



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **31st DAY OF JULY, 2019** AT 9:30 A.M.

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

Commissioner Fish left at 11:11 am

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

Item No. 710 was pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

| COMMUNICATIONS | | |
|-----------------------|--|-----------------------|
| 698 | Request of Mr. Gregorio to address Council regarding sidewalks and streets in very poor repair and how difficult it is for persons in wheelchairs to get around (Communication) | PLACED ON FILE |
| 699 | Request of Chuck Crockett to address Council regarding contracts with sex offenders, civil rights violations, government and law enforcement authority (Communication) | PLACED ON FILE |
| 700 | Request of Lluvia Merello to address Council regarding Zenith and fossil fuel related issues (Communication) | PLACED ON FILE |
| 701 | Request of Mary Ann Schwab to address Council regarding Prosper Portland and Portland Parks to construct a recreational center at SE 12th and SE Stark (Communication) | PLACED ON FILE |
| 702 | Request of Tiffany Hammer to address Council regarding SW 14th Ave and Montgomery Goose Hollow area boulders and body removed from sidewalk (Communication) | PLACED ON FILE |
| TIMES CERTAIN | | |
| 703 | TIME CERTAIN: 9:45 AM – Report on recent work from the City Auditor: Portland Parks Golf; Fixing Our Streets Program; Portland Building Follow Up; Housing Bond (Report introduced by Auditor Hull Caballero) 40 minutes requested Vote not called | PLACED ON FILE |
| 704 | TIME CERTAIN: 10:45 AM – Proclaim July 31, 2019 to be PHAME Day (Proclamation introduced by Mayor Wheeler and Commissioner Eudaly) 15 minutes requested | PLACED ON FILE |

| CONSENT AGENDA – NO DISCUSSION | | |
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| Mayor Ted Wheeler | | |
| Bureau of Development Services | | |
| 705 | Authorize a Letter of Agreement with the American Federation of State, County, and Municipal Employees Local 189 and Professional Technical Employees Local 17 permitting Plan Review Staff to review certain mechanical permits during periods of high workload, economic downturn, employee turnover, and vacation (Ordinance) | PASSED TO SECOND READING AUGUST 7, 2019 AT 9:30 AM |
| Office for Community Technology | | |
| 706 | Authorize an Intergovernmental Agreement with Multnomah County, the City of Fairview, the City of Gresham, the City of Troutdale, and the City of Wood Village to oversee a Municipal Broadband feasibility study (Ordinance) | PASSED TO SECOND READING AUGUST 7, 2019 AT 9:30 AM |
| Office of Management and Finance | | |
| *707 | Pay property damage and bodily injury lawsuit of Shelby Davis in the sum of \$287,500 resulting from a motor vehicle collision involving the Portland Police Bureau (Ordinance) (Y-4) | 189615 |
| *708 | Pay bodily injury claim of Brenda Docken in the sum of \$12,000 involving the Portland Bureau of Environmental Services (Ordinance) (Y-4) | 189616 |
| *709 | Pay bodily injury claim of Geraldine LaGreide in the sum of \$7,191 resulting from a motor vehicle collision involving the Portland Police Bureau (Ordinance) (Y-4) | 189617 |
| *710 | Pay settlement of lawsuit by Adam Rawlins in the sum of \$80,000 involving Portland Bureau of Transportation (Ordinance) (Y-4) | 189626 |
| Commissioner Jo Ann Hardesty | | |
| Portland Bureau of Emergency Management | | |
| 711 | Repeal outdated City Code Title 12 Air Pollution Emergency Episodes (Ordinance; repeal Code Title 12) | PASSED TO SECOND READING AUGUST 7, 2019 AT 9:30 AM |
| Commissioner Chloe Eudaly | | |
| Bureau of Transportation | | |
| *712 | Accept a grant in the amount of \$2 million from the Oregon Department of Transportation for the SW Capitol Highway: Multnomah Village – West Portland project (Ordinance) (Y-4) | 189618 |

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| <p>*713</p> | <p>Accept grant in the amount of \$718,830 from TriMet and authorize Intergovernmental Agreement to improve access to transit on SE 162nd Ave (Ordinance) (Y-4)</p> | <p>189619</p> |
| <p>*714</p> | <p>Amend contract with The Street Trust for the delivery of bicycle and pedestrian safety education and training in an amount not to exceed \$648,888 (Ordinance; amend Contract No. 30006114) (Y-4)</p> | <p>189620</p> |
| <p>*715</p> | <p>Authorize a contract with the lowest responsible bidder for the Flanders Crossing Active Transportation Bridge project in an amount not to exceed \$5.5 million (Ordinance) (Y-4)</p> | <p>189621</p> |
| <p>*716</p> | <p>Authorize a license agreement with TriMet in connection with the NE 60th Ave street improvement project (Ordinance) (Y-4)</p> | <p>189622</p> |
| <p>717</p> | <p>Authorize an Intergovernmental Agreement with Oregon Department of Transportation for the right-of-way services of the Seventies Neighborhood Greenway project (Ordinance)</p> | <p>PASSED TO SECOND READING AUGUST 7, 2019 AT 9:30 AM</p> |
| <p>Commissioner Nick Fish Bureau of Environmental Services</p> | | |
| <p>718</p> | <p>Authorize an Intergovernmental Agreement between the Bureau of Environmental Services and the Port of Portland for use of each agencies' compressed natural gas fueling facility in the event that such party's facility is inoperable not to exceed \$1,000 per calendar year (Ordinance)</p> | <p>PASSED TO SECOND READING AUGUST 7, 2019 AT 9:30 AM</p> |
| <p>719</p> | <p>Authorize the Bureau of Environmental Services to execute an easement with the Port of Portland as part of the NE Airport Way Loop; Vicinity 7300 PH2, Project No. EP464 (Second Reading Agenda 663) (Y-4)</p> | <p>189623</p> |
| <p>REGULAR AGENDA MORNING Mayor Ted Wheeler Bureau of Police</p> | | |
| <p>*720</p> | <p>Authorize a State of Oregon traffic enforcement grant agreement and appropriate \$25,000 in traffic enforcement funds for FY 2019-20 to reimburse overtime expenses of sworn personnel on patrol in agreed upon highway locations (Ordinance) 15 minutes requested Motion to add emergency clause because it is in the public interest to get the grant as quickly as possible: Moved by Wheeler and seconded by Fish. (Y-4) (Y-4)</p> | <p>189624 AS AMENDED</p> |

