seattle's approach when they were writing rules prior to their first election cycle, which was to, rather than imagining how the election cycle will play out in writing the rules based on those assumptions, to actually try and write the bare minimum number of rules that we think are necessary for the first election cycle, see how it plays out, and then after that, tailor very detailed rules to how the program is playing out in the city of Portland. The open-ended accountable elections code required the program to issue rules on the following topics. Documentation for allowable contributions and certification, allowable and prohibitive expenditures, contested elections, special elections, recounts, vacancies, withdrawals, certifications, disbursement of funds, and return of unspent funds, obtaining contributions, the administration of the open and accountable elections fund, investigation and enforcement procedures, and inspection of documentation. The rules that it was decided would be -- aren't required but would be desirable coming into this first election cycle for clarity sake, would be clarity around reporting requirements, some leniency for late reporting, if there are mitigating circumstances or personal emergencies, some rulemaking around accessibility and language access, and the emergency rule-making authority so that if something occurs that we did not anticipate and we want to have the ability to create a rule to deal with it, we would not need to go back for council approval for a year, so in case some of you are in the middle of an election cycle we can keep it off your plate while it looks political or potentially improper for you to vote on something, and then bring it to you after the election and over and let you deliberate on it when everyone feels it is proper for you to be deliberating on such things. It went through a 30-day public comment period, it was circulated to all offices, it went before the open and accountable election coalition and the open and accountable elections commission for review and a lot of the comments and feedback were integrated into this final document, and Amy sample ward, one of our open and accountable election commissioners is here to discuss their review process.

**Amy Sample Ward:** Hi, everyone, thank you.

**Wheeler:** Good morning.

**Sample Ward:** Hi everyone, thank you, so, as has already been said multiple times, I have never experienced it before, my name is Amy sample ward, thank you for saying it so many times. I am one of eight soon to be nine commissioners for the open and accountable elections commission, excited to have a full team, and just briefly to Susan's point, the full commission did review all of the rules first, then we created a rule subcommittee that met three times, and two of those three times specifically to focus only on the rules section and get those, hopefully, true. To also I think a lot of time in that meeting, meetings, was spent to right size the penalties to ensure that programs had some integrity and fairness towards campaigns, knowing the true intent of this program and how we want the rules to support that. So, after that, they came back to the full commission again at our most recent may meeting, and that meeting as a full group included the discussion of language access, which does remain unresolved, but is being discussed with the members of city council, equity advocates, event hosts and etc and we don't want that kind of ongoing conversation to hold up the adoption of these rules at this point, and as a commission, voted unanimously at the May meeting to recommend them to adoption.

**Fritz:** Colleagues, as you can gather from that brief presentation, there is a lot of detail in these rules, so we did not propose to walk through every one of them. They were presented to the chief of staff, and happy to take any questions.

**Wheeler:** Commissioner Eudaly.

June 5-6, 2019

**Eudaly:** Thank you and thank you for your hard work on this. I want to express my concerns around, I guess, item 17, which is accessibility and language access. I am a disability advocate, I am the parent of a child with a disability, so I would be the last person to argue against accessibility and accommodations, but I am very concerned about the vagueness of this language. In it is participating candidates may not participate in a debate or similar public event that isn't in a location that provides equitable access to all members of the public. Accessibility includes reasonable provisions of the following. Language services, removing physical barriers, providing modifications, accommodations, alternative formats, auxiliary aides and other service that is ensure access upon request at least ten business days prior to the event. Number one, candidates don't participate in organizing events. Number two, I am concerned that this language is going to discourage small organizations and grassroots groups from holding forums, so it may decrease overall access to public forums for candidates and only larger, more established organizations with the funds to provide all of these things will hold forums, and I am concerned about that. And finally, the languages are so vague, I've been working on the serena for over 15 years, and I am not sure what providing modifications, accommodations, auxiliary aids, and other services might entail, so I imagine that someone that doesn't have direct experience with the disability would be very confused by this language. So, I am not going to offer an amendment, I just wanted to go on record saying that I think that it's well intentioned, but problematic. Finally, I want to say, if the city struggles to provide these things at their own public forums, then how can we expect small organizations to fulfill them and if we are going to require this, we need to give -- we need to provide trainings or we need to provide some kind of information, maybe we need to provide a fund because some of these services could run in the hundreds of dollars for a single event.

**Fritz:** Commissioner thank you this is really great, you explained what the commission has been struggling with, and they have a proposal for doing exactly what you just suggested. It arose from commissioner Fish's experience when he was running for re-election when Philip wolf was also running, and commissioner Fish decided that he was not going to participate if Philip would not participate, and so that's the, the origin of this. As Susan and Amy both said, we agree, it needs more work. The language is recommended by the office of equity and human rights, and we are certainly happy -- actually, we know at least this is one other thing that we are going to be coming back with more, open to the accountable elections fund for the next couple of months, so this is one that definitely we would be happy to have more discussion.

**Eudaly:** And it did just occur to me, there is a difference between accommodating a candidate with a disability and accommodating members of the public. If we have candidates with mobility challenges, hearing, who are deaf, who are vision impaired, of course, every forum should have to accommodate their participation. I have no problem with that, its just 20% of our population has some kind of disability, the smaller the organization, the harder it is for them to anticipate the needs and pay for them, and adequately address them is often my experience. Thanks. I am glad to hear that is a work in progress.

**Wheeler:** Can I ask a follow-up? Thank you, commissioner Eudaly, for raising it and thank you commissioner Fritz, for acknowledging there is people working tirelessly on this issue. It is a complicated one. So, what is the time frame for bringing back a proposal to the council to address these issues?

**Mottet:** We were hoping to get it ready to look at it today, but it is just taking a little more time than we expect it would be within the next month or two.

**Wheeler:** Before people start participating in the program?

**Mottet:** Yes.



June 5-6, 2019

**Wheeler:** So, before people start participating in the program, okay. Great. That's satisfactory for sure.

**Eudaly:** I feel like I should probably say I do intend to use open and accountable, so I appreciate your sensitivity about not kind of creating potential conflict of interest. I am very interested in this area, and would, you know, welcome the conversation.

**Fritz:** What you said before, that's good acknowledgment, but the issue of the candidate, that might be something that would help us to resolve this particular issue, to specify that. I certainly remember fondly Sue Stahl running when you were and I was, and we would want to make sure that the candidates are able to participate.

**Eudaly:** We were at forum that we are really challenging for her to -- for her to access, and to me, that's an, inexcusable you know, a candidate has a disability, you want to have a public forum for their race, you need to accommodate them.

**Wheeler:** Commissioner Fish.

**Fish:** I would like to be part of this discussion because my campaign last year, I learned a number of things. We were the only campaign last year that, for example, translated our website into a whole variety of languages to make it accessible to the public. That's not currently part of this requirement, but the idea was if we are going to have a campaign website, we want to make sure that we are sending a clear message to the community that it is accessible. So, at some cost, we had the website translated, and there was enough. I don't remember how many different languages, but there were quite a few, so that we were communicating with people, and in multiple languages. I also -- it was the first forum in the campaign, and it was a forum hosted by the democratic socialists of America in which there was some significant miscommunication, and a lot of sort of hard feelings that came out of it, a tremendous number of people from the deaf community were in the audience, and felt like they were being disrespected. We had a candidate on the dais, who, but for the fact that he brought his own translator, this would not have been a forum in which he could have fully participated. There was a big learning curve for me, and so what we said was, we won't participate in forums in which Philip is participating in it, and there are not translation services and other things. I can tell you that it did not, to my knowledge, cause any of the conveners to drop any of the forums, and we had four, as you know, in these things, a lot of forums, and some of them were sparsely attended. What it did send a strong signal to people about was let's make sure that it's handicapped accessible, so if you are in a wheelchair or you have any kind of mobility limitation, let's make sure that you can get there. As appropriate, let's make sure there is translation services and other things. If people are requesting an accommodation, let's put people on notice that these are you know, public forums, and they have to make an effort. So, it wasn't a perfect experience, but there was a lot of learning that went on. We ended up calling all the sponsors of events that were in the pipeline going forward and said, we can't participate until you do these minimal things. And I think that to the credit of most of the sponsors, it was again, a learning experience. It was oh, gosh, hadn't thought about that you know, we will make reasonable efforts. I do think that creating a fund to help subsidize some of these things is important. The dates and the deadlines need to -- I mean, there may need to be some flexibility, and what you don't want is someone gaining the system to prevent a publicly financed candidate from participating. On the other hand, again, as I learned, if you don't take reasonable measures, what you are really saying to someone, who has filed, that you are not going to be treated as fairly and seriously as other candidates, and that's unacceptable, and that was the gist of my concern that we not have publicly financed candidates that are participating in forums where other people are prevented from fully participating, and the law firm being enforced. I would like to work out the details and make it more specific, and I think it will take an election cycle to debug this

June 5-6, 2019

and do some learning, but I thank the sponsor for her willingness to take this on because I think it's really important.

**Wheeler:** I have a couple -- oh, commissioner Hardesty, please, go ahead.

**Hardesty:** Thank you, mayor. I just wanted to say I was just trying to remember if we have a disability commission. Is that functioning?

**Fritz:** It's currently not convening and is being -- having conversations with the community about what the next situation of that commission will be.

**Fritz:** So, we just -- we just funded in the budget the position that's going to help do that.

**Hardesty:** It would be great to, actually, bring Philip Wolf and other people who are disabled together maybe for a focus group to really talk to them directly about how we couldn't make sure that we are writing rules that will ensure that they can participate, whether they are candidates or whether they are people that want to work on an election, that's actually being run by someone with a -- with a disability. You know, we always do this after the fact, and it would be so much more effective if we would bring people with us, right, as we go through this process, but I agree with commissioner Fish that until we go through a full cycle, and learn what we don't know about what we don't know, then I think as long as we are engaging those communities and keeping them connected to make sure that if we identify barriers, that we remove them as soon as possible. I think that we will have an excellent election cycle. Thank you for your hard work. It's amazing how much progress we have made, and such a very short period of time. Thank you.

**Mottet:** Thank you.

**Wheeler:** Commissioner Fish.

**Fish:** I want to add one other comment that I now recall. The language, shall not participate in a forum, is that the specific trigger language?

**Mottet:** Yes.

**Fish:** Okay, because there was a -- there was a sec category of controversy in my race, which I will just put on the table so that you are aware of it, and that is notwithstanding the commitment I made that if I were on a panel, I would not participate unless it was fully accessible. I did one Saturday attend a forum, actually, it was Jo Ann's forum because I was interested in seeing how those candidates were doing, so I went to a church forum. Jo Ann and the other candidates for the other seat, were participating in a debate. Philip came to that, and similarly, felt shut out from the process and was critical of me for participating. We drew a distinction between being a participant and you know, for our race and being in the audience at some other debate, but it raises an interesting question and I understand from his perspective why they were -- he did not view them as either-or, he viewed them as the same, the same set of issues. So, I offer that just to complicate our thinking a bit because that became a topic of conversation.

**Mottet:** Yes, thank you.

**Wheeler:** I have a question, and I know you are prepped for this, and I don't think that I got the answer prior to this session this morning. It's my understanding based on the rules that if one were to have funds in their pack, which I do, if I were to participate in this program, I would have to return those funds, is that accurate or no?

**Mottet:** So, if they are in your candidate political committee, you would need to return them after filing your notice of intent and pay a penalty for having collected them outside of the context of the rules, but then could get certified if you met the certification requirements.

**Wheeler:** Could I stop you on that point. How can you tell? I have a pack, it has been ongoing, my pack has been alive for, I think, 12 years now. The funds get used for a variety of purposes. They get used for sponsorships, tables, they get used for other initiatives, most recently, for example, I made a contribution to the regional housing bond,

June 5-6, 2019

and they could also be used for the purposes of re-election. How do you make that differentiation?

**Mottet:** Are we talking about a candidate's political committee or a pack separate from the candidate's political committee?

**Wheeler:** It is the candidate, yeah.

**Mottet:** So we require, once a person has filed their notice of intent at the next reporting deadline, they need to report all of their activity in that political committee, you know, from the beginning of the election cycle, and if there are funds in that political committee already, they can transfer up to 5,000 of those funds as seed money into the account that they are going to use for the public money to you know, to come into and make all other expenditures out of. What they will need to do is essentially freeze the old account so that they cannot use it to support their election while they are a participating candidate.

**Wheeler:** So, as long as it's sequestered, if it is sequestered separately, it could be used for those other purposes? It could just not be used for the furtherance of a local race, is that a fair way of stating it, so that I understand it?

**Mottet:** So if it's a, an account separate from the candidate's political committee.

**Wheeler:** What if you create a new pack for the purpose of participating in the public election cycle?

**Mottet:** So, there are two rules that this relates to, so one set of rules, if your candidate committee, you, basically, have to freeze any of the money that was raised prior to the election cycle, and then, you know, have a separate account that you are spending, bringing money into for other participating candidates and spending money out of. If it's a separate political entity, that's not the candidate's political committee, then it can continue to do its business as long as it does not make any actions that supports your candidacy or opposes one of your opponents.

**Wheeler:** Who would make that determination? Let's say that we had a sixth congressional district in the state of Oregon, and it was important in Portland, and we had a congressional candidate with \$750,000 in their pack, and they decide hey, I would like to run for the city council. I would like to run for mayor or whatever. Walk me through that. Does that mean that they could not use the \$750,000 in their pack for any political purpose while they are running? And they would establish a separate pack for the purposes of the election? Is that a correct interpretation?

**Mottet:** Well, so one of the scenarios we were thinking through, with the rules, was what if someone thinks they are running for one race at a different level that doesn't have a public financing program, so they are raising and spending money according to the state rules, not the program rules and then something happens a seat opens up for example, and they think actually, I would like to run for that seat at the city level. In that case all they have to do is if they want to use that account that they had been raising money into and spending money out of but not according to the program rules, these need to remedy any rule they have broken, pay, you know, return contributions that were in excess of the limits or, you know, cure any prohibitive expenditures, pay a penalty, and apply for certification. So, that's how it would work in that scenario.

**Wheeler:** Okay, so, and just to make sure that I understand this then, as long as there is a sequestered independent pack related to the race at the municipal level and the other resources are definitively not spent for the furtherance of that campaign, you could still participate using that new pack and only that new pack? Is that correct?

**Mottet:** The other rule --

**Hardesty:** Can we get you to say yes or no?

**Mottet:** I know. The other rule is that you can't solicit or direct contributions to an entity other than your campaign committee that spends money on your race. So, if you have

June 5-6, 2019

already done so, and it's already spent money on the race, you pay a penalty according to the rules.

**Wheeler:** One final question related to this, and we don't necessarily have to nail these answers down today, but I am just giving you some of my concerns that I think that we are going to have some very clear, definitive rules around who gets to decide? So, let's say that you are right and that I have established a separate pack, and we have funds going in from the, the public elections process, and somebody says, but hey, wait a minute, you are through your other packs supporting a fundraising effort or a dinner for a key constituency, let's say planned parenthood or naral pro choice Oregon that could have an impacted on this race. Is that a contribution to the race or isn't it and who gets to decide? Who is the definitive decider?

**Mottet:** So the director of the open accountable elections makes the initial determination and sends a letter, you know, announcing a penalty or sometimes desertification, then the candidate can then, at request, reconsideration if they believe the determination was made in error, and if that's not resolved to their satisfaction, they can do a formal appeal, and we are working with the state administrative law judges to handle the formal appeals process.

**Wheeler:** And last but not least, and I may have just misinterpreted this in the proposed rules, it appears that the administrator has the authority to change the rules unilaterally for a period of up to one year, is that accurate?

**Mottet:** That's right. That's the emergency rule-making.

**Wheeler:** What kind of rules are subjected, what, what is the latitude there? What is the span of control over those kinds of unilaterally made rules?

**Mottet:** The same rule-making authority as the law provides.

**Wheeler:** Which is what?

**Mottet:** Which is, you know, essentially the list that I listed out earlier and any other rules necessary for the administration of the program.

**Fritz:** It is similar to other administrative rules that the director of a bureau gets to make changes. Normally these rules wouldn't come to council, but we wanted them to.

**Wheeler:** Okay. I will stew on that for a while. I appreciate your responses. Thank you.

**Mottet:** Sure.

**Wheeler:** Commissioner hardesty.

**Hardesty:** Thank you, mayor. I have to say it, I was totally with you until you tried to answer the mayor's office question. Then I got more confused than I have been about this process because I never heard you say yes or no to the mayor's office question about, if I have got this campaign fund that's separate from my city campaign fund, can I still use that campaign fund for all the legal purposes that I would be able to use that campaign fund for as long as it is not impacting the race that I am running for with the city of public finance system.

**Mottet:** That's a correct.

**Hardesty:** Thank you. I've been waiting for that, right. Okay. So those two can be totally separate and operate separately as long as I am not co-mingling those funds?

**Mottet:** Co-mingling or using one to support another.

**Hardesty:** With the dubious purpose like getting elected to city council, right. [laughter]

**Mottet:** Yes.

**Hardesty:** Okay, thank you. I feel much better now, thank you.

**Wheeler:** Very good. Any further discussion? Very well. Is there public testimony on this item?

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

**Wheeler:** Thank you, everyone, for signing up today. Three minutes each. Name for the record.

June 5-6, 2019

**Lightning Super Humanity:** Yes, my name is lightning and I represent lightning super Humanity. Now, so it's my understanding is that one of the reasons that this program is being put together is to take in \$500 from a candidate, and then the city will match those funds. If I am incorrect, you will have to explain that because what I am seeing here is that the city is wanting to subsidize this, the candidate, and then put a lot of restrictions on what they can do as far as running as a candidate, and where I find this rather interesting is that you have a penalty system in place to come back, if you don't report properly you will be penalized. We can go up to \$10,000 in penalties, we will do a 12% interest rate, we will contact the city attorney, we may seek civil penalties, we may not and then on the rules, itself, you say well-being we can pass an amendment to change the rules, and those rules are good for 12 months. There will be no city council approval, but if you want to make those rules permanent after 12 months, then we will put it up in front of the city council. And then you counter back and you say, this is not going to be political if we run a lot of penalties on this candidate, and they are giving us maybe information that's late, and there is a lot of issues here that just opens up a situation to where let's say that I wanted to run against the mayor and I have the city council members that don't like me because of the way that I spoke out against them in the past. And then I sign up for this program, and you have some director, and they go oh, that's lightning. Oh, boy. Look at this. A little bit late here, this and that, and oh, he's got this separate fund over here, and well, we'll let it slide but oh, lightning, this is our time, lightning, this is our time to let you know how government really works. And you know, here's my problem. You are trying to be open and accountable here, but I think this is purely political on jeopardizing a candidate's position to be able to move forward, and such as what the mayor said. He has funds over here, and now he's supposed to possibly freeze these funds in some manner, and then report these funds over here, and come back here, and get approval, and oh, well, you are in violation more penalties. Well, I would like to have access to every document and every penalty on any candidate because everything that comes up, I want the media to have everything. Are you going to allow me to do that, to hand everything to the media?

**Fritz:** Yes.

**Lightning:** Fair enough.

**Fritz:** Everything will be posted online and everybody will be able to see it.

**Lightning:** Okay, and this is my option if I am a candidate this is my option to go into this program, correct?

\*\*\*\*\*: [inaudible]

**Lightning:** So wouldn't that influence a vote because this person doesn't want to go into this program, but it looks open and accountable, we'll be viewing this. This person does not. Wouldn't that influence that vote at the end of the day by the public, possibly? Yes or no.

**Fritz:** Yeah.

**Lightning:** Very good. Thank you.

**Fritz:** Just to correct your initial statement, the rule is that you can only accept \$250 from any Portland resident, and then only the first \$50 is matched.

**Lightning:** Okay. Very good. Thank you.

**Wheeler:** Maggie.

**Maggie:** Hi, I am Maggie. I don't want to run for office, but I want to comment on the pack related issue first. It's too bad that we have got this pack situation where you just run for election all term, instead of having just here's your public money to run for six weeks, and that's it, you are done, and the rest of the time you are running is the government instead of running for office. Do you see what I am saying? Rather have you fixing and, you know, government problems, than just running for office. That's, that's not a job. And then the second thing that I would like to say on voting access and disability, voting access and



June 5-6, 2019

new citizens, voting access and you know, formerly incarcerated, voting access for low income, marginalized citizens. I wanted to comment about voting access, I worked on Obama's 2012 Campaign. I covered the university, and I covered the low income and disabled people, and I want to tell you that they feel very marginalized, especially disabled people. I would go to the low income apartments and you know, I would explain to them that I couldn't tell them how to vote, but I could tell them who the people were and who, you know, which district they were in, and that was it and at the end of the campaign, I had you know, so many, you know, envelopes, you know, running back when the clock was running down that I had to stuff some envelopes into my shirt because I had no more room to carry any back to the district, and you know, whether they were voting republican or democrat, I consider it a triumph when a low income, disabled person votes, and you know, I, for you know, you can go back in my history and look, and I'm going to blind and deaf people up to the governors office and help them to write notes to the governor, and I just think that we need better campaign literature because the newspaper campaign literature is really bad, we need like reader's digest, big print, color photos, show which district each person is in, what time their drop in is, when they are available, all of that, email, you know. Then we need -- you know, what disabled people love? They love it when the campaign people come with the boxes, and they come to the apartments, and they don't have to go to the polling booth. They love -- they love them to come and pick up the envelopes and take them right back to the precinct district, and drop them right off. So the students can do that.

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

**Hardesty:** Maggie.

**Maggie:** Yeah.

**Hardesty:** I want to say you know, there is some things that government shouldn't do, and what you are talking about is one of those things that I do not believe that government should do, that is the job of community nonprofits. I have done a lot of voter registration and education campaigns, and we really don't want government going out, organizing meetings to explain to people how to vote, right.

**Maggie:** Right. That's why I was doing it because I am not in government. I said at the beginning, I don't want to run for office.

**Hardesty:** Let me just say the league of women voters does one of the best jobs of really explaining both sides of the ballot measures. It is in plain English, they do an excellent job of that, right.

**Maggie:** Yeah. And I have got to say the league of women voters, they are getting up there in age, and they don't like to go out to the universities and disabled people.

**Hardesty:** However, it is available in every library. It is accessible in every corners of the city of Portland, right. So, let's utilize community resources that we have.

**Maggie:** Newspapers, I agree.

**Hardesty:** And duplicate the efforts that work so well.

**Maggie:** It would be great to have the ballot boxes at the library, you know.

**Wheeler:** Very good. Commissioner Fritz.

**Fritz:** Maggie, thank you for your testimony and than you for the work that you have done, and you shared the passion on this issue. Thank you.

**Maggie:** You are welcome.

**Wheeler:** And I will just say that I know many of the women who are involved with the league of women voters and most of them are going to outlast me, for sure. [laughter] good morning. How are you doing today?

**Charles Bridgecrane Johnson:** Or perhaps outlast your mayoral regime. I am Charles bridgecrane Johnson, and I would like to, you know, to put a little context, you know. Back in 2012, 38,762 voters thought that Cameron whiten would be the best state treasurer, but

June 5-6, 2019

ted crushed them with almost a million votes, and now we have a city council where I would say that the most elected person, even though only three people are in the five chairs, the most elected person is Jo Ann Hardesty, who had over 150,000 votes, almost 40,000 votes ahead of the actual mayor and as we move towards the 2020 election, it's great that we are going to an open and accountable election system, so more grassroots people that are, you know, not as engaged with the local democratic machinery will be able to run, but as we learned from the mayor's office questions you know, we have things in this ordinance like "part 15, q3, iv," fortunately those all only fit in 13 pages, but there is a maximum penalty of \$10,000, and I think that that's the thing that actually most ties in with the concern that lightning raised is how do we make sure that one candidate, when they make it -- have a problem, is not penalized more than another? It's going to be a learning process, and I am definitely in favor of seeing you all vote unanimously as a unanimous panel of five to put this into practice, but the phrase "political action committee" isn't in there, only the phrase "political committee." so hopefully what lightning alluded to with his question, is people's conduct within the system is an issue that was a he get to judge them by. If a person says, oh, I don't know if I want to use the highly regulated public process system, I just want to grab boat loads of cash from Monsanto and Nike and run.

\*\*\*\*\*: [inaudible]

**Wheeler:** Please, let him finish.

**Johnson:** But to vote yes, and make sure that we develop a context so that maybe there is eventually some language linking the amount of the penalty to the size of the indiscretion. I couldn't see in the brief time that we were looking at this how that's in there, but it's an important program as we look at commissioner Fritz moving on, and as our community tries to decide which people are going to be vying for the mayoral seat and how we are going to pressure Jo Ann to run for that seat. We need to have these processes so that great people that have already been mentioned -- the late, great, Sue Stahl, who is no longer with us, can inform these conversations, and Philip Wolf, and I also hope that we get --

**Wheeler:** We need to wrap it up.

**Johnson:** To resurrect something like the PCOD, the Portland Commission on Disability, thank you very much.

**Wheeler:** Thank you. Thanks both of you. Commissioner Fritz?

**Maggie:** I want to say we need more students.

**Wheeler:** Maggie, thank you for your time. Commissioner Fritz.

**Fritz:** Would you be comfortable putting an emergency clause? Would anybody not be comfortable putting an emergency clause on this?

**Hardesty:** Me.

**Fritz:** I move to add an emergency clause because it's in the public's interest to have these rules in effect when the program opens on July 1st.

**Eudaly:** Second.

**Wheeler:** We have a motion from commissioner Fritz, a second from commissioner Eudaly. Any further discussion on this particular amendment? Please call the roll.

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

**Wheeler:** Aye. [gavel pounded] the amendment passes. To the main motion. Sorry, yep, this is a Resolution, to the main motion as amended, please call the roll.

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

**Wheeler:** I am sorry, I am sorry. That is not right. I withdraw that. This is an ordinance. We now put in an emergency clause. Right. Okay. Sorry. Coffee hasn't kicked in yet.

**Eudaly:** Aye.

**Fritz:** Colleagues, thank you for delving into these rules for the engagement in the system. Thank you very much to Susan Mottet, Anna Sposito and Cristina Nieves and Tim Crail.

June 5-6, 2019

Thank you to the open and accountable elections commission. You have done amazing work in a very short time. Thank you to the voice for all Portlanders coalition who have been engaged in this process since the beginning. Thank you just to the people of Portland for electing me in the first place with public campaign financing, and for knowing that this is why we use the taxpayers' money because it will increase the trust in the government and avoiding the appearance of corruption for politicians. It's a small step but a necessary one. Aye.

**Wheeler:** First of all, sorry for the confusion am people may not realize that sometimes sitting in this chair requires an incredible amount of multi-tasking, and I sort of blew it there, so sorry for the confusion. I think this is an important step in the right direction. I want to be very clear, I think that there will need to be revisions over time. I think that there will be a learning process, and this is a process that is going to evolve, but I want to thank commissioner Fritz, in particular, for the considerable amount of effort that she and her team have put into this, and I am glad that we now have the commission ready to step up their work. That gives more public eyes on the process and I look forward to seeing how this evolves in the months and years ahead. I vote aye. [gavel pounded] the ordinance is adopted as amended. Next item, please, is -- yes, we can do this, 520.

**Item 520.**

**Wheeler:** Commissioner Fish.

**Fish:** Thank you, mayor. In early 2018, the city received multiple reports of suspicious crow deaths across Portland. The Oregonian reported on witnesses who saw nearly a dozen crows falling dead out of the sky. Clearly, someone or something was poisoning crows. Anyone who has come downtown in the early evening during the winter is likely has seen the annual gathering of crows. It's a spectacle to be seen. Thousands of crows, amassing in trees, on power lines and on rooftops. This annual gathering is not welcomed by everybody. The crows leave behind a mess, generating calls and emails from residents demanding that the city do something. While we cannot and should not control the natural behavior of thousands of wild birds, the city's response has been measured. Additional cleaning of the streets and sidewalks by clean and safe and the hiring of a team of falconers to fly hawks through downtown. To some in our community those efforts were not enough, and we think that a resident may have intentionally fed birds avitrol, the deadly commercial grade neurotoxin that killed the crows. This is unacceptable. These poisons are inhumane, and these types of actions risk exposing the general public, local wildlife and the entire food chain to a dangerous neurotoxin. Today I am proud to introduce representatives from both of my bureaus the bureau of environmental services and parks and recreation to explain how we are working to prohibit the use of avitrol and other bird poisons on public property. With us this morning are Nichole Linehan, pest management specialist with parks and recreation, and David Helzer, environmental specialist with bes, with the presentation. After their presentation, we have invited a panel that includes Bob Sallinger, Stephanie Boyles Griffin, and Lisa Frisch, and after that, we are going to take a picture, if I can indulge is the council. So, Nichole and David, welcome, and take it away.

**David Helzer, Bureau of Environmental Services:** Thank you. Good morning.

**Wheeler:** Good morning.

**Helzer:** My name is David Helzer, I'm a biologist with environmental services.

**Nicole Linehan, Portland Parks and Recreation:** Nichole Linahan.

**Fish:** Move the mic closer to you.

**Linehan:** Integrated pest program.

**Helzer:** I'm just going to give you a brief overview to build on commissioner Fish's introductory comments. A little background on the history of the city council actions for protection of birds and conservation of other wildlife here in Portland. The city has taken a number of actions over the years going all the way back to 1986. With the adoption of the



June 5-6, 2019

great blue heron as the official city bird. A little more information on crows in Portland. Crows are a familiar urban bird, they're renowned for their intelligence, during summertime crows are throughout the neighborhoods right now, spread out throughout the city and family groups raising young. During the winter, crows form up into larger flocks and on winter nights, they form communal roosts. Normally in the tens of thousands sometimes, usually thousands of birds. They do this because there is safety in numbers for protection from the elements, warmth, for example, protection from predators and also in these winter time roosts they share information on food resources. Along with this comes a nuisance which is crow droppings on the sidewalk. Downtown clean and safe has used a couple of non-lethal strategies to address this nuisance of bird droppings on the sidewalks, including using as commissioner Fish described, falconers who have trained hawks, and these hawks harass the crows as they are settling in for the night and kind of herd them into safe areas. Including the parks behind city hall, and that's what this photo here illustrates as the wintertime crow roost on a snowy night taken by a representative of the Portland police bureau. So avitrol is an avicide? What is an avicide? Avicide is a class of pesticides used to control birds. Avitrol is a lethal form of bird control. It's a neurotoxin. We have had several crow poisoning events, as commissioner Fish mentioned, with dozens of dead and dying crows found falling from the sky, notably in 2014 and 2018, and those, in those instances it was confirmed that avitrol was a cause of the crow deaths. Was unknown who used the product. The Oregon department of agriculture is investigating that. Avitrol and other avicides represent some significant risks to other birds, for example birds that are not the target of the control while birds can consume the bait, the poison bait. Predators then can consume, such as eagles or falcons can consume birds that have consumed the poison bait and absorb it that way. It is also a risk for pets who may consume the bait, and finally, it's a risk for people. In fact, the label for this restricted use avicide prohibits it being used in an area where children are present or an area where children may have access. I will turn it over to Nichole now.

**Linehan:** All right. Thank you, as many of you know, parks oversees thousands of acres of land from natural areas to botanical gardens, golf courses, and developed parks. Each with varying sites and with specific needs, usability's, and public expectations of uses because of this, parks has an integrated pest management program to help manage the land. It's available to staff and the public, and is also adopted by many city bureaus. What is ipm? Well, it's a process, and it can be seen as a playbook with multiple tools in your toolbox to use when you have a pest, and it can also help you to prevent pests from emerging, as well. When a pest arises, the ipm program helps the staff decide if they should control the pest in the first place, what happens if they don't control the pest, and the best way to control it. So, first we look to local city, state, federal agencies, such as soil water conservation, Oregon department of agriculture, epa, usda, and local universities on the best science available for pest management. Some control options that we utilize are cultural, physical, mechanical, manual, biological, and chemical, but usually it is a combination of a few of them. Once we make the application, then we monitor the results and determine if we need to repeat. Parks has recently added an avian management policy to our ipm program. Reinforcing parks and other city bureaus' stance of no chemical harm to birds, and also it guides employees to review best management practices for scheduling maintenance to limit harm to nesting birds. Why have we gone this route? The city cannot supersede the Oregon department of agriculture's regulations, which -- who enforces state and federal regulations regarding pesticide use, the city can model actions we would like to see taken by the public, and we can also use this to promote awareness of the city's stance on the avicides. We are here today to request the city require other bureaus to adopt Portland parks and recreation's ipm policy on avian management.