July 31, 2019

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| <p>*721</p> | <p>Authorize a \$543,600 State of Oregon traffic enforcement grant agreement and appropriate \$271,800 in traffic enforcement funds for FY 2019-20 to reimburse overtime expenses of sworn personnel on patrol in identified State Work Zones (Ordinance) 15 minutes requested</p> <p>Motion to add emergency clause because it is in the public interest to get the grant as quickly as possible: Moved by Wheeler and seconded by Fish. (Y-4) (Y-4)</p> | <p>189625 AS AMENDED</p> |
| <p style="text-align: center;">Office of Management and Finance</p> | | |
| <p>722</p> | <p>Appoint Adam Abplanalp and reappoint Harriet Strothers and Daniel Morris to the Business License Appeals Board (Report) 10 minutes requested</p> <p>Motion to accept the report: Moved by Fritz and seconded by Eudaly. (Y-3; Fish absent)</p> | <p>CONFIRMED</p> |
| <p>723</p> | <p>Accept bid of Moore Excavation, Inc. for the NE 47th Ave Phase I LID, NE 27th & Holland LID project for \$5,853,529 (Procurement Report - Bid No. 00001254) 15 minutes requested</p> <p>Motion to accept the report: Moved by Eudaly and seconded by Fritz. (Y-3; Fish absent)</p> | <p>ACCEPTED PREPARE CONTRACT</p> |
| <p>*724</p> | <p>Authorize a 61 month lease from Jason and Myungja M. Lee to the Office of Management and Finance for space at 220 SW Main St located on the ground floor of the Justice Center for programs with ancillary services to the building at an average annual cost of approximately \$54,500 (Ordinance) 10 minutes requested</p> <p>Rescheduled to July 31, 2019 at 2:00 pm (Y-4)</p> | <p>189627</p> |
| <p>725</p> | <p>Approve findings to authorize an exemption to the competitive bidding requirements and authorize the use of the alternative contracting method of Construction Manager/General Contractor in connection with the Downtown/Old Town SW Main/Taylor Sewer Rehabilitation Project for an estimated amount of \$7.1 million (Ordinance) 15 minutes requested</p> | <p>PASSED TO SECOND READING AUGUST 7, 2019 AT 9:30 AM</p> |

At 11:49 a.m., Council recessed.

July 31, 2019

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **31st DAY OF JULY, 2019** AT 2:00 P.M.

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

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

| REGULAR AGENDA | | |
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| AFTERNOON | | |
| Mayor Ted Wheeler | | |
| Portland Housing Bureau | | |
| *726 | Authorize an Intergovernmental Agreement between the Portland Housing Bureau and Portland State University to develop a landlord-tenant mediation services pilot program (Ordinance) 10 minutes requested (Y-4) | 189628 |
| 727 | Establish an annual residential rental unit registration fee to fund the Housing Bureau's Rental Services Office from the Housing Investment Fund (Ordinance) 30 minutes requested | PASSED TO SECOND READING AUGUST 7, 2019 AT 9:30 AM |
| Commissioner Chloe Eudaly | | |
| Bureau of Transportation | | |
| 728 | Amend Vehicles and Traffic and Public Improvements codes to add necessary clarification and update language to align with current City practices (Ordinance; amend Code Title 16 and 17; add Chapter 17.109) | PASSED TO SECOND READING AUGUST 7, 2019 AT 9:30 AM |
| 729 | Vacate SE 64th Ave south of SE Sherman St subject to certain conditions and reservations (Hearing; Ordinance; VAC-10122) 20 minutes requested | PASSED TO SECOND READING AUGUST 7, 2019 AT 9:30 AM |
| 730 | Vacate a portion of SW 9th Ave between SW Gibbs St and SW US Veterans Hospital Rd subject to certain conditions and reservations (Hearing; Ordinance; VAC-10123) 10 minutes requested | PASSED TO SECOND READING AUGUST 7, 2019 AT 9:30 AM |
| S-731 | Amend Public Improvements code to permit the attachment of wireless facilities on poles (Second Reading Agenda 674; amend Code Sections 17.04.010, 17.24.101, 17.60.110) (Y-4) | SUBSTITUTE 189629 |

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| <p>732</p> | <p>Amend contract with TriMet for \$6,571,781 to provide for enhanced upkeep and security of the Portland Transit Mall and the original Light Rail Transit Loop segment of 1st Ave, Morrison and Yamhill Streets (Second Reading Agenda 675; amend Contract No. 30000826) (Y-4)</p> | <p>189630</p> |
| <p align="center">Commissioner Amanda Fritz</p> | | |
| <p align="center">Water Bureau</p> | | |
| <p>733</p> | <p>Authorize the Water Bureau to acquire certain property and easements necessary for construction of the Corrosion Control Improvements Project through the exercise of the City's Eminent Domain Authority as a last resort (Second Reading Agenda 693)</p> | <p>RESCHEDULED TO DATE TO BE DETERMINED</p> |
| <p>734</p> | <p>Authorize Exchange Agreement with the USDA Forest Service to execute a land exchange in the Bull Run (Second Reading Agenda 694) (Y-4)</p> | <p>189631</p> |
| <p align="center">Commissioner Nick Fish</p> | | |
| <p align="center">Bureau of Environmental Services</p> | | |
| <p>*735</p> | <p>Authorize Intergovernmental Agreements and grant agreements in support of Your Neighborhood to the River Program for four years beginning FY 2019-20 in amounts up to \$100,000 per year, with a total aggregate cost not to exceed \$400,000 (Ordinance) (Y-4)</p> | <p>189632</p> |
| <p>*736</p> | <p>Authorize Intergovernmental Agreement with the Oregon Department of Environmental Quality for regulatory oversight related to contamination management of various capital improvement and operating projects in an amount not to exceed \$1.5 million over 10 years (Ordinance) (Y-4)</p> | <p>189633</p> |
| <p>737</p> | <p>Amend contract with Moore Excavation, Inc. for additional compensation to complete existing contract work due to increased bid item quantities and changed conditions for the Slabtown Sewer Replacement Project No. E10663 not to exceed \$4,157,000 (Ordinance; amend Contract No. 30006131) 10 minutes requested</p> | <p>PASSED TO SECOND READING AUGUST 7, 2019 AT 9:30 AM</p> |
| <p>*738</p> | <p>Authorize a five-year Joint Funding Agreement between the Bureau of Environmental Services and the U.S. Geological Survey, U.S. Department of the Interior for hydrologic, temperature and sediment monitoring in Johnson Creek, Columbia Slough, Willamette River, Fanno Creek and Tryon Creek for \$672,108 (Ordinance) 10 minutes requested Motion to add emergency clause to meet construction timelines: Moved by Fish and seconded by Fritz. (Y-4) (Y-4)</p> | <p>189634 AS AMENDED</p> |
| <p align="center">City Auditor Mary Hull Caballero</p> | | |

July 31, 2019

739

Amend City Code to update oath of office requirements (Second Reading Agenda 695; amend Code Chapter 3.74 and Code Sections 3.20.190 and 3.20.240)
(Y-4)

189635
AS AMENDED

At 4:25 p.m., Council adjourned.

THURSDAY, 2:00 PM, AUGUST 1, 2019

**DUE TO LACK OF AGENDA THERE WAS
NO THURSDAY 2:00 PM MEETING**

MARY HULL CABALLERO
Auditor of the City of Portland



By **Karla Moore-Love**
Clerk of the Council

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

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Key: *** means unidentified speaker.**

JULY 31, 2019

9:30AM

Wheeler: The proclamation today, welcome, we have some incredibly special guests today, and we have four members of the Portland thorns team here today. [applause] we are going to acknowledge their excellence in the fifa world cup championships. Could I ask adrianna and others to come on up? [applause] have a seat. That's the hot seat. Thank you for being here, and before I get to the proclamation and before commissioner Fish has some opening remarks, we thought it would be really interesting if maybe just as an icebreaker you could maybe share a couple of sentences about what your favorite moment was in the world cup.

Thorns: For me it was going around the stadiums and seeing the thorns in france and being able to point to those fans because that's what started everything for me moving forward, just the support that we have here.

Wheeler: Awesome. Thank you.

Thorns: Each of us?

Wheeler: You can move the mic a little closer.

Thorns: Okay. I think my favorite moment was probably going back to paris. That's where my career started, and that's where I started playing with tobin, as well, so I think that that was a really special moment for us, and playing there, playing in front of the city, and yeah. Truly remarkable.

Wheeler: Thank you.

Thorns: I would just say that winning the world cup was the best part. [laughter] [applause] I would also like to say winning the world cup and just sharing it with these three and having familiar faces there. It was pretty special.

Wheeler: Awesome. Thank you all, thank you for being here today. Appreciate it. [applause] commissioner Fish.

Fish: So, there is a lot of young people here today, and not all of them are going to play for the thorns or for the national team. They are going to play soccer in high school and maybe college, and they love the sport, and any advice for that next generation coming up in terms of how to approach soccer and just any advice that you, as professionals, want to share with young people who are watching and who you have inspired?

Thorns: I will just say that one, to make mistakes, don't be afraid of failure. Walk straight into it. Be excited. When you come before challenges. And be pioneers to pave a different way. Be different. [applause]

Fish: Lindsey, you took a somewhat unconventional route. You wanted, if I am right, from high school to be a professional. That's not the path that everyone takes. Any advice for people who you have inspired?

Thorns: They told me to say, go to college.

Fish: The university of Portland is right here. I don't know. You have plenty of options here.

Thorns: No. I think what I would say is keep loving the game as much as possible and don't let anyone take that love away from you, whether that's soccer or anything else that you are passionate about, don't let anyone take that from you, and keep loving it and working so hard for it, and, you know, as much as you love it, I think that that's where the hard work comes. So keep doing that as much as possible.

July 31, 2019

Fish: Thank you. [applause]

Wheeler: Commissioner Fritz?

Fritz: It was really great being with the riveters, and that was one of my favorite parts before the final, and I got to go to the final. There must have been 100 to 150 people there, during the ptfc, and they were so nervous for you, a former player, and it was just brilliant. I watched it three times since I have gotten home again. [laughter] I was sitting on the corner line in the sun, so it was kind of hot. Your run, you had four defenders on you and none of us knew what to do, and you were like teasing them. It was fantastic. And I just -- I appreciate all of you for what you do here in Portland as well as on the national and international scenes, and you are role models for so many people all over, and thank you for what you do for equal pay, I appreciate that. So. [applause]

Fritz: I read the national team, by kaitlyn murray on my over and back, and it was inspiring to see how much you have had to fight for what you have got, and how you are continuing to have to do that. I also read a book called soccer economics, which was interesting, and it said to get proficient at anything, you have to practice for 10,000 hours, which is about four years of being on the city council, which that's a lot of practice, so you did not get where you are by, you know, goofing off. You worked really hard to get where you are, and I just want you to know that we really appreciate it. And thank you for choosing Portland, as well as your great performances.

Fish: I know that we're going to be pressed for time, and I want to acknowledge before the mayor reads the proclamation, I would like to acknowledge the coach of the thorns. Mark, where are you? Would you stand and be recognized? [applause] congratulations is being first, I know you have tough games ahead, but we are looking forward to having a ticker parade to honor the thorns at the end of this season, so congratulations, coach.

Thorns: Thank you. [applause]

Eudaly: I feel like I have to say something. I want to welcome you to city council. Thank you for everything you do. A little known fact about me, I was a soccer player throughout my school career, and I loved it. I was good at it, but in the mid 1980s, there was not really anywhere to go with it after high school, so I think that I would have stayed out of a whole lot of trouble if there had been, and just want to congratulate you again. [applause]

Wheeler: All right, so as we discussed upstairs, a proclamation is really the highest honor that we can give as the city council. This is a statement of our collective values, and the importance that we hold you in this community, and this is really on behalf of the community. We are very grateful. Whereas the Portland thorns f.c. Is the rose city's premiere professional women's soccer team, and whereas, the Portland thorns f.c. Won the national women's soccer league championship in 2013 and 2017. And whereas, the Portland thorns f.c. Has set attendance records across all of women's professional sports. And whereas the fifa world cup is a global phenomenon involving 24 countries and showcasing the best women's soccer players in the entire world. And whereas, during the 2019 world cup, nine members of the world importance -- the thorns played in four countries, and caitlin haley, and alley represented australia, and [inaudible] represented brazil, and christine sinclair represented canada. And whereas tobin heath, lindsey horan, emily sonnett and adriana french helped to lead the women's national team to their second consecutive world cup title and their fourth world cup championship. And whereas all 28 members of the united states women's national soccer team are plaintiffs in a lawsuit seeking equal pay, and whereas -- [applause] [cheering and applause] the players on the national team are great ambassadors for their sport on and off the pitch, and whereas, the Portland city council representing soccer city usa thanks all nine members of the Portland thorns performance in the 2019 fifa world cup and congratulates the united states women's national soccer team on their championship. Now, therefore, i, ted wheeler, the mayor of

July 31, 2019

the city of Portland, Oregon, the city of roses, do hereby proclaim July 2019 to be Portland Thorns F.C. Month in Portland and encourage all residents to observe this day. [applause]

Fish: We are going to ask you to come here and we are going to join you in a photograph.

Wheeler: And if I could acknowledge, we have the state attorney general here, and our district attorney, Rod Underhill is here, as well. We ask them to come up, as well. Thank you. [applause]

Fish: Can we give the players another round of applause? [applause] Mary Wilkinson.

Wheeler: Good morning, everybody. This is the slightly delayed morning session on July 31, 2019, morning session of the Portland City Council. Karla, please call the roll. [roll taken]

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

Wheeler: Thank you, everyone, for your patience. I know you found that presentation with the Portland Thorns as exciting as I did. They are amazing, amazing women. We are going to now hear the rules of order and decorum from legal counsel. Good morning.

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

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

Item 698.

Wheeler: Is Mr. Gregorio here? It does not look like he is here yet, Karla. Next individual, please.

Item 699.

Wheeler: Good morning.

Chuck Crockett: Hello, city council. Like I said, I signed up for the communications because I e-mailed all of you about the situation with the sex offenders, and the group, and my concern with that is that the pastor Hennessey and the city council made a, an outcall to the streets to form some kind of program or situation which would curb the gang violence, and we responded to that. We responded to that and we did not know that the city council and the Portland police and all of these groups were, actually, sitting in a group with a known sex offender and were condoning it, and we don't condone to that, so we reached out to you, and our concern with that and why the Portland police would be claiming to have some kind of decent action coalition with the sex offender as actually a

July 31, 2019

threat to the community, and we know that's not the only sex offender involved in that group and involved in those kind of meetings. Our concerns are kind of validated as a community when you outreach to the gang community, and they respond, and the response is met with the sex offenders. That's not a good thing to see. Also the civil rights violations going on in the city of Portland with the police and the city government involving ors-199.410, which mandates the city to review the community needs and provide services and programs to the needed community, which the city has not done. You, yourself, ted wheeler have failed to admit that the city has failed to provide housing for the displaced african-americans in Portland. Also with those violations, we have yet to see any improvement with the police. You can see that the african-americans are being pulled over three times the population. Basically, one-third or one-fourth of the total traffic stops of what the police are doing, and that is also a concern as of a couple years ago where a study was released that 59%. African-americans, I mean, 59% of the people stopped were african-american, and we have yet to see an actual direct impact of what the city has been able to do, according to police. They just came from a situation involving a child that was being sex trafficked inside the police department, who seems to be compliant with the sex offenders in the meeting, and during those meetings, and also we saw that she said that she was not -- you were not going to be arresting ice, I mean, assisting ice with immigrants, but we have yet to see you take the same stance towards african-americans and with the city government, so we are very concerned what the city government is going to do regarding our community because it seems as though the city government is aiding everybody else. But the african-american community is not in compliance with ors-199.410. Thank you for your time.