June 5-6, 2019

**Fish:** Thank you very much. If there are no questions from my colleagues, we will invite up our panel. Thank you very much. Bob Sallinger, conservation director for the Audubon society of Portland, and I would be remiss if I didn't say that both Bob and Audubon have been indispensable partners in developing this policy. And Stephanie Boyles Griffin, the senior director and wildlife biologist, with the humane society of the United States, and Stephanie, welcome to Portland. It's a nice convergence of you being here and a chance for you to testify and we thank you for taking the time, and Lisa Frisch with the Portland business alliance. With that I will turn it over to Bob.

**Bob Sallinger:** Good morning, my name is Bob Sallinger, I'm the conservation director for Portland Audubon society and I would just add Tara from Center for Biodiversity is also here today and would like to testify as well. Thank you very much for this resolution. We are here today to express our strong support and appreciation for the work that has been done on this, particularly, to Commissioner Fish and his staff, and Jamie Dunphy, and the city staff, James Allison, David Helzer, Paul Ketcham, Kaitlin Lovell, Nichole Linehan, a lot of work has gone into this, and we really appreciate the work that has been done. These types of avicides are dangerous, they're indiscriminate, they're cruel and they're inhumane and they have no place in our landscape, and particularly on an urban landscape. David told you a bit about the avitrol but I want to tell you more. It is an avicide, a bird pesticide, it is a neurotoxin, it is put in bait, the birds are lured in, and they eat it. It is advertised as humane. It is anything but humane. It is designed to trigger an alarm response in birds. Birds seize, they convulse, they scream, they lie on the ground on their sides and back, their legs peddling in the air, and for the most part, they eventually die. That can go on for minutes, it can go on for hours, and the pesticide takes sometimes a long time to kick in, so birds can disperse over wide areas before they, actually, are impacted and literally fall out of the sky and die on the ground. It's marketed as non-lethal, but in fact, if you read the EPA's registration and label, it says explicitly quote, "birds that react in alarm usually die. It is inhumane, and it is lethal. Applicators are required to keep the poison area free of people and pets until all poisoned birds are collected. However this is unrealistic. It's a joke. It can take an extended period of time to kick in, and a flock of birds or an individual bird that has consumed this poison can travel miles before it, actually, feels the impacts. This means birds can get scattered over miles and miles of our city after they have been poisoned, in our neighborhoods, in our parks, in our community. The risk to people and pets and other wildlife is particularly high because we think about the mechanism of death, these birds are lying on the grounds, falling out of the sky, screaming, peddling, flapping their wings involuntarily, that's the kind of response that draws attention, so if you are a red-tailed hawk or a peregrine falcon or a dog or a cat or a child, that's the kind of thing that may cause you to come and pick up these birds. By the way, this item -- this compound is both orally and dermally toxic, so it's toxic to injection, it's toxic to the touch. This is really scary stuff and yet, it is sold and legally used. So, I want to tell you a bit about the two events that we had because I think it's important to get it on the record. The first one was November 24, 2014, the day before Thanksgiving, dead crows started showing up at Chapman and Lowenstein squares. A while later they were discovered in waterfront park, a 25 plus block area covered in dead crows. We started getting calls, the city got calls, the city responded, and the state responded, the feds responded, Audubon responded, and we were all down there the day before Thanksgiving collecting dead crows and trying to figure out what went wrong. The fire department responded and took air samples because there was a concern that this was a terrorist attack, that somebody had put something into our environment, and this was actually terrorism. It is terrorism, but a different kind than what people were thinking at that moment, but it was scary enough. We set up an emergency hotline, we called in extra volunteers, and we called in extra staff, and for the next several days throughout the holiday weekend, we collected dead crows

June 5-6, 2019

and responded to every report of sick and injured birds, actually, went out into the field and our wildlife care center did that, and collected them, and then got them off to the lab for shipping, for testing, and it was confirmed that this was avitrol. We did not know what it was at the time. That's one of the scary things is you don't know until several days, sometimes weeks later after they get done with the testing. The second event was in late January of 2018. People in northeast Portland near mlk and northeast Jessup witnessed a flock of crows, and suddenly birds started dropping from the sky, crashing into the ground, some were dead when they hit the ground, and others screamed and twitched and seizure and convulsed and died. A reporter said it was one of the worst things that she had ever seen. Again, a massive mobilization, city, state, feds, abdomen, we again set up a hotline, we again, went out for days, actually weeks, afterwards looking at sick and dying birds to see if this was a continuation of the pattern. We are still getting calls today from that announcement of if you see sick and dying birds, call us. People are still calling us saying I saw a sick crow, and I am worried because I think it might be poisoned, it might have been poisoned in my neighborhood. This is not associated that incident, but it gets into the psyche of our community. We put up \$1,000 reward on each on of these, but didn't identify anybody who had actually done it, unfortunately. These incidents have occurred in other cities, as well. There was a big incident in bend several years back in which they poisoned over a senior center, and birds layed dying on the rooftop and ground, they measured the temperature of the ground where the birds were lying and convulsing, it was over 140 degrees, anyone tells you this is a humane way to die hasn't really looked at this product. You can imagine a wild animal lying out in the open on 140-degree ground twitching and convulsing. I want to call out our wildlife chair center because this is the stuff that our care center responds to. We have a wild center volunteer here today, kari may in the front row. We have over 100 volunteers and several staff who deal with 3,000 injured animals a year and 10,000 wild life phone calls. These are among the scariest situations that we see. People ask me, is it scary to work with wild animals eagles and bears? No, it's scary to work with poisoned animals because you cannot identify them as they don't come in the door, they don't come in with a tag saying do not handle me because I have a dermal poison on my body. That what really worries me with our staff and volunteers is this kind of a risk that we have to respond to, and it's not a theoretical risk. It's a real risk. I and another staff person were poisoned in the 1990s handling birds that were poisoned with a different compound called ridoford, a dermal, a contact poison. Red tail came in, identified as hit by a car, and in fact, it was covered inside compound, and we both had symptoms of that poison. It is a real, real risk to the community. It's a real risk to the people that respond. I call out our care center today because we are going to go through an expansion process next year, and this is the kind of thing that we are set up to do. We provide a big service to this community, and we would love to have council support. The importance of this facility, as we go forward with that expansion process, your endorsement will be helpful in that, so we can continue to respond is to these kinds of events. I want to end today by simply noting that this is a very important step that you are taking. I want to note the city does not poison birds, and we appreciate that, and although this applies on city property, and the city is not using these, this will prevent anybody from considering it in the future on city property, but more importantly it sends a message to the community that these poisons are unacceptable, they are dangerous, and they don't have any place here. It sends a message to the state that they need to do a better job regulating these incidents and following up on them. Also, perhaps, giving local authority so we can regulate them better in our own communities, and finally, it sends a message to the epa, which is responsible for licensing and reregistering these pesticides periodically. We hear constantly that we don't have any data about these pesticides from the epa, we don't know that they are causing problems. It's very hard to actually identify non-targeted incidents like

June 5-6, 2019

the ones we see and the problems that they create because they don't get well documented. What you are doing is documenting what occurred, you're putting the city on record as other cities have as well, and when this does come up for reregistration hopefully we'll see epa making the right decision the next time and getting these products -- this product in particular, these kinds of products off the market permanently and forever. Thank you for your work on this. We really appreciate it. [applause]

**Wheeler:** Good morning.

**Stephanie Boyles Griffin:** Good morning, my name is Stephanie Boyles Griffin and I serve as senior scientist in the wildlife protection department at the humane society of the united states in Washington d.c. I appreciate the opportunity to be here today I also serve as science and policy director for the botstiber institute for wildlife fertility control. That institute serves as the world's premier clearing house on anything and everything having to do with the field of wildlife management. In 2011 I was appointed by governor martin O'Malley to serve as commissioner on the Maryland wildlife advisory commission, to give you background about myself. I have been working in the field of human wildlife conflict resolution for 20 years, during that time I have worked with federal, state governments, municipalities and corporations to implement humane, sustainable programs, for example I did my masters thesis working with the regina department of transportation to resolve conflict with beavers in a humane and sustainable way where they dam road culverts and causes roads to be washed out and we're currently working with a team of my associates and colleagues at hsus at the bureau of land management to find ways to manage wild birds at a herd management area in northwestern Arizona using fertility control vaccine, but on behalf of the hsus and our Portland Oregon members and constituents we appreciate the opportunity to provide testimony this morning and to express our strong support for the proposed resolution to adopt the Portland parks and recreation's integrated pest management policy that prohibits use of avitrol and other avicides on city owned property and on infrastructure. As bob has already said, and was presented by the parks department, avitrol is a restricted use toxic chemical used to killed pigeons and other birds. That's what it's registered for. It's promoted as a flock freighting agent or a repellent but it is a nervous system poison that can indiscriminately kill a bird or mammal, even livestock and companion animals. Birds who consume it suffer convulsions and often die slow, painful deaths. It is not only traumatic for the birds to die this way as bob stated, but its also really traumatic for people especially children who witness or try to help dying birds when they are found in public spaces that these kinds of grisly events have been reported by our constituents and it's been covered in the news media over many years as avicide has been in use. Me personally when I first entered this realm of work that I do now, one of the first things I got called off on was birds falling out of the sky and gathering them up and trying to see what's wrong with them, seeing the bait around, I had never seen avitrol before, I thought it was corn with a little bit of green matter on it. I had no idea it was a toxicant and it is a dermal toxicant and I was probably picking it up with my bare hands just trying to keep another bird from consuming it, was putting myself at risk doing so. I know better now but what if it had been a kid and not me? Users claim these distressed behavior of poisoned birds actually frightens them away and their flock members away, but any frightening effect of avitrol on surviving birds is very short-lived and because birds remaining in the area return quickly and reproduce and that's basically why killing birds by any means not just avitrol is not only cruel, it fails to address the root cause of whatever the problem may be leading to an endless killing and unnecessary killing cycle. From the hsus perspective when impacts are being experienced from birds aggregating in areas due to attractants or an area that's accessible for nesting and loafing we encourage city's to implement a humane, integrated approach to mitigate these impacts and manage bird population. For example, many of the conflicts with birds can be tied to feeding, so we



June 5-6, 2019

support city's efforts to curb intentional feeding of birds by educating the public and proactively removing food attractants. We recommend using a wide variety of devices available to permanently prevent birds from roosting and nesting in areas where they're not wanted. Our decades of work on conflict resolution with communities across the u.s. demonstrates to us that these kinds of integrated and comprehensive approaches to managing issues with birds and other wildlife are the most successful in providing long term resolution and preventing unnecessary killing of bot target and non-target animals. Finally we support the use of fertility control methods like the product ovocontrol used to stabilize and reduce the size of flocks over time when its necessary and appropriate to do so. Ovocontrol is a bird contraception that comes in the form of kibble-type food which causes birds that regularly -- to lay eggs that would fail to develop. It's humane, its sustainable doesn't always have to be used but in situations where it might be beneficial to slowly reduce the flock size over time it's an option for cities. These reasons all of the above we strongly support the proposed resolution and applaud the city of Portland for its leadership in establishing a humane and compassionate standard for mitigating conflicts with birds that we hope corporations, businesses and private property owners in and around Portland will also soon follow. Avitrol has been banned in great britain and two cities in Canada have banned it, red deer and halifax. It's restricted in new york, the state and banned in new york city, san francisco, fort collins and boulder, colorado. We're thrilled the city of Portland will serve as a trailblazer for development and implementation of humane and effective bird management policies and hope to see these policies replicated in other cities and towns in Oregon, the pacific northwest and beyond. Thank you for the opportunity to comment on the proposed resolution this morning and I'm happy to address any questions you may have. Thank you.

**Fish:** Thank you for being here. It's a great honor to have you before us.

**Wheeler:** Thank you.

**Fish:** Now we have up Lisa Frisch from the Portland business alliance.

**Lisa Frisch:** Good morning, mayor Wheeler and commissioners, my name is Lisa Frisch, I'm the downtown retail program director for Portland business alliance and downtown clean and safe. I'm here to provide information on city approved methods that we have employed to minimize nuisance issues related to crows in the downtown area. I have a video I'm going to show halfway through my testimony. In 2015 in our annual business census and survey data collection we were surprised to note that many of our respondents felt downtown was not as clean as it was in the past. As you know clean and safe spends over \$1 million with a contract with central city concern to provide janitorial services in downtown Portland. We have noticed a huge difference in the amount of litter that we were picking up in downtown, but we did notice that the crow population was booming. Something that we had not previously seen. In some high crow population areas streets, sidewalks, furnishings were carpet bombed with bird droppings. Our cleaning staff power washes every sidewalk in the clean and safe district twice a year, but we started to power wash every night in high crow population areas. Two issues that presented we power wash overnight so as not to disturb pedestrians during the day but crows dirty the sidewalks around 7:00 a.m. in the morning. Additionally crows were causing issues in the cold weather months and we cannot power wash during freezing conditions as it would lead to unsafe conditions on the sidewalk. In 2015 Portland mall management, inc., partnered with clean and safe to contract with a company that provided a Zamboni like sidewalk scrubber we dubbed the poopmaster 6000. I have a video that aired on nbc nightly news about the poopmaster 6000. I'm going to --

**Video Played**

\*\*\*\*\*: In the dark downtown Portland you might not be able to see the crows but you can definitely see the mess they leave behind.

June 5-6, 2019

\*\*\*\*: The challenge was how to clean after the crows leave at 7:00 in the morning. They wake up, do their thing, they leave.

\*\*\*\*: The crows roost here in the winter. Their droppings coat everything from statues to sidewalks. But today and five days a week from now until spring, this little green machine is making a difference. It's called the poopmaster 6000, and it comes complete with a rather guilty looking crow on the front. Portland mall management is renting the poopmaster for a six months trial. It cleans up the droppings in the mall and works in wet or dry weather. People we talked to seem to appreciate it.

\*\*\*\*: I think it would beautify the area. It would take the stench away because it does smell. It would just make the city more attractive.

\*\*\*\*: At the very least it's getting a lot of attention.

\*\*\*\*: People come up and want to take a picture. Like, sure, you know? Most people like it.

### **Video Ends.**

**Frisch:** A little bit of humor for today's important and serious topic. The poopmaster 6000 cleaned the sidewalk, but it was a slow process. You saw it was very slow, it was very limited in scope and very expensive. \$30,000 to rent for a season. The poopmaster did make a return appearance in late 2016 but at that time we sought a more sustainable solution. Since that time we worked with integrated avian solutions to help direct the crow populations from high pedestrian areas and instead to green spaces where they might have a more enjoyable experience. Integrated avian solutions employs falconry to manage nuisance bird populations by allowing a raptor in this case a harris hawk to fly near groups of crows.

**Fritz:** You didn't say murders of crows, I was waiting for that, its in the document here.

**Frisch:** I think it may not be a politically correct crow term. I read something online some people have asked us not to use that term.

**Fritz:** Interesting thank you.

**Frisch:** Sorry about that. It was the proper term but may not be a correct term. The presence of the raptor makes the birds roost elsewhere. There are no sounds, there's no contact between the birds. We just wrapped up our third year of the program and you may have noticed that bird droppings have diminished in the central city while waterfront park is a new haven for crows at night. We thank the city of Portland for partnering with us on these innovative solutions. Through the journey we never employed any avicide or avitrol or any tactics not supported by the city or the Audubon society or the city. We're always looking for innovative solutions that crop up to issues in downtown Portland and hope to act as a model for other enhanced service districts. We're proud to show our successful results and will roll out the next phase of our crow abatement program this October, thank you.

**Fish:** Questions for our distinguished panel?

**Wheeler:** I learned a lot today. Thank you for being here.

**Fish:** That concludes our formal presentation. Karla, has anyone signed up?

**Moore-Love:** We have two people signed up.

**Wheeler:** Very good.

**Moore-Love:** Maggie and Tara Cornelisse.

**Wheeler:** Come on up. Name for the record, please.

**Tara Cornelisse:** Thank you, commissioners, mayor. I'm dr. Tara Cornelisse, a senior scientist with the center for biological diversity, we're a national nonprofit, we work to conserve biological diversity. We have many offices around the country but I'm based in Portland. So under that hat as well as a resident of Portland and someone who loves wildlife I would like to provide quick comments. I would like to express my support and appreciation for this great resolution banning avitrol and other bird poisons. With the

June 5-6, 2019

current mass extinction crisis, the u.n. report came out recently, 1 million species are at risk of extinction because of human activities, we're lucky any wildlife can survive with us in our cities specifically. So instead of poisoning them with dangerous chemicals we should really appreciate how birds can add to our human dominated landscape including crows and pigeons. They are very unique with lots of really interesting behavior and intelligence. Overall the center for biological diversity advocates nationally against the use of dangerous pesticides particularly that impair nontarget organisms or organisms that really add to the landscape like bees, aquatic invertebrates and birds. We strongly support this and are happy that Portland can once again provide an example for the rest of the state, was happy to hear about that, as well as the country, and as Bob mentioned an example for the EPA for how these dangerous chemicals should not be used and should not be reregistered. To eliminate these kinds of harmful toxins. So just wanted to say thank you for passing this resolution on behalf of myself and the center for biological diversity.

**Wheeler:** Thank you.

**Maggie:** I want to thank all the people who came to testify on this issue. Is there any way to prevent this chemical from being used on private property as well? Cruelty to animals and the spread of cancer-causing dermal toxins is not a good thing. So it's great that the city wants to do it on city structures and sidewalks, but what can be done to ban it from private use, and also is that Zamboni electric or oil based? And couldn't they just use like a carpet cleaner thing, you know, squirts warm water then vacuums it up. It's not quite as big. Doesn't cost \$30,000 for a carpet cleaner. Private? Ban it on private property.

**Fish:** It's regulated by the feds. One of those areas where we have very limited role in terms of private conduct other than using the bully pulpit, for example talking to our friends at the port and making sure they don't use these pesticides and others but at the end of the day we have a very limited regulatory function in terms of private actors. What we're hoping is to set an example of how we use this in the public sphere and use the bully pulpit to get others to follow it.

**Maggie:** I wanted to mention the skin is like the lungs, it's very permeable, and recently they did a study on sunscreen and there's some chemicals in sunscreen that get in the system so this dermal toxin can pass through the skin very easily and we need to stress that for people who are still using it on private property is that it can like they say travel because the birds fly, so it will travel from private property to public property.

**Wheeler:** Commissioner Hardesty.

**Hardesty:** Thank you, Mayor.

**Wheeler:** Thank you both for your testimony.

**Hardesty:** I will say your state legislator would be the appropriate person to talk to about regulating chemicals at the state level. I would encourage you to connect with your state representative and state senator and have them move forward on this. I think the city will be an example that they will be able to follow.

**Maggie:** Okay.

**Wheeler:** Very good. Any further discussion? I would like to say one thing, Commissioner Fish, while you have your proponents here, some of whom have traveled a long distance to be here today, we're very grateful and honored by your presence. I thank you for bringing this to the city council. It is a very important issue. It might not be one that's front and center in everybody's minds but I know that when the winter comes around again this is a question that will pop up again and we'll get lots of inquiries, we're going to get lots of emails. I hope what the public hears today is that the livability issue is being actively engaged around by Portland Clean and Safe, Portland Business Alliance and others in the downtown area. We have employed humane approaches to addressing this problem. I just want to say, and the testimony today just underscores what I already believe, Commissioner Fish, which is this is the right thing to do because it is the wrong thing to do

June 5-6, 2019

to use toxins to poison wildlife under any scenario where the main issue that people are concerned about is poop on the grounds. That we can deal with through other means and it does not require us to use inhumane toxins. I also just want to underscore the testimony that we heard from two of the folks this morning which is that we are being very naive, foolish even, if we believe that using neurotoxins on wildlife will not eventually impact us as humans. So I would strongly support this. I did have one question of staff, if I could ask them to come back. Let me ask the question and maybe whoever --

**Fish:** Nichole and David? Are you still here? Why don't you come forward? Nichole's title is pest management specialist, with the parks bureau, so we're very fortunate to have a dedicated staff person whose job it is to review all the policies city-wide. David is environmental specialist with BES.

**Wheeler:** Thank you for sharing your good work with the city council and with the public. It's my understanding that at this point we're not using avitrol but I heard reference to another chemical that suppresses the ability of birds to lay eggs. We're not using that either, are we?

**Helzer:** Yeah, that was mentioned by representative from humane society. I think it's ovocontrol. We're not currently using that through the IPM.

**Wheeler:** Good. The second question, the main reason Commissioner Fish is bringing it to council to ensure that all of our city bureaus are on the same page with regard to this. It's my understanding none of the other city bureaus at this point have been using those chemicals either. Is that correct?

**Linehan:** Yes. We reached out to all the representatives that will receive innovated pest management for the bureaus and they did not -- no one reached back saying they did use them.

**Wheeler:** I had a question of interest just because it was raised. The Clean and Safe folks, Portland Business Alliance and others have brought falconers in to -- if I understood this correctly to herd the crows into a larger green space. So they actually have targeted locations or how does that work?

**Helzer:** Yeah. The project between downtown Clean and Safe and the falconers, they mapped out a grid of areas for priority for keeping the birds out of, crows out of, including the transit mall. Then identified safe areas. So that includes the waterfront, green spaces so the falconers use their Harris hawks. When the crows come in to spend the night, when they are coming to settle in at dusk their metabolism is winding down and they are looking for a safe place free from predators. That's when the falconers start flying their hawks. Having a hawk on the same street where you're thinking about spending the night doesn't work for the crows.

**Wheeler:** It's just a learned behavior that this area has hawks whereas this area they come to learn don't have hawks?

**Helzer:** It's partly learned, it's a couple times per week so partly an association that this area is not safe but it's continued pressure cause there are so many birds involved that they need to keep the pressure up. It's an ongoing process throughout the winter, it's a mix of learned and ongoing pressure.

**Wheeler:** One general interest question then I promise I'll stop. This is a really interesting presentation and something completely different. Commissioner Fritz. They come together as a colony in the winter. Why do they do that?

**Helzer:** There's a number of reasons they do that. There is safety in numbers, they seek out areas that are more sheltered from the elements because they need to regulate their internal temperatures and conserve energy. So we have a heat island effect in the center of the city, so it's warmer in the central city. They are seeking safety in numbers. There are some studies and hypotheses that crows who are highly intelligent share information in these roosts about where they find food so they can find more food the next day. There's



June 5-6, 2019

another hypothesis that the lights in the downtown city core help them feel safe because they can see predators coming, a primary predator like a great horned owl. They can see that animal coming. There's a variety of reasons they do this, but it's mostly about safety and survival.

**Wheeler:** Thanks for indulging me. Very interesting. Any further questions? This is a first reading of a nonemergency ordinance. Moves to second reading. Resolution?

**Fish:** This is a resolution, mayor. Following the vote on the resolution I would big your indulgence for a quick photograph.

**Wheeler:** You bet.

**Fish:** Let me begin by thanking Nichole and David for an excellent presentation. Bob Sallinger from Audubon, Stephanie Boyles Griffin from the humane society and Lisa Frisch from the Portland business alliance. All-star lineup, really interesting testimony. Thank you for being here and Stephanie Boyles Griffin, you have an open invitation any time you're on the west coast, please join us. Thank you for your great work and thank you for honoring us with your presence today. This is a proud day for the bees and parks families. When the mayor made the decision to put both bureaus under my watch, what we began to look for is opportunities where they could collaborate more. There's so many natural areas of overlap in the work parks and bees do this is an splendid example of how a partnership works for the whole city. I'm very proud of that. This resolution is one of several actions the city has taken to protect birds. This includes adopting a bird safe building policy, bird friendly vegetation management practice, green roof building requirement, a bird safe resource guide and then most recently in our budget approving funds to begin work on reducing light pollution. I'm proud to serve on a body that regularly demonstrates their commitment to nature and the city and it's one thing that makes our city so special. By our vote we're making a clear statement that avitrol has no legitimate function in the city of Portland. The city of Portland is proud to lead by example, reaffirming that we do not and will not use this deadly poison and we encourage others in our community to follow our lead. Thanks to Jamey Dunphy on my team for all the good work that he did and others. I'm proud to vote aye.

**Hardesty:** I also want to really appreciate the guest speakers that came and spoke about this issue today. I can't vote on this without actually mentioning poopmaster 6000 because I never thought I would hear that term in this particular chamber, in this particular position. [laughter] I bring poopmaster 6000 to light because as we start thinking about innovation and how we move to this clean energy future, I'm looking forward to us being able to create something that costs a whole lot less than \$30,000 and actually takes into account the innovation of folks who live right here in the Portland metro area to find a solution that works for both people and animals in the city of Portland. So I absolutely vote aye.

**Eudaly:** Well, I want to thank commissioner Fish for bringing this item, of course I'm pleased to support it. I don't want to miss this opportunity to comment on how unfortunate it is that although Oregon is thought of as a leader on environmental issues and a green state that we really are lagging behind on this issue and in fact the state preempts us on banning pesticides and herbicides specifically roundup glyphosate at a local level. I know there were a couple bills down in Salem. There have been no votes and there's no additional hearings scheduled, so I don't think that's a good sign. So I want to encourage the public, this is an issue if you care about, please contact your legislators. I want to encourage Salem to if we're not going to have a statewide ban please allow municipalities to decide for themselves what they are going to allow to be used within their jurisdiction. Aye.

**Fritz:** Thank you, commissioner Fish for bringing this forward, thank you to everybody who has spoke and done a lot of worked on this project. This is to my knowledge never been on the city council's legislative agenda priorities. Seems even though the legislature is

June 5-6, 2019

currently in session we should be starting the new list of things that we would like our lobbyists to work on in Salem to as commissioner Eudaly said at least take away the preemption so we can ban these toxic products. I would have to say the presentations were a lot more graphic and disturbing than the ones when we were talking about banning neonicotinoids which affect bees and this obviously illustrates that these toxins do cause harm in little creatures and big creatures and humans as well. Thank you for bringing this to our attention. Aye. Just one more thing. I did affirmatively get from the water bureau that we definitely do not use it.

**Wheeler:** This is good work. I appreciate it. Commissioner Fish, your team and everybody who testified, thank you. I vote aye. The resolution is adopted.

**Fish:** Quick photograph, mayor?

**Wheeler:** Sure.

### **Item 521.**

**Wheeler:** Colleagues, in the face of declining federal and state financial support, many cities across the nation face the challenge of crumbling infrastructure and deferred maintenance. When faced with more needs than there are resources it's often more urgent short term needs like emergency repairs that are funded rather than longer term maintenance. The risks of intergenerational inequities as this maintenance is pushed out becomes ever larger. Portland is one of the cities facing this challenge with a \$3,010,00 and growing infrastructure maintenance gap. The 2014 city-wide funding options report received by council outlined a suite of options for closing major maintenance and asset replacement funding gap and highlighted that without substantial investment of resources to address this issue the city risks higher costs and lower levels of service in the future. In Portland there's also a challenge of varying sources of funds available for different types of infrastructure. Our water and sewer systems for example are funded through rates while parks, transportation and our other civic buildings are funded through the general fund, local bonds or taxes. For those bureaus wide on the general fund inconsistent funding can mean the potential inability to maintain assets over the long term. While we have made notable progress in identifying resources such as the parks replacement bond, the capital set aside, the gas tax revenue it is certainly not enough to fill the gap. In 2017 we initiated a bold new initiative, build Portland, to fund infrastructure renovations and repairs. With build Portland we expect to spend \$600 million over the next 20 years for investments improving roads, bridges, parks and buildings the community uses every day. Carmen Merlo and Geraldene Moyle are here to give the 2019 update on build Portland and the progress the city has made on the first build Portland projects that were initiated last year. Good morning. Thanks for being here.

**Carmen Merlo, Office of Management and Finance:** Thank you, mayor Wheeler, commissioners. I'm Carmen Merlo, deputy chief administrative officer, with me is Geraldene Moyle, the build Portland program manager. I want to acknowledge several asset managers in the room including Brian Dorn from travel Portland, who is on our build Portland community advisory committee. We're here to give you the 2019 build Portland annual report. As mayor Wheeler mentioned the city owns and manages over \$35.9 billion in assets. These assets include streets, parks, water, sewer, stormwater and civic buildings owned, managed, operated and maintained by the city. City-wide asset management maintenance is estimated to have at least a \$310 million annual funding gap that is growing each year as costs increase and conditions deteriorate. Access to funding was challenging depending on the type of funds, the fund requirements and the number of assets in need of maintenance and repair. The first phase of build Portland was approved march of 2018 with the commitment to initial program investment of \$50 million. Seven projects were selected that maximized the return on investment, minimize the risk and considered equity and priorities of the Portland plan. The overall goal of investing at least

June 5-6, 2019

\$600,000,00 over the next 20 years is expected to roll out in subsequent phases with the intention of using expected returning revenue from expiring urban renewal districts to fund this work. Council will be asked to approve funding and projects in each phase determining the highest and best use at that time for the returning revenue and general fund debt capacity. We have great news to share with you today, so I'm going to turn it over to Geraldene Moyle, the build Portland program manager to provide an update on the program and the phase one project progress.

**Geraldene Moyle, Office of Management and Finance:** Hello. So as part of the build Portland 2019 annual report we will give you a recap of how build Portland came to be, an overview of what's occurred over the last year since the program was initiated. We do a phase 1 project update and then we'll give you an overview of the program milestones for the next fiscal year. So as both the mayor and council covered as well, in fiscal year '17-18 build Portland established, so there was a council session in August of 2017 that set the vision for build Portland. In October of 2017 the build Portland advisory committee was formed and charged with developing criteria to prioritize projects for phase 1 and to create a funding plan. At that time the build Portland team was also directed to provide council with an annual update on build Portland and that's why we're here today. The first phase of projects which includes seven projects completed between 2018 and 2024 were approved by council in March 2018 and at that same time the initial program cost of \$50 million was approved. The general fund debt to finance this \$50 million was approved in April of 2018. Over the 18-19 fiscal year the build Portland program in phase 1 projects have been initiated, with the funding approved the seven phase 1 projects were initiated in July. Build Portland is a multi bureau partnership with the chief administrative office, the budget office and bureau of revenue and financial services all supporting the infrastructure bureaus implementing the projects. The phase 1 projects have advanced over the first year moving from initiation into design and development phases and the advisory committee has been informed with quarterly updates on the status of these projects. The first seven focus on transportation and parks and recreation improvements and we'll go into more detail on each project but as an overview the projects are disbursed throughout the city. There are five location specific projects, four transportation projects and one parks project and there are two other transportation projects that are citywide and ongoing. The project team is pleased to be able to inform council that all projects are on track to meet the 2020 milestones and these are the milestones the bureaus indicated the projects would need two years from the time build Portland funding was awarded. Now we'll do a brief overview of each of the seven projects. The outer stark corridor improvement project is using build Portland dollars to upgrade paving and signals on southeast stark street from southeast 108th to southeast 162nd avenue. The project also provides enhanced pedestrian crossings and safety improvements in this corridor and the project is expected to start construction in late 2020. The 42nd avenue bridge and corridor improvement project is using build Portland dollars to replace the bridge structure and upgrade paving. The project provides sidewalks, pedestrian crossings and bikeway improvements. That project is expected to start construction in early 2021. The Lents town center improvements project is using build Portland dollars to upgrade paving along the foster road Woodstock boulevard couplet, the project also provides sidewalk, pedestrian crossing and bikeway improvement and is expected to start construction June 2020. The north Lombard main street project is using the build Portland dollars for pavement reconstruction on Lombard from north st. Louis to north Richmond avenue, the project also includes crossing treatments, transit pad improvements and curb extensions and this is expected to start construction in late 2020. The next two projects are city-wide with locations throughout the city and the work is being completed on a continuous cycle of design and construction. The ada compliant corner ramp improvement project is using build Portland dollars to

June 5-6, 2019

complete ada compliant corner ramp improvements over the next seven years. The ramps are prioritized by first addressing ramps requested by persons with disabilities and then by risk, equity and other measures such as access to transit. The traffic signal system improvement project is using build Portland dollars for signal reconstruction and rapid flashing beacons across the city prioritized by safety, equity and asset conditions. The last of the seven projects is the mt. Scott community center rehabilitation. While still in pre-development, this project anticipates build Portland dollars going towards the rehabilitation of the facility which could include a number of the items shown on the slide, the project once the scope is finalized expects to start construction in summer 2022. The phase 1 funding approach includes balancing when general fund is needed to fund debt service with the project progress to ensure the dollars are spent and to minimize the fees associated with taking on this debt. Limited tax revenue bonds were authorized last April and based on the phase 1 project spend projection the build Portland phase 1 funding approach is to, one, issue a line of credit in fiscal 19/20 as phase 1 projects ramp up from pre-development and design into construction. We would replace that line of credit with the bond in late 2021-22 when the projects are projected to, one, need a significant amount of build Portland dollars, and two, are well under way and committed to reach completion. This manages the city's risk by delaying taking on debt as long as possible and minimizing the fees and debt service. This also alliance with the expected timeline for returning revenue some of which is intended to fund the debt service on the bond as well as potentially fund future phases of build Portland.