Wheeler: Thank you. Next individual, please.

Item 700.

Wheeler: Good morning.

Lluvia Merello: Good morning, mayor wheeler and council members, I am lluvia merello. I am here today as the manager justice organizer at Oregon physicians for social responsibility, a concerned mother, a local business owner, and a community member, and as an indigenous woman. Oregon psr is an organization of health professionals and public health advocates working collaboratively with community partners to educate and advocate for societal and policy change that protects human and -- human health at the local, state, national, and international level. Thank you for the community forum that you hosted July 15. I attend and testified, and although I understand the permits allowed were in some regards a safer choice, I still stand firmly against any expansion and/or any permits to continue to operate or to expand operations at the zenith facility. I felt as though the community came together in numbers and strong messaging that we are completely unified against the danger that zenith carries into our communities on a regular basis. It was encouraging to hear that the council and your colleagues and the bureau of emergency management and planning and sustainability are looking for creative solutions to benefit the community and the environment. A like the idea of requiring that fossil fuel companies pay for an emergency fund, I know that we can find and fight for real solutions that consider more than just the needs of foreign investors. So thank you again for hearing the community concerns July 15 and for hearing me speak today. The storage and train traffic of fossil fuels like tar sands at zenith pose serious health and safety concerns. The public materials from the city offer little answers or public confidence as to how prepared our local agencies are to respond to a likely spill or accident. I was glad to hear Mike Myers of pbem say that communities have a right to know. Our community does have a right to know whether these harmful chemical agents are traveling through and looks our parks, schools, and homes with potential for explosive, trained derailment. We all have a right to know, but moreover, we have a right to feel safe and be safe in our communities.

July 31, 2019

The Multnomah county commissioner recently committed, commissions, sorry, recently committed to 50,000 for a risk assessment of local fossil fuel infrastructure. So that our local governments and communities are aware of the exact risks that we are facing. We ask the city council to match the commitment by setting aside 50,000 towards this project to collaborate with the county on risk assessment. Thank you very much.

Wheeler: Thank you. Appreciate you being here. Next individual, please, Karla.

Item 701.

Wheeler: Good morning.

Mary Ann Schwab: Good morning, mayor and commissioners. My name is mary ann schwab, a community advocate. Let me start today by saying thank you to the members of the 396 code advisory committee representing a wonderful cross-section of ages, occupations, religious affiliations, and for volunteering their time. And I sincerely hope that they will consider serving a bit longer. What I find troubling is the committee went the opposite direction as directed by council under res37373, by not formally recognizing other groups and dismantling the neighborhood association system. Especially when learning the code committee was not given a reference to the auditor's report, and the adopted public involvement principles or chapter 2 of the comp plan which deals with the public involvement. The auditor said in her report, the neighborhood associations need to be strengthened, not disbanded. I respectfully am suggesting that more work is needed on the code language before it is viewed as completely by the city's auditor, mayor, and the commissioners, prior to the first reading of october 3, 2019. The oni system is recognizing the neighborhood and business association is part of the city's human infrastructure, must not be discarded. The needs to strengthen and build upon the strength of the neighborhood association and why bring it to involve full diversity of the communities. The occ draft patrol [inaudible] is in front of city council to eliminate the neighborhood associations, guts the city charter 396 code, and it will eliminate opportunities for funding the staff to help constituents solve problems within the community. The city charter is designed to make amendments when needed. However, you don't tear up the city charter, chapter 396oni, which is the foundation of how people have interacted with the city of Portland. I am asking the city code, the city council, and the public at large to strongly consider robert mccullough's response to the office and the community and the civic life for change, frequently asked questions. It helps to illustrate the death of the issues within the occ code committee's proposed amendments. In closing, council, please consider [inaudible] to start over with a new committee, involved neighborhood association as key stakeholders at the start of the community-based organizations and the historically under-represented groups. Albeit, with all the discretion, the discussion about updating the city code and the standards to update and improve the city civic engagement framework should happen in the context of and after the city council addresses the city charter, which is up for review, in 2020 or 2021. Thank you for using this process to hear from people and constituents like me who care. Don't bend, don't water it down or try to make it logical. Don't edit your own soul searching. Rather, follow your most intense obsessions, and mercilessly. Thank you.

Wheeler: Thank you. Commissioner eudaly.

Eudaly: Mary ann schwab, thank you for being here today. You know I appreciate you, and we are not going to have a dialogue but I will comment on what you just said because you are spreading this information along with media outlets and other community members that I can't let stand. We are absolutely not dismantling the neighborhood association. Nothing is changing for them. They will continue to exist. They will continue to work with coalitions, which we will continue to fund. They will continue to be notified -- to receive notices from the bureaus, and they are, actually, included in the code change. As far as the auditor's report, we are making great strides towards addressing the issues raised by

July 31, 2019

that report, and this code change, actually is, part of that. It does not eliminate any opportunities for neighborhood associations to participate. We are simply adding the chairs to what has been a very exclusive table. Finally, starting over with a new committee is very disrespectful to the people that volunteered their time through this process, and these are esteemed community members, and I am just very disappointed to hear what you had to say. Let's have a debate about what's really happening, not spread misinformation about it. Thank you. It's not a dialogue. We are done.

Schwab: We can agree to disagree.

Eudaly: Absolutely not going to do that.

Wheeler: Thank you, Mary Ann Schwab. Next individual, please.

Item 702.

Wheeler: Thank you for being here.

Tiffany Hammer: Thank you for your time. I have three kids at home and an ear infection so I will go ahead and pass the mic off to my neighbor to represent, if that's okay. I feel like I cannot hear very well.

Wheeler: Sorry you are not feeling well. Thank you for being here.

Marlene: Does this work?

Wheeler: If you could also state your name for the record, please.

Marlene: Good morning, Mayor Wheeler and City Commissioners. Thank you for your time today. My name is Marlene, and I am a resident of the diverse Goose Hollow PSU area. I was also present on May 8 along with other neighbors to support Tiffany Hammer, another crime victim who testified on behalf of our neighborhood. The City of Portland is promoting a program through the Office of Civic Life called Neighbors Together. Goose Hollow neighbors came together because we felt that we were left to fend for ourselves to address our public safety issues. As neighbors back in February, reclaimed the ODOT land at Southwest 14th and Montgomery. We replanted 90 rose bushes in order to replace the ones charred by the propane tank explosions and devastated by excrement and needles. Sadly one of the volunteers was the victim of an unprovoked attack by a man with a brick who was out on probation. While he was ultimately convicted of a felony, we recognized maintaining the roses would put us in harm's way daily. Other neighbors continue to be harassed and threatened by the criminal element. People have yelled at me to go back to where I came from, and to have warned me on my driveway to stop speaking Spanish to my teen son. I am a crime victim. A brick was thrown through our front window while I was home alone during an attempted break-in. That was the first violation of my home. Because of the lack of funded jail space, the criminals who are spiked up on our ODOT warrants kept returning. As the last resort, ODOT came in and recognized the safety issues for everyone and dropped boulders. We are not able to walk through the community with our families and pets. After a year and a half of constant crimes, it finally feels more safe and livable, so we are grateful to ODOT for helping us. Is the last time before we came -- I am sorry, the last time we came before you, our neighborhood was encouraged by you to remain focused on the criminal behavior because, and I quote, "that's what we can do something about. The boulders were a solution of last resort after neighbors and crime victims came together to engage in safe, level-headed, problem-solving as neighbors together. Considering we are trying to proceed in this way, working as Neighbors Together, why are the results now being criticized?"

Fish: Can I make a comment?

Wheeler: Commissioner Fish.

Fish: First of all, thank you both for being here, and if you are not feeling well, thank you for that. I have spent the last ten years on the council or maybe a bit more being one of the champions for humane and rational approaches to our homeless crisis. But, we have always been clear as a council to separate out the status from behavior. That is, we do not

July 31, 2019

allow someone to be demonized in our community because they are poor or because they have been evicted or because they are mentally ill or because they have substance abuse problems or whatever. It is one of our great challenges to get people off the streets and into housing, and we are making progress, but as you know, the problem is swamping this city and the cities up and down the west coast. What you have described now on two occasions is not about someone's status. You have not come in and said that someone is camping and you find that some how offensive. You have said that there are people in the community breaking the law and doing things which make you feel unsafe. That's a different matter, and frankly, I think that what you have done in framing this issue has given us an opportunity as we start talking about the police reform and about how we invest in the police budget and about who does what, to start thinking about how we deploy people to address these issues. Your testimony is not going to maybe move the needle today. There is nothing that we can do today other than to say that we regret that you have had these experiences, and thank you for sharing your story. I do think that it invites us to think more creatively about how we engage bad actors on the street. Again, and in a respectful way, and how we keep the people in the neighborhoods safe. So, thank you for joining us. I assure you through the fall we will be talking about this, and in the context of how we deploy the police officers, both armed and not armed, and also how we craft the budget, so thank you very much.

Wheeler: I also want to thank you for being here, and I know this is the second or third time you have had the opportunity to be here, and I think that it's important for people to hear all sides of this conversation. What I hear from Portlanders is they want a humane solution to the homeless crisis. That's here. Nobody wants criminal activity. Certainly, violence is unacceptable. So, I appreciate the fact that you continue to have the dialogue with us and with my office and Robert King and others. So, thank you. Thanks for being here, and I am sorry you are sick and I hope that you get well soon. Ear infections are no fun. Ask me how I know. [laughter] Commissioner Fish.

Fish: Before we move to the first time certain, can we just welcome and acknowledge some special guests that are here?

Wheeler: We still have -- you are right, I am sorry. Go ahead, commissioner. That was the last one.

Fish: Do we have the best interns? Would you stand for a moment? Mayor and colleagues I want to acknowledge the special guests this morning. Every summer a group of bureau and environmental services interns attend a city council session. I think they chose a good one today. The best internship program brings eight Portland students to the bureau for eight weeks. Each student rotates through different sections of the bureau to experience and contribute to a variety of our work. Every Wednesday the group gets together to learn about the city like today's visit to city hall. This summer we have a really outstanding group of young people. Three high school juniors. Two seniors. Three, 2019 graduates from Roosevelt, Parkrose, and Grant, Cleveland, Madison, and David Douglas High School. I guess those are for all the kids, that's where they are from. And I just want to acknowledge and introduce the students. They are Eric, Brenda, Malik, Aiden, Olivia, Bonny, Aliya, and Miles, and let me close by saying not only are we grateful that you are joining us, but we hope that from this experience, you will consider potentially a career in public service at the city, so Mayor, can we suspend the rules and welcome them?

Wheeler: You bet. Thanks a lot. [applause]

Fish: Thank you all very much.

Wheeler: Thank you for being here. We appreciate it. Karla, have any items been pulled off the consent agenda?

Moore-Love: We have had a request for 710.

Wheeler: 710 has been pulled. Call the roll on the remainder, please.

July 31, 2019

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

Wheeler: Aye. [gavel pounded] consent agenda is adopted. First item certain, 703.

Item 703.

Wheeler: Good morning.

Mary Hull Caballero, City Auditor: Good morning, mayor and commissioners. I am the city auditor, mary caballero, and we are here to present our most recent audits, and I will jump right in because we have a lot to present today with introductions of my staff, who are going to do the honors of the presentations. First, the director is going to present the Portland parks audit, and jennifer scott will discuss fixing our streets. And then after those two presentations, we will talk about the Portland building audit, and martha will report on the housing bond audit. Before we begin, I want to mention that we also published an audit about the cannabis tax revenue, which I presented at the budget work session, and we're going to have a related audit on the cannabis regulations in the fall. You can also look forward to another audit of the Portland building. It focuses on cost compliance and change orders. We contracted with construction experts for that work. One final -- one final note, we are strictly here for information-sharing purposes. Let's begin with the golf audit.

Kari Guy, Director Audit Services: Thank you. Good morning, mayor and commissioners, I am kari guy. We produced this in may of this year. Parks and recreation is intend, the golf program is supposed to be self supporting. In 2017 it required an 800,000 infusion from the general fund to remain solvent. Golf has been in decline locally and nationally for a number of years. In the five years of our audit, the golf rounds at city courses were down 6%, and over 25 years, they are down 46%. And we audited the program to see it to be financially stable and managed effectively. For background, the city owns five courses, four on the east side of the willamette and one in beaverton. In general, the city staff maintain the courses in most clubhouses while daily operations are managed by private operators under contract with the city. And the cities involvement in the five courses varies. There are five unique contracts, four different operators, and three agreement types each with different terms. This creates challenges for oversight. There are many variables that influence the success of the program, some within parks control like the fees, and some completely out of their control like the weather. After the general fund transfer in 2017, the golf improved practices to address the variables, and they reduced the maintenance costs by cutting the positions and sharing maintenance staff and equipment, and they also hired a new director and they put a lot of effort into increasing outreach to more diverse communities to recruit new players to the game. Parks hasn't addressed some of the other variables that affect success, such as the deferred maintenance. The result is that financial risks remain, and some courses are better than others and three had positive cash flow in all the years we reviewed. But the negative cash flow at some courses combined with the program's administrative overhead cost are a million dollars a year, means that the program had an overall negative income in three of the five years we looked at. And in addition, the newest course, which was purchased in 2014, with the loan from the parks capital improvement fund, the debt repayment will continue to impact the fund for four more years. And so financially this leaves the program with a tight margin, and a good weather year, if the recruiting new players is successful, they will have a positive balance, and in fact, parks reports that in fiscal year 2019 they did end in the black. Another rainy year and slower recruitment, may leave the fund in trouble without further action by council. We also looked at Portland parks administration of the operator contracts. As I mentioned earlier, there are five agreements, including one lease, two concession agreements and two management agreements. We found the contract management relying on trust and relationships with the operators, and for example, some contract provisions were not followed, such as not asking for required marketing plans or not conducting the reviews. And although the contracts require parks to perform routine

July 31, 2019

maintenance, the deferred maintenance has been mounting. And finally, the five courses were not identified as part of the larger parks program, so the visitors don't necessarily know their parks. The only indication they are part of the system that the auditors saw when they were on-site, were no parking signs. It has aligned the contracts to ends at the same time and planning on soliciting bids to operate under more streamlined systems. This move provides an opportunity to address some of the issues that we identified in the audit. We had two main recommendations. First parks develop alternative financial forecast scenarios and present them to city council for direction on how to proceed and including in those a way to address the deferred maintenance and the other uses in the audit. And second as they renegotiate the contracts, they reflect current program conditions and increase the monitoring of contract provisions to ensure that contract provisions are followed.

Fish: Mayor.

Wheeler: Commissioner Fish.

Fish: Because you said that you are going to be rotating out auditors, is it okay if I just make a comment now?