**Fritz:** Could I just stop you there cause I think this is incredibly wonderful that mayor wheeler had the thought to take money that's coming back from tax increment financing districts and dedicate some of it, borrowing this money so we can get ahead, a little , we're going to really make a dent in the projects. This is brilliant. I have worked for three mayors now. You're the only one who has been able to figure out a way to address the infrastructure gap. Previously we said it's a horrible gap and it's getting bigger and isn't that terrible and you came up with a way that it's not going to keep getting worse. I just want to applaud that and explain that that's why we're borrowing the money because were getting the money back from tax increment financing districts, otherwise known as urban renewal areas. People say we have all these property taxes because we're taking care of formerly blighted areas, what's the good of that? This is the good of that.

**Wheeler:** Thank you.

**Fritz:** And I would've said that right up front with you if I had known that. Sorry do go on.

**Wheeler:** If you have more to add, by all means. [laughter]

**Eudaly:** This is a very rare moment for the mayor.

**Wheeler:** I don't even know how to handle this. [laughter] thank you, commissioner. I appreciate that.

**Moyle:** Where were we? As stated earlier, the build Portland program is a multi bureau partnership with program duties essentially split up as follows. The chief administrative office leads the build Portland program administration which includes a number of items we'll discuss. The city budget office leads the financial forecasting in regards to program dollars available and the long term projections for when returning revenue will be available for the continuation of next phase of projects. The bureau of revenue and financial services and more specifically debt management determines how to finance the build Portland program and in particular how to manage the risk of phase 1 which was initiated in anticipation of but in advance of that returning revenue and the infrastructure bureaus are responsible for delivery of the project selection for build Portland funding. Just as each phase 1 project has project, scope and costs, build Portland as a program has administrative scope and costs, these include communication and outreach, so consider this an approach to community outreach and education including why there's a



June 5-6, 2019

maintenance gap, the goals and intentions of the build Portland program, and project progress, the coordination of the program cross the multi bureau partnership which would include project progress tracking, any expected build Portland collateral that might come out of the communication and outreach development that would need to be coordinated with project staff, so this could include signage, construction site or groundbreaking events. Then aligning the project progress with availability of funds and the evaluation and determination of when to initiate phase 2 and with that initiation of phase 2, the development of a long-term funding approach to those next phases of projects. So finally, as we're here at the end of fiscal year 18-19 here is our work plan for fiscal year 19-20. The phase 1 projects will advance and to highlight the first of the location specific projects which is expected to be the lents town center project should start construction in late spring 2020. Debt management will also issue the line of credit later this fiscal year to fund those project expenditures. The team will initiate the communication and outreach approach with selection of a consultant team to provide professional services. The city-wide program administration and multi bureau partnership will continue. We expect the advisory committee to meet for quarterly program updates and we will be back before you next spring in 2020 to provide the next annual update on the build Portland program. That is the end.

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

**Fish:** First of all, I want to echo what commissioner Fritz said in terms of innovative way of closing the gap. I think you began the hearing by saying we have a \$310 million annual funding gap. So I have two thoughts for next steps. One is that I am regularly reminded in communications I get from the public that there's a lot of confusion when it comes to our budgets about the difference between operating dollars and capital dollars and restricted dollars versus unrestricted dollars. Frankly, it takes a long time in this building to get to a point where you understand that with your own bureaus, so to expect the public to have an understanding of what we call the color of money and what can and can't be used for things is asking a lot. Then we use these numbers interchangeably, we use the all in number including capital dollars, sometimes operating dollars. So I have found there's a healthy amount of confusion in terms of bureaus and what we budget for. That's number one. Number 2, I think we could do a much better job at budget time focusing in on capital budgets and how we plan by bureau to close the gap. So for example, as you noted earlier, the public utilities are in a unique situation because they have dedicated revenue and they have a revenue stream that allows them to spend a lot of capital dollars to maintain the system. That's not true of parks, housing or pbot, for example, and so one of the things I'm going to follow up with you to sort of test-drive is I think we should tweak our conversation about capital spending during the budget season so that we not only talk about the deficit in each bureau but we also talk about all the strategies we're employing by bureau to close that gap and some are different. Pbot goes out for bonds -- excuse me, pbot goes down for gas tax increases, pbot according to the chart you gave us gets the lion's share of the build Portland money and on and on and on. I think a pie chart that showed how we're getting at that would be important. I guess what I'm saying is, I don't think we should look at build Portland any more as a separate initiative. I think what we should do is tie it altogether with all the capital spending and tell the story about how we're doing in meeting that deficit because that's what people are going to understand. They are not going to understand five or six one-off. Again the utilities are different because they have dedicated funding and we wish that every bureau was funded in a way that allowed for such predictable decision making. So I hope we try that and have a deeper dive in the budget season as to how by bureau we'll tackle this capital spending deficit.

**Moyle:** Great suggestion, commissioner.

June 5-6, 2019

**Fish:** Integrate all the different funding sources so that people get a sense on a pie chart what we're doing. I appreciate the presentation.

**Moyle:** Thank you.

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

**Moore-Love:** We have two people signed up.

**Wheeler:** Very good.

**Moore-Love:** Maggie and Jeanne Connett.

**Wheeler:** Maggie why don't you start please.

**Maggie:** I just want to say Portlanders can't understand budgets. [laughter]

**Fish:** That's not what I said. Just to be clear what I said, in the communication that I have been getting from a lot of people there's confusion about the difference between operating dollars and capital dollars, dollars that are restricted and unrestricted and I don't think we do a good enough job explaining it. That was my point it has nothing to do with the public, it has to do with our ability to communicate those differences.

**Maggie:** I'll buy that. Okay. I just want to say just like before, when you do infrastructure for like bicycle lanes and pedestrians, you can build a mid size city for the amount of money you do for four-lane freeway. So it's not the amount of money need for infrastructure, it's how you spend it and what kind of infrastructure you're going to do. We want to move to a greener way of life or more, a more human sense of proportion. Everybody that I have talked to, they want to shut down the whole downtown area and turn it into a pedestrian and bicycle mall because that's going to bring people in to actually buy stuff and support the economy because nobody who drives around in a car stops and buys anything or stops in a store to eat. It's the people who walk around and bicycle around and scooter around that buy things and ride public transportation to the grocery store. They buy things. People in cars, they go somewhere else because they have got a car and a full tank of gas. So let's move on more pedestrian, more bicycle, more scooter areas. I happen to think that we have all the laws that we need on hand that go all the way back to 15th, 16th century marine highway laws for covering all the laws for scooters and stuff and little neighborhood electric vehicles. So if you're going to work on infrastructure, go green and don't be like tesla. You know what tesla does? He lectures his employees build more, sell more so he can fly around in his fuel-based private jet and build fuel life based rockets. Who needs that? Buy from somebody who drives their own vehicle, buy from people using their own stuff, please.

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

**Jeanne Connett:** Oh. I would like to beg the council's slight indulgence. That guy that came up here today and he was talking about infrastructure. It almost made me cry because I remember back the last time marshal law was called in st. John's Oregon, but I can tell you why. There were two kids crossing the street trying to go to school and they got hit by this big diesel truck because we had this s-curve in st. John's and we just couldn't get the truckers to slow down for the kids and two people died. That was the day we closed down st. John's and marshal law came. That's the third time in my life I have seen. That the whole reason why was cause you guys with all your infrastructure and all your staff and even though he said he lives right there he sees the fatalities, yeah, I see the faces of those two ten-year-old kids that died on their way to school too. That was the beginning of the problem between Portland and st. John's and this is how it started because people were dying and you guys don't have enough infrastructure for it. I don't think any of you are actually for Portland and for Portlanders and now I understand when I'm out on the street and I'm talking, communicating with people who the last little bit that actually are from Portland because 90% of it isn't any more, I'm with her, I think we should all quit all this because everybody in st. John's owns their own business. We have owned books for years, we understand shit, we don't need no pie charts, we don't need none of

June 5-6, 2019

that. We are smart, educated people. Do you realize how many educational facilities there are right here in Portland? We're not dumb people, man. When I watch people like you do stuff like this and I hear the word fatality again, why? Why? Why is this what you guys think of Portland and Portlanders? You don't even take human life seriously. Thank you.

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

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

**Wheeler:** This is a resolution. Please call the roll. Thank you.

**Fish:** Carmen, thank you for the presentation. Again, I look forward to the budget process of finding a way to integrate all our capital spending in a way that I think is clearer and helps us make better decisions going forward about priorities. Aye.

**Eudaly:** I'll wait for her to exit. Also born and raised in Portland but frankly think that's irrelevant when people come to give testimony. So build Portland helps us accomplish our infrastructure priorities and deliver transformative projects in historically underserved areas responding to both maintenance and safety needs perhaps one of the earlier commenters didn't notice six of the seven projects are heavily focused on improving pedestrian and bicycle infrastructure as well as accessibility. Maggie, you can sit down. Go back to your seat.

**Wheeler:** Thanks for your testimony.

**Eudaly:** We're taking a vote. You need to return to your seat. I want to thank the mayor for prioritizing this investment in infrastructure and thank to tom rinehart and carmen for developing and delivering this program its going to make a significant dent in the \$3.2 billion of deferred maintenance that pbot has and I have inherited as transportation commissioner. Since we don't get thanked for things that -- how do I put this? I want to join the chorus of appreciation to the mayor for coming up with this plan because it's extraordinary looking back how we haven't taken care of our infrastructure and I don't think that commissioners, council or community members are going to look back and thank us for terrible things not happening but we are really kind of doing hard, necessary work to serve the future of Portland and chipping away at that \$3.2 billion. I thank pbot for their leadership in project identification and development, in particular director Chris Warner, Jeremy Patton, Emily Tritsch, Zef Wagner and Shoshana Cohen and thanks to pbot community advisors Mamoca Saunders and Tony Lamb, to pbot's budget advisory committee and the various other stakeholders that participated in this process. I vote aye.

**Fritz:** So under mayor Sam Adams we were going through the recession and we managed to get through this partly because of the stimulus package from president Obama and doing a lot of building then that helped. The only cranes in the air at that point were public projects. Then under mayor haes we were recovering from the recession, and we didn't have additional resources. Mayor wheeler saw that we were going to have additional resources as the urban renewal areas, the tax increment financing districts ended. Instead of saying let's start a lot of new, shiny projects, he said let's borrow against that expected revenue so that we can get to these projects before they become even more expensive. That is relating many ways. One in particular is paying back the debt is looking forward so that the future generations who will be benefiting will also be paying. It's good because it is paying with new money coming back into the system that wasn't there before. So nobody is going to be getting taxed more because of this program and it's actually addressing the problem that we have had for decades, which is because of measure 5 and 47 and 50 we're not able to raise taxes in a way that overly burdens property owners. We don't have a sales tax, so we have been limited in the amount of things that we have to do given that a lot of the city money goes into personnel and people doing the jobs that we do. I think this is an extraordinary program that we should be celebrating and shouting from the rooftops that it's succeeding. Thank you for bringing the annual report, I think its really important to show that mt. Scott roof and the other transportation projects that

June 5-6, 2019

commissioner Eudaly mentioned are desperately in need and that you are looking at which to do first with an equity lens. I just like everything about this program. Aye.

**Wheeler:** Thank you. Excellent report. Excellent update. I want to thank all of the bureau directors who are very actively engaged in this. This is truly a city-wide effort and a lot of people are putting a lot of time, effort and energy into making sure this works. I think we're keenly aware there are a lot of eyeballs on this as well. Good work, good report, I vote aye, the resolution is adopted. Next up is a first reading. Item -- second reading, 537.

**Item 537.**

**Wheeler:** Any further discussion on this item? Please call the roll.

**Fish:** Well, as we discussed last time a similar issue came before council we're preempted from preventing new technology, wireless technology from coming into our community. We are left then with the opportunity to negotiate the best possible deal. This is the second deal I can recall where we have negotiated more favorable terms than the feds had originally proposed. We're caught between a rock and hard place. For those who say cast a dissenting vote as a protest vote, that would throw us back on to a regulatory framework which would get us a less favorable deal for Portland. I don't think that is a good alternative. I wish we did not live in a world where we are preempted from dealing with the health aspects of new technology like 5g, but that's been a recurring problem here for as long as we have had cell phone towers and the federal government has prevented us from looking at health aspects. We need to change that at the federal level then have more flexibility at the state level. Until that happens the question is, is this a good deal for Portland in terms of what's been negotiated and I vote aye.

**Eudaly:** Well, I share similar sentiments with commissioner Fish. This may not be ideal. We're not working under an ideal set of circumstances. We negotiated the best deal that we can for the city before we have something much worse forced upon us. I vote aye.

**Fritz:** I agree with my colleagues who have previously spoken. Thank you to the office for community technology for your continued good work. Aye.

**Wheeler:** This council is on record urging the federal communications commission to update their and publish studies on the health effects of radio frequency emissions and we're going to continually push the fcc on this issue. The council has also been leading the nation in challenging the fcc's recent regulatory limits on our authority to manage local resources like the public right of way for which the public has spent hundreds of millions of dollars and which we spend millions of dollars every year managing. It's obviously very challenging regulatory environment at the federal level and staff has worked very hard to create partnerships with the wireless carriers who serve their residents, and I believe on balance this at&t franchise continues that partnership to the benefit of the public. I vote aye. The ordinance is adopted. Colleagues I'm going to shift things around, item 542 we have an out of town guest and Mustafa has informed me they are on a timeline. Please read 542.

**Item 542.**

**Wheeler:** Colleagues the city of Portland has been national leader in short term rental policy setting working with platforms such as airbnb and home away. Portland was the first city in the nation to strike a tax collection deal with short term rental platforms back in the year 2014. In that same year Portland was also one of the first cities in the nation to legalize short term rentals in residential neighborhoods. Since 2014, Portland has been working hard to gain higher compliance with permitting requirements around short term rentals. These permits require basic inspection to ensure smoke alarms and appropriate egress in rental properties are in place and other matters like reasonable neighborhood notification. We have had years of discussions and litigation with short term rental platforms about increasing permitting compliance and we're still experiencing very low compliance rates. Today they are below 30%. While all platforms are now collecting and



June 5-6, 2019

remitting our hotel-motel taxes few have shown any real interest in aiding in enforcement of city regulations. The ordinance before you sets a clear path forward to gain higher compliance with our permits. Short term rental platform will have a choice. Either enter into a data sharing agreement with the city to provide basic information about the location of short term rentals in Portland or facilitate booking and transactions only for those short term rentals on the list of permitted locations provided by the city. Revenue director Thomas Lannom is here to walk us through the ordinance.

**Thomas Lannom, Director, Revenue Bureau:** Good afternoon, mayor, city council I'm Thomas Lannom with revenue division of the bureau of revenue and financial services and joining me is Mike Liefeld from the bureau of development services. So you summarized it very well mayor and it's been a long day. I don't need to repeat a lot of it. I guess I would say what's changed recently is a panel of the 9th circuit ruled on an ordinance passed by the city of Santa Monica, California, and that ruling upheld Santa Monica's ordinance and this ordinance mirrors the Santa Monica approach that has been tested in that court. In short it sets up a registry of locations that have already got a permit type a or b, astr permit that Michael will speak about in a moment, and those are the only locations that can be legally advertised and that a short-term rental platform could receive fees for services in helping book. That's door number one. Door number 2 we're still allowing the platforms to take if they so choose is a full blown data sharing agreement including transaction at data so we know how many nights each location is booked. I will turn it over to mike.

**Mike Liefeld, Bureau of Development Services:** Good afternoon council members, my name is Mike Liefeld with the bureau of development services, property compliance program. My team administers the bds accessory short term rental permit requirements as required by Portland zoning code and performs complaint based enforcement for violations of the astr regulations. During my short testimony I will refer to accessory short term rentals as astrs. Bds support the proposed ordinance as it will greatly assist us to utilizing existing enforcement resources to ensure compliance with the city's astr regulations. The ordinance provides two paths for booking agents and operators to partner with the city to ensure that the carefully crafted and balanced astr regulations adopted in 2014 are met. A pass through registration program can have benefits for booking agents and the city. An important element of a pass-through agreement includes the ability to receive transactional data astr operations. Transactional data is needed to help identify alleged commercial vacation rental operations that are an affront of the Portland zoning code. These operations can best be described as commercial vacation rentals with no permanent resident and not meeting the underlying zoning requirements that the use of the property remain residential or used as primary residence by individual or family. The current astr regulations allow astr rentals 365 nights a year and do not require the primary residents to be on site any guest stay. Without transactional data astr applications are essentially treated the same with the city not having any additional information to best assign enforcement resources to tackle illegal commercial vacation rentals that have been and continue to be the main driver for existing bds enforcement action. Based on our experience in responding to 635 astr complaints since 2014 and through issuance of 240 astr enforcement citations we know that transaction data that is the frequency of guest bookings is a strong indicator of a potential astr violation. Even if the required astr permit has been issued. For bds to achieve the goal of limiting illegal commercial astr operations transactional data is needed. The second path provided to booking agents and operators allows industry partners to utilize short term rental registries that only promote and advertise fully permitted, legal operations within the city of Portland. This approach will greatly improve compliance with the city's astr regulations as nonpermitted astr operations will need to make an immediate decision whether to embark on the required astr permitting process or simply discontinue the use. Since 2014, bds has received much feedback

June 5-6, 2019

regarding perceived barriers to compliance with the city's regulations. It's the city's belief that the primary reason for the great disparity between the number of active listings on booking agents online platforms compared to the low number of permitted properties within the city is simply due to the operators' inability to permit a legal operation. Frequent cited violations confirm that common operational violations surround offering a whole house rental that violates the maximum number of guests and bedrooms available for rent as well as utilizing a vacation home without a primary resident is the main driver. The ability to only allow bookings of fully permitted properties will drastically increase the compliance rate with the city's regulations. We support the proposed ordinance as it will increase our ability to administer, monitor and enforce the city's current regulations. I'm going to remain available for questions that might come up regarding administration of the program and I thank you for the opportunity to provide comments.

**Wheeler:** Very good. Commissioner Fish.

**Fish:** Thank you. Mayor, looking back over my ten years plus of service on this council, nothing has been more frustrating on a regulatory side than our continuing challenge to get the short term rental industry and companies like Uber and Lyft and other tnc's to follow the rules we have established that were designed to protect consumers and workers. I think it has also been frustrating for the public to watch us fall short of ensuring public safety. When you say at the beginning of this hearing that less than 30% of short term presently units are in compliance, what you're saying is that at any given moment the city can't vouch for approximately 70% of the units being marketed online, which means we can't say for sure to a family or to anyone accessing these rentals that they are safe. We can't say for sure that there's adequate egress and ingress, that there's a smoke detector, other things that are required. It has been really eye-opening to watch this new they call it the gig economy operate because the gig economy has thumbed its nose at local regulators for a long time and that's basically their business model. As we speak today, Lyft and Uber are still working overtime in Salem to preempt the city of Portland from regulating tncs. So all the progress we have made in setting a basic standards to protect workers and consumers are at risk because the legislature may in the name of providing statewide access to these services may throw in a preemption which limits our ability to look out for our local citizens, our local community members. So if this is a preview of the new gig economy I would say God help us because there's a pattern of behavior, and it's contemptuous of local control, contemptuous of local regulations and constantly using the courts to frustrate our ability to do reasonable regulations and that after all is a cornerstone of our responsibility as local legislatures, to make sure people are safe. So I am encouraged that we have a 9th circuit decision from Santa Monica that is on our side although I'm reminded that I think the 9th circuit has the highest overturn rate of any circuit in the country so we should hope the supreme court doesn't take that up and let's the 9th circuit decision stand, Thomas, I know that you have been working hard to break through these barriers, and I appreciate what you said, that the principal barriers people have faced isn't the fact that we have created burdensome regulations as a general matter. That's the rhetoric we hear because any regulations are burdensome and that's the line used by these companies, but you pointed out that many of the units would not qualify as short term rentals under our code because the operators are not following the law and by not following the law let's be very clear, we're not talking about some abstraction. We're talking about people being less safe. If tomorrow the headline was city backs off regulating local motels and hotels and doesn't pay attention to basic life safety issues or the fire bureau announces we're no longer checking public venues and we're going to caveat emptor, that's going exactly the wrong direction. As frustrating as it has been, I think we're now at a moment where we can break through and get to the point we want, which is a much higher rate of compliance. So that we can sincerely say to people who are coming to our community that they are safe. It's a

June 5-6, 2019

no-brainer but I just think people need to understand this has been a war waged by these gig companies that use every tool including the federal courts to frustrate local communities from doing reasonable regulations and it's been enormously frustrating serving on this council and seeing the number of ways we have been thwarted. I sincerely hope that the legislature doesn't preempt our ability to regulate tncs going forward. Susan mcclaine's bill apparently is still on life support, it's going to come down to a question of whether the leadership of the legislature wants to see that bill get a hearing and ultimately see the light of day at the end. It would unravel years of work that we have done to protect workers and consumers, and it would effectively shut down the wage board that the Portland bureau of transportation has been working so hard to set up which would address the concerns of drivers who under current law are not sure whether they are independent contractors or employees. I appreciate we're at the moment where we think we have a legal hook. Thomas, we want to make sure you have the resources you need to aggressively move forward on this, but it's taken way too long to get to this point. I don't point fingers to your shop, but I have learned painful lessons about how some of these new gig companies view local regulators and it's shameful and it's led to a dismal compliance rate of under 30% which is really a shocking number. I thank you for bringing this forward and I'm encouraged that armed with the circuit court decision we may be able to close the loop on this. Thank you.

**Wheeler:** Commissioner Eudaly.

**Eudaly:** I'm going to save most of my comments for the vote which I believe is coming next week but I signal my general support, my appreciation to Mike at Bids, to Revenue Division and to the Mayor. It was one of my biggest disappointments that I didn't get to make much headway on when I was Commissioner in charge of Bids. We know beyond a doubt that short term rental is contributing to a global housing crisis including right here in Portland. The city implemented some comments on its regulations to try to mitigate the impacts on our rental markets as well as protect consumers and neighborhoods, but given thousands of houses, rooms and ADUs formerly rented out long term are now in the short term rental market there is again no denying it's impacting and accelerating our housing crisis and the denial of these platforms in particular Airbnb, the only group that I have met with, would be laughable if it weren't so offensive. I'm going to support aggressive regulation and enforcement because we need to take care of our residents and our neighborhoods. People have plenty of places to stay when they come to our town.

**Wheeler:** Director Lannom, it's my understanding you have invited testimony?

**Moore:** Yes, I believe there is some testimony.

**Wheeler:** Very good. How many people have signed up?

**Moore-Love:** One person. Charles Bridgecrane Johnson. Maggie left.

**Wheeler:** Is he here? I don't see him. Very good. Any further comments, colleagues?

**Fritz:** Is there a reason we're not doing this as an emergency?

**Lannom:** Great question. There's some irony here given the long history you were talking about, Commissioner Fish. We want aggressive enforcement but we want to give the usual second reading and 30 days. I had conversations with Airbnb and HomeAway as far as compliance. It's fair to say they get it now, but they need time to notify hosts and things like that.

**Fritz:** Okay thank you.

**Wheeler:** Mustafa, are you trying to get a message to me before I say what I'm going to say?

We have two people who are invited testimony. Please bring them up. I can see you madly working your iPhone. Welcome, three minutes each name for the record please.

**Robert Herder:** Robert Herder from host to host. Good morning, Mayor Wheeler, and Council, first we appreciate Tyler Wallace and others in the Revenue Division reaching out to

June 5-6, 2019

us and inviting us to give comment and put on the ordinance before it was finalized and we appreciate also amanda watson inviting us to testify here today. Host to host is a local nonprofit trade association that advocates for people who host -- that advocates for hosts who welcome travelers into our homes. We wanted to speak for ourselves recognizing that cities often hear only from platforms such as airbnb and home away. We use those platforms, but our interests often differ. Our association fully supports short term rental hosts being permitted, paying occupancy taxes and meeting reasonable regulatory requirements. We provide continual educational opportunities to members to enhance our hospitality skills but also to understand city requirements. I'm pleased to be here with my host to host colleague Shannon Hiller Webb, who will give a more personal side of this story in a minute. In the pass-through registration or ptr was approved a year ago and we have been expecting it ever since. At this point we do accept that the city needs the proposed astr registry to bring about this pass-through registration. We're concerned about privacy, considering the bad behavior that can result from making the registry public including transactional data. We have been assured by the revenue division in the mayor's office at least the financial information will be kept completely confidential. Overall we support the ordinance because it seems to be a path towards removing unpermitted listings, especially unpermitted whole house listings that would affect the housing crisis. I will note that the testimony that we heard from mike at bds, there is one other side to that and that is often the very best hosts with the very best return rates from their guests will be hosts who rent almost all the nights of the year. Those can be our very best hosts. Host to host supports reasonable regulatory controls of the short term market and to that end we would like to address two short term rental issues that don't depend on the registry or pass-through registration but are relevant. First, regressive per-night fee was created a year ago by ordinance 189031 a year ago. We testified at the time that assessing this \$4 a night tax as a flat rate fee would create a discriminatory hardship for home sharers with the least expensive listings.

**Fish:** Mayor can we extend an extra minute.

**Wheeler:** Let's go. I would like to hear what you have to say. This is invited testimony. You don't need to time it.

**Herder:** Since August 1, 2018, a traveler considering a \$40 a night listing faces 25% in occupancy taxes. It's probably the highest in the nation for any hospitality provider. The highest occupancy tax rate in the country should not be assessed on the lowest earners in Portland. We're proud that we're impacting housing investment fund, we still don't think that short term rentals among hospitality providers in Portland should be shouldering this alone but either way we don't want to accept the regressive aspect as being permanent. We ask that council readdress this issue with revenue division to identify new approach. Second, we want to bring to your attention the conversion of long term housing to hotel space. This is not a topic that we're well-versed in, but entire floors of some apartment and condo buildings originally constructed for long term housing appear to now be operating as short term rentals. We wonder why the city would allow this type of conversion or why it might be done easily or quietly in the midst of this housing crisis. If there's not a formal transparent policy governing these conversions we recommend that one be developed. Now I would like to ask Shannon to personalize the story.

**Fish:** Before you do can I just say thank you, a, for being here, I remembered your other testimony. Thank you for the clarity of your testimony, and I appreciate your focus on privacy concerns, which I think is very important. I do recall you objecting to what you previously also referred to as a regressive per-night fee. This idea of converting floors of a building to short term -- we saw that at the Burnside bridge head in the yards and I am glad you've flagged that issue again because that does not seem consistent with any of our rules, but you referred to your support for reasonable regulations. I guess it's important



June 5-6, 2019

since you represent the operators and you're independent of industry, is it the view of your organization that the city's current regulatory framework is burdensome?

**Herder:** I don't know that I have heard that.

**Fish:** That's all I need. Thanks very much.

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

**Shannon Hiller Webb:** Thank you for your time, my name is Shannon. I wanted to share how I got here. I began hosting in 2012 when I was starting a small business that was high risk. It was called green zebra grocery. At the time I wanted a safety net, and hosting became an option for me that I felt was going to be a safety net I needed. As you know green zebra has grown to be a solid local business supporting the community, and while I remain an owner, proud owner, I have ventured out to help grow other local makers and grow their small businesses as a consultant and hosting has been able to help me weather those lean times in both those businesses to help keep me going. I would also like to state that it's afforded me opportunities to give my time to the community in a volunteer capacity. I have come before you in support of macadam ridge. That was a five-year operation that was extremely time-consuming that this hosting allowed me to make decisions to give to that neighborhood association, my neighborhood association. I also gave my time to the swan neighborhood and land use concerns. I'm an active member on the sweeney coalition, and this is one of the things that helps me. I also recently had a health issue that made me bed down for two months and I was only able to pay my mortgage because of this auxiliary income. So for me I have been involved like I said since 2012 and always been a supporter of legalization. I became connected to the people who founded host to host early on, and it was through that organization that I learned the single greatest population of hosts are older single women looking to augment their income from their retirement so they can keep their homes and age in place. That ignited me to organize the groups to come before you last summer when we testified. It was during that testimony we asked for a voice and a seat at the table that Amanda Fritz so lovingly suggested that we have a titled we have a travel Portland, and I can tell you that I occupy that seat proudly since January, and while that relationship is in its infancy, I've already seen the dramatic impacts it's had for both of our organizations and how we have been sharing about the travel industry as a whole that we not have been privy too in the data set, we've been sharing with them our expertise in our segment of the industry of short-term rental hosts. So Jeff and his team has been overwhelmingly welcoming. As an example, of their support, they are now lending marketing support to an organization called fab stays, fab stays is a new lgbtq platform that shares those hosts collectively from all platforms that offers the community a safe place to stay. This organization is based in Florida higher short term rentals all over the world and has selected Portland for its national launch this month because of host to host and because of our members overwhelming support of this community, we are primarily an education-based organization, and we strive to have responsible ambassadors for the city in our communities, travel Portland has provided an air b&b has sponsored opportunities for our host on civil rights implicit biased racial equity training provided hundreds of hosts to attend the training. Our organization is growing we are continuing to engage our hosts with best practices, community engagement and monthly meet ups. This summer we have a planned panel on homelessness and engaging stakeholders to bring a holistic perspective to the sensitive and complicated concern facing our city. We are committed to highlighting a local experience for our guests and we are launching a local guide book that shares the best of the best in our city beyond the 15 neighborhoods commonly marketing to. We have 94 neighborhoods and our host are in most of our neighborhoods so we are sharing the businesses from all of them, we thank you for supporting our voices in this conversation and providing us a seat at the table, we



June 5-6, 2019

support this ordinance and the city's efforts to address this industry and oversight in its legalization.

**Wheeler:** Thank you, Shannon, we really appreciate it, and rob, thank you both, thanks to host to host and your active engagement in this process, its great to hear your prospective and we appreciate your time to share this morning.

**Fish:** thanks for opening a zebra on Broadway and psu. You took a poll in my office, it's our favorite salad bar, its within walking distance. Thank you for that.

**Wheeler:** How many people do we have signed up for public testimony.

**Moore-Love:** It was Charles BridgecrAne and Maggie, I believe they both left.

**Wheeler:** Just due to some time constraints, I'm going to limit further public testimony to 2 minutes each. People are going to be testifying on things, think two minutes, we will lose our quorum if we don't move forward expeditiously. This is a first reading of a nonemergency ordinance, moves to second reading. Next item, 538, please.

**Moore-Love:** We did that.

**Wheeler:** Already did that.

**Item 538.**

**Moore-Love:** I need to find it. 538, accept bid of just bucket excavating, inc., for the north Greeley Avenue multi use path project for \$1,334,193.

**Lester Spitler, Chief Procurement Officer:** Good afternoon council I'm Lester Spitler, the city's chief procurement officer. I'm here to present the chief procurement officer report for the Portland bureau of transportation north Greeley Avenue multi-use path project. On January 9, council approved ordinance 189343 for procurement services to competitively solicit for the project. On April 23 we issued the invitation to bid and received four bids, the lowest responsive and responsible bidder is from just bucket excavating incorporated, just bucket is a certified firm with the certification office for business inclusion and diversity. They are identified by the state as being African-American male owned, and they have proposed to meet our aspirational goal of 20% for subcontractor and supplier utilization and they're exceeding that goal and will be using 24.1% certified subcontractors. Those certified subcontractors are Chick of All Trades LLC, Egami Construction incorporated and Faison Construction incorporated. Chick of all trades, llc, is a disadvantaged minority owned and women owned business enterprise, their ownership is being identified as female and hispanic by the state. Egami Construction incorporated is certified as a disadvantaged minority, women owned and emerging small business and they are identified as being female owned and Asian Pacific by the state and Faison construction is a disadvantaged minority owned business enterprises and is African-American male owned. Just bucket is proposing to self perform 30% of the work and the other noncertified subcontractors are listed in the report for your information. Just bucket is located in Albany Oregon and again is certified by the state of Oregon. They have a current city of Portland business tax registration and are in full compliance with all the city's contracting requirements. Any questions, I have the Portland bureau of transportation project manager here. If not, I recommend you accept this report and authorize execution of the contract.