Wheeler: Please.

Fish: First of all, I have been the commissioner in charge since last september, and obviously, the parks bureau welcomes -- we welcome the audit. We embrace the recommendations and thank you for them. You were exactly right in what you said earlier about the -- one of the key variables, the weather. Who can predict that? As you said, it turns out that in 2018-2019, we had decent weather. We are having great weather now. Frankly, I think that it's going to have a significant impact on revenues. To the points that you made, I just want to say to the new leadership team put in place before I took over at golf, in the last fiscal year, they made over half a million dollars in net revenue, so that's sat least -- that's at least a positive sign. We have in our reserves now a million dollars, and you pointed out that those reserves are vulnerable to some of the costs that we have, but we are pleased that we have got the reserves up to a million, and we intend to set a more ambitious goal. We will be looking at a sustainability path forward, and the next milestone for us will be coming to council in november. To talk to council about options for putting parks on a more solid financial footing going forward. While we are looking at it, enterprise-wide, it will be fair to ask how does that impact some of our enterprise businesses like golf. So to the auditor and her team, thank you for a thoughtful audit. It raised a number of issues that we are tackling as we speak, and say spend every night saying an extra prayer that we have decent weather. So thank you.

Hull Caballero: Thank you.

Jenny Scott, Auditor: Hi, I am jenny scott, and I led the audit of the fixing the streets program. We released our audit report called fixing our streets, some accountability commitments, not fulfilled in may. Portland voters approved a temporary gas tax in may 2016 to fund a bureau of transportation program called "fixing our streets." council passed a separate tax on heavy vehicles to help ensure that all the vehicle owners fund the program. Two years into the program, we assessed how the city is delivering on these fixing our streets accountability and program commitments. I am going to walk through the findings related to each of these. We passed weather 45 gas tax funded projects and heavy vehicle tax funded projects were completed on, were completed on schedule. Of the projects examined, 38 were scheduled to start before 2019. We found 12 projects had started before 2019. Eight were completed before 2019. The bureau staff said the schedules, which were developed after the gas tax was approved, were not realistic, and that it took longer than anticipate to break ground because the scope of individual projects were not well defined. Of the eight projects that were completed before 2019, four were on budget, two were over budget, two were under budget. Overall, these projects were

July 31, 2019

900,000 or 15% over the budget's communicated to the voters. The bureau staff said that the budgets were only estimates, subject to change. Council adopted the heavy vehicle use tax to help ensure that heavy vehicle owners pay their fair share of the program since they do not pay the gas tax. We found that heavy vehicle owners did not pay into the program commensurate with what experts calculated was their share of the city street maintenance operations and improvement costs. The council required the tax paid by owners of heavy vehicles generate 10 million over four years, and code required that the tax rate be adjusted if it generated more or less than 2.5 million in the first or second year of the collection. During the first year of the tax, heavy vehicle owners paid 1.8 million, well below the 2.5 million goal. However, council eliminated the requirement that the rate be adjusted to meet the revenue goal, citing concerns from the great and fixing our streets oversight committee. The fixing our streets program's oversight committee is comprised of volunteers who meet quarterly. The bureau provided the committee with volumes of information, however, we found that the committee could not effectively fulfill the monitoring role because the project and financial reports the bureau provided them were incomplete, inconsistent, and outdated. We also found that the committee did not fulfill their reporting requirements. The city council made three commitments regarding audits. Each suggesting a different type of a review and focus. We found that the bureau was not inviting the oversight transparency and accountability that the council's commitments implied because it was not obtaining annual program audits for sharing results. The city committed to maintain a precise expenditure split between street repair and safety projects. It was difficult to determine if the bureau had maintained the spending split it promised. A project list available to voters didn't indicate that the street repair projects may include safety elements, and a plan to prioritize americans with disabilities' act was classified as a safety project. The bureau included new curb grants in the budget of all the fixing paving projects, with the exception of the repair, on the other hand, when safety projects needed paving done, that work was not included in the fixing of our streets safety project budget. For one project in the sample, the paving work was funding -- funded from the fixing our streets repair budget, and for the other safety project, the paving work was paid for with funds from outside the fixing our streets program. Since the gas tax measure included a commitment that future funds be allocated, 56% to street repair and 44% to the safety, the bureau needs to clarify what constitutes the street repair project versus the safety project and how those funds are accounted for. To ensure that the monitoring and oversight of the fixing our streets program is effective, the bureau of transportation should provide the fixing our streets oversight committee with information needed to understand and carry out the responsibility. To meet the public expectations, the bureau of transportation should track and report on fixing our streets projects as they relate to public commitments, and explore opportunities to ensure that the heavy vehicle owners pay their share of the program, and specify the type of audit desired, and ensure that the audit commitments are fulfilled and reported, and make ballot commitments clear, realistic, and measurable, and achievable, and time bound. To ensure that the funds are tracked and spent according to the commitments made to voters, the bureau of transportation with the input of the oversight committee and council should clarify language regarding the split of funding for street repair and safety projects and informed by the clarification, the bureau should track and account for spending to ensure that the split of funding for street repair and safety projects is maintained. Thank you.

Wheeler: Commissioner eudaly.

Eudaly: Hello. Thank you. I always look forward to these audits, and if the public is interested you can read our responses at the end of the report. I am pleased to say that we agree with all of the issues that you highlighted and that we either were already making progress on them by the time that the audit was completed or we have now begun, so I

July 31, 2019

appreciate the feedback from the auditor's office, and I do want to add that I really am proud of the work that the bureau has done, and note that we are on track to finish 20 projects this year and break ground on an additional 21, so I think that our one-year review is going to be a glowing report. At least that's my goal. Thank you.

Fish: Can I use this opportunity to thank you for something? I don't know whether -- has the auditor -- have you done an audit of vision zero?

Hull Caballero: No. That was one of the options.

Fish: I just wanted to say that we reached out to commissioner eudaly's office recently and said that we would like to go out into the field and see high crash corridors and for ourselves and I am sure that you, as auditors, like to get out in the field and salesman, we had a team that showed us the intersections, and our head was spinning with the information, but it is nothing like seeing it first hand, and also to see the remarkable investment that the city is making throughout the city. We learned a lot, and we really are appreciative of the extra mile that pbot went to give us a front row seat on what's happening. I tell you, my takeaway is that I am more committed to finding the dollars to help you meet the mission goals of the vision zero.

Eudaly: Thank you.

Hull Caballero: We are ready to move onto the Portland building audit.

Tenzin Gonta, Auditor: Good morning. For the record, I served as the lead auditor for the Portland building audit. Our june report is titled, "greater transparency needed about project costs, trade-offs and missed equity requirements." the Portland building is an active construction site, and the renovation is ahead of schedule. Our first auditor of the renovation covered the planning phase and ended in july of 2016 after the city's selection of the construction contractor. At that point, crucial decisions remained during the design phase s most notably about the project's defined scope. This second audit follows up on the three areas that we identified that the city should closely manage for the Portland building renovation to be is a success. Our follow-up fieldwork period ended in december of 2018. Unfortunately, the city did not fully implement the early recommendations. While the opportunity to revisit the decisions has passed, we make new recommendations for the remainder of the project. We will now go into the three follow-up areas that align with these 2016 recommendations, project costs, trade-offs and equity grants. The first follow-up area focused on project costs. We found that the budget transparency is needed for the collective costs associated with the Portland building. The public narrative about the Portland building is focused on activities, tied to the 195 million budget. This is the budget shared with council and the oversight committee and posted on the city website. However, the public narrative does not include all the components critical to the delivering of a functional building. As of december 2018, projected costs for the Portland building grew to 214 million once the side projects were included. Here's an example of a side project. When the project scope began to be defined in december of 2016, the 195 million budget excluded the buildout of 2.5 office floors in the building. Later, in march of 2017, the project team requested to finish the 2.5 floors and council approved the additional 7 million. These collective Portland building costs are important because they will be allocated to tenant bureaus and ultimately will have a long-term effect on the city's capacity for direct services to residents. The city's downtown tenant rates will go up by 102% between fiscal year 2019 and fiscal year 2021. This is primarily driven by the Portland building's collective costs. About one quarter of these increased costs will be born by the general fund, with development services, transportation, and utility funds responsible for most of the remainder. Over the years, the project team has been transparent with council about each individual budget request, but there's been no presentation of the collective costs that result from these piecemeal decisions. Given the significance of the side project activity, we recommend the collective Portland building costs be described when presenting the

July 31, 2019

budget to actual reports to council and the oversight committee. The second follow-up area is about trade-off decisions. The project team committed to minimum requirements and also introduced the opportunity to pursue additional goals and aspirations. As shown in this image, from their July 2016 presentation to council. We found the city is on track to meet the minimum requirements. For example, the requirement to eliminate the water intrusion. However, the city did not report on trade-offs that affected other opportunities to reach beyond the project's minimum requirements. The city will fall short of the goals and aspirations stated in the project charter and the areas of accessibility, sustainability, and historic preservation. For accessibility, the city anticipates the previously inventoried barriers will remain in parts of the building not included in the renovation. Such as stairway and elevator areas. For sustainability, the building is on track to achieve lead gold certification but they pursued exemptions for other requirements, and we found no evidence that the project met another two policy requirements. For historic preservation, the city chose an exterior design to address the building's water leaks, which will result in the building's delisting from the national register of historic places. There is still compliance actions for the city to take. We make specific recommendations related to the Americans with Disabilities Act and historic preservations at the state and local level. Our third and last follow-up area examines the Portland building equity grants. In 2016, council set aside 1 million of other renovation budgets for the community benefits to address historical inequities and construction and improved diversity in the workforce and among the subcontractors. Council also required that the community benefits quote, "be dispersed in phases through the life of the Portland building project and the chief administrative officer will report back regularly to the council on activities and add results," end quote. We found the city missed these equity requirements for the Portland building. As of December 2018, there was been no report to council about the status of the activities or results. We found no community grants were made to support the disadvantaged workers and businesses. The city had no plan to ensure the money would be dispersed by the time that the building is complete. Given the unspent funds, it is unclear how about 360,000 from water and sewer rate payers will remain accountable to the restricted sources. Lastly with less than one year of construction remaining, the city missed an opportunity to use the community benefits funding to help meet the stated equity goals for the Portland building. Given the challenges that remain with the Portland building's community benefits, we recommend that the officer report to council as required by the resolution and inform 2018 applicants of the city's grant-making status. And remove rate payer funds from the community benefits budget if future grants are not reasonable related to the provision of water and sewer services. That concludes our presentation of the audit report. Thank you.

Wheeler: Thank you. Appreciate it. I have a number of comments, and I feel like I have made most of my comments both in terms of defending the work and validating the information that the community oversight committee has already provided, which disagrees with many of the findings in this audit. So, I don't want to go in that direction today. What I want to do is talk about what I think is a fundamental disconnect in the way that we are evaluating the large scale capital construction projects because as you read the audit and then you read the responses to the audit, it's very clear that we have a disconnect. There is not agreement on what the original scope of the project is. As somebody who has come in after this project was already scoped and underway, I find that somewhat remarkable that there was not a meeting of the minds including the audit team, the auditor, and to clearly define what the scope of the project is. So, the response has been that the audit says that the project team did not begin quote, "excluding some elements from the project -- or begin excluding some elements from the project scope to stay within the 195 million proposed budget, but the response both from the CAO and as well as the community oversight committee, which is composed of experienced developers, says that furnishings

July 31, 2019

technology equipment and childcare buildout were never part of the project scope. What happened, in fact, was additional packages were brought to the city council for approval, and they could vote it up, which would increase the cost of the project, or they could vote it down. One project that was brought to the city council that was approved, for example, is the space optimization project, and this is an attempt -- there is a cost to the space optimization project. It brings more people into the building. It lowers out your cost by \$25 million over the next 20 years, and by bringing more people in so we don't have more leases outside of the project. My concern, if the standard by which we are judging projects in the future is you said it was going to be x, and in this case, x is 195 million, but if somebody brings new ideas to the council, for example, technology could be implemented better, space could be utilized more efficiently, and these things could save the city ongoing operating costs, and getting to the first sentence that you mentioned about how the capital construction piece potentially limits other resources for other city services, if the council votes for things like space optimization, or technology, in fact, give us a greater opportunity to save out your funding, I am afraid that the council will choose to not vote for those things, nor will they come to the council because people know that will make the project over budget. And the project oversight committee took a good, hard look at that question, and they said no, these things should not be part of the baseline by which you are judging this project to be either on budget or off the budget. We can have an honest disagreement about that, but I think that going forward, we need to have that conversation about whether or not these things are going to be considered included in that original estimate or not because that's the difference between us being either on budget or not being on budget. And so, I just think that there is a leadership question, there may be more than an accountability question. By the way, the space optimization issue, it's my understanding that will be covered by the contingency that remains in the budget. You had made a recommendation that we post additional budget information on the project website. It's my understanding, tom, has that been done? That is continuing to be done? I thought that was a great recommendation, so that information is available. Regarding the equity issue, the way it is being presented is as though we have completely blown it off, and that could not be farther from the truth. The dollars your team identified, which is, I believe, more than 800,000, that's going to be released once the coep is established in prosper Portland through the direction of the city council, and in short, the opportunity, although delayed will be realized as part of this project. Last but not least, I am not sure that we have clarity on what the role of the citizen oversight committee actually is. I, personally, have viewed that, and I believe -- I won't speak for the chief administrative officer but I believe he viewed that as highly experienced, knowledgeable, citizen eyes, looking at everything. And their response, I will just read it, a piece of this is that committee says that this letter is to underscore in our view, the city staff have been very transparent with our committee on every aspect of the project, including granular matters concerning the budget, scope, the changes, and the timing. There have been a number of difficult decisions relating to the building, and they have been shared with us, and to our knowledge none of these were contrary to the recommendations that we have made. They go on to talk about some of the other issues. So, I have a tremendous amount of respect for the madam auditor and the auditing team. I think you can look back on my history as an elected official, I have a tremendous amount of respect for the audit function and I value the audit function as way too sharp and to call attention to really important issues, but on this one, i, and the chief administrative officer and the citizen oversight committee, we have fundamental disagreements, and it's my estimation those disagreements should have been resolved at the beginning of the project. We should have agreed what are we going to be judged on? What are we in agreement on the budget and the costs, and what is going to be expected in terms of the council's participation and inclusion in these matters?

July 31, 2019

I look forward to working with you because I know that you have a number of ideas and suggestions as do I, so that's just sort of my commentary for today.