**Fritz:** Move to accept the report.

**Fish:** second.

**Eudaly:** Karla, please call the roll.

**Fish:** Aye.

**Fritz:** That's a really good presentation, I appreciate the extra detail in the written documents that we got, aye.

**Eudaly:** Same. Thank you. I vote aye. The report is accepted, Karla, can you please read 539 along with 543.

**Item 539.**

**Item 543.**

June 5-6, 2019

**Moore-Love:** 539 accept bid of keystone contracting, inc., for the luther road restoration project for \$1,827,000. And 543 amend ordinance to authorize contract with the lowest responsible bidder and provide payment for construction of the luther road restoration project no. E10854 in the amount of \$1,827,000.

**Eudaly:** Thank you, commissioner Fish, do you want to comment.

**Fish:** No.

**Eudaly:** Okay we'll move right to staff.

**Lester Spitler, Chief Procurement Officer:** City council good afternoon, Lester Spitler chief procurement officer here to present the chief procurement officer report for this project. March 20, 2019, council approved the authorizing ordinance no. 189430 for us to competitively solicit for the project in that ordinance, it capped the amount for which my position can sign the contract for and that's why they are being read together. The amended ordinance is to do away with that cap and allow council to accept the report at the lowest responsive and responsible bid. The estimate for this project was \$1.75 million. The level of confidence was high. On April 23, 2019, procurement services opened the bids from the invitation to bid and we received three responses. The lowest responsive bid from keystone contracting incorporated in the amount of \$1,827,000. That bid is 4.4% over the estimate. So not too bad. The project, as usual, had a 20% aspirational goal for subcontractor and supplier utilization. Keystone contracting is meeting that goal, they're using one certified subcontractor, and that company -- company's name brenda lee fairbanks, dba daybreak construction, they're a disadvantaged business, minority owned business and a women owned business enterprise certified with the state's office and they will be performing flagging excavation, soil clearing and grubbing in the amount of \$369,000. They are listed by the state as a woman-owned hispanic business. Keystone contracting located in la center Washington and is not a state certified contractor. They do have a current city of Portland business tax registration and are in full compliance with all the city's prime contracting requirements. I have the project manager in the audience in case there are any questions, if not the recommendation is for council to accept the report and authorize execution of the contract.

**Fish:** Commissioner Eudaly, you gave me the opportunity to make an opening comment. I do, in fact, have very brief opening comment.

**Eudaly:** The mayor is back, you have to address --

**Fish:** it puts it in context, so mayor with your forbearance, this ordinance follows up on council's march 20 authorization of the luther road restoration project. Environmental services through this contract will restore Johnson creek near Luther road to stabilize the stream bed and eroded banks. That will protect a major city asset, a 66-inch combined sewer and storm water pipe that runs through the creek and serves the lents area. The restoration will improve stream flow and salmon habitat while protecting nearby properties from erosion. Thank you.

**Wheeler:** Very good.

**Fish:** I move the report.

**Eudaly:** second.

**Wheeler:** Commissioner Fish moves the procurement report. Commissioner Eudaly seconds it. Any further discussion on the report? Please call the roll on the report.

**Fish:** Aye.

**Eudaly:** Lester I want to thank you for the additional demographic information on the mwesb contractors, I think it's something that the council and the public appreciates knowing, and I believe it's going to help dispel some concerns about who exactly is represented in that category. I vote aye.

**Fritz:** Aye.

June 5-6, 2019

**Wheeler:** Aye. The report's accepted and commissioner I understanding 543 has also been read.

**Eudaly:** Yes.

**Wheeler:** Has public testimony been taken.

**Moore-Love:** No. I called for it.

**Wheeler:** Public testimony is done, it's an emergency ordinance, any further discussion? Please call the roll.

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

**Wheeler:** Aye, the ordinance is adopted. Please read item 540. I'm going to return it.

**Item 540.**

**Wheeler:** I'd like to return this to my office. Without objection, read 541, please.

**Item 541.**

**Wheeler:** Colleagues, the office of management and finance has updated sections of the city code to reflect many organizational changes they've undergone in recent years, the bulk of the changes are located within a restructured chapter 3.15. This skate the organization's functions and duties of office of management and finance, but also include referential cleanups to the area of code reflected by the efforts. I'd like to welcome deputy chief administrative officer Carmen Merlo back to the roster, she's here to provide us more information on these code changes. Good afternoon, welcome back.

**Carmen Merlo, Office of Management and Finance:** Thank you, mayor. Commissioners, Carmen Merlo, deputy chief administrative officer with me Michelle Kunec-North with our strategic projects and opportunities team. I'm here today to present updates that reflect organizational changes implemented by the chief administrative officer to the office of management and finance. In march of 2018, the cao Tom Rinehart dissolved the bureau formerly known as bibs the bureau of internal business services, bibs was previously made up of four divisions, fleet, facilities, risk and printing and distribution. As part of the new organizational structure, fleet and facilities were combined into a new division of asset management or dam. I can't compete with a poop master 6000, but I have a joyous time saying the dam manager. Under the office of the chief administrative officer, printing and distribution was moved over to the bureau of technology services and risk was moved to the bureau of revenue and financial services. Other changes made to chapter 3.15 include adding the new position of deputy chief administrative officer, that was created by council in November of 2017 and establishing the office of the chief administrative officer as a major organizational component to the operations of omf. Clarifying that the cao had the ability to appear in small claims court to defend and represent the city as well as enter into non disclosure agreements and that these authorities could be further delegated by the cao to appropriate individuals in omf. It clarified the authority of the chief technology officer to enter into technology related nondisclosure agreements and for the chief financial officer to enter into financial related nondisclosure agreements. Finally, it moved enterprise business solutions into the bureau of technology services. We made significant edits to chapter 3.15 to reflect best practices found in the city codes. Some of these improvements include the addition of a purpose, definitions and function section ensuring authorities and responsibilities were delegated at the appropriate level and removing specific references to funds or buildings managed so that council can assign or reassign those roles and functions without the need for code updates. Additional housekeeping changes were made to remove references to the bureau of internal business services ensure delegations of authority previously issued by the director of bibs were transferred appropriate parties. It removed inaccurate references to omf bureaus or divisions and then finally, we know that we have more work to do and anticipate coming back to you in the near future with additional code revision unrelated to the dissolution of bibs, as one example with the establishment of the new office for community technology, as a stand-alone bureau, we

June 5-6, 2019

need to update additional code sections to reflect the new organizational structure and look forward to working with oct staff to bring these code changes to council. Finally, I do want to thank Michelle Kunec-North, josh gregor and diana shiplot for all their work and Linda Law to affect these changes in code. Happy to answer any questions.

**Wheeler:** Any questions? Very good, any public testimony on this item?

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

**Wheeler:** Okay, very good. With that, this is a first reading of the nonemergency ordinance. It moves to second reading. Thank you for your work on that. Next item is 544.  
**Item 544.**

**Wheeler:** This is a second reading of an ordinance. There's already been a presentation and public testimony. Any further discussion? Please call the roll.

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

**Wheeler:** Aye, the ordinance is adopted. 545 also a second reading.

**Item 545.**

**Wheeler:** Any further discussion on this item? Please call the roll.

**Eudaly:** Thank you to the civic life noise program and the noise review board, aye.

**Fritz:** Aye.

**Wheeler:** Aye, the ordinance is adopted. That leaves us with the consent agenda item 526. Who pulled it?

**Moore-Love:** This was pulled by a community member.

**Wheeler:** Do we know who.

**Moore-Love:** They wanted to be anonymous.

**Wheeler:** No worries, doesn't matter.

**Item 526.**

**Moore-Love:** 526 grant a franchise to xo communications services, llc for telecommunications services and facilities for a period of ten years.

**Wheeler:** Elizabeth are you here to staff on this issue. Would you like to go ahead and give us a brief presentation and we'll hear public testimony. Good afternoon.

**Elisabeth Perez, Director, Office of Community Technology:** Afternoon. We are in the afternoon already. Mayor, commissioners, my name is Elisabeth Perez, I'm the current acting director for the office of community technology. This is a franchise for xo communications services, to provide wire line telephone internet access and internet based network services for small and medium sized businesses, I looked over the testimony that was written in response to this franchise, many of them were concerned about 5g. I can tell you it does not provide or build wireless sites and does not provide any wireless services, 3g, 4g or 5g. The franchise was first agreed to in 2000, it was granted to next link Oregon, a ten-year franchise, it has been extended six times, and this is the first time that we have renegotiated with staff for another ten-year franchise.

**Wheeler:** Very good, any further questions of Elisabeth? Let's take public testimony maybe that will generate some additional questions. How many people do we have signed up?

**Moore-Love:** I have six people.

**Wheeler:** Good afternoon welcome.

**Roberta Phillip-Robbins:** Good afternoon, mayor, commissioners, guests. Roberta Phillip-Robbins, executive director digital commonwealth alliance, an organization bringing leadership and resources to build community self reliance through local control and ownership of digital and physical assets. I encourage you to review our submitted public comments dated May 22, 2019 and I invite you to work with us on those recommendations proposed in those comments. The city of Portland's top priority should be to support municipal broadband as it is a true solution to digital inclusion and will allow Portland access to affordable net neutral and reliable internet. We request that the city deny the



June 5-6, 2019

franchise agreements today as we can all agree not all laws have not been good or adjust. Dozens of cities have said no to the telecoms and this body should remember its history as a leader and innovator and stand up to big telecoms. Given the emergency franchise agreement already in place for the full year and the pending litigation against the fcc, there's no reason to rush this process, we request that you require robust public notice for all permits, especially 5g installations, although I learned today this one does not necessarily include 4 or 5g. The city should draft stronger aesthetic standards before finalizing the franchise agreement. The fcc does not limit your ability to look into this and as you consider this franchise agreement and the likelihood of others, the city must maintain its responsibilities and ability to continue to regulate aesthetic of proposed telecommunication equipment. The fcc has allowed governments to put forth aesthetic standards and the city of Portland should do so. We request that the city take the time to set these standards before moving forward with this and other franchise agreements and also the city needs to study the potential negative impacts to property values and to public health. We encourage you to consider the potential liability to harm to public health, the environment and property and what is the plan to address those costs and the potential liability shall citizens proceed with any class actions suits in response.

**Wheeler:** Thank you, appreciate it.

**Barry Sanders:** good afternoon. Shall I begin.

**Wheeler:** Yes sir.

**Sanders:** When each of you assumed office, you vowed to protect the people of Portland, safety and well-being. I feel let down, I feel sad, bereft. I'm sad about the lack of an open, democratic process, I feel bereft about a political system that does not guarantee fairness and worst of all I'm frightened, frightened that the democratic impulse is fast draining from our republic, I didn't expect to see those principles set aside the city of Portland. You are letting contracts for the deployment of 5g wireless technology throughout the city without considering the health and safety of its inhabitants, without informing residents this is taking place without anything close to a town hall informational meeting. Indeed, in the two resolution for letting wireless contracts with xo and Cingular, that is with Verizon and at&t, the phrase 5g does not appear, that's worrisome to me, as I know it's going to happen. Mayor wheeler, members of council, Oregon resized statute, 192.620 states explicitly the Oregon form of government requires an informed public, aware of the deliberations and stills of governing bodies and information upon which such decisions are made. It is the intent of ors 192.6 that the decision of governing bodies be allowed that openly I've been a professor for close to 60 years, I've been a research professor 60 years. An experiment came to my classroom with possibility of side effects affecting health and in fact other living things like birds, I would be remiss in not investigating. As a deeply concerned resident of the city of Portland that resents the lack of an open process and clear procedure, I have no choice but to file my complaint the office of the ombudsman pursuant to the city's charter code and policies section 250 to voice my concerns about this procedure.

**Wheeler:** Good afternoon.

**Anne-Marie Oliver:** Anne-Marie Oliver, I'd first like to applaud commissioner Nick Fish for making avitrol and other avicides in the city off the table. I never knew this was even happening, like so much else and so I applaud this measure, I would urge you to ban pesticides from Portland schools, from city parks, all of them and from playing fields. On to the matter of 5g, xo as you know the \$1.8 billion purchase by verizon was created one of its major reasons for having been created in this merger or buy out whatever it was with Verizon it was to accelerate 5g technologies, 5-generation wireless technologies. We had many concerns, the endeavor to push through and accelerate fifth generation wireless technology despite the fact they have never been tested, something admitted to by this group here. We are talking about a live experiment is an absolutely anti political move, that



June 5-6, 2019

is to say it is not subject to the processes of politics, that is to say challenge, contest and negotiation, perhaps it is for this reason that many politicians and others now turn to the very industries that will benefit financially from the installation of these new technologies, such a retreat from what is obviously necessary can only result in catastrophe. One of the greatest dangers facing us today is an unsensual oblivion, as well as the obvious ascension of technology from the realm of thought. We have asked for study in the matter of 5g, we have asked for study sessions, we have asked for town halls, we have asked for delays for public input. We have asked that you let people know what you are doing with regards to this matter.

**Fish:** How much more time do you need to read your comments?

**Oliver:** I have pages and pages.

**Fish:** You and Barry have been waiting a long time. How many additional time do you need?

**Oliver:** Probably a couple more minutes.

**Fish:** Mayor can we give her an additional minute.

**Wheeler:** Sure certainly.

**Oliver:** We have asked for a moratorium what this council along with the military continues to call the deployment, people should pay attention to this term, the deployment of 5g and the concomitant technologies until further scientific, independent, nonindustry funded study and research is carried out and until common sense, rationality and ethics take the place of fear, greed and thoughtlessness. We join thousands of teachers, physicians, scientist, environmentalists and people across the country from all walks of life in making this demand, given the consequences for ourselves and all posterity, it's an imminently reasonable and absolutely necessary demand, yet what we have seen in response to this call is, in my opinion, disingenuousness, opiscation, falsehoods and misdirection. We have not been seen and we have not been heard, not only have we not been seen and not heard, again, many people calling the city hall have been given false or misleading information. I'm sorry to say, but I find this absolutely unacceptable.

**Wheeler:** Thank you.

**Sanders:** Mayor Wheeler point of personal privilege, can I have two minutes to speak from my heart.

**Wheeler:** No, you've done so very eloquently in the past because we have to come back here shortly. I don't want to lose our quorum, we have to come back here shortly.

**Sanders:** That's really unfortunate.

**Oliver:** Why does Verizon get almost unlimited time and concerned citizens.

**Wheeler:** That is actually an employee of the city of Portland. She is the interim director.

**Oliver:** I'm not talking about miss Perez.

**Wheeler:** Thank you. Please have your seat. Next three, please. I'm not disrespectful. You know the council rules.

**Oliver:** I disagree.

**Wheeler:** Your time is up I'm asking you to take your seat or you will be asked to leave. The next three, please you are in violation, I'm going to ask you to leave. Folks you all had your chance at the microphone let's give some other people the opportunity to be heard, good afternoon. Thank you.

**Coleman Gariety:** My name is Coleman Gariety and I oppose this measure 526 on a general principle against the involvement of telecommunications corporations in Portland. Now this measure has been -- this measure has been repeated six times, if that is the case, I think we should reasonably assess the impact it has had on Portland community in ways that do not necessarily relate to 5g technologies as such if the corporations impact on the Portland community has been beneficial, then absolutely the ordinance should be repeated. If that is not the case that it has been beneficial to the community, then it should

June 5-6, 2019

not be repeated. I only ask that there are certain members of the Portland community to be recognized that the influence of corporations and technology on the city in general, on a general principle is not being discussed and that it should be brought up further in public commentary and community discussion. Although I do not think this directly related to 5g as a matter, it's a more general issue that occurs in the city, regarding the involvement of technology and advertising on public streets and other similar issues, I see this as one instance of a broader phenomenon that needs to be addressed and not directly related to any new advancement in technology.

**Wheeler:** Thank you.

**David Morrison:** David Morrison. The irony of the presentation before about the death of the birds was incredible, because it doesn't matter what steps you folks take, the rollout of 5g is going to kill many, many birds, insects, plants, and is harmful to all life itself. That is actually scientific -- there is science behind that many, many years. Now the hiding behind the -- the 1996 telecommunications act pre-emption is ridiculous. In Germany, there was a phrase that they used, we are only do what we are told. Many, many lives were lost because of that. You're only doing what you're told, however, I have good news for you because the states do not have to comply. There's an anti-commandeering doctrine that has -- has long established history and constitutional law, I suggest you look it up, Sandra day O'Connor read one of the rulings. So some things you might not know about 5g is that currently the fcc's safety standards are based on thermal effects, despite thousands of studies showing otherwise, the measurement used with current microwave technology is specific absorption rate. With 5g, they're not going to use sar because sar is based on the heating of tissue, and they're going to use power density. Which is not based on the heating of tissue because 5g will heat tissue. The skin has capillaries that can sometimes cool tissue, but the eyes do not. I don't know if you're aware of this, and I don't know if you're also aware that the exposure that we will be getting is about 30 times higher than current 4g. Also throughout the industry now.

**Wheeler:** Thank you. Can you summarize your final points.

**Morrison:** I'll summarize it, yeah. Throughout the industry, they're saying especially t-mobile has been saying this, 5g won't work, it's only going to be available to about 5% of the population and they're going to be using.

**Wheeler:** Do you have more testimony related to this ordinance.

**Morrison:** You guys are being fooled.

**Wheeler:** Thank you. That is the end of public testimony. Thank you very much. Colleagues, is there any further discussion on this item.

**Fritz:** I just would like to say we don't have the luxury of not following the law. We promised to follow the laws of the united states.

**Wheeler:** Your testimony is over, please have a seat. You're interrupting the commissioner, please have a seat or you will be asked to leave.

**Fritz:** I share your concerns, and I think the evidence suggestion there are health problems, we, not allowed to consider that.

**Fish:** What's next mayor.

**Wheeler:** Did you have.

**Fritz:** I'm done.

**Wheeler:** I just have one comment, I always enjoy the public testimony period, especially when I learn something and I felt this morning, commissioner Fish, I learned a tremendous amount by the public testimony related to the presentation you gave. I'm just going to tell people honestly, when you come in here and compare us to the nazis or you say that our objective is to subvert democracy, that is not particularly useful or helpful testimony. Its too bad cause I thought some of the people testifying actually made very good points, and I wanted to have the opportunity to have the conversation. In fact, with relation to 5g, which

June 5-6, 2019

this ordinance is not related to, this council has taken a principled leadership stance at the national level regarding public health consequences of small cell wireless deployment. Moreover, this council has taken the leadership role nationally on the question of the role of local government in terms of managing our own public right-of-ways, there's a lot of good work we are doing related to the question of 5b, but this ordinance is not that. Any further discussion before I move this on? Very good. This is a first reading of a nonemergency ordinance, moves to second reading. My understanding is 528 was pulled by lightning, was that correct.

**Moore-Love:** Yes.

**Wheeler:** He is not here, go ahead and read it.

**Item 528.**

**Moore-Love:** Pay bodily injury lawsuit of ramon mcpherson in the sum of \$40,000 resulting from a motor vehicle collision involving at the Portland police bureau.

**Wheeler:** Any public testimony? Please call the roll.

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

**Wheeler:** Aye, the ordinance adopted. 532 please.

**Item 532.**

**Moore-Love:** Approval application under the multiple unit limited tax exemption program under the inclusionary housing program for willis apartments located at 1627 north willis boulevard.

**Wheeler:** Great. I will just point out again, this is now joining 59 other private sector projects, inclusionary housing that's led to about 400 permanently affordable units within the city of Portland. Was there public testimony on this item? Who pulled it?

**Moore-Love:** Lightning.

**Wheeler:** Public testimony, please call the roll.

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

**Wheeler:** Aye, the ordinance is adopted, 534 also pulled from the consent agenda.

**Item 534.**

**Moore-Love:** Authorize the director of bureau of environmental services to execute certain lease documents with bnsf railway needed for fire suppression maintenance.

**Wheeler:** Who pulled this.

**Moore-Love:** Lightning.

**Wheeler:** Any public testimony? Call the will row.

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

**Wheeler:** Aye. Ordinance is adopted. We are adjourned until 2 p.m.

**At 1:07 p.m. council recessed**

**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 5, 2019**

**2:00PM**

**Wheeler:** 2019 session of the Portland city council. Karla, please call the roll. [ roll call ].

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

**Wheeler:** Here. And now we'll hear about the rules of order and decorum from legal counsel. Good afternoon, robert.

**Robert Taylor, Chief 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 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 reading of ordinances. Your testimony should address the matter being considered at the time. If it does not, you may be ruled out of order. When testifying, please state your name for the record. Your address is not necessary. Please disclose if you are a lobbyist. If you are representing an organization, please identify it. The presiding officer determines the length of testimony. Individuals generally have three minutes to testify unless otherwise stated. When you have 30 seconds left, a yellow light goes on. When your time is done, a red light goes on. If you'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're filming the proceedings, please do not use bright lights or disrupt the meeting. Disruptive conduct such as shouting or interrupting testimony or council deliberations will not be allowed. If there are disruptions, a warning will be given that further disruption may result in the person being ejected for the remainder of the meeting. After being ejected, a person who fails to leave the meeting is subject to arrest for trespass. Thank you for helping your fellow Portlanders feel welcome, comfortable, respected and safe.

**Wheeler:** Very good, thank you. Karla, can you please read our first item, 546?

**Item 546**

**Wheeler:** Commissioner Eudaly.

**Eudaly:** Thank you mayor. Oh, sorry. Thank you mayor. I'm excited to bring this comprehensive plan to city council. Pedpdx affirms pedestrian mobility as a fundamental human right and the most basic means of transportation, and seeks to ensure that pedestrian mobility is a safe, accessible, and attractive experience for everyone in Portland by putting pedestrians at the forefront of city transportation policy, investments, and design. Some basic items to keep in mind as we go through the plan are, and michelle, I hope i'm not going to be repeating too much of your presentation here? Okay. Pedestrians in Portland are ten times more likely than people driving to sustain a serious or fatal injury. Because pedestrians suffer a disproportionate number of traffic-related deaths and serious injuries, improving pedestrian safety in Portland is critical to meeting the city's vision zero objective of eliminating all deaths and serious injuries on Portland streets by 2025. And I would add we are all pedestrians. Unless you drive your vehicle from your garage to another garage over and over again and never touch a city street, which is highly unlikely, very sad -- [ laughter ] and I just need to put that out there because we do hear from some

June 5-6, 2019

very vocal advocates for vehicles who feel that we are overemphasizing the rights or needs of pedestrians and that car drivers are paying for it, which I just thought was fascinating since I think you do eventually have to get out of your car and walk or roll. Okay. The needs in Portland are enormous. Pedpdx tells us that we still have approximately 350 miles of missing sidewalks along our busy arterial and collector streets. That does not include sidewalk gaps on local and residential streets. And a need for approximately 3500 additional marked crosswalks across the city. This is substantially more need than we are likely to have resources to address in the 20-year horizon of the plan. Given the enormity of this need, we have an obligation to ensure that we're directing our limited resources to the most critical locations first. With those guiding items in mind, the pedpdx prioritization framework is based directly on the priorities that Portlanders told us themselves are most important. Locations were people rely on walking, streets where people walking have been killed or injured, and in places connecting to important pedestrian destinations. This touches on equity, safety, and demand. Prioritizing needs using a databased approach helps ensure we're directing limited resources to locations with the greatest needs first. It aligns our spending priorities with adopted city goals and policies and the public's stated priorities and creates a process that is transparent and repeatable. I'd now like to welcome director chris warner. His first appearance here before us, I believe, as the permanent director of Portland bureau of transportation, and michelle marx, pedestrian coordinator with pbot for the presentation.

**Wheeler:** Great.

**Chris Warner, Director Portland Bureau of Transportation:** Commissioner eudaly, thank you. Council, chris warner, director of the Portland bureau of transportation. Pedpdx really is our new 20-year plan for making walking safer and more comfortable across Portland. It is an update of our 1998 pedestrian master plan, and it is the culmination of two years of work, so pedpdx reflects changes to the pedestrian policy and design best practices that have emerged since the original 1998 plan was adopted. And it includes really two real critical elements. One of that is transportation equity and the other is vision zero, our approach to pedestrian safety. As the commissioner, this plan really does impact all Portlanders since everyone really is a pedestrian. And there are multiple ways a person can walk. Pedestrians can move using their own two legs, a walker, a wheelchair, a cane. Pedpdx really addresses the needs of all portland's users of the sidewalks and crossings, no matter how they move. The plan was guided by extensive community involvement that really went into this process. Over 5,400 Portlanders participated in the citywide walking priority survey, which really directly informs pedpdx in our prioritization and our toolbox. Additionally, pedpdx sought to engage Portlanders who have been historically marginalized. The project worked with community partners to hold two walking while black focus groups to elevate the voice of black Portlanders in pedpdx. The input received at these focus groups directly informs the strategies and actions of the plan. So, to begin, before I turn it over to michelle, i'd like to show a short video, which kind of talked about the community engagement piece, and then we'll go into michelle's comments. Here we go.

**[video begins]Francesca Patricolo:** Portland's populations is expected to grow rapidly over the next 20 years. We have to be able to absorb this growth in ways that meet the livability needs of our community. The city adopted a new policy in our transportation system plan to prioritize walking first before all other modes of transportation in our system.

**Michelle Marx:** Pedpdx is portland's city wide pedestrian plan. It will prioritize sidewalks, crossings, and other investments to make walking safer and more comfortable across the city. We have a committee of 25 dedicated, diverse, compassionate community members. They're amazing and we couldn't do this without them.



June 5-6, 2019

**Patricolo:** Because a person's walking experience in Portland varies greatly depending on one's area of the city and physical ability. Our pedpdx community advisor committee members were intentionally selected for their demographic and geographic diversity as well as their passion for making Portland better for everyone.

**Marx:** Some areas of Portland have beautiful pedestrian infrastructure, and some areas have very few sidewalks or safe crossings at all. We partnered with the university of Oregon school of journalism and communication to elevate the range and diversity of needs that people have when it comes to walking in portland. Their work included the stories of eight different Portlanders in a video series called "pedestrian stories."

**Andrew DeVigal:** What I find exciting for this collaboration with the Portland Bureau of Transportation was this opportunity for students to tell the stories with community members rather than simply for community members.

**Marx:** Of all the ways we get around Portland, people walking are at the greatest risk. Pedestrians make up nearly 1/3 of all traffic-related deaths.

**Kim Stone, Families for Safe Streets:** In October of 2013, my son was hit by a car in a marked crosswalk. He was crossing the street in order to catch a bus and joe died the next day.

**Marx:** Vision zero is Portland's goal to eliminate traffic death and serious injuries of Portland streets.

**Stone:** I'm very excited that pedpdx exists. And also that they're including community members to provide feedback for the plans they make and they seem very interested in what's important to everybody.

**Marx:** Pedpdx is helping to identify the locations where our resources will be able to make the most impact based on our community priorities. Given the enormous amount of need across the city, we want to make sure that we're directing our limited resources to locations with the greatest need first. To better understand the community's priorities, we ask Portlanders to tell us for themselves the most critical barriers to walking and the places that are most important to improve for walking in Portland. The feedback from our walking priority survey directly informs the pedpdx prioritization. Our online survey was open all summer long in 2017, and between that and our in-person outreach efforts, we heard from over 5,400 people from all over the city in five languages.

**Patricolo:** However, in analyzing our survey results we realize we did not hear from all segments of Portland's population.

**Irene Schwoeffermann, Portland Bureau of Transportation:** In order to engage the black community leadership forum, the black parent initiative and our go Africa house, to host two focus groups where we could both bring forward to them and hear responses on the survey that we did citywide, but what we also wanted to understand is what is the experience that these individuals and these community members are having in the right of way. A lot of the conversation that we had and the stories that were elevated were around the interactions that they were having with other people. It was everything from what they perceived to be race-based interactions, hate speech, behavior that was specific to their black experience in Portland, and so what this is doing is positioning us to have a deeper level of consciousness in the planning that we're doing across the bureau, but also forcing us to address some of these issues. Our goal is to get people out of their cars. Our goal is to have more people walking, more people using transit, other transportation options, but we know this type of experience for these members of the community is really shaping their perceptions of safety, and we want to address that.

**Marx:** We directly incorporated the feedback we heard in our walking while black focus groups into the pedpdx toolbox. The toolbox identifies the key strategies and tools we will use to make walking safer and more comfortable for everyone.

June 5-6, 2019

**Patricolo:** In recognition of the unique needs of Portlanders with disabilities we also worked with one of our pedpdx community advisory committee members to organize a workshop for people with disabilities. Participants with a range of disabilities met to brainstorm solutions to make our sidewalks and crossings more accessible for everyone. Many of these ideas are directly incorporated into the pedpdx toolbox.

**Marx:** In addition to the prioritization framework and toolbox, Pedpdx also includes new pedestrian street classifications across the city that reflect the demand-based priorities we heard in our walking priorities survey. We engaged each of the city's seven district coalitions to carefully review and help refine the proposed pedestrian classification maps, drawing from participants' knowledge of their neighborhood districts. The pedestrian classifications included in the public review draft of the pedpdx reflect the refinements provided by the district coalitions.

**Patricolo:** Visit our website now to review the draft plan, and give us your thoughts on pedpdx. **[video ends]**

**Warner:** Great, before I turn it over to michelle, I just really wanted to thank staff. They did a phenomenal job. It's been two years? It's been a two year process in terms of talking to people, doing outreach, really listening and trying to figure out the best way to move forward and I think I'm just really proud of the work they've done, and we're really happy to be here today. I'm going to turn it over to Michelle marx.

**Michelle Marx, Portland Bureau of Transportation:** Thank you, director warner. So, yes, my name is michelle marx. I'm the pbot pedestrian coordinator. I'm also the project lead for pedpdx. Thank you so much for having me today. I will note that since this video was made we've engaged in even more process, so we released our public review draft. At the beginning of march, it was posted online and distributed as far and wide as we possibly could for about two months. We took public comments. We organized seven what we called view and review parties across the city in every district of the city and engaged in as broad a campaign as we could to get the word out and work with our community partners to do that, so absolutely a lot of outreach went into this effort and I will give, I want to call up my colleague, Francesca Patricolo, who was the architect for most of that. I am absolutely thrilled to be here today to share with you what I think is a really, really exciting plan for Portland. The vision for pedpdx is that our city is a truly walkable city for all, and i'm really enthusiastic about the work not only that staff and the project team has done on this but our huge coalition of community partners that have worked on this with us as well, many of which are in the room today so thank you all. I really appreciate your time and effort. I'll just briefly walk you through the content of the plan. I won't restate our mission. Commissioner eudaly stated this for us in our opening remarks, but I will underscore that this affirmation of walking as a fundamental human right and the most fundamental means of transportation really does guide the contents of the plan throughout. And I think you'll see that. So, I know it's a very large plan. It is a 20-year plan, so it's likely to be large, but there really are just three fundamental components to be aware of. The first piece is identifying what we call the pedestrian priority network. And this is just a collection of all the streets in Portland with new and updated pedestrian classifications. In aggregate, that's identified as our priority network. And these really are reflective of our comprehensive land-use vision for the city. Locations where we have now or anticipate to see high levels of people walking. Excuse me. The second piece of the plan is within that network we've identified every sidewalk gap and crosswalk gap throughout the entire network and developed a prioritization methodology for determining which of those needs are most critical to address first. And then finally the last piece of the plan is what we've called our implementation toolbox, and this is a collection of all the implementing strategies and actions that we, as a city, are making a public commitment to exploring to make the city walkable all across the network. There are 68 actions that we're committing to here.