Hull Caballero: Mayor, if I could speak broadly. Not to the specifics of what you are saying, but our process starts with the documentation, so I was here when anywhere -- there were lots of discussions about that 195 million. I am also aware that people were uncomfortable with such a hard and fast, 195 million, not one penny more. I do think that that's a dangerous way to approach the capital project. I think that now we are at the point that we borrowed 214 million, and that does not include the debt service on that borrowing. We have tracked back to the beginning of the project to where we are now, and so I appreciate what you are saying, that maybe it was not as organized at the beginning, and that's some of the things that we are pointing out. There were representations made to the public, and I am not sure that the public understood that they were going to get a 214 million bill for this building. What we have done from the beginning of that to where we are now, we looked at some of the things that we -- that led us to where we got to 214 million. In the report there were recommendations made saying you should pay attention to these areas, and there was lack of clarity around the oversight committee and what their role was and who they were reporting to. So we just have come back around with the second audit. With new recommendations.

Wheeler: Great, and I look forward to that. Commissioner Fish.

Fish: This is a good conversation, and so it seems to me that they were -- there were four people here at that time. This is part of the challenge of our former government, and you were the auditor, and commissioner saltzman was sitting next to me, and he was the author of that line, not a penny more than 195. How many times we heard that? And then commissioner Fritz was here. The thing I struggled with in terms of the cost issue is that I remember costs coming up in the context of us looking at the alternatives to the Portland building, so we put together a blue ribbon group, and they came back and looked at demolishing the building and renovating the building, selling the building. Looking for another building. Leasing -- I think that they looked at a range of choices, and I think that we were all somewhat surprised when they came back and said renovating this building is a low cost option. That was not intuitively what I thought was going -- where it was going to land but an independent panel came back and said, your most effective use of taxpayer dollars is to renovate what you have for a variety of reasons. I have to go back and look at the conversation, but I will be honest with you, when -- my recollection is when commissioner saltzman used to say not a penny over 195, it was his way of saying don't come back and say we are going to have a new siding or don't put in a new dining room, or don't come in with some, you know, new bell and whistle. My own view, and again, I will have to go back and look at the record, is that things like desks and equipment and how we organize the space and technology, it was going to be a cost no matter where we went, and I did not at the time assume that that was within the 195. I will tell you, as someone who voted on it. Partly because I didn't think that those were costs we quantified, and we were doing all this work with staff about how we were going to configure the space, and how could we -- how many people could we fit and other things. So, I may be wrong. But, I am going to go back because Dan was the most vocal in terms of the hard cap, and just my recollection is that the cost that you have identified in your report that are above the line, above 195, my recollection is that those were not costs that we considered as part of the 195. Maybe I am wrong. At least when I cast the vote, I thought that we were talking about the hard construction costs. Not the soft costs fulfilling the building.

Hull Caballero: Can I speak to that? So I wanted to go back to our original audit report because if you remember, and this is years ago, there was an original estimate of 95 million back in 2014, and then that went up to 175 million to reflect the additional scope of work, so it was not just going to be the envelope fix to address the water. That's one of the

July 31, 2019

seismic upgrades, and as well as the interior improvements reflected in that cost. And when it came to our report we were looking at the 195, and we could not see the delta, the 20 million difference between what was in the supported estimates of 175 million, and the 195 million. So at that point the team at that time under the previous administrative officer gave us more detailed line item information, and if you look, there is an item for furniture, fixtures and equipment of 10 million.

Fish: In the 195?

Gonta: In the 195 they provided to us, so part of the challenge --

Wheeler: This cao?

Gonta: No, the previous cao, this is before december of 2016. So when we are tracing that information, moving it forward to try and see, to see how that's reflected in the current approaches, to the renovation, that's where we see the disconnect. So this is one example.

Fish: So to get back to what the auditor said, and what the mayor alluded to, lesson to me is to be even more rigorous in terms of identifying the hard and soft costs. When we say the hard construction costs, we are talking about you know, maybe having -- my understanding is that if you start bumping up against hard construction costs, you can always do value engineering to come below if the costs and materials go above what you expect. And I think that we have to be clear as a council in distinguishing that from soft costs because the soft costs could change all the time based on -- let's say changes in technology or changes in how we want to configure the workplace. I believe they are separate and distinct, so I think that you raised the question that we can address more rigorously in the future about being clear. I appreciate your point.

Gonta: And I think that just to add, I think that this -- and we have not done a lot of construction, capital construction audits, but I think that this project is a bit different that the scope was men to be flexible because of the fixed time and budget elements, so if you think about the project management triangle, there is three elements, and one is going to be the one that moves. If there is any kind of pressure on the other two. I don't know if the project definition issue is going to be something that you would see in other capital activity here at the city.

Wheeler: That's fair enough, this is a really good conversation. And I guess if I had to boil it down into one sentence, it would be how do we set the original objective, be transparent about the objective but also have the opportunity. If the opportunities through technology configuration or whatever, to be able to reduce the ongoing operating costs on a permanent basis or for a number of many years, I want this council to feel the ability to take that option, and I don't want the council to feel that they would be penalized for having found a way to reduce the costs over the long-term. But, for me, the big lesson in all of this is I don't think that we agreed on the standard up front, so this is, for me, a really good learning opportunity going forward. I stipulate all the things that you say about transparency and putting the budget data online. I know a ton of people don't look at it but it should be available. I concur with you 100%. There are some people who will take a good look at it. So I appreciate your work on this. Thank you.

Hull Caballero: We are going to wrap up with the housing bond audit, which has some very good news in it.

Martha Prinz, Auditor: Good morning. My name is martha, a performance auditor with the city, and I completed our june 2019 audit of the city's housing bond. We took on this audit to check on the housing bond relatively early in the life of the bond, and a little less than halfway through the life of the bond, and just for some background, Portland voters approved the 258 million housing bond in november of 2016. Our audit looked at whether the housing bureau established and was applying clear criteria for project selection to ensure the bond goals would be met. We also looked at whether the bureau had systems

July 31, 2019

in place to make sure that the bond funded housing served intend populations. Our audit looked at the first five housing bond projects. Totaling 593 units either already existing or planned. The first project, the building called the ellington, 262 units, and is on northeast 66. It already had tenants when the city purchased it, soon after the housing bond was approved. In september of 2017, the housing bureau purchased a lot with the building on it at southeast 30th and powell with the intent to demolish the building and develop the lot into a 160 unit building. The city purchased a new apartment building at southeast 105th and burnside in june of 2018 which has been leased out. That building has 51 units. In july of 2018, the bureau purchased a lot with a house on it and slated for demolition and development of a 50 unit building at northeast 58 and parking lot. Finally, the city bought an existing 70 unit apartment building, the west wind, in old town which serves a low income population. It's in poor condition, and the bureau plans to replace it with the same size of a building serving the same population. Leading up to the election, the city told the voters that the housing bond, which was to be repaid from property taxes, would house families, seniors, veterans, and people with disabilities. The bond was meant to fund 1300 housing units over five to eight years, and serving households making no more than 60% of the median income for the region, and in some cases, no more than 30% of the median income. Half of the units would be family sized, and meaning two bedrooms or more, and if non-bond funds are available, 300 of the very low income units would be designated as supportive housing, which means that they include help for tenants with complex needs. When the bond passed, the state law says that only a public entity could own bond funded properties. Typically, the housing bureau acts as a lender, rather than an owner, and that meant they would take on a new role. The bureau turned to Multnomah county's housing authority, home forward, to help with the ownership role. Overall, our audit found the housing bond to be off to a solid start. First, we found the housing bureau developed project selection criteria that were mostly in line with the promises to voters. The criteria were developed over several months by a group convened by the bureau, after the purchase of the ellington, and which prompted