June 5-6, 2019

So, really briefly, what is the state of walking in Portland? We know we have some significant issues that pedpdx needs to address, and one is traffic safety. So, pedestrians, people walking, are disproportionately impacted by traffic safety despite the fact that 9% of all trips more or less in Portland are walking trips. Approximately 30% of traffic fatalities impact pedestrians. And we know that this is an equity issue as well. Portlanders that have to walk, including those who are transit reliant -- most people who walk to the bus stop -- are most exposed to what really are systemic safety issues. We also know people walking in east Portland die in traffic crashes at twice the rate of people walking elsewhere in Portland on a per person basis, so we absolutely have traffic safety issues to address. We also have significant infrastructure issues to address as well. I think outside of Portland our community has a reputation for being a very walkable city, which it is, but I think we also all know that there are too many instances of this in our city as well. No sidewalks. No safe place for a person to walk. And so, pedpdx did something that we haven't done to date and that's take a really solid accounting of where we have missing sidewalks. The map on the screen here shows all locations in green where we know we have sidewalks present on both sides of the roadway, locations in blue where we have sidewalks only on one side of the roadway, and locations in purple where we're missing sidewalks on both sides of the roadway. And the geographic patterns are clear. We're missing sidewalks in southwest Portland, in outer east Portland, areas of the city that were annexed in the latter half of the 20th century. To put some numbers behind that, as the commissioner noted --

**Wheeler:** Can I ask you a question?

**Marx:** Of course.

**Wheeler:** Commissioner Eudaly, would you prefer us to get through the presentation and ask or what's your preference?

**Eudaly:** I do think, unless it is a clarifying question, let's finish because --

**Wheeler:** Let's go ahead and let you finish, and I'll write my questions down. Thank you.

**Marx:** Sounds good.

**Marx:** So on our arterial and collector system, we know that 32% -- thank you -- of those street segments are missing sidewalks on both sides of the roadway. That's a big number. As the commissioner noted, that's about 350 miles of missing sidewalk on our busy streets alone. Only arterials and collectors. We know, given the enormity of that number, we have to prioritize. We have to make sure we're sending investments to the most critical locations first. Crosswalks. Again, you know, we absolutely want to emphasize marked and safe protected crossings as a critical component of the pedestrian network. But again, we know we have too many places in the city, like what we're seeing in the image here, where there is not a marked crossing in the site. This poor man has little choice other than to do what he's doing here. So we looked at our all our arterial and collector streets in our priority network and found that to meet our new crossing spacing guidelines, we need about 3,500 new crossings. Again, much more than we're going to be able to deliver in the 20-year horizon of this plan. We must prioritize. We must address the most critical needs first. So, how did we do that? Pedpdx developed a prioritization methodology that was based directly on what we heard Portlanders tell us are the most important locations to improve for walking. As the director in the video noted, our citywide survey had about 5,400 responses in multiple languages. Beyond the survey itself, we also engaged directly with communities, community partners, and district coalitions. And what we heard are -- if we must prioritize, the top needs and top priorities really fall under these three buckets of equity, safety, and demand. This is how pedpdx structures its prioritization. We analyzed our entire priority network based on those criteria of equity, where we have high equity needs, where we know we have safety concerns, and where we have or expect to see a high number of people walking. And when we aggregate those analyses, what we find, what that yields are street segments where we have overlapping equity needs that overlap

June 5-6, 2019

with safety concerns and lots of number of people walking. And that tells us exactly where in our network are the most critical locations, so what we see on the map here are top tier priority locations for ensuring we have safety pedestrian conditions. Tier 1 in purple. Tier 2 in red down to tier 3 in yellow. All three of those considered top tier priorities. All the way down to top 4 and 5 and green and blue. What we have done is gone back and matched up those locations where we saw -- where we know we have missing sidewalks and where we have missing crosswalks against those top tier locations. And what this yields us are what we think need to be our near-term priorities for providing new sidewalk and crossing infrastructure moving forward. Now, I want to point out what pedpdx sets forth is the methodology for analyzing pedestrian need. The intent is that this analysis is run regularly and updated regularly. The benefit of that is it keeps our plan dynamic. We get to use fresh safety and equity data regularly so that we're staying current. We're responding to current need and to changing conditions over time. Finally, the last piece of pedpdx is what we're calling our toolbox. Again, as we stated in the video, it is directly informed by the outreach that we did. Namely and not uniquely but our walking while black focus groups as well as our workshops with members of the disability community in Portland. And there are a lot of actions here. We're making a public commitment to 67 -- to explore 67 actions to make walking safer and more comfortable in Portland. Clearly, I can't go over all of them with you today, even though I think every one of them are exciting, but a couple I'll just highlight. These are some actions that specifically came out of our walking while black and disability focus groups. One is to implement new vision clearance guidelines and set back parked vehicles at uncontrolled crossings to improve visibility of pedestrians and frankly for all people using the roadway at intersections. This one was very much important to members in our disability workshop who don't always feel seen, particularly when they are low in a wheelchair behind a parked car, but this is an issue for everybody, of course.

**Eudaly:** I would just like to note, michelle, that Portland standards are actually lower than the state standards. We do have some kind of exemption, but state standards don't allow parking within 20 feet of the corner and I don't, I believe if your vehicle is over six feet, it can't be parked within 50 feet. We have people parking right up to the corner. It really is a problem not just for pedestrians of all types but also drivers and cyclists.

**Marx:** Absolutely.

**Fritz:** And does this include taking away parking meters where the parking space is within the corner.

**Marx:** I can answer that, so within a parking meter district, we will absolutely do an engineering analysis to determine if there is a site stopping safety issue at that intersection and if the engineering analysis finds it is, then yes, we would pull that parking meter.

**Fritz:** Thank you.

**Warner:** An I think many of the parking meter districts are in, they be controlled intersections there, there will be lights, they're generator lights where we have most of the parking meters, in a lot of our communities.

**Fritz:** Thank you.

**Marx:** Another action that was really, really important to members in our disability workshop was to study prohibiting turn on red at signalized intersections, particularly in high-demand pedestrian districts and at high-crash intersections, so we'll be evaluating that. Sidewalk repair. There are several actions in the toolbox related to revamping and revisiting our sidewalk repair practices. One that I'll call out here that we've been working with commissioner eudaly's staff on is how can we identify financing strategies and cost saving opportunities to help bring down the burden of sidewalk repair to property owners, so we'll be moving forward on that. And then several actions came out of our "walking while black" focus group. Specifically, speaking to the issue of how can we can improve not just a sense of traffic safety in the right of way but also a sense of personal safety and



June 5-6, 2019

security. It is hard to convince more people to walk if they don't feel safe doing it, so increasing lighting levels, particularly in underserved communities was a key action that came out of those focus groups and pedpdx does include new lighting level guidelines citywide to make folks more visible and see on our streets. So that's all I have for you today.

**Eudaly:** Thank you, michelle. Before we open it up – Oh, I want to just ask you real quick. So of the three buckets, I think safety is obvious, how we define that. Demand is fairly self-explanatory, but can you define equity for the purposes of this plan?

**Marx:** Absolutely. We used pbot's standardized equity matrix, which looks at census race and income data by census tract. And this is the standardized approach that I think pbot my understanding has worked out with the office of equity and human rights and is also national best practice.

**Eudaly:** Thank you.

**Wheeler:** I have a couple of questions. I'll go in reverse order because it is just more fun. This isn't a question. It's really a request. So this council has just passed funding for the dark skies initiative, and I want to make sure that we don't have one group working on increasing light levels and another group working on reducing light levels. Is there some way to combine these efforts so that they're informing each other? Actually, I wanted to put that in a form of a statement with a period at the end. We're funding both, so let's make sure they're in coordination. Commissioner eudaly is well familiar with this.

**Eudaly:** Yeah, I share your concerns mayor, and there are different configurations of the type of lights as well as the type of fixtures that we use that can minimize disruption and light pollution. And if michelle has anything to add to that -- I mean, i'm personally happy to work in conjunction with the -- i'm sorry, what is, I've got so many emails about it, I should know what they are. Darks skies initiative project.

**Wheeler:** Dark skies, the dark skies initiative.

**Eudaly:** Yes, I'm very supportive and –

**Marx:** Yeah, that's my understanding as well, that the type of fixture and providing the, making sure that the light is downcast rather than spread up, is the most important thing to –

**Wheeler:** And you identified crossings and that is something this council has had many, many discussions about but one thing I haven't received clarity on, what is the cost per crossing? Do we have some sort of working estimate that we use?

**Marx:** It really depends on the type of improvement that's needed at any particular location so if it's just a simple marked crosswalk on a two-lane road, that is a much simpler, a much cheaper solution than if you have to provide you know, one of those yellow rectangular flashing beacons or a red signal and a median in the middle, so it really depends on the type of roadway.

**Wheeler:** So it would be helpful to me if, now that you've gone through all the iterations and you've identified the highest priority investments, it seems to me we could be able to start putting brackets around the potential cost, the potential annual outlay, understanding what sort of – we could start to actually get to the capital finance and what sort of revenues need to be leveraged for what amount of bonds in order to be able to do those capital improvements and I'd be interested in that analysis and I know there's lots of people in omf that would be happy to help with that. The original chart you showed, the percentage of sidewalks or the percentage of streets where there are no sidewalks on both sides of the streets, just sort of giving it a quick eyeball, it looks like there's a number of streets that are included in that analysis where it just isn't feasible. I mean there are just some places where we are not going to be able to put sidewalks. Has there been any effort to filter those from the analysis or identify those as areas where it just isn't feasible?



June 5-6, 2019

**Marx:** Not in that planning level analysis. However, the toolbox does include an array of alternative walking path solutions that might be appropriate in those types of locations. I think moving forward the intent -- because this is intended to be a dynamic plan -- is as we've analyzed those locations and determine what's feasible or what's not, we can adjust that data set and pull that from the backlog.

**Wheeler:** Okay. Low-cost easy solution. I have no idea about the level of effectiveness, but at very high-volume pedestrian crossings that we know are significant safety hazards, until we can address those either through education or infrastructure or enforcement or some combination of the above -- i've seen an interesting simple solution. Who doesn't love sisters, Oregon, right? In the summer, the crosswalks are very, very busy, and there's a lot of traffic going through. On either side, they put large buckets with bright orange flags. You pick it up on one side, and you wave the flag. The kids love doing that, and the traffic sees it. And then on the other side, you dump the flag back in the bucket. Have we thought of something like that just as a temporary opportunity at areas where we know crossings are a real issue and that people may not be well seen, just until we do the other things we need to do to make it up to standard?

**Marx:** I don't know that we've actively explored that particular idea for crossings, but we are very eager to look at all sorts of opportunities to provide improvements to people now who don't want to wait 20 years for the perfect improvement. We're absolutely doing that for sidewalks, trying to figure out how to provide just some kind of safe walking path that's separated from traffic. The sidewalk, yes, is the perfect solution, but what can we do now? Maybe it's pull out the on-street parking and put in some sort of physical curb separation on the fog line so there's some solution now or provide traffic calming to get the cars moving slower so you feel safer walking along the side of the road. I do think that conversation should be expanded to look at what we can do for crossings as well.

**Wheeler:** Good. And I want to applaud you for the analysis. I think it's fantastic. And thank you for giving me some time to read through it before the session today.

**Fish:** Mayor?

**Wheeler:** Commissioner Fish, then Commissioner Fritz.

**Fish:** Thank you. I have a couple of questions that I want to ask director Warner. First, congratulations on your appointment.

**Warner:** Thank you.

**Fish:** You know, the last time that we were presented with something that was this comprehensive that I can think of was probably the update to the bike master plan or something, and I want to go weigh that document and compare it to this document, but this is like a phone book, and the criticism that we got with the bike master plan is that we set this big vision, but we didn't have the resources to implement it. That has come up from time to time as we do big visions, and then people have expectations and then we fall short in implementing because of the harsh realities of budgets and resources. Let me start with one of the -- let me see what page it is. Early in this excellent report it lists the pedpdx objectives, page 15, and number 3 is funding, commit to funding pedestrian network improvements in the pedestrian priority network. So, we're going to be asked to be adopt a report that has a very explicit objective around funding these very wordy things. Have you done an analysis of what additional resources pbot would need to fully fund this plan?

**Warner:** Commissioner Fish, we have not necessarily, but in terms of any funding going forward, that is part of this analysis. And it is a 20-year plan. Hopefully, we can tear pages out and it will be lighter by the time we get to the 20th year. Certainly, what we want this to be is kind of the foundation as we look for additional funding to keep these in mind, all these priorities in mind because this really is the building blocks of the foundation that we're building. It's great to identify what the fundamentals are, and then as we move

June 5-6, 2019

forward, funding over the next 20 years we'll want to plug in every opportunity we can to make sure we get the priority ones funded.

**Fish:** I would be interested at some point, even in the back of the envelope number because having a number helps put it in the context of other things that pbot is committed to and helps us prioritize funding at budget time. Second question I have for you is the section on public outreach. It is one of the most comprehensive i've ever seen at page 339 and forward, so the public involvement plan. Since all of us up here are interested in learning lessons about how to enhance the public involvement process, and when a bureau moves the goalposts, we want to know about it and understand it -- I guess I have two questions for you. One is what are you most proud of in terms of the things that you did. In just skimming this section, I don't remember a report that had a more robust public engagement process, but what did you learn? What were you most proud of? And then how did you pay for it? What does it cost to do something this ambitious?

**Warner:** I'll ask, she will answer the funding questions since the money was spent before I got here. But certainly I think the piece i'm most proud of and I think we've referred to it a couple of times is kind of the analysis and the additional outreach we did with the walking while black. We identified that during our vision zero work that it's not just a matter of getting infrastructure where people feel safe or the infrastructure and engineering is good, but it is how people interact with the right-of-way. So I think when we got to this point in the plan where we had all the data, we actually looked at each other and said I think we need to take a deeper dive and to do these focus groups in order to actually see how people interact with the right-of-way, so it is not just a matter of numbers and statistics and speed, but it is also a matter of how residents of Portland interact. And so, that, to us, is something that we really took to heart, and it is something that we feel we can use for additional outreach in terms of how do we actually talk to communities. It's not just a matter of having people at the table. It's taking the table to people and to figure out how we, as a bureau, can actually do better outreach. One of the things that is so great about kind of the work we do is we're an infrastructure bureau, so we have dump trucks and shovels and all those kind of things, but we also interact with the people in a very real way every day, so we really want to take that engagement to the next level. Really the thanks go to the staff in terms of really having this robust public outreach process, but it is something that we'd love to replicate for all the work we do.

**Marx:** Yeah, and I can add on to that. Our whole team was absolutely adamant that if we were developing a plan that we are, we're saying was based on Portlanders's priorities, that we needed to be very sure that we were actually hearing from Portlanders in a representative way. We took very seriously doing some detailed demographic analysis on exactly who we were hearing back in our survey and making sure that it matched the ratios of the different types of folks that make up our population. And we saw that it wasn't. We knew we needed to do some additional outreach. And you know frankly it didn't cost that much more. A couple of focus groups don't cost that much. I will say that my colleague francesca patricolo here is very good at applying for grants, and i've got some grants from "america walks" to do these fabulous pedestrian walking stories that were on our website that got tens of thousands of views and helped to build empathy for the different ways people walk across Portland and the different opportunities and challenges that people across the city face, so having a really good grant writer on your team is also an asset.

**Warner:** I just want to add one more thing. One of the most gratifying things for me is -- as you know, the staff does all the work, and I got to go to kind of the final meeting of the advisory committee, and it was such a celebration and it was such a wonderful experience because Portlanders came together to write this plan. I was really touched and gratified by just the work that all the citizens put into this, so that was another moment that stuck it for me.

June 5-6, 2019

**Fish:** Thank you.

**Wheeler:** Director Warner, could I interrupt for just one moment. A little bit of housekeeping here. If there's anybody here waiting for the next item, item 547, which is the time certain at 3:30 related to approving mini area parking permit program, we're not actually going to hear that today. So if anybody is waiting for that, I don't want you to spend time here thinking that that's coming up.

**Warner:** Hopefully we got the word out.

**Wheeler:** Great, thank you. Sorry. Commissioner Fritz?

**Fritz:** Director Warner, my congratulations to you. I was really happy to see you got the position.

**Warner:** Thank you.

**Fritz:** This is obviously lots of work over many years and I was interested to Commissioner Saltzman on some of those, as well as Irene has a different last name now, and I just got it on Monday, so I would really appreciate some more time to look through it and would have appreciated a briefing. So I'm going to ask some basic questions because I'm not quite understanding what I'm reading. I'm looking at page 124 and 25, which is the prioritized crossing needs. And I'm not understanding what a yellow line versus a yellow dot means.

**Marx:** I can explain that. Thank you for asking. The yellow dots -- in fact, all of the colored dots are locations where we have a potentially deficient crossing. It's not a crossing gap. It is a location where an existing crossing exists, but it may not be up to our current design guidelines and we need to go back and evaluate that. For example, it might just be a marked crossing when our current design guidelines would call for a marked crossing plus a warning beacon, for example.

**Fritz:** Thank you. That's helpful. So I see that Fessenden is a line, so apparently it's got gaps, but why aren't there any dots on that, because we've heard a lot over the past several months about deficient crossings on Fessenden?

**Marx:** Well, I think if there are no dots, then it means that our planning level data and analysis did not show those as deficient.

**Warner:** I guess one thing I would add is we're making a lot of improvements as we speak Fessenden so I don't know if that reflects that or not, but Fessenden is --

**Fritz:** Yeah, I know. I just thought that it would, it would show up that it was going to need those and therefore you are doing them, and we had some nice feedback this morning that the community appreciates it, so I was just wondering, trying to understand better, if you look across the central city map, why is Southwest Broadway listed as having crossing gaps when there are crosswalks, it's on a grid?

**Marx:** Yeah, thank you. So our new crossing spacings guidelines note that within a pedestrian district, so the entire center city, we would like to see marked pedestrian crossings approximately every 530 feet. With our 200-foot block module, that is about every other block in the center city. So I'm guessing there are locations along Broadway where we might not have crossings, so it might be every three blocks, and that's popping up as a gap.

**Fritz:** They're all marked --

**Marx:** On?

**Fritz:** On Broadway they're all marked.

**Warner:** We'll take a look at that.

**Fritz:** So it's just -- like that.

**Marx:** We'll take a look at that.

**Fritz:** And then finally, my -- well I've actually got several questions, but.

**Eudaly:** I think that might be the park blocks you're looking at.

**Fritz:** Is it the park blocks,

**Eudaly:** Yeah.

June 5-6, 2019

**Marx:** Oh yes, thank you yes.

**Eudaly:** Because Broadway --

**Fritz:** Oh, but then why is it not on Ninth as well as on Park because they're both the same?

**Eudaly:** I see two yellow stripes, which would be Ninth and Park on either side of the Park blocks and there are definitely a lot of missing crosswalks, and I think we had a pedestrian fatality on them.

**Fritz:** Ok, thank you, Commissioner. That's helpful.

**Eudaly:** It's hard to --

**Fritz:** So next question is still, actually it is turning the page to prioritize sidewalk needs. On an earlier slide where you showed the feedback from the community of what was important to them, I live in deep southwest so I happen to notice that what was important to them is school access, safe access to schools, and yet the prioritized sidewalk needs don't, aren't where the, on 35th where the school is. I'm wondering how did you, how did you, how come only Barbur and only some parts of Barbur got prioritized sidewalk needs rather than --

**Marx:** Sure. I can answer that. The prioritized locations are the aggregate, the cumulative location of where we have high demand, which would include the demand on safe routes to school where we also have a history of traffic crashes and four and five-lane roadways and high-speed roadways, so safety problems, and locations where we have equity issues, so where the three overlap. Absolutely. Locations, streets that connect to schools are part of the demand analysis, but we also, to be prioritized, need to have safety and equity needs identified on top of those locations as well. All three.

**Fritz:** Well, then why ask the community other factors if that's why we're going to base the prioritization on?

**Marx:** Well, the community feedback absolutely informed the demand, plus safety, plus equity methodology and they told us which types of demand within the demand analysis were most important. So that was connections to community destinations and transit and schools, so that's what we used to construct our demand analysis.

**Fritz:** Okay, and then my last question is on the pedestrian priority network. What's a neighborhood walkway?

**Marx:** Yeah, thank you. In the past, our 1998 pedestrian plan only included pedestrian classifications for arterial and collector level streets, but pedpdx is now identifying certain higher, what we consider higher order local residential streets as part of our network. So local streets that are either a designated safe route to school or connect to transit are designated as what we call neighborhood walkways, so those are local streets.

**Fritz:** And what do they get?

**Marx:** Sorry.

**Fritz:** What would you get in that neighborhood in a way that you wouldn't otherwise?

**Marx:** No, good question. By merit of being part of the pedestrian priority network, those streets are more eligible for public investment.

**Fritz:** Okay, again that's not, with the criteria of it being to transit and the routes to school, that doesn't necessarily map out -- that doesn't, I don't understand how this got designated, but maybe I could have a follow-up conversation.

**Warner:** Okay.

**Marx:** Sure. Would be happy to.

**Wheeler:** Very good, before we go on, kids, where are you from?

**Children:** [ off mic ].

**Wheeler:** Excellent, welcome. Thanks for coming to city hall, we appreciate it. Questions. The remainder of questions.



June 5-6, 2019

**Eudaly:** I want to note that this plan was put up online and accessible to the public in the spring. We took public comment for 90 days, as well as all the active outreach that we did, but it is sounding like commissioners could have used a briefing or some information more in advance. And I think with something of this size that is warranted. Although, I do want to point out it is really only 335 pages. The other 100 or two are appendixes. [laughter] All right. We have invited testimony. Would you like me to call people up?

**Moore-Love:** Sure.

**Eudaly:** Okay, great. So, our first group, I believe, is going to be made up of jess thompson from oregon walks and just come to the table as I call you. Ken marks from rosewood initiative and janet hawkins from pedpdx cac member from southwest. You can give testimony in any order. Just state your name for the record before you begin and welcome.

**Jess Thompson, Transportation Equity, Rosewood Initiative:** Greetings, commissioner eudaly, commissioner Fritz, commissioner Fish and mayor wheeler.

**Wheeler:** Good afternoon.

**Thompson:** My name is Jess Thompson. I'm the executive director at Oregon Walks. My pronouns are she and hers. I've been listening and learning and thinking a lot about what it means to feel safe while walking. For so long, the experience of walking as it exists in our public discourse has focused on infrastructure, which is so important. And people experience pedestrian infrastructure differently depending on their identities. I look forward to listening and learning more with you about how we might begin to build a more inclusive idea of what safety while walking means. Before I kick off my testimony about this particular plan, I want to highlight a bill that passed the senate yesterday. This bill is a tool to begin to create a safer environment for walking in Portland and throughout the rest of the state. Representative bynum and others led an effort that will make it possible to sue people who call the police for racist reasons. This is something we should all be celebrating and it is another tool to create a safer and more equitable walking experience for all. I'm here today though to talk to you specifically about the pedpdx plan. There is much to celebrate in this plan. It is a road map of how we can continue the important pedestrian investments the city put into place with the adoption of the 1998 pedestrian master plan and the 2018 adoption of the transportation system plan. I want to thank specifically irene marion, the equity and inclusion manager at pbob, and Tosin Abiodun, the constituent services coordinator at pbob, michelle marx, pedestrian coordinator and of course, Francesca patricolo, the innovation and regional collaboration team member. In the midst of what is a very technical document, it is apparent that people and equity are at the center of pedpdx. This team has created a document that is helping Oregon walks, other community partners, and the city consider more broadly what it means to be and feel safe while walking in Portland. We didn't want to walk past this process, so to speak, we see modeled here without taking a moment to add exclamation points in agreement in order to draw other bureaus towards successful duplication. Additionally, we suggest this community engagement model be shared with other municipalities engaging in urban development projects. So, what's so special about this community engagement process? First, more equitable data collection. The team here implemented a survey, listened to the feedback, and thought about whose voices were missing. What they discovered is that black people make up about 6% of the people in Portland, but the initial community engagement work resulted in 2% of the respondents identifying as black. Many teams would have kept the work plan moving. This team stopped. And I think, commissioner Fish, this speaks directly to your question about what exactly happened to make this community engagement process so special. This team stopped, and they consulted with irene marian and tosin Abiodun who offered very skilled and critical mentorship about adapting the community engagement process to make sure it was inclusive. So the team tried different



June 5-6, 2019

approaches outlined in this report that resulted in hugely important learning for the city about the experience of walking while black in Portland. Secondly, the team actually used the community engagement learning to inform the plan all while using an equity lens. After adapting the community engagement processes, the teams incorporated what community members were telling them about their lived experience of walking in Portland. I watched this team listen to people in east Portland and go back that evening to update the pedestrian plan. Asking people most historically ignored at best by municipalities what they think and then actually incorporating that feedback into a plan. It is pretty revolutionary. The team here also truly identified and prioritized the needs of people who are walking dependent for transportation and live in woefully underinvested areas of Portland, specifically areas east of 82nd avenue. When I say that Oregon walks supports this plan, I mean we support it because it is very good for pedestrians, and we also support this plan because it is a solid example of how we might begin to operationalize equity in urban planning. When the city practices listening, believing and including the experiences of people most historically hurt by urban planning, you begin to build trust and a possible path forward to repair decades of exclusionary harm. In particular, Oregon walks celebrates the walking while black survey and focus group results which show safety and visibility are major concerns. This plan highlights these concerns and calls for significant street lighting investments. Let's make this happen. Additionally, this document calls for increased visibility at crosswalks specifically by providing high-visibility crosswalks and parking setbacks on pedestrian prioritization streets. Let's make this happen. Oregon walks does not think this plan goes far enough to promote pedestrian visibility, however. We are kicking off a campaign to educate and build awareness around the need for increased visibility at crosswalks. We are calling this campaign clear the corners. We are asking the city to implement 20-foot setbacks at all corners. This promotes visibility for all walkers, rollers, and drivers. On behalf of Oregon walks, we would like to thank the team at pbot for creating such a people-centered pedpdx plan. Thank you for helping Portland expand our ideas of what walking safety looks and feels like for a variety of communities. Thank you for helping Portland see what more equitable community engagement process might look like. We also know that this plan is just that. A plan. The devil is in the implementation. We look forward to working with you to make sure the critical community feedback that informs this document is operationalized on the ground and in the streets. Walk on.

**Wheeler:** Thank you.

**Eudaly:** Thank you.

**Wheeler:** Good afternoon.

**Ken Marks:** Good afternoon, mr. Mayor and council members. My name is ken marks. I'm the director of transportation equity at the rosewood initiative in outer east Portland. I'd like to start by -- i'm going to be summarizing my comments that i've prepared and given to you all. I'd like to start by thanking commissioner eudaly. Thank you to michelle and francesca and the rest of the pbot staff for their excellent work. We do support this plan. We do think, however, there are things that can be changed or improved. And we do have some concerns about certain elements. The first thing that i'd like to address is the issue of funding. Mr. Mayor, with all due respect, I would like to push back about the mentality of limited resources. We have one of most prosperous periods in our city's history. There's money out there. We just have to find ways of finding it and getting it. One way of doing that is to increase the parking permit districts. We need to stop giving away one of our biggest assets for the city and that is on street parking. We need to stop relying on our development to get residential infill, especially in places like east Portland and specifically around roads or streets that are used as cut-throughs for traffic, pedestrians, and that are routes to schools. We need to come up with creative means of raising revenue to focus on those areas. An example is in the comments that I have provided you. Now for the nuts

June 5-6, 2019

and bolts of, and getting into the weeds. We believe that right turns on reds need to be eliminated. 8% of all driver-on-pedestrian crashes are through this maneuver. In addition, the university of toronto has found that over 50% of drivers attempting to turn right on red are not looking right to see if the crosswalk is clear. They're looking left. That causes crashes and near misses. I have experienced near misses like that many times in my life. Another aspect of this is that drivers pull into the crosswalk, which prohibits or impedes the pedestrian trying to use the crosswalk, forcing them to go into the through lane or behind them. That is dangerous for all pedestrians but especially for people with disabilities, children, and seniors. We need to -- we support the "clear the corner" campaign by oregon walks. Examples of design that would help are being proposed on outer division at 122nd and 148th and 162nd commonly known as dutch corners. Pbot must implement a proactive policy of changing audible signals for people that are blind and visually impaired. That relying on capital projects that implement these upgrades is totally insufficient. The current system, many intersections lack them. Many intersections have tonal signals that are completely confusing. I, myself, have almost walked, almost walked into the intersection because I was confused as to which signal was being indicated. I need to push back on the concept of shared roadways for drivers and pedestrians. Examples are on page 274 and 276 are frankly inadequate and unacceptable. They don't provide context for blind and visually-impaired people to know where they are in relationship to the street and to vehicles. They don't give context as to where crosswalks are and intersections are. I live on 136th avenue between powell and holgate. This is a route to school. There are many drivers and many pedestrians that use this route twice a day during the school year. It's supposed to be a low-volume, low-speed street. I can guarantee you that drivers exceed the speed often at extreme speeds on this route. Those kinds of situations -- it also has places where a person with a mobility device would not be able to get off of the street surface, and the lighting is absolutely terrible. Crosswalk types. This needs to be implemented based on the behavior of the actual drivers and not just with the street and the number of lanes. An example is 174th avenue. It will not get enhanced crossings like rapid flashing beacons or hybrids because it is a two-lane road. However, drivers routinely speed down this road. We get through traffic from down south and pleasant valley. Truck drivers, especially dump trucks headed to happy valley use this route all the time. This kind of street context has to matter, and we need to be much more sensitive to that context. Having said that, again, I would like to thank commissioner eudaly and the pbot staff for what I believe is a very decent plan and with improvements could be an excellent plan. Thank you very much.

**Wheeler:** Thank you.

**Janet Hawkins:** Mayor wheeler and commissioners, my name is janet hawkins. I was one of the members of the pedpdx community advisory committee. I too, as my fellow testifiers have said, I want to commend staff for their work on the plan. I live in southwest Portland, and i'm a pedestrian every day, walking about two to three miles through the neighborhoods. And my testimony today is going to focus on two key content areas. Toolbox strategy 1 and toolbox strategy 7. For toolbox strategy 7, manage vehicle speeds and improve driver awareness. Commissioner wheeler, you asked about some of the things that could be innovative, creative, less expensive than capital projects. It came to mind immediately in my testimony. I have a direct experience as chairman of my neighborhood association and volunteering with southwest transportation committee. I've been fortunate enough to participate and volunteer with a number of safety vigils with the city, so working with pbot and the police bureau. Gosh, I think i've done five or seven safety vigils, you know bright vests, flashing lights, keeping everybody safe and volunteering at busy intersections to let drivers know that bikes and pedestrians are there any time of the day or the evening or the morning. We conducted a safety vigil. Our

June 5-6, 2019

neighborhood association Hayhurst in early January, on January 2nd to highlight the fact that children and youth were going to be back in school after the Christmas holiday break. And we decided to conduct that at Southwest 45th and Vermont. Pretty busy intersection. Right by Southwest Community Center, early evening, 5:00 to 7:00 p.m. We had volunteers. We had our bright orange safety vests on, lots of flashers, lots of lights. We were accompanied by a police officer Jacobson who was there to do informational stops for drivers who weren't complying with Portland's traffic codes. So during that two-hour period, I told people it's kind of, it's pretty scary because despite having a lot of folks around, a lot of kids, a lot of youth, a lot of families going to Southwest Community Center, there were still a lot of drivers who were inattentive. They were distracted. All those things kind of came to the fore during that two-hour period. I have to say officer Jacobson who was with us stopped ten drivers in a two-hour period, for inattentive driving, speeding, and failure to stop for traffic signals. That's about a stop, think it's about 12 minutes. He had the lights going, flashers, and this is, for those of you who know the intersection, it is well-lighted, there's lighting. There are marked crosswalks. There are lighted pedestrian crossing signals. And yet people continue to speed and be inattentive and erratic and unsafe in their driving. That was the norm for some of these drivers. Not all drivers, but that's not enough to put pedestrians and bicyclists at tremendous risk in those situations. As a city, I just feel very strongly and through personal experience and community experience toolbox strategy 7 is about lowering our speeds and improving driver awareness. I guess if it takes a ticket, it takes a ticket or a police stop. Maybe that's the kind of key awareness that needs to be there. And I think it is really important for folks to see those lights on the police car in a preventive situation versus in a serious crash situation. That's one thought I had in mind when we talked about what's affordable, what's doable and certainly the involvement of the police bureau. The second strategy I'm going to talk about is strategy 1, which addresses gaps in the pedestrian priority network. I noted during the staff presentation there were a number of questions about the pedestrian priority network and how equity and safety demand really framed the discussion around the priority network. As a representative of Southwest Portland, there were two other representatives of Southwest Portland on the community advisory committee. We all felt this is a really challenging aspect of the plan. Today, you're going to hear about informed, thoughtful testimony from other folks in Southwest who want to talk about those infrastructure concerns they may have and what the plan reflects. As an advisory committee member, staff were excellent about really trying to find numbers and information, and around the equity information were communities of color, low and moderate income households. How do we look at the census data. How do we do that kind of analysis. Again, I commend staff for going the extra mile for working with committee members and looking for other data sets and really spending time with us around that kind of content to make sure those communities were reflected and their needs were reflected for Southwest Portland. It's clear as a city, when we developed Portland in the 50s and 60s and Southwest was going as was East Portland, that our zoning [inaudible] placed multifamily housing on our busiest streets – so Beaverton and Hillsdale Highway, Barbur Boulevard, Macadam Avenue, are all very busy streets, and that's where the concentration of the multifamily housing is. That's where our families are, communities of color. It's where affordable housing and low and moderate-income households live in that housing. But we also, in doing so, placed vulnerable populations on our busiest streets and so those are the streets where the pedestrian crashes are the highest and most likely to occur in injury and death for the pedestrians or bicyclists in those areas. Pedpdx addresses those inequities for Southwest residents. I feel like it does a good job of starting that analysis of inequities and as Michelle Marx talked about, the capacity of the plan to change with information, I'm encouraged we're going to have a census 2020 coming up. We're going to get new low mod income data for

June 5-6, 2019

southwest as well as other neighborhoods in Portland, but we need to make sure -- and one of the key things that comes up in the plan is to improve our transit stop safety along those busy streets and for capital improvements for sidewalks on our busiest streets. The plan prioritizes critical improvements in east Portland, based on pedestrian crash data. In my view, and you'll hear different views today, I'm sure, my view is that the capital improvements in east Portland will have an immediate impact on reducing pedestrian deaths and injuries. No doubt about it. Twice the city number. Our house is on fire, and we need to put that fire out. This is a 20-year plan. And I think we really recognize that we need to focus our resources and our energy in essentially the struggle that's out there for people living in east Portland. I also know capital improvements are planned for southwest Portland. The southwest in motion plan, I think it will be coming before council soon, highlights the work that will occur so I know there's been lots of work around looking at that capital infrastructure. I'm also confident that council will be responsive to pedestrian safety needs throughout the city and be aware and thoughtful about where that investment can take place in the city. We all have places to go. We should be able to walk safely and without fear of death or injury. My feeling is that pedpdx plan offers a clear and comprehensive guide for all of us to get wherever we're going safely. Thank you.

**Wheeler:** Thank you. Thanks all three of you.

**Fish:** Can I ask one question?

**Wheeler:** Commissioner Fish.

**Eudaly:** Yes.

**Fish:** I'll be very quick, and this goes to Oregon walks. So I, too, share your enthusiasm for the clear the corner initiative. I wonder what is your view of all of the parking garages downtown where you have a similar dynamic? Actually a worse dynamic in some respects. You have cars coming onto the sidewalk, often blind. And then you have them making a turn typically onto a one-way street with the same impediment, which is a car blocking the view, so you don't see whether there's a bike or a car. What are your thoughts about that?

**Thompson:** Maybe we should expand the clear the corners campaign to include clear the parking garage entrance and exits. You're exactly right. Your point is well-taken that that is another area where parked cars are putting pedestrians at risk.

**Fish:** Thank you.

**Eudaly:** Honestly, I think the garages could also do a better job with signage, making cars stop before they hit the sidewalk, but I agree. That is a hazard. Thank you all for your input, for your critiques, for your support. It's really appreciated, and I'm taking it all in. And I know staff is too. I'm going to call up the next panel of invited testimony. We have matthew cramer from pedpdx, who is a pedpdx cic member from northeast Portland, maria hernandez segoviano from opal, and jenya Andreev who is a pedpdx cac member from east portland. Cac stands for community advisory committee. Welcome, everyone. Please state your name for the record.

**Matthew Cramer, Community Advisory Committee:** Good afternoon, mayor and commissioners. My name is matthew cramer, and I'm a member of the community advisory committee, the cac for pedpdx. We at the cac spent the first part of pedpdx talking with each other and going out into the community and talking with Portlanders about how we value the pedestrian experience. As we would go around the table at our advisory meetings, it was clear to me that equity was a core value. Equity was our north star throughout the entire process. The walking priority survey results affirmed that the Portland community was in alignment with this value as well. Areas that serve people who rely on walking the most was the number one priority in the majority of our city. Safety and demand were also identified as the guiding values throughout this engagement process. Pedpdx builds on and enhances Portland's values and commitment around mobility complementing Portland as a vision zero city, an age friendly city, and a community of all



June 5-6, 2019

ages and abilities. We spend a lot of time looking at the data to inform this plan. We looked at ten years of crash data. As someone who loves walking, this was not a fun experience, but it was invaluable in finding the systemic problem to solve. Data included not just where, but the conditions for the crashes themselves. We could see the trends of a public health crisis occurring in specific parts of the city. The pedestrian priority network is a data-driven response to maximizing community benefits. One item that really resonates with me within this plan is complete and maintain a pedestrian priority network that encourages walking for people of all ages, cultures, and abilities and connects people to their essential daily needs. When the draft pedestrian priority network tool was developed, cac members joined pbot staff at civic group meetings to validate the network in fine grain detail to validate if any routes were being missed. Personally, I was able to work with the northeast coalition of neighborhoods. I see the pedestrian priority network itself grounded in the values of equity, safety and where we aspire to grow as a city. I was born and spent the first part of my life in east Portland. My parents worked downtown, which meant that I went to preschool downtown. I would go for walks with my fellow preschool age children along comfortable downtown streets. I loved going for these walks as a child. They are likely the reason I ultimately served on the cac. However, comfortable wasn't the experience I had in my own neighborhood streets in east portland. My mom would need to drive us to glendoveer a park in order to move any meaningful distance on foot. I didn't understand this as a child, but what I was experiencing was the Portland paradox. Both places are technically Portland, but one allows people to move freely in their own neighborhoods while the other requires a risk to the most vulnerable users of the street. The good news is I am optimistic that pedpdx is a big step in the right direction in resolving this Portland paradox. Pedpdx really embodies the value of the people of Portland, the data is dynamic and responsive to ongoing community needs. It is a really actionable plan. We scanned a lot of other national plans throughout this work, and we could just really see it was really clear and concise and there was a strong focus on implementation. This plan, as it has been reiterated today, it really walks the talk in equity. Thank you very much for listening.

**Wheeler:** Thank you.

**Maria Hernandez Segoviano:** Good afternoon, mayor wheeler and Portland city commissioners. For the record, my name is maria Hernandez segoviano. I am the policy and advocacy manager at Opal environmental justice Oregon. I want to thank you first of all for the opportunity to testify today on the pedpdx plan. As an organization that builds power for environmental justice and builds and organizes within community, and who advocates for transportation systems around the intersections of inclusive housing investment without displacement, equity, health, safety and empower engage communities who enjoy equitable access to lifeline services and fundamental human rights such as walking, it is such a pleasure to be here present and advocate also for this pedpdx plan. First, I want to thank and appreciate the efforts of the community engagement that pedpdx had during this development. We're glad to have seen our communities prioritized in the makeup of the type of prioritization that this plan should and could include. First of all, I also want to say thank you to our bus rider members who some of them weren't able to be here today, but who have been walking and talking and planning this process all along. Particularly David bouchard, Tristin isaac and ben pollack who participated deeply in this engagement process. Therefore, as I mentioned, I can't emphasize how enthusiastic we are that this framework prioritizes equity, safety, and pedestrian demand. As we see those three components in addition to options as a key to achieve many other outcomes that are intersectional to the multimodal network in our communities. In relation to equity, we know research indicates that low income communities engage in less physical activity than the general population. And some of our communities are less likely than other groups to get enough daily physical activity. This trends can be related in part to how communities and



June 5-6, 2019

streets are designed, which has a direct effect on people's ability to be active. Our communities have faced historic disinvestment and many of those decisions have been made intentionally to deny benefits to low-income people and people of color. Many of our neighborhoods do not have sidewalks, crosswalks, streetlights, parks, or recreational facilities. They often lack the healthy and nutritionally appropriate food, transit, biking infrastructure and other daily necessities within walking distance of our homes. When our neighborhoods are not walkable, they are less livable. In regards to safety, racial profiling of police on transit systems, economic instability, and other factors that make Portlanders feel unsafe can prevent them from walking. That is something that has already been emphasized throughout the testimonies and the presentation earlier today as well. In addition, it can also deny the ability for parents or communities to allow their children to take transit. Other forms of community engagement opportunities to engage more locally. Our communities are oftentimes threatened by unsafe and often inaccessible streets and sidewalks in addition to transit infrastructure. Because of that, our communities are also most likely to be stopped for jaywalking, which is more likely in neighborhoods which lack crosswalks. Therefore, it is such an important concept that this plan emphasizes beyond high-crash corridors and emphasis of going beyond what safety means in our communities. In regards to pedestrian demand, we need to be seen where we are. Demand is a critical factor in this plan. We need to build sidewalks and safer pedestrian infrastructure in the places where more people are already walking. The areas identified for improvement are hazardous. People walk along the shoulders of roads and cross at unsafe, unmarked, and unlit intersections and are put at risk of being hit by cars or injuring themselves on uneven surfaces. When our neighborhoods are not prioritized, we are deemed invisible by decision makers. The number of people of color is growing in Portland daily. Our people of color is growing in Portland daily and yet we face worse outcomes for us as long as decision makers pretend we do not exist. Other things that I think are important to consider in this plan, which again we're super thrilled to have all those three components of prioritizations in the framework of the plan itself, is given that the neighborhood revitalization occurs, it can bring unintended adverse consequences for low-income, people of color pedestrians. If it does not involve careful planning and strong and empowered community engagement like you did in the development process, new investment in infrastructure public transportation can make surrounding neighborhoods more desirable, raising property values and spurring the conversion of affordable housing to higher end units. These trends can lead to displacement of existing residents and minority-owned community businesses and can particularly effect renters. Leaving a neighborhood can mean not just leaving a home, but often social networks and community culture as well. Some of opal members have been gentrified out of the city, losing the protection of any Portland-based city policy as they move into gresham or beyond. Low-income residents who are not displaced can still be affected as they can face significantly increased cost of living. Therefore, we need streets that not only connect us to transit and other means but also to our homes. We encourage more coordination of this plan with the housing bond planning that is taking on a city level but as a regional level. And we also, also we want to ensure that new affordable housing prevents a displacement of our communities from the places this plan targets. Finally, I would like to say that another recommendation as the city continues -- and I think this also addresses a couple of the questions that were mentioned earlier on funding mechanisms -- is that we need to be bold when it comes to that. We have been struggling as a city, as a region, as a state to identify the resources necessary to fully fund a city's bicycle, pedestrian, and transit infrastructure that combines not only the intersections of transit and multimodal planning but also housing. As the city continues to look for ways of low cost to fund this plan, we would like to see that any type of funding that comes available really focuses on these three priorities.

June 5-6, 2019

Walking being one, biking being another, and definitely transit being the third. We know that these types of local investment specifically have a greater greenhouse emission – have a greater impact on lowering greenhouse emissions on a statewide level rather than projects such as expanding highways and/or roads can have. We ask to please consider dedicating any funding opportunity towards this prioritization and on this plan in particular. Opal's membership was deeply involved in the creation of this plan, members steer and advocated for this proposal. The lens this plan uses was shaped for low income people and people of color as well as advocates who understand our communities' needs. So thank you pbot for the wonderful community engagement you've been implementing in this process. The city of Portland has a duty to low-income people and people of color to make for historic disinvestments in our neighborhoods to address long-standing equity concerns, to improve safety where it's most needed, and to meet the demands for people who are walking. We encourage you to support the passage of this plan into law so the city can get to work in protecting, uplifting, recognizing, and making our communities whole. Thank you for your time.

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

**Jenya Andreev, Community Advisory Committee:** Hi. My name is jenya Andreev and I was on the cac, and I just wanted to talk a little bit about my experience being on the committee and what I found really important that I got out of it. First, I want to say that I live in east Portland. I live east of 205 if you can imagine such a place. I like to say of east Portland it's still Portland. We still pay the arts tax, and many of us work downtown. In fact, I work on the west side and took the streetcar here today. I have to say there's certainly a perception and I think a lot of reality to this idea that east Portland is a forgotten area of Portland. Being on the cac and reading through the pedpdx plan, I learned a lot about east Portland that I didn't even know. Look at the demographics. Look at the statistics. See what a large percentage of the population that lives there and what that population looks like. You might be surprised that this is really about 25% of the city we're talking about that live in this area, so we're not a small piece of the pie. Pretty big piece of the pie. When I found out that the cac was actually actively looking for people from all different quadrants of the city, I thought that was really significant. I haven't seen a lot of committees that actively look for people who live east of 205 and actually want to hear them. I think it made a big difference. I think that over the months, all the hours spent after work with the committee, being in a room with people that live in different parts of the town and being able to speak to them really on an equal plane felt really democratic and felt very significant, especially in this day and age of our political climate. For me, this felt like I way I could personally contribute to something and that my voice mattered. As I said, I learned a lot while being on the committee, and, you know, being part of it meant you know, listening to a lot of long presentations, looking at a lot of graphs, reading a lot of things, and then talking about them and arguing about them, and there were many instances that I could see that the pbot team was really listening to our feedback and changing the direction and changing the plan based on that. This idea of a matrix of equity, safety, and demand was something that we spent months talking about, and specifically, the way that things like how much do we weigh equity versus safety versus demand? We crunch those numbers over and over again, and we, actually, ask them to, you know, to change the equation and see what comes up. Look at specific intersections, and I think that that was something that the committee was able to help with. Well, I know in my neighborhood, you know, the way that -- that does not make sense. We did a lot of what people in the room have been doing today is thinking about specific instances that you know about, and assessing if it's accurate or if it's helpful, and I think that's so important to keep doing, that we have to use, use this mission of affirming walking as a fundamental human right, and this tool of the equity, safety, and demand matrix, and continuously evaluate if we are

June 5-6, 2019

doing it right. I think it's really radical to affirm walking as a fundamental human right. It's something we spent months talking about, and it's was so apparent right away that made sense. This committee really felt that strongly from day one, if you talk about walking, how can you say that, well, you know, it's not feasible there, but I lived there, you know. What is that person supposed to do? So really, I just ask that you take that seriously, take that affirmation seriously, and ask yourself, you know, how do we make decisions once we have affirmed a right? It's one thing to say that you have a right. How do we, actually, extend that right to people so that they can enjoy it? Moving to east Portland about four or five years ago, I was afraid a lot of times. I was worried that it would be very different than my experience living in north Portland and other parts of Portland, and I have to say, a lot of things, you know, a lot of those worries were true, and a lot of them weren't. It's a beautiful neighborhood. It's incredibly diverse. I live a walking distance from a russian store. I was born in russia, so it's a big deal for me. I see people there that I don't see in other parts of Portland, And I really do love that about this neighborhood. I am constantly shocked to hear about how many deaths occur while walking in east Portland. It's really jarring to get home and hear that news story. Sometimes there is even two in a day or three in a week. It's really astounding. Once you start paying attention, you know, it's different sort of hearing the numbers and the statistics, but really, living that it's happening so frequently, and you just have to ask yourself, what's, what is the price a person has to pay to live somewhere affordable? Why is it -- why are we tolerant of this? What more can we do? And so again, we have affirmed this right, like how are we going to act on that right? How willing are we to say that equity is important enough to spend money and attention on? Thank you.

**Wheeler:** Thank you.

**Eudaly:** Thank you. That concludes our invited testimony. Thank you all for being here today.

**Wheeler:** Thank you. That was excellent testimony. Karla, how many folks do we have signed up?

**Moore-Love:** We have ten.

**Wheeler:** All right, good. That timing is just about right then. Could we please have people come up as the council clerk, Karla, calls your name, and then if you could just give us your name for the record? The microphones should all be on, and they slide around about six inches away from your mouth, turns out to be to right. First three, please, Karla.

Moore-Love: Are lisa caballero, Stephen gunvalson, and Rachel banks.

**Wheeler:** Good afternoon. Would you like to go ahead and start, please?

**Lisa Caballero, Southwest Hills Residential League:** I will. My name is lisa caballero, I'm the transportation lead with southwest hills residential league. Mayor wheeler, commissioners, and commissioner eudaly, we were in transportation class together. Hello.

**Eudaly:** Yes, hello.

**Caballero:** A tremendous amount of work has gone into creating the pedpdx plan, and I congratulate michelle marx and the pbot team for their accomplishment. They've analyzed where pedestrian crashes are most likely to occur. They have catalogued all of our streets and documented whether they sidewalks or not. They have a database of 23,716 street segments. I have downloaded it. I'm going to talk about that. And they rate each one of these with a priority score. In fact, the pedestrian priority network, as ms. marx pointed out, is one of the main deliverables of this efforts and will be used to determine pbot capital improvement projects. However, I have two main problems with this prioritization method and I'm bringing this issue up because I want to make sure that you know what you are voting for. So, everything that's been said is wonderful. We are all pedestrians. I agree with all of the stuff that all of the aspirations. But, you are also voting for an algorithm and you're also voting for data sets, and I want to make sure that you understand how those

June 5-6, 2019

two are interacting with one another. So we have heard a lot about equity, safety, and demand. You would think that the way it is being described, that this is somehow a logical overlay. It's not. What the prioritization's algorithm is, it's a big addition problem with about 12 terms, each which fall into one of those, those labels. In their documentation, they say that it's equal weight between equity, safety, and demand. That's not true. The reason that that's not true is because you have data sets feeding into this, which do not have the same distribution. So if you don't know what the distribution of a data set is, you're going to have trouble evaluating this algorithm. In reality, you can think of this as a big bathtub with three faucets. You've got equity points coming in, demand points coming in, and safety points coming in. When you take the weight, when you count all those points in the bathtub, 52% of them come from equity faucet. 37% of them come from the demand faucet, and only 11% of them come from the safety faucet. So, commissioner Fritz, some of your questions are really getting to the heart of this problem. I've written a report. I have mailed it to Marshall Runkel, I've submitted it in my testimony. But I'm not okay with the prioritization that's only counting safety, 11%. The other big problem for someone in the southwest is the lack of sidewalks is not counted as a risk, it's counted as a need. Okay. So all of our arterials and neighborhood collectors have been triaged because the fact that they lack sidewalks has not been counted. Am I done? I would love to talk to you some more. I'm going to be emailing you my report. I have written this up, and I would really like you to pay attention to it, and I think you are on the right track, but I don't think what's being presented is actually what's happening in the algorithm.

**Wheeler:** Very good. Could I ask you a question –

**Caballero:** Please –

**Wheeler:** And you don't have to answer this if you don't want to –

**Caballero:** I'll try –

**Wheeler:** Are you a teacher? [laughter]

**Caballero:** I am teaching constantly -- no, I am not.

**Wheeler:** You should be. –

**Caballero:** Thank you.

**Wheeler:** That was very impressive in three minutes. You took what is a very complex prioritization algorithm, and you explained it, in my opinion, nearly perfectly.

**Caballero:** Thank you.

**Wheeler:** That was great.

**Caballero:** I am looking for people who understand it because the world is falling into two groups -- people who quickly understand the math I've done and people that don't. I think it's important for you all to understand that a data set has as much impact on the outcome as the actual formula does.

**Wheeler:** Yeah, well if you are ever looking for another career, you have got a gift there. Commissioner Hardesty.

**Caballero:** Well I know who to go to.

**Hardesty:** Thank you, mayor. Thank you so much for your information. It fascinates me to know how much east Portland and southwest Portland has in common --

**Caballero:** I agree.

**Hardesty:** When it comes to the lack of infrastructure, consistently, whether it's streets, sidewalks, lighting, and etc., etc. Because I just got this fabulous report two days ago, I have not quite finished it yet before the city council meeting, so do you see southwest reflected inside report?

**Caballero:** I find the report -- I actually was moved to tears at one point. I mean the most impressive thing about the report is their whole database of streets and the level of detail they went in in actually discovering the street segments. I found it moving that they looked at Broadway Drive and knew about the elevator stairs and made that a segment. So, yes,



June 5-6, 2019

we were looked at, but the problem is what's, what's dangerous about walking in a street in east Portland is very different from what's dangerous about walking in a street in southwest Portland. East Portland, actually, your arterials have sidewalks and bike lanes. The problem is crossing at the intersections. Right? We've got a lot of problems there.

**Hardesty:** We have a lot of streets that don't have any sidewalks.

**Caballero:** The smaller ones but the main one, you know --

**Hardesty:** No. We have main streets that are horrible, like Stark and division --

**Caballero:** Okay, yeah --

**Hardesty:** Yes, I could go on.

**Caballero:** Okay. So the problem is we don't have any sidewalks at all, and so if you live north of beaverton/hillsdale highway and south of 26, we are also a transportation desert in that we don't get bus service. If you want to catch a bus, you've got to walk to beaverton/hillsdale highway but there is not a north-south street with a sidewalk to get you there, and then you have got to cross beaverton/hillsdale highway where there is not a lot of connectivity. So what happens is we all can afford cars in southwest, so we just don't walk. That's not an okay solution, either. And we have children. I mean, any prioritization that does not pick up scholls ferry, which is the main north/south street in the southwest, maybe the only one, and it takes you from the shopping mall all the way to the zoo. Tri-met won't run buses on it because it's not safe to put a bus stop there because there is no sidewalks. That street was triaged in this prioritization. That, to me, is a litmus test. That says something needs to change about the prioritization.

**Wheeler:** Thank you.

**Hardesty:** Thank you, but you do know that there is like seven years of construction that's about to happen, in that neighborhood, right?

**Caballero:** On scholls ferry?

**Hardesty:** Yes.

**Caballero:** No.

**Hardesty:** Is that the area that it's happening? Didn't we have people come in earlier this week and tell us about seven years of construction that's happening out there?

**Eudaly:** Are you talking about the southwest corridor? Yeah -- no, not --

**Caballero:** Southwest where?

**Eudaly:** It's, we don't need to continue.

**Wheeler:** Thank you.

**Hardesty:** -- area. Sorry.

**Caballero:** Thank you very much. I can send my report to you.

**Wheeler:** Appreciate it.

**Hardesty:** Thank you.

**Wheeler:** Karla, were the other two of the first three not here?

**Moore-Love:** It was Stephen gunvalson and rachel banks. They may not be here.

**Wheeler:** Alright, next three, please.

**Moore-Love:** Are claire vlach, doug rogers, and glenn traeger.

**Wheeler:** Thank you.

**Glenn Traeger:** Hand out --

**Wheeler:** If you can just hand them to Karla, and she will take care of the rest. Thank you. Welcome. Would you like to go ahead and start, please?

**Claire Vlach, Oregon Walks:** Sure.

**Wheeler:** Thank you.

**Vlach:** Hi. My name is Claire vlach, and I am also here representing Oregon walks where I am a member of the plans and projects committee, and I was also on the community advisory committee. Walking Portland would be better for everyone if we could implement everything in this plan, but we can't. The biggest hurdle to building 350 miles of missing



June 5-6, 2019

sidewalk is funding. The biggest hurdle to installing the 3,500 missing crossings is funding. The biggest hurdle to adequately lighting our streets and sidewalks, which was the number one concern of the walking while black focus group is funding. I know that the amount of money we need is probably staggering, but every little bit makes a difference. So, please, fund pedpdx rather than infrastructure for private cars such as highways or parking garages. The climate change crisis demands it. Even if we could magically fund all the improvements in this plan, there are a few things that we would like to see that would make walking in Portland safer and more enjoyable. I will touch on three of them. The first one is improving the visibility at intersections. The plan says that allowing vehicles to park at the edges of street corners can quote, "significantly decrease the visibility at street intersections and crossings, making it difficult for people driving to see pedestrians and bicyclists" yet the plan only proposes to remedy this problem at uncontrolled crossings and only in conjunction with other construction. We would like the city to clear the corners at all intersections, period. The second thing is to encourage the city to see street trees as an essential part of the pedestrian infrastructure. City policy should maximize our tree canopy through policies that place utility vaults out of the furnishing zone, allows street trees in the curb zone, and solves visibility, lighting, and sidewalk obstruction issues without turning to tree removal. The third thing is that as pbot develops pilot studies for the alternative pedestrian walkways, we want to be sure that community concerns and suggestions are taken into account. Cheaper walkways are a good interim solution to our sidewalk funding problem, but only if they are safe and accessible for everyone. I want to close by thanking pbot staff for all the hard work that went into developing the pedpdx. We look forward to seeing the plan implemented as we walk through the city.

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

**Doug Rogers, Southwest Trails:** Good morning, or good afternoon, rather. My name is Doug Rogers, and I am the president of southwest trails. The volunteers from southwest trails have been following the development of pedpdx with a great interest, and we would like to share with you several of our concerns. We are on all volunteer citizen advocacy group that works to promote walking and biking in southwest Portland, and as you probably know, we've been working closely with the pbot staff and city for the past almost 25 years to develop a network of trail routes, allowing walkers to avoid the presently unwalkable arterials. We do appreciate the efforts made by pbot to identify our needs as citizens to walk and bike conveniently and safely in our neighborhoods. Unfortunately, we feel this new planning effort is not recognizing the unique needs of southwest Portland communities. Because of our history and our geography, we have challenges that are different from much of the rest of the city. Our history is that we are built up from the 1950s, 1960s, and 1970s, as was east Portland, for that matter -- same thing. We were county dominated, not in the city in those early years, and as a result, only about 3/4 you know, the numbers are variable in there, were arterials of the streets have sidewalks. I am sorry, it's the other way around. About a fourth, 34%, something in that area, have sidewalks. The rest of them don't. So as a result, if you walk in our neighborhoods, you are usually walking in the street. There is no place else to walk. And that means that you are in competition with the cars, who are moving by and oftentimes not paying attention to people. Our geography is also a challenge because of our many hills with the many ups and downs and curvy roadways that don't connect easily into a grid system as does east county. That means that many of our streets are short, dead ended, have limited major connected streets, also, that we don't have going north, south, east, or west, and if you are new to the area, it's very confusing sometimes. Easy to get lost, and you have many detours to where you are trying to get to. Also, we want to mention that our city zoning system -- oops. I see the light. It means low-income housing is concentrated along the pbot's high crash corridors, barbur and beaverton/hillsdale. That's where we have low-

June 5-6, 2019

income people living because that's because of the zoning system. That's where the apartments are. Because of the equity process here, we come out low on the list of priority needs. We hope that somehow or other, we would have to recognize the needs of the people and make sure that they are met in the future. Just to close, big project. This is a work in progress, and we expect to be involved in the future. A lot of work has to be done in the future to make this all really reflect reality, and that's what we are trying to deal with is reality here. So, time is up. Thank you for your consideration.

**Wheeler:** Thank you, doug, for your testimony, and thank you as well. If I could just put a marker in here because you said that something that really piqued my interest and I agree with. This report is not a static report.

**Rogers:** Yeah.

**Wheeler:** And so we are not -- there is an assumption that there will continue to be a process. I am sure commissioner eudaly -- and this will continue to evolve with time as needs are brought to the attention. Good afternoon, sir.

**Glenn Traeger:** Good afternoon. Mayor, city council members, my name is glenn traeger. Many pedestrians are killed in Portland each year by motorists. These deaths can be avoided if motorists would just drive slower and follow the existing traffic laws. We do have an existing traffic law that would significantly reduce the pedestrian accidents. It's called, the crosswalk law which requires motorists to stop for pedestrians entering an intersection, crosswalk, either marked or unmarked. Unfortunately, this law is seldom followed. The city is becoming denser each year, and conflicts between pedestrians and autos are increasing. Portland spends millions of dollars each year in capital projects making roads safer for pedestrians. Why can't our city save some of this money and just enforce the crosswalk law we already have? It would make walking safer and will free up money for other important projects. I ask members of the city council and everyone in this room to challenge themselves and follow the crosswalk law. You will see how important yielding to pedestrians is needed to save lives. It will also make you a better driver. I don't see how we can have it both ways. We can't have drivers ignoring traffic laws and safe streets for pedestrians. This is not a tough decision. I hope that you act in a way of safety and life, and start enforcing the crosswalk law. Please take my challenge and see how we can make Portland a safer and better place to live for all of us. Just one more thing, most of the improvements proposed in the pedpdx plan will not be effective unless traffic speeds are reduced. What good are additional crosswalks and street improvements when cars are whizzing by going too fast to yield for pedestrians. We need to slow down traffic on all city streets. Thank you.

**Wheeler:** Thank you.

**Eudaly:** Thanks. I will just say that I don't disagree with anything that you said, other than we could somehow solve all our pedestrian deficiencies if drivers simply recognized the crosswalk law. I, personally, do recognize that law, but frankly, it does not feel safe to stop for pedestrians a lot of times because other drivers on the road are not recognizing or abiding by that law. We are lowering speeds around the city, as I am sure that you know, and we are not allowed to lower speeds on the certain streets due to jurisdictional power. We tried to have that changed at the state level. That did not succeed this year. I largely agree, but again, there is a lot of work, I mean, basic accessibility is one. If you are using a wheelchair and there is no sidewalk or there is no curb cut, people stopping for you at an intersection isn't really going to be helpful. Thank you.

**Traeger:** Can I make a comment?

**Eudaly:** You can follow-up with my office.

**Wheeler:** Yeah, thank you. Appreciate it. Next three, please -- Karla.

**Moore-Love:** Are don baack, glenn bridger and hans steuch.

**Wheeler:** And then who is after that, Karla?

June 5-6, 2019

**Moore-Love:** One person left, clint culpepper.

**Wheeler:** Very good. Don, would you like to start?

**Don Baack:** Sure.

**Wheeler:** Thank you.

**Baack:** Hi, I'm don baack, hillsdale. It's good to be here and see you all. Before I start, mayor, you are the only one of these four that haven't been out on the trail with us. I would like to give you a walk around southwest as seen by those of us on the southwest trails. I will call your scheduler and invite you to come.

**Wheeler:** Perfect, I do a lot of running on those trails and I would be happy to slow down.

**Baack:** That's great.

**Eudaly:** I was going to say, but you're going to have to keep up mayor, don will pick you up for a whole day if you let him.

**Wheeler:** I know, I might, I might not want to do the whole pacific northwest circuit with don. [laughter]

**Baack:** It's only 40 miles.

**Hardesty:** Don will make you look bad. He's [inaudible] quick [inaudible]. [laughter]

**Wheeler:** Well he's off to a good start.

**Baack:** Thank you. I've already used half my time. Anyway, staff deserves a well-deserved -- a well done for the great work that they have done on putting together this millions of data facts and citywide thing, and particularly, getting this priority pedestrian network put together. In southwest, the southwest trails was our priority pedestrian network until this work has been done so to some degree we are ahead of you. They have done a great job of adding actions policies that will make walking in Portland safer for all of us. You also deserve credit for addressing 105 or more us southwest trails identified connections that we ask then to look at to include in the pedestrian network. The reason we did that is the permitting process. If we want to go out and hand tool, build trails, it is extraordinarily difficult. It's been -- we got the law changed to 2011, and we have had until now, three projects approved under that law, which is abysmal compared to the need. We want to make it faster and easier and this will help do that. First of all, finally, they addressed all of these, and that was a face-to-face to do this, they didn't agree with all of them, and so we wanted to ask commissioner eudaly to direct staff to work with southwest trails to first of all revise the urban trail routes because there is a few changes that need to be -- made. We've got new construction. We've got better routes and safer routes that we can follow, and we also -- our trails, to some degree, go in at Washington county, and we want to put those on dashed lines so that we can then work with other jurisdictions to make their connections from their side tie in with ours so we don't end up with a tunnel that does not meet in the middle. We want to address the connection, remaining connections like southwest coronado, which is a street that is not included in the network but and pbot's reasoning was, well it's influenced by the neighbors. Though our right of ways belong to all of us, and the neighbors should not have the unique right to say no, you can't have a trail here. It's now used by other trails but it needs improvement. And this is something we would like to do. It's really important. We want to revise the mapping of the southwest priority network to include all properties because right now, we have got it well mapped on the pbot properties, but if the trail goes across school property, a park, or something, it stops and says oh that's not part of the thing, that's important. Mayor, may I finish my list of things?

**Wheeler:** Go for it. You are not done yet.

**Baack:** Review the crosswalks as needed across southwest. We have not addressed those at all because there is so much other stuff here, and that's a detailed thing that we need to go through point by point, and we have got a lot experience walking out there, and

June 5-6, 2019

we would like to bring that experience to bear on making those decisions and priorities. Also allowing the vehicle barriers on approved pedestrian routes. We've had cases where people have really done a beautiful job decorating a trail and then a car drives through it and totally destroys it. The sixth item is to policy requiring a material of a marked crosswalk at all trail crossings of our arterials and busy streets. If you've walked the four tee you know there's at least two crosswalks where we don't have -- we have a little sign saying, a crosswalk, but nobody stops for those things. They need a zebra crossing before they even recognize the stop. That's why we want to see that, and when you are on a trail --

**Hardesty:** Unfortunately, your time is up --

**Baack:** Okay.

**Hardesty:** But we have your written document.

**Baack:** Thank you. I appreciate it.

**Hardesty:** We look forward to your [inaudible] us that.

**Wheeler:** Thank you. I could have said that, except that was so good that [inaudible] -- thank you. Commissioner Fritz, you had a question for mr. baack.

**Fritz:** So in your written testimony that you sent in before, you were asking for an extension of time to review the document? Are you still wanting that?

**Baack:** Well, if it's reasonable and the council decides that's appropriate. The important thing is that we get the seven things that I requested here face-to-face with the bureau and sort through those. There are some other issues that should be addressed, as well, but these are the most important ones.

**Fritz:** Thank you, I appreciate you prioritizing that. This section of Coronado you're talking about, is that between 39th and 41st?

**Baack:** We would start -- this is from Lancaster and go all the way to boones ferry. It makes an alternative route to southwest stevenson, which is a, basically -- sorry, southwest arnold, which is basically a suicide mission to walk on right now. So if we had this all the way around --

**Fritz:** Which neighbors were opposed to it?

**Baack:** I'm sorry?

**Fritz:** Which neighbors were opposed to it?

**Baack:** A couple three of the adjacent ones, not all were -- Hans can speak to that more personally. He's been involved in it.

**Fritz:** Okay, I will have a question about that later. Thank you.

**Wheeler:** Thank you, sir. Appreciate it.

**Baack:** Thank you.

**Wheeler:** Good afternoon.

**Glenn Bridger:** Good morning, council. My name is glenn bridger. I live in southwest. Walking in southwest is a challenge, especially for a senior citizen because anywhere in our area it's hard to find a good place to walk. Now, pbots staff is well aware of this, and they have commented in some reports and discussions that their places where people are just don't walk. They are too smart to go out there and put their lives at risk. I've been working on community issues for the past 25 plus years, and on that basis, I really appreciate the thorough study that pbots has made of the pedestrian needs in our community. It's fantastic. I would like to call special attention to the ongoing issues like pedestrian visibility that so frequently gets overlooked, but it's so important, either as a driver myself, or as a pedestrian because I get scared if I'm going to run into someone. Now, there are many safety concerns pointed out in the study, concerns that need to be fixed. We would not tolerate unsafe water if it were available. Why should we tolerate unsafe pedestrian facilities in our city? The report makes clear the short-falls in safe walking places in southwest Portland. The city should establish all of Portland's with secure, safe routes. The most effective way to establish this is to put a minimum level of



June 5-6, 2019

service that the city will provide for all communities. Now, they do in a sense provide a starting point on this with a minimum level of service for standard for crosswalks at transit places, for example. That is very important. And another area that is also very important would be provide sidewalks along all arterials. They are critical in southwest Portland, and we have more of those arterials without sidewalks anywhere on them than probably anywhere else in the city. That is very important. I hate to see pedestrians walking along on the roadways on our arterials, or on the marked bike lanes because there is no other place to walk. Our community worked hard to bootstrap itself. Southwest trails have been a hallmark with this, and sometimes trails get misconstrued because what the community tries to do is to maintain the trails that were actually established as the demand trails by others. Not build new trails but demand trails that walkers automatically use to go from point to point. Providing the maintenance, making them safer, and more environmentally friendly, is a very important activity, and we need to have the resources to be able to do that cheaply and effectively. Thank you, commissioners.

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

**Hans Steuch:** Good afternoon, mayor and commissioners. I'm Hans Steuch. I must excuse myself. I have a rather myopic view of the report. I really am only focused on what it says about what goes on in my neighborhood, Arnold Creek in southwest Portland, and there are some lovely paths on the city right-of-way in southwest Portland. One of them was designated as a neighborhood walkway on 30th Avenue, and allows me to walk from my neighborhood up to Maricara Park on the piece of right-of-way. There is some other lovely paths that were not designated as a neighborhood walkways, and they are on Coronado Court and Coronado Street. They paths, I should say, so paths connect walkers to Boones Ferry Road and 38th Service there on Boones Ferry Road, and to the Boones Ferry Horse Trail on Tryon Creek State Park Natural Area. In my mind these paths are well suited to become part of neighborhood walkways such as defined by pedpdx. The paths are used by local residents. They are safer than the alternatives, busy Stevenson Street and Arnold Street, which both have limited sidewalks. While the paths are used, they are not comfortable. In order to make them so, they need to be improved. Such improvement is resisted by some adjacent property owners. In some cases, the resistance has taken to the form of fences built into the right-of-way forcing walkers away from more level ground. I urge that pedpdx define as neighborhood walkway, southwest Palatine Heights Road connecting to 16th Avenue going east and the unimproved portions of Coronado Street and Coronado Court, as defined in the attachment, to my written testimony, and I do this in the hope that such designation will improve the likelihood that ultimately, the paths can become more comfortable for those that do use them now, and for all that will like to use them if they are improved. Thank you.

**Wheeler:** Thank you, sir. Appreciate it. Thanks all three of you. Next. I think it was just one more, Karla, is that right? One more person? Thank you.

**Moore-Love:** Correct, Clint Culpepper.

**Steuch:** Oh did you have a question?

**Fritz:** No, I'm going to get staff back. Thank you. You reminded me we have heard about this before.

**Wheeler:** Good afternoon.

**Clint Culpepper:** Good afternoon. Thank you for hearing this today, and thank you for having me. My name is Clint Culpepper. I am a member of the bicycle advisory committee, and also the parent of two young children. I fully support the plan, and I definitely thank everybody who has had the opportunity to work on it, and I know that it's been a big effort, so a big thank you to them. Please move swiftly on the -- on these strategies that have been laid out as this year has been especially deadly for pedestrians. As vision zero makes incredibly clear, no death on our streets is acceptable. There may be actions in the



June 5-6, 2019

plan that are controversial, like removing parking and slowing the drivers by not allowing the right hand turns on red and lowering speed limits, but none of these outweigh the complaints, or none of these complaints, rather, outweigh the safety of our city's residents. I will make it brief, and I will leave you on an echo of a comment that commissioner Fish made about the bike master plan. We have failed to keep up with the pace necessary to move forward with the plan. I would hate to see that the pedpdx plan repeat the same mistakes. Our mode split is very, a very clear reflection of our failure to really fully embrace the 2030 bike master plan, and if we fail to take action on the pedpdx plan, what we are going to see is continued deaths on the road that are absolutely preventable. Thank you.

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

**Eudaly:** Colleagues, I would like to ask michelle marx and chris warner, director warner back up to the table for questions. I think some interesting issues were raised, and I would like to give you a chance to ask some questions.

**Fish:** Can I ask a procedural question of a sponsor, just in the remaining time that we have to know where we're going with this. We have a resolution that is before us to adopt this plan. We have had very specific testimony where people have said, I disagree that this street's not included, or I would change the emphasis on this, and I think it's heavy in southwest Portland at the grandeur level, southwest trails has come in and said we have six or seven specific things that we want to hammer out. This comes up periodically in these kinds of hearings, so I would like some guidance from the sponsor about how we reconcile specific -- and in some ways, we have had members of the public come and sort of imply amendments to the plan or have said that they would like to see some tweaks. Yet, we are poised to adopt the plan as a living document and a document that's going to adapt over time. How do we reconcile those two?

**Eudaly:** Sure. I mean number one as we've heard today we have done an extraordinary amount of public outreach. This plan was put online in the spring. There was 90 days of public comment. I am not -- I, personally, don't want to extend that public comment, engage in an endless public engagement process. We have really done our due diligence on the engagement piece, and it's time to move forward with the plan. But as michelle mentioned, we will be coming back on an annual basis because this is, as you described it, a living document, and we know that conditions change on the ground. Conditions change in neighborhoods. Therefore, the outcomes of our equation may change, and some of these projects may rise to a top level. As far as southwest trails go, I love southwest trails. I am a fan of don's. I don't think that this conversation is necess -- I don't think that this forum is necessarily the appropriate place for this particular conversation. We have addressed a lot of their concerns, and they have gotten, I think, an extraordinary amount of attention, and we need to look at the city as a whole, and then finally, before I turn it over to staff, I just want to say I am interested in what michelle has to say about the dataset versus the equation, and I think one of the things -- yes, there is similarities between southwest Portland and east Portland, and they were both annexed into the city. Prior to annexation, they were allowed to develop in very different ways and the central city was allowed to develop, and that explains some of the differences between the more central city and these outlying areas. They face some similar challenges, but they are also distinctly different communities. East Portland is much more dense than southwest Portland, which tends to be single family homes, not you know, I am going to make some generalized statements. There are always exceptions, this is generally true. Southwest Portland is much more affluent, and east Portland represents some of the lower income communities in our city. Southwest Portland tends to be more white, and east Portland is the most diverse area of our city. It also is home to 25% of our population. I think most importantly, as we have heard repeatedly, people who live in east Portland are twice as likely to die when walking on the street as anyone else in our city, and so I feel very

June 5-6, 2019

strongly that we have gotten this equation right, and when we are facing a public health crisis and we have limited resources, it is vital that we carefully prioritize these projects. My hope is as we do them, we are stitching together a more complete landscape and more walkable city for everyone, but we really need to focus resources where people are in the most danger.

**Marx:** Yes, absolutely. I would -- I agree with everything you said, Commissioner Eudaly, and I can just add a little bit more context to the safety analysis, in particular. So yes, pedpdx looked at ten years' worth of pedestrian crash data, with every single pedestrian crash in Portland to look for the factors that may potentially be correlated with those crashes. Roadway factors, design factors, operational factor, and behavior factors, because what we wanted to do was to develop a prioritization that gets out in front of crashes, we don't want to just keep chasing improvements at locations after crashes have already happened. We want to make improvements before they do. So we really wanted to prioritize locations where those risk factors occurred. What our analysis of ten years of data showed us is that the risk factors are occurring on a small minority of the streets. So, 95, 96% of our street network are two-lane roadways. Our killed and serious injury collisions are happening on the other 4% of our streets, and that's exactly why we are not seeing the broad distribution of safety points that we heard questioned in some previous public testimony. The safety problems are happening on a very small subset, and those are our, especially our five-lane arterials. You are, we found in our analysis that you are more likely to -- you are, I think, ten times more likely to experience a crash as a person walking along a five-lane arterial than a two-lane street. Along a three or four lane street, you are four times more likely to experience a pedestrian crash than on a two-lane street. So, the focus on that very small subset of streets was very much intentional, and the fact of the matter is that those streets tend to be in east Portland.

**Eudaly:** Thank you.

**Wheeler:** Commissioner Fritz and then commissioner hardesty.

**Fritz:** So I absolutely support the prioritization, and I appreciate commissioner eudaly your heartfelt earnest intent to cut down on the pedestrian crashes, especially in east Portland, and there's needs all over the city. When I was in charge of parks, I had to prioritized putting parks' money in east Portland, and with the support of the rest of the city. So, that is not in question for me. I firmly believe that there's no point in having a public hearing if it doesn't matter what the public says when they show up. Although there's been a lot of process to date, I just saw this document the day before yesterday, and many people in the community only saw it the day before yesterday and I know now that don baack and hans reminded me about this issue of coronado, that there would have been 20 people here if more people knew about it, because wasn't commissioner novick addressing this issue when you were working in his office?

**Warner:** I have a vague recollection of coronado.

**Fritz:** Yeah, so this was, you know, before you were on the council. This is public right-of-way that people have fenced off so that the public can't use it, and that is a problem and then, when I was looking in my neighborhood, of course, we are experts in our own neighborhood, the question I asked you before, Michelle, in terms of the neighborhood walkway, it turns out I'm on a neighborhood walkway. It is the widest street in the neighborhood, has no sidewalks, it has three streetlights in ten blocks. So, and yet just one street over is coronado, which connects to the transit line, which you said was one of the criteria, and it's got a perfect way to walk through, where there isn't currently a street, they are a more direct connection, and so that's an instance where I just -- I don't know whether the representatives from southwest were as familiar with this area, well, are not as familiar as I am because I've lived there for 25 years, but you know, there may be some tweaks to this that would benefit everybody at no cost, and not interfere with the prioritization, so I

June 5-6, 2019

am wondering if we could even delay the vote for a week so that we could have a conversation about that specific issue because I might like to offer an amendment.

**Eudaly:** And the specific issue, I am sorry, was the fence blocking a trail or Coronado --

**Fritz:** It's the designation of coronado as a neighborhood walkway.

**Eudaly:** Versus --

**Fritz:** Versus not designating it in the arnold creek neighborhood versus having Vacuna designated as the neighborhood walkway in west Portland park.

**Eudaly:** And what functional difference would that make in the plan? I'm sorry, I don't have the map right now.

**Marx:** So the -- I can answer that. The significance of having a pathway designated as a neighborhood walkway means that as community groups like southwest trails seek to make improvements, they have an expedited permitting process to do so. If it's not designated as a neighborhood walkway, they are still permitted and allowed to make those improvements. There is just a neighborhood notification that's required. So the pedpdx classification really just results in a streamlining process.

**Fritz:** I don't even know why my particular street would be designated a walkway.

**Marx:** Yeah. The answer is because it's designated as a safe routes to school, so all designated safe routes to school and neighborhood greenways are automatically designated as walkways in pedpdx, so that we can support those programs.

**Fritz:** Okay. On the maps where it is designated a city walkway, are those streets still eligible to get improvements even if they are not prioritized sidewalk needs?

**Marx:** Yes. That is the first filter you, it must be located on that priority network to be eligible for public improvements, and then the prioritization process then is applied to the network, to inform in what order we should be addressing those needs. I would also like to, if I may, just to clarify a little bit about the process that went into identifying those classifications and pedestrian priority network. So we did just to take all of those classifications to the district coalitions for vetting and refinement, and over, I think, a two-month process, and so we did work very closely with the neighborhoods on that. We also worked, I think as don mentioned, very closely with southwest trails over the last two months to look at every one of the 105 trail segments that they proposed for inclusion in pedpdx. I think of those 105 requested segments, 70 are included, and if a segment is not included, oftentimes, it's because there may be a parallel route already on the network, or it's not in public right-of-way, or it doesn't connect to the network.

**Fritz:** Thank you for that explanation. In addition to pedestrian safety, I know that commissioner eudaly is also very concerned about climate disruption, as we all are. You were talking about the safety, the three criteria, and the safety is involved with crashes, what that doesn't measure is where people don't walk at all because they can't. So there is a section of 35th by jackson middle school. I live a half mile from jackson middle school. I drove there for seven years with my three kids because you cannot walk. There isn't a way to get there safely on foot. So, there is not going to be any crashes because nobody walks there. On other hand, you know, commissioner hardesty, this morning was talk, was -- they had a small discussion about park-and-rides. The reason we need to park and ride at barbur transit center is because you can't get there safely on foot.

**Marx:** Right, yeah and that's exactly why we elevate risk factors, even above historical crash data in our safety analysis, in recognition of that very fact. So we look at the risk factors, the width of the roadway, vehicle speeds and posted speeds, those factors that are associated with risks, that way we can direct improvements to roadways that may not have seen a pedestrian crash yet, perhaps, because people are scared to walk there.

**Fritz:** I know but, but leah pointed out that the lack of sidewalks is identified as a need rather than a risk.

June 5-6, 2019

**Marx:** That's correct, lack of sidewalks, missing sidewalks is what we are prioritizing. If lack of sidewalks were a risk, we would have no priority anywhere in the city that's missing sidewalks. It would, it would -- that's what we are prioritizing, the gap.

**Fritz:** As -- okay.

**Wheeler:** Commissioner hardesty.

**Eudaly:** I --

**Wheeler:** Or Commissioner Eudaly

**Eudaly:** Would just like to respond.

**Wheeler:** Sure.

**Eudaly:** There is a difference between not being heard and not getting the answer you want. And southwest trails has definitely been heard. The public has definitely been heard. We vote on resolutions at the first reading. I don't see why this would be any different. I don't believe that this conversation needs to hold up the pedpdx plan, or is necessarily the appropriate forum for it. If the majority of my colleagues believe that we should give more time for public input, I would concede a one-week additional public comment period just in line with how we would handle a non-emergency ordinance, which is the first reading followed by a second reading a week later. But, I don't anticipate any substantive changes in this plan, whether we have additional public comment or not.

**Fritz:** Thank you, commissioner, that's very gracious of you. I would appreciate another week, partly for public input, but partly because I want to have that discussion, which I think we're all getting tired about what's happened on that particular segment since you worked on it with your previous commissioner because it, there's a huge, there's a takings issue there where a private property owner has taken public right-of-way and people cannot walk there anymore and that's a problem.

**Eudaly:** But isn't, I mean isn't that an entirely separate issue? What does that have to do with the pedpdx plan.

**Fritz:** Because --

**Eudaly:** Because someone needs a file a complaint and someone needs to follow-up on that complaint. If it's not --

**Warner:** I don't know where we are on that, I can find out. I just don't remember.

**Wheeler:** Commissioner hardesty.

**Hardesty:** Thank you, mayor, and thank you both for your presentation. I just will say that I share Commissioner Fritz's concern because when I get a book like this, 48 hours before I am asked to vote on it, that is not respectful of the folks who have to make the policy decision around this, right. I actually like to read what I am voting on actually before I vote on it. I am just weird like that. So it would be very -- I would be appreciative if there was enough time for me to actually get all my questions answered before I'm asked to vote. So I just wanted to put that on the record. My second question is, one of my big concerns, and I don't think that this cost money, but chris, you are the expert, so you can tell me.

Especially in east Portland, but this is through all over the city of Portland, is because we allow people to park up to the curves, it is absolutely difficult to see a round vehicles, especially tall vehicles, who are parked on the corner legally, if there are pedestrians using the street and I can't tell you how many times that you feel like you have to ease out into traffic, just to see if there is any people, especially little people on the sidewalk before you pull out into traffic. Could we on every street just do a setback to make sure that the people aren't parking at a place where you actually can't see around them?

**Warner:** Actually that's one of the strategies that's outlined, was that [inaudible] one?

**Marx:** Honestly, I can't remember what number it is.

**Warner:** But thank you. That's something that's definitely within the strategy and something we're trying to implement.

June 5-6, 2019

**Hardesty:** But I think we are trying to do is implement it in some neighborhoods, but wouldn't that be good to implement all over the city of Portland as compared to just in high-crash areas?

**Eudaly:** Well, I think the plan was to implement at unregulated intersections to begin with, but I am very supportive of this. We, you missed this part, but it's definitely part of the plan, and I noted that we have like slacker restrictions than the state. We have exempted ourselves somehow from the state standards –

**Hardesty:** Oh –

**Eudaly:** But I would like to take the opportunity to say if your vehicle's over six feet tall, you should not be parked within, is it 20 feet of the corner?

**Warner:** 50 feet.

**Eudaly:** It's well –

**Hardesty:** 50 –

**Eudaly:** By Portland regulations or state regulations?

**Marx:** I believe that's city regulations.

**Eudaly:** Okay. Yeah. So if you are driving a giant vehicle you should not be parking on the corner. I know that's not going to do much good at all, but maybe ten people in this room –

**Warner:** Have those vehicles –

**Eudaly:** Know something new.

**Fritz:** I learned something.

**Eudaly:** Oh good.

[laughter]

**Hardesty:** Thank you. That's that –

**Warner:** That is all.

**Hardesty:** And I support is the delay and the vote because again, I want to read what it is I am voting on –

**Eudaly:** Sure.

**Hardesty:** Before I vote on it.

**Eudaly:** And I raised that issue with staff. I think we're hearing loud and clear that commissioners need more time to review these plans, and so I am fine with delaying the vote for a week.

**Wheeler:** So could I just clarify to make sure I understand the sponsor's intent? So we will be continuing this to presumably next week? Is that correct?

**Eudaly:** I guess –

**Fritz:** Next week's horrible.

**Wheeler:** Well let's do this, lets decide. We want to continue it, it sounds like there is consensus for that –

**Eudaly:** We'll leave it open to –

**Wheeler:** We need to pick a date and we need to decide whether the oral record remains open or not.

**Eudaly:** No.

**Wheeler:** Okay so the oral record will be closed. We have heard the testimony but it sounds like we are keeping the written record open, is that correct?

**Eudaly:** Written record will be open for a week.

**Wheeler:** Very good.

**Eudaly:** It will come back next week. That's what I've been --

**Warner:** And I guess the hope would, we will, we can check in with you in terms of as you have questions during the week, and so hopefully we won't have to have next week, we'll have answered your question?

**Fritz:** Yeah, if you could make an appointment I would like to have at least a half an hour, thank you.



June 5-6, 2019

**Warner:** Okay, great.

**Wheeler:** Okay, good, well I want to thank commissioner eudaly and I want to thank pbot staff and I want to thank everybody who testified. This is a big, bold vision that covers multiple decades, so it's understandable that we wouldn't necessarily get to the final answer today, but I want to just acknowledge it. I think it's fantastic work on the whole, and I appreciate your efforts. I didn't say, chris, congratulations in your new role.

**Warner:** Yes, thank you.

**Wheeler:** That's very exciting, and you worked hard to earn it and deserve it, so congratulations.

**Fish:** Yeah, can I just add –

**Wheeler:** Commissioner Fish.

**Fish:** I want to just be clear, I was prepared to vote on this today, and I view this as tantamount to accepting the report. I think there is going to be a lot of issues that come up moving forward where changes will be made or compromises will be reached, or don baack, who is a top ten advocate in my book, is never shy about inserting himself into ongoing conversations. Don will be well represented in the implementation phase, so I was prepared to in effect adopt the report today, not to say that I give my blessing to 365 pages, but it's a vision. It's a vision document. There's going to be lots of moments where we come back and talk about, you know, is this the right vision? Piece of the vision in terms of the sequencing? Is this the right approach, and how do we pay for it? So there's, it's a very dynamic process. But, I also respect the desire of colleagues to have a little more time. Look forward to voting on this next week. I have to say there is something in the air today because we have had some outstanding hearings at this council. I mean, there are days when I go home and tell my wife, patty, I am surprised I get paid to do this job. We had a couple hearings this morning, which were really interesting and we had first-rate panels and testimony. I thought this brought out the best, as it often does, fascinating discussion. I learned a lot. So I want to thank pbot for structuring – first of all, doing the hard work and then structuring this conversation because I think that it has been very valuable, and I have to say I am in awe of the staff that's working on this because no matter what question anyone asked, you seems to have encyclopedic knowledge of the city and the streetscape [laughter], so kudos to that level of detail and that level of ownership of the plan. It's impressive. So thank you all very much.

**Wheeler:** Commissioner eudaly.

**Eudaly:** Thank you, Commissioner Fish. I will obviously save my closing remarks for next week. I just want to say thank you to michelle and thank you to director warner, to the entire project team, community advisory committee, the pedestrian advisory committee, and everyone who came to testify today. It's a very interesting conversation.

**Wheeler:** Very good, and this item is continued until next week. The oral record is closed. The written record will remain open so if people want to email comments, they can most certainly do that, and director warner, where is the best place for people to email comments or just send it to the council clerk, as per usual?

**Warner:** Yeah, council clerk.

**Wheeler:** Council clerk it is, alright, that's continued. We'll read 547 but before we take a brief break. 547, please. Commissioner Eudaly?

**Eudaly:** Thank you mayor, we have pulled this item back to my office for further analysis.

**Wheeler:** Without objection, we are in recess for five minutes. [recess taken]

**At 4:28, council recessed.**

**At 4:38, council reconvened.**

**Wheeler:** We are back in session. Item #548, please. Commissioner hardesty.

June 5-6, 2019

**Hardesty:** Thank you, mayor. This is a settlement from our last fire contract. There was an arbitration filed, and we have come to what we believe is a good settlement, and a good process that makes sure that this is not an issue in the current fire contract that we are now negotiating. And so, on that note, I will turn it over to our esteemed panel. Thank you for being here.

**Ryan Gillespie, Chief, Portland Fire and Rescue:** Thank you, good afternoon, mayor wheeler, commissioners. I am Ryan Gillespie, interim fire chief for Portland fire and rescue, and to my right is the senior deputy city attorney heidi brown, and to my left jerrell gaddis human relations -- labor relations manager, and I also want to recognize alan ferschweiler, president of local 43 in the house here today. We are here to discuss a settlement agreement and memorandum of understanding with pffa. This ordinance today pertains to pffa members who are retired or separated from employment with pfnr after june 30, 2016 but before the collective bargaining agreement was adopted via interest arbitration on december 29, 2017. There is 26 individuals, those individuals are identified in attachment a. The total dollar figure that we're talking about is \$53,494.72 for this settlement agreement. I am going to turn the microphone over to heidi brown, and she will provide further detail on the settlement agreement and the mou.

**Heidi Brown, Chief Deputy City Attorney:** Good afternoon, mayor and council. So we had two matters pending, there was a grievance filed, and then additionally, a tort claim notice that had been filed on behalf of retroactive payments that the union felt was owed to certain employees who, as chief Gillespie said, retired after the conclusion of the old contract, july 1, 2016, but before we adopted the new contract via interest arbitration. The question would be, the tort claim notice would be resolved via the grievance so the question would be how would the arbitrator rule. There were, I felt there were issues where an arbitrator could rule either for or against us. If they ruled against us, the arbitrator would award wages and benefits that would total approximately \$100,000 and then it would also set a standard going forward that people retiring in this interim period or separating from service would then be entitled to retroactive pay, and we would have to track them down and give them payments. If we won, then there would be no wages and benefits, and it would set the standard of the opposite that we would not pay. In this settlement, excuse me, and the final thing would be if we lost in the grievance, then we would also have exposure under the tort claim notice, which would increase our potential liability because you are not only looking at the wages and benefits, which we would pay pursuant to the grievance but also there would be penalties and attorney's fees that could significantly bump up that expense. So under the settlement agreement, we agreed to just pay the wage portion only, not the additional benefits that could be due and owing, and that totaled the \$53,495, as the chief gillespie said. Additionally, though, what we're gaining is we have a tentative where the parties agreed in the settlement agreement that we'll sign a tentative agreement stating that going forward, anybody who separates from the city service after the end of the prior contract, but before we have adopted a new contract either via ratification by council or by interest arbitration, that those folks will not be entitled to retroactive pay, so we have it set the way we will like to have it, and we don't have to worry about going forward, any question about that resolving in a different way than we would like. So, I think that -- and then dismissing any claims under the tort claim notice, the individuals will individually dismiss their claims and the union will dismiss it's claim. So those are the benefits to why we felt that this was a reasonable settlement for the council to consider. If there is any questions, I am more than happy to answer them.

**Wheeler:** Seems like a reasonable compromise. Commissioner hardesty?

**Hardesty:** Thank you. I move that we accept the -- are we going to, are we ready to vote on it?

**Wheeler:** It's an ordinance, so we --

June 5-6, 2019

**Hardesty:** An ordinance –

**Wheeler:** Yeah, we have to take public testimony, and as you can see there are thousands of people here waiting to testify. How many people, if any, do we have signed up?

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

**Wheeler:** That does not surprise me since we only have one person here.

**Hardesty:** And he's just making sure that I do it right. [laughter]

**Wheeler:** Very good. So unless there is any further discussion, we'll call the roll.

**Hardesty:** Ah mayor –

**Wheeler:** Commissioner hardesty.

**Hardesty:** Before we vote, I just want to appreciate the fine legal counsel that we have working with us at the fire bureau and just, just how wonderful it's been both to work with legal counsel and with labor, and just what good partners they have been in helping us to resolve a lot of issues. When I inherited the fire bureau, I inherited a lot of arbitration that most of it just went away because we just made it go away, and I just want you to know that it's because we have a fine team that works hard to get to a win. Thank you for your work. Appreciate it.

**Brown:** Thank you, Commissioner.

**Wheeler:** Very good, please call the roll.

**Hardesty:** Aye. **Eudaly:** Aye. **Fritz:** Thank you for your work, Aye.

**Wheeler:** Good work, everyone, I vote Aye. The ordinance is adopted. We are adjourned.

**At 4:45 p.m., Council recessed.**

June 5-6, 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 6, 2019 2:30 p.m.**

**Wheeler:** Welcome to Portland city hall. This is the June 6 afternoon session of the Portland city council. Please call the roll.

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

**Wheeler:** Here, I don't think we need to read the rules this afternoon. We only have one item on our agenda. Karla, could you please read it?

**Item 549.**

**Wheeler:** Colleagues today we have the opportunity of hearing from the Portland sister association as part of their annual required but always highly anticipated report to the Portland city council. I hope through this presentation the council and the public have an opportunity to learn more about the important work of our sister city association. I would like to hand it over to Chido Dhliway international relations associate to the office of government relations to introduce Portland's sister city associations. Good afternoon. Welcome.

**Chido Dhliway, Office of Government Relations:** Good afternoon mayor thank you. Thank you.

**Wheeler:** By the way, while you're getting situated commissioner hardesty and I were at a meeting. I apologize it ran over. She will be here momentarily.

**Dhliway:** Thank you mayor, commissioners, as the mayor mentioned my name is chido dhliwayo, I serve as international relations director for the city of Portland. As part of my work I support Portland sister cities, a committed group of volunteers who work together to put on a incredible variety of intercultural events that help us to better engage with our international community. Before inviting my colleagues to speak I would like to provide background on the sister city program. Portland sister cities are members of sisters city international a nonprofit organization initiated that was by Eisenhower in 1956 to foster a mutual friendship and understanding internationally. True to the spirits of sister cities international;, Portland's nine sister cities and one friendship city association help us to facilitate many cultural, educational and economic exchanges. These can be felt through cultural landmarks such as the Lan Su garden and the Portland Japanese garden, but has also come to include activities such as the language immersion program, sustainability conferences and annual cultural performances and much, much more. The sister cities initiative has greatly enriched our local community. Today the leadership of Portland sister cities associations are pleased to present their annual required reports, the mayor mentioned on their efforts and activities untaken in the 2018 calendar year. Thank you for taking the time to listen and accept this report. First up I'd like to introduce Bryan Hopper president of the Portland Ashkelon sister city association to present. Thank you.

**Wheeler:** Thank you.

**Bryan Hopper:** Good afternoon. I'm just been placed into the position as president of the Ashkelon sister city association about two months ago.

**Wheeler:** Congratulations.

**Hopper:** Thank you. Super excited looking forward to some really good things for the year ahead. In the 2018 we continued to build the board of directors and work towards several fund-raising ideas as well as following up with the Multnomah university match making research project in identifying companies in Portland and Ashkelon that specialize in new

June 5-6, 2019

break through electronic environmental and medical technologies and creating partnerships between the businesses that would also benefit our association. Over the past 30 years it's been quite some time since we have had a delegation traveling to Israel, and Ashkelon and we're looking forward to meeting the new mayor, Tomar Glam, hopefully in February of 2020, we're looking at trying to do a trip over there in February of 2020. In that trip we'll visit the surrounding areas of Israel, American businesses such as intel and Microsoft and explore partnerships that could work between local businesses here such as ohsu, psu, and other educational institutions. This tour is primarily of local business leaders to help strengthen our board of directors and secure the needed funding for our new match making initiative. We also will continue to serve mayor Ted wheeler and other sister city association presidents in co-chairing our monthly Portland sister cities coalition meeting in the rose room at city hall. Managing the annual rose festival sister city association reception at city hall and other local benefactors. Serving our neighbors will continue to work on leadership development in connection with the city of Portland and Ashkelon as well as maintaining our new website Portland sister city coalition and our Facebook page. Activities that we have presented in 2019 are we reached out to the Ashkelon sister cities of Baltimore and Sacramento, and we're looking forward to doing some joint ventures with them to reach out to the city and support both them and the city of Ashkelon in efforts that they are making through the community doing community outreach and establishing some business ties. We're also looking at doing several fund-raising things throughout the 2019 to strengthen our association and then also bring in more people to serve on our board.

**Dhliway:** Thank you.

**Happer:** Thank you.

**Wheeler:** Appreciate it. [applause]

**Phillip Potestio:** Thank you, mayor, commissioners, for having us here. I'm Phillip Potestio, I am the president of Portland bologna sister city association. Bologna is a city in north central Italy of about 500,000 people, about 100,000 of those are students at the university. This is our 15th anniversary this year. Our youth exchange with ten students leaves a 15-day home stay at the ends of next week. We spend much of our time during the year raising money for this program. Our Sagra in November was a tremendous success by our standards and the silent auction we ran this spring just a couple of weeks at club Paesano dance netted us almost \$2,000, which was a very nice boon. Our incredible board comprised of all volunteers besides being a joy to work with also takes on an incredible responsibility and increasing responsibility.

**Fish:** I see you wasted no time getting into a position of authority in bologna. Good for you. [laughter]

**Potestio:** Thank you. This board has been really tremendous group to work with. influx in the board membership and our executive director have come through with flying colors. Last October three board members and our youth exchange coordinator emeritus visited bologna and not only were toured and feted, but also formulated plans and initiatives. After meeting with the general counsel Lorenzo Fratantoni in early spring, he by the way takes a great interest in our group, he's stationed in san Francisco, planned for celebrating Portland bologna's 15th year anniversary has evolved. Counsel Ortona has enlisted the help of the Italian cultural institute and its director Annamaria Di Giorgio, who has helped arrange an art exhibit to come to Portland. This exhibit 60 illustrations of the famous children's books of Gianni Rodari who is celebrating his 100th anniversary this year, he's a renowned author and he has incredible illustrations in his books. Also in bologna we also have an incredible children's book fair, so we're taking exhibit from that book fair that appeared originally there, its just ending, and we'll have it at the Portland art museum in september. Thanks to commissioner eudaly's office, some of the arrangements were made



June 5-6, 2019

to get to the Portland art museum. We'll have for the first time because of that and because of our 15th anniversary a visit from the mayor of bologna, mayor Merola and he's also the director of international affairs will be here in september. They will join counsel Ortona and director Di Giorgio and others to celebrate the exhibit and our 15-year partnership in september. We're also very excited that Korrie Hoeckendorf, the future prime minister, next prime minister of the royal rosarians, will be leading her prime minister excursion to bologna in October of 2020. We have been doing a lot of work with businesses, I just met with a woman who sells bottle caps of all things. In bologna there's a company called -- Pelliconi, which is a bottle cap manufacturer and she is here still, spent days going around to different craft breweries in Oregon and selling her wares, I guess. One thing that you might see on the slides is a picture of grape stompers. Our youth exchange loves to join the festa Itanliana in the grape stomping competition.

**Hardesty:** Were you cheer leading?

**Potestio:** I'm in the back there screaming my head off. I should -- a bit of sad news, after 27 years of festa itanliana being at pioneer square in august, it's not going to be there this year. It's not going to be happening. It's a very sad end of a partnership that started in 1992 we are looking for ways to have festa activities and Portland Bologna is a big part of that, but its going to look different and unfortunately it came down to finances where we couldn't afford the square. So I guess there isn't a 27 year get one free policy, I was sort of hoping for that. So anyway we're looking for different ways to put on that festival and Portland Bologna is always an enthusiastic supporter of that. Thanks for having us again. Very much.

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

**Rick Lamberson:** Dear mayor, commissioners, my name is Rick Lamberson, I'm the treasurer of the Portland Guadalajara sister city association and I'll be representing our president Ivette Flores Schmidt, who can't be here today. 2018 was a great year, we accomplished many things including celebrating our 35th anniversary as a sister city. Established in 1983 we commemorated this milestone with a rose bush planting ceremony with the royal rosarians at Washington Park. The sister city was established as a direct result of a royal rosarian visitation and they continue to be a valued partner in all of our events. Our 2018 cinco de mayo fiesta went well. We estimated we had more than 100,000 attendees this year or last year and we're proud to produce an annual festival that the citizens of Portland support and that brings substantial added income to the city and the businesses downtown. Also at the fiesta with the thanks of the united states customs and immigration service 49 people were sworn in from 37 countries as new citizens at our annual naturalization ceremony. If you have never been there we would love to have you, it's an amazing event to see that happen. The proceeds of our cinco de mayo fiesta and other events we host and organize during the year now help us support many organizations that I can't name all of today, but one of the important ones is the bomberos firefighter academy in Guadalajara with coordination of members from the Portland fire department. Volunteer firefighters from all Latin American countries are trained with life saving techniques. We know for a fact this saves lives every year and we're also providing funding for a school of children and young adults with autism for low income families. We have traveled with the rosarians to Guadalajara last year where we participated in their biggest parade, it was quite fun the Fiestas de Octubre. Rosarian support a rose bush was planted in Guadalajara to commemorate our friendship. Also there was a memorandum of understanding that was signed between the university of Guadalajara and Portland state university hopefully to garner educational exchanges between the two cities. Mayor wheeler and commissioners, we would like to extend you all an invitation to travel to Guadalajara with us. We would love to have you and to support our organization to continue this friendship for many years to come.

June 5-6, 2019

**Wheeler:** Appreciate the report.

**Hardesty:** Thank you, when is the trip?

**Lamberson:** In October.

**Hardesty:** October what?

**Lamberson:** Of this year. I'll let you know.

**Hardesty:** Please.

**Lamberson:** We'll make sure you're invited. Love to have you along. Thank you so much.

**Mike Bostwick:** Mayor Wheeler, council members, I'm Mike Bostwick, president of the Portland Kaohiung sister city association and we started out the year with our registration of our dragon boat teams. In February we had a wonderful trip to Kaohiung for their dragon boat -- excuse me, lantern festival, we have the dragon boat one. At that time we visited Shu-Te high school, which is amazing when you walk in there's 6,000 students cheering and greeting you and everything. At that time we provided with the help of the Portland rose festival foundation and the rosarians \$2500 in scholarships for the students at Shu-Te high school to come here for the rose festival. We met with members of the Kaohiung city council and city government and the entire new group of officials. They held elections last year, and we had all new -- a new mayor, new council chairman and all their head members of their divisions and different bureaus and stuff were all new. So it was a very interesting conversation with all of them, we were very well received, and they -- I look forward to having a long, productive relationship with all the new people over there in Kaohiung. When we got back we started off our dragon boat season with the i-dotting ceremony at which time most of the city of Portland knows that when they see the boats on the river it's rose festival time, so it's very enjoyable to know that. Yesterday we greeted Shu-Te high school and a delegation from Kaohiung in Portland along with the royal rosarians, the racing will be starting on Saturday and Sunday. We have 57 teams this year, a couple up from last year, and three new teams. We have some special events. We have a high school team where several high schools can get together, do a challenge for other high schools and also we are going to continue having a college university challenge where teams are made up from Oregon state, Oregon, university of Washington will have a couple days of practice and then they challenge each other in a special race. We hope to continue that and build on that. It's hard to get some of them together sometimes. Also, on this Sunday, we will present to a local Chinese student or Chinese descent a \$1500 scholarship for their college education and we also are trying to get more involved with other Chinese organizations in the Portland area this year. In relation to that, we started planning our trip to Kaohsiung next spring for their lantern festival, which will be on February 8th, 2020. You are all invited to join us for that. Thank you very much.

**Wheeler:** Thank you.

**Alan Ellis:** My name is Alan Ellis, president of the Portland Khabarovsk sister city association. The photos you'll be seeing were taken last week. Our delegation was there the entire week and Khabarovsk is located in Russian far east above Manchuria its located in the confluence of two rivers, one of which is one of the photos shows one of the rivers, the Amur, which is as large as the Columbia and the smaller one Ussuri which is like the Willamette and Khabarovsk is a cultural and educational center in that area of Russia. We sat down with the mayor and deputy mayors and had a very cordial exchange of topics including various joint projects that we're working on. Last time I was here to address you was in January when we had the rhythmic gymnasts here. Led by Jean McCormick, who is on our board and in the audience. She going back with her own group next summer and she is also an expert in telehealth and we went to a pediatrics hospital that gives free service to any pregnant lady throughout the Khabarovsk region. That region is huge, larger than Oregon and we hope to bring the director to Portland and to have him participate in a

June 5-6, 2019

conference. One of our other members of the delegation works here at city hall. Irene Konev, who was instrumental in bringing about Slavic and eastern European heritage week proclamation and we presented a framed copy of that to the mayor and Irene, who is fluent in Russian, explained the whole -- what the proclamation was about and all the Russian speakers we have in this area, and we had a press conference afterwards and the media really picked up on it, so we got good coverage on that. You'll see a photo of the where the Olympia of rhythmic gymnasts work out. They are also building a new baseball stadium and they want to do a baseball exchange and we're in the process of getting a grant through the state department to pull that off hopefully next summer. There's a conference that's going to be held in Khabarovsk at the Russian American pacific partnership rapp coming up the end of this month and it's about doing business with Russia, especially in the Russian far east. The conference has been held in Portland before, this year it's in Khabarovsk and I just talked with the Oregon business alliance people both of whom have studied Russian, one of whom recognized me as a teacher in the '70s and we'll be working with them to identify businesses who may be interested in doing business in the Russian far east. Our sister city is open for business despite any problems that we have on the national level. We also one of the photos is meeting with students at gymnasium number 5. They have an ongoing exchange program with Russian language students at franklin high school and there's going to be -- you see a drawing by a child from -- a 5th grader from Kelly school, which is where the Russian immersion program starts and ends up at franklin high school. Khabarovsk is wanting to send a number of children's artwork to display in city hall and I'll be working with Chido to get that done. Lastly you see a rock band, we have been able to get grants from the state department through the consulate from Vladivostok the embassy of Masco to bring three bands in the last four years to Khabarovsk which is the week before our festival here, and we have sent a blues band, a bluegrass band, and this year a sizzling rock 'n' roll band and they were received very well, called otis heat. They will be performing along with a band that Khabarovsk is sending to us, they'll be performing next fall the first Sunday in November, at the old church. We'll let you know about that. So all in all a really great visit, we do a number of things here in Portland including working closely with the restaurant Kachka during the holiday celebrations. So thank you.

**Fish:** Mayor, couple quick questions. How long have you been the head of the Khabarovsk sister city association?

**Ellis:** I have been with the sister city association almost since its start, which was in 1988. I have been president for the last ten or 12 years.

**Fish:** I was reflecting I think you and Phillip are the two senior members of the delegation. Thank you for taking on this assignment.

**Ellis:** I appreciate that, commissioner. I know phil and I -- I'm trying not to be czar for eternity.

**Fish:** Apparently there are no term limits. We'll keep you as long as we can. Without checking with my bureau let me just say that walker stadium in Lents would be honored to host an exhibition game between a visiting baseball team and maybe the pickles or whatever we could arrange. If we could get some additional information on that as soon as possible we could sketch out potentially an exhibition game, I think walker would be a fantastic low country.

**Ellis:** Baseball has become very popular over there.

**Fish:** Finally, I ask you this almost every year because I love the answer. Would you remind us, why is this city sort in the far end of the country, located in the middle of nowhere, why is it the jazz capital of Russia?

**Ellis:** It was a pacific rim thing in trying to find a city in that area. Mayor Bud Clark, commissioner Mike Lindberg and Portland state professor Earl Molander and Sandra

June 5-6, 2019

Rosengrant, Sandra Freels, professor at Portland state, went there and went to various cities and visited this one and just they were charmed and they thought they had a lot of things in common.

**Fish:** Thank you very much.

**Karin Hanson:** Good afternoon, mayor, commissioners. My name is Karin Hanson and I'm president of the Portland Mutare sister city association. I'm challenging myself to not read off of a page and stick to two minutes. So quickly, our sister city was established December 18, 1991 and we have gone through a lot of ups and downs and changes of mission but ultimately we are a sister city that's commitment is to humanitarian assistance to this city of our friends in Mutare and we have built a health clinic and have supported an orphanage school amongst some other things and all of a sudden we have found ourselves kind of lost with our vision and where we're going so we have been reevaluating, seeing how we might redirect some of our energies. Our most recent meeting to do that we came across a realization that part of our problem, which is no problem at all, is that the two primary organizations we have been supporting have become self-sustaining. That's the best thing you could look for in an organization. The Anglican church has taken over the orphanage school and the government the health clinic. There's still lots of need within the country and within the city, and so we're trying to figure out where we fit and how we can support people. We're still buying the panels from faso, which is family aid support organization, so we're buying them directly from the women that create them in their micro business and then taking them, selling them and getting money back that we then send back and may send to other organization that express need. So, we're just trying to figure it out, but one wonderful thing I want to mention in closing that has helped reinvigorate a lot of my passion for the people in Zimbabwe that none of us haven't seen face to face in many years, because we have not been able to go there and they have not been able to come here, is the wonders of social media we now have what's app and it has opened up the friendships all over again. Now we can feel the love, sends pictures back and forth. All the pictures I send you are from whatsapp and our friend Veronica over there sending, showing us the wonderful things that are happening over there. Thank you.

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

**Michael Bacon:** Honorable mayor Wheeler and commissioners, my name is Michael Bacon and as the president of the Portland Sapporo sister city association I'm honored and humbled to provide you our annual brief report. Unlike Karin I'm going to stick to my paper in order to keep to two or three minutes and because as you presumably know our 60th anniversary and there are just a few speaking engagement I'm being prepared for and have lots of remarks to make. So we are excited to be celebrating our 60th anniversary. The sister city relationship between Sapporo, Japan is one of the longest standing sister city relationships in the u.s. beginning in 1959 and continues with regular plentiful, meaningful exchanges that have built an incredibly strong bond of friendship between our two cities. In our recommitment to this enduring friendship the pssca drafted a new strategic plan with a new mission statement that reads to foster and promote friendship and mutual understanding from exchanges and interactions between the people of Portland and Sapporo to build a foundation for a more peaceful and sustainable world, which I think connects very well to what mayor wheeler shared just before this. We also held a competition to design a new logo which you can see if you go back one slide. Two slides. Yes. There in the center of this first slide at the top the symbol of star, Polaris, is found in many of Sapporo's cultural sites, which is the Sapporo clock tower, Hokkaidō government office and the old Sapporo beer factory representing development of Hokkaidō. The bridge is inspired by Portland's new pedestrian bridge, the tillicum crossing. The water represents the Willamette in Portland and the Toyohira river in Sapporo. Combined together this logo celebrates 60 years of sister city relationship and expresses



June 5-6, 2019

our associations mission, reaching people between Portland, Sapporo to create a peaceful and sustainable world. Yesterday we welcomed Sapporo mayor Akimoto and a 90 member 60<sup>th</sup> anniversary memorial delegation from Sapporo. The mayor and delegation will be here until Sunday joining the people of Portland in celebrating the rose festival on our 60th anniversary. As you will see in the slides there are many events planned in the short five-day period however I would like to just highlight a particularly special event happening this afternoon which you all are of course invited and mayor wheeler will be speaking there. The rededication of the Sapporo peace bell at the Oregon convention center. 30 years ago the people of Portland were given a gift. City of Sapporo commissioned a beautiful bell to be presented to the city of Portland in celebration of the 30th anniversary. Then mayor Bud Clark accepted this gift on behalf of the city of Portland and shortly thereafter the bell landed in its new home in the northeast corner of the Oregon convention center. In the spirit of president Eisenhower sister city initiative following world war ii this gift symbolized friendship and peace with common citizens ringing it in times of concern. Subsequently the bell became known as the Sapporo peace bell. Today we have been given another gift. The movement of this bell from its original home up north of here, of that place, to the new southeast location provides an amazing opportunity to bring us together to reflect upon and acknowledge the past. To celebrate the present 60th anniversary and to envision the future of and our recommitment to this friendship that is inclusive of all people in our vibrant and innovative cities. As we move into the future the vision of Portland, Sapporo sister cities association is to connect all peoples, all peoples, past, present and future from Sapporo and Portland. As part of this endeavor this afternoon we will welcome members of our local tribes of the Portland area as well as our especial Ainu indigenous people, first people of northern Japan, a people who were not recognized until just this January as the indigenous people of northern Japan. In collaboration with the Portland Japanese garden and Portland state university's native American student and community center, the Oregon convention center and metro worked to include first plants in the surrounding garden, first plants from both sides of the Pacific and welcome posts carved by indigenous artisans from both sides of the Pacific, Chinook and Ainu. The welcome post will be dedicated in August after their current exhibition finishes at the Portland Japanese peace garden. Our Sapporo peace bell rededication ceremony this afternoon also includes a land acknowledgment and protocol performed by a canoe family. Please join us at 4:30 today as we rededicate the bell in a recommitment to this long standing relationship and a future that is inclusive of all people on both sides much the Pacific Ocean. I also would like to extend the invitation this October, bust October for you is we will be taking our 60th anniversary delegation with mayor wheeler to Sapporo on October 22nd to 27<sup>th</sup>, so please join us if you can. Finally I what like to recognize the recognize the incredible efforts of our board members and our partners is Sapporo, the relationship thrives because of the talent, hard work and dedication of many. Thank you very much.

**Wheeler:** Thanks, Mike.

**Bonnie Starkey:** Good afternoon, Mayor Wheeler and City Commissioners, I'm Bonnie Starkey, president of the Portland-Suzhou Sister City Association, so we're the other pssca. 2018 was a busy year, Portland and Suzhou celebrated 30 years of sister city relations with more activities following Mayor Wheeler's delegation to Suzhou in April. Five events over a weekend in July were attended by four delegations from Suzhou and included a poster exhibit at City Hall highlighting Suzhou's journey over the past 40 years. The 90-piece Suzhou Chinese orchestra we were honored to hear at PSU's Lincoln Hall, it was amazing. The rose bed dedication at Washington Park Rose Garden where Mayor Wheeler and Mr. Gu Jie planted and watered rose bush in the bed dedicated by Portland Parks and Recreation Department. At Hoyt Arboretum Chinese Forest a Osmanthus tree was planted, a fitting compliment to the tree planting in Suzhou. This tree is the twin of a tree



June 5-6, 2019

that's been planted in the lan su garden and both were propagated from a big old Osmanthus in the lan su garden until recently. It was very fun event, good photo-op and always a good opportunity to see our leaders at work with shovels and watering can.

**Wheeler:** It was painful, but at the end of the day we got the job done.

**Starkey:** You were having fun, you were smiling.

**Fritz:** I have an Osmanthus that I got from the Lan Su garden its planted in my garden.

**Starkey:** I want one.

**Fritz:** We'll talk.

**Starkey:** The 30th anniversary weekend events culminated with our evening under the stars gala at the lan su Chinese garden for the first time we featured prominent artists from both Suzhou and Portland. Previously we just had Suzhou artists so it seemed fitting to have Portland artists too. Two high level delegations followed in september and November to attend an environmental seminar and a roundtable discussion both organized by business Oregon. Pssca wrapped up 2018 with our annual dinner and installation of new officers and our annual strategic planning meeting. Based on goals set we made changes to our bylaws, created an advisory council and set the date for our next event for May 23, 2019. We were honored to have mayor wheeler and the Chinese consul general ambassador Wang from San Francisco to attend. Speakers addressed the importance of collaboration between our cities and the benefits this relationship has had to Portland. We are in the lan su garden, so we could have stopped right there, its an amazing feature. We also awarded our annual Donghua Wang memorial scholarship of \$500 to a Chinese student at psu. Pssca has had a leading role in fostering the nine sister city partnerships Portland has with Suzhou schools. In February there were 78 students and ten teachers from five Suzhou schools visiting their Portland sister schools and doing home stays. That's 88 new people introduced to Portland in a very personal way. Last Thursday Hosford 8th graders presented their China residency research energy capstone project based on their two weeks experience in Suzhou. These are our future leaders, citizens, employees and employers and they are so confident. The Woodstock third graders Portland Suzhou bridges mural beautifully embodies the spirit of our sister city relationship. The sister city associations are bridges of friendship between our cities, one event, one delegation, one student at a time. It's what we can do on an individual personal level to build a future where we're not dealing with foreigners but with friends. People we know, like and trust. Thank you all for your strong support of our sister city associations.

**Wheeler:** Thank you, bonnie.

**Miyong Maguire:** Good afternoon, I don't think I can speak that fast, I'm going to try. My name is Miyong Maguire. I noticed my spelling got mixed up there. Ten days ago a group of six we just came back from our Busan sister city for our rose parade, rose festival and we have two royal rosarian Kathy Fastenau and Craig Dirksen. I like to share three things with you guys today. The first thing is our rose festival in Ulsan to see all the spaces of people finally they know how to stop and smell the roses and the children looking at royal rosarian with their uniforms, the white, the flowers, the light and getting rose stickers, the faces light up and I'm like, wow, I am really thankful for royal rosarians, they take their time, they put everything for to really share the rose. I really appreciate royal rosarian for that. That's why we went and we visited Portland rose bed that we dedicated two years ago and it's blossoming beautifully. They have a beautiful sign, we have that picture. Beautiful sign and how far distance Portland to Ulsan city is. Also there's a picture of -- Martin Nicholson thank you dedicating a plaque. He take all his time and cut the wood and he designed a Portland logo and Ulsan logo and that's going to be at an Ulsan Portland arboretum and right now they are really working on it, we were there took picture that was awesome. They are going to open -- they are going to be completed by end of this year

June 5-6, 2019

and hoping that there be open and dedicated by next year rose parade, which is in May. I'm looking forward to maybe mayor ted wheeler can join, that would be awesome.

**Hardesty:** Maybe someone else will go next time, right?

**Maguire:** That's right. Of course. Thank you, whoever visit definitely.

**Wheeler:** The more the merrier.

**Maguire:** I'll give you one of the scarves, the lastly I want to talk about the scarf really quick and everybody says how wonderful it is. We see the Ulsan city logo on one side and the other side the Portland logo connected by the roses and that's our sister city. We have honorable member of our sister city association in Korea, in Ulsan. I designed this and I was going to print it in Korea because it's cheaper and he paid for everything and he print hundred of this for us. 100 and donated to us. At the lastly, I want to share is that my husband also came this visit and he found a box of letters from his father written over 60-some years ago and he was Korean war veteran. The letter was about he was reading in Okinawa, the boat he took and where he landed which is by Ulsan port and meeting with macarthur. That was awesome to see and then we were sharing it on the gentleman sitting with us and he was Ulsan broadcasting company he thought that was awesome so we got our interview and all of the delegation was on tv sharing the Korean war veteran's story at the time too. I wanted this relationship made by roses, two cities, go on and on. Appreciate that. Thank you.

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

**Rindert Schutten:** Okay, last but not least. Utrecht, my name is Rindert Schutten, I'm the president of the Portland Utrecht network. I believe you all know what Utrecht is, its a city in the center of the Netherlands. In the Netherlands we have this funny event happening in the beginning of December called Sinterklaas. Like in the u.s. we all know that Santa Claus comes from the north pole, but Sinterklaas comes from Spain, a way different story. I can tell you more about it, but we have to have some beer or something to do that. It always happens every year, its very successful the children because they get presents as well. We also had a very successful Dutch festival, used to be called kings festival but in all honesty we all like the king because we have a party. Primary reason. It was very successful this year, it was at oaks park and we had over 600 people. More and more Americans actually are coming to the party so that's good. I really want to take a little bit about what we did in terms of celebrating in De Stijl. The steel was a cultural happening back in the Netherlands, started 100 years ago celebrated all over the Netherlands there and we had the idea to bring that to Portland. Exactly what we did. You all recognize I guess the iconic imagery of Mondrian and probably the chair made by a Dutch architect and furniture maker Rietveld. So, what we did we brought art history, a theater and public art to Portland. The first evening that we organized, next slide, please, was a night at the Portland art museum. If you look at the picture on the left you also see Ms. Eudaly over there. She was so nice to give a few words to introduce the friendship that we have between Portland and Utrecht as well. The guy on the right, mathias, he gave a great introduction in the art movement called De Stijl. You may think it's a dry subject, art history, well, it's not. He made it very lively and very interesting and yes we have to thank the Portland art museum for donating the room which holds a lot of people and we had it filled very nicely with over 200 people. It was very successful. Very successful event. Next we had three performances of an amazing woman. She gave a one-woman show, she wrote it, she directed it, and she played it. She played it in the Netherlands many times in Dutch and then based on a grant from the city of Utrecht to translate it into English she did it in English. That's the Dutch style. Doesn't matter what the language is we will probably speak it or do something with it. Great artist at Portland state university Lincoln studio hall. Three wonderful evenings. Then the third element is the mural because as you know there are many, many murals in Portland already. So we thought to leave something in Portland of

June 5-6, 2019

De Stijl in Portland, not just having experiences, but have a physical presence and that's exactly we did by creating this mural. We invited a Dutch artist, manuel anchor, to come over, design it, and working with the students of pnca, who executed it, who painted it, we created this wonderful mural at the corner of Tillamook and 43 in the Hollywood district and it really livens up that part of town. In the meantime other murals are happening in the same overall area. So I think Hollywood is really becoming a better and better place to be. So those are the three events that we did. I must thank racc for a grants to make the mural together with the city of. Very helpful in making it happen. We're already looking after but you may have seen it before. This is blue but kind of boring so if you go to the next one you can see what we did with that particular corner. It's really very different style mural than you will see typically in Portland and really exemplifies the style of the Stijl in Portland and it will be there for the foreseeable future. So the team that made this happen should be recognized and that includes myself, but also Gary parkinfelder, Peggy Harkins and Sherry Ferari. Putting these three events up is a hell of a lot of work. After we all did I went for six weeks to Australia. I had to get out -- [laughter] it worked very well. Yeah. Thank the team. What's next? Well, we have done beer events in the past and we are doing beer events again because Portland and Utrecht they all like beer so we had a photographer coming over. He shot a lot of pictures in various breweries in the Netherlands and in Portland. Those will be exhibited at the brewers festival in July. So you're welcome to come. We are working on creating Portland's mural in Utrecht. Yes, commissioner Fish, we are still thinking of the timbers to Utrecht to bring some connection in the area of soccer together between the two cities. It's not scheduled yet on the calendar because it's a hard thing to organize but we'll make it happen if not next year the year after. I know, commissioner hardesty, you wanted to go everywhere, right?

**Hardesty:** I do.

**Schutten:** Utrecht is a great city we welcome you to come to Utrecht as well.

**Hardesty:** I have never been to the Netherlands.

**Fish:** Karla will you make a note because I have been doing the math. Commissioner hardesty will be out -- [laughter] from september until January and if we can hold on all the emergency ordinances and we'll just skip consent and we'll manage to bumble along.

**Hardesty:** I would be happy to call in for council meetings.

**Fish:** Thank you, sir.

**Wheeler:** Thank you very much. Thank you all of you for your presentation. This is all a very -- [applause] positive and uplifting experience and again, I approach this very much the same way commissioner hardesty does. Almost like a travel log, isn't it? But at a deeper level it's about creating important ties that are educational, social and economics with our sister relationships around the globe, and that obviously does not happen without people here who are volunteering countless hours to make it happen. I really appreciate all the great work that you've done. I'll give my colleagues an opportunity to say what they'd like to say.

**Fish:** I move the report.

**Fritz:** Second.

**Wheeler:** Commissioner hardesty. Ok we have a motion from commissioner Fish, a second from Commissioner Fritz. Commissioner Hardesty?

**Hardesty:** I want to say what an incredible afternoon this has been first with the welcome celebration and recognition of 60 years of sister city relationships. I'm thrilled to be a part of the council and to have been a part of today's activities. I want to thank the staff with the international office who did an incredible job of bringing all of us together for this celebration today. I look forward to the opportunity to move the mayor aside for some of these chips so I can go see for myself what a great job we're doing and building these international relationships. Thank you.

June 5-6, 2019

**Wheeler:** Please call the roll.

**Fish:** This is one of my favorite council presentations. I want to start by acknowledging we have had the leadership of nine sister city relationships and one friendship city association with us this afternoon. Many of you have been in those leadership roles for a long time and I can't even imagine the amount of time that you have put into this role. This is pure public service, so let's begin by thanking you for what you do on behalf of our great city in building these relationships. Commissioner Hardesty and I had the great pleasure earlier today of being at the reception at the formal presentation and then reception. I think that event keeps getting better and I particularly appreciated one of the keynote speakers, a woman who was a tribal leader and elder who came in and gave a beautiful speech that put the whole thing into context. Mayor, thank you for your remarks. I even enjoyed the comments from the mayor of Sapporo, the pieces I could pick up that weren't translated of course. It was a marvelous event and when we open our doors to the world as we do each year we're all better for it. As the parks commissioner I'm especially proud of our world class gardens that reflect some of these relationships. The Lan Su Chinese garden obviously the Portland Japanese garden and the international rose test garden in particular. As everyone here knows Lan Su was built by artisan from Suzhou and the name of the garden is very special, Lan represents Portland and Su represents Suzhou, so it's a combination of both words honoring a deep bond between our two cities. Tomorrow will celebrate 20 years of excellence at the classical garden with a special ceremony that I'll have the honor of representing our city at and our friend Mike Lindberg who apparently scouted most of these sister relations, but a particular role with Suzhou will be present, we'll have a chance to thank him. I'm also excited that tomorrow there will be a celebration at the international rose test garden, a rose garden bed is being dedicated for our Sapporo sister city and of course we can never forget the crafts people from Sapporo that came to our city and helped build the great Japanese garden. We here in Portland sometimes take for granted the fact that we have the greatest Japanese garden and classical Chinese garden outside of the two countries for which they are known and that we're the envy the world for those gardens. Another example of how we have profited from the sister city relationships and all that they mean for us. So to each of you who makes these relationships possible, thank you to you and your boards. Thank you for this presentation. I want to close by thanking Chido, the director of our international relations program, I don't know where she's sitting. [applause] really does a good job. She was a terrific host over the lunch hour it takes a lot of work to organize this obviously, so thank you for your service. Today is a day to celebrate. We need more of that during these darker days. Thank you all. I'm pleased to accept your report. Aye.

**Hardesty:** I think commissioner Fish said it all. I will only add my thanks to his very detailed thank yous for the events of today and just say that I look forward to us strengthening our relationships. I thought the mayor made an excellent point earlier at the reception that in these times where people are divisive and mean-spirited and mean to each other, how wonderful that we're a model of how you can extend your hand and create opportunities and friendships that last and we're going into 60 years, I look forward to the next 60 years strengthening them and making them even better than they are now. I hope if you take anything from today it's that we're open to having better, longer, more mutually beneficial relationships and just what happens at the national level does not reflect our perspective or our viewpoints at all. I vote aye.

**Fritz:** When I was growing up in England there was a program called the children's international summer villages. It was highly competitive, you had to apply to be in it and children from all over the world came to stay for a month and you got to know people from all over the world. I applied and I didn't get selected which was crushing. Then I got a consolation prize of having an exchange in Utrecht in the Netherlands. I got to go there for



June 5-6, 2019

two weeks and then the person we stayed came back to our house. That was my first ever trip abroad. I feel like in Portland this is the people's international summer village it's year round. People may wonder why are these particular cities our sister cities. The answer is because the communities wanted them to be, these are community led program, you did the fundraising, organizing. You have a wonderful staff Chido thank you in the office of government relations, this is your program and its really great that you come, we require you to come, so there's that, but every year now for 11 years I have been reminded that people say worry monocultural in Portland, we're all the same, but we're not, we're from all over. We have ancestors from all over and from here. It's a rich, wonderful program. My son and daughter-in-law were married at lan su chinese garden and I was just remembering the Osmanthus tree was put just before me by my parents, neither of whom are still on, well actually my mum is still here she just doesn't come to Portland anymore. So its just so many great things happening, thank each and every one of you. Mutare, I'm so happy to hear you're wondering what to do next because the orphanage and the school are doing so well and the health clinic that's absolutely fabulous. Congratulations to all. Aye.

**Wheeler:** I always find this presentation to be very, very uplifting. I thank everybody for being here today and sharing with us the stories and good work that you have been doing and chido, I want to express my thanks and my gratitude. You have been working very, very hard of late and it shows, it's paid off. I also want to just acknowledge this. Mayor Akimoto from Sapporo is here today with his sizable delegation it includes members of his legislative body. I actually think it makes a great statement to have more of us going on some of these trips particularly when it's an important milestone year for the relationship. I was telling Katrina this morning that in many regards in American culture we don't appreciate these kinds of relationships as much as others do in other parts of the world and these are very, very important relationships for our sister cities. It's important that when we go to our sister cities we honor them in the same way and in kind to the way they choose to honor us when they come here. The delegation from Sapporo has over 90 people in it and it represents scholars, educators, it represents business community people, people from the nonprofit sector, government officials from different agencies and they take it intensely seriously because they value what is behind the relationships. So I would actually encourage us to think about broader delegations that include more members of the city council plus frankly I'll rest easier at night knowing you're also with me and not doing things back here without my knowledge. I think there's many benefits to it, but again, thanks for all the great work you're doing and thanks for honoring our community. I vote aye. The report is adopted.

**Fish:** Mayor Marianna is here to take a picture with us and our honored guests.

**Wheeler:** Why don't we go ahead and adjourn. Thank you.

**At 3:06 p.m. Council adjourned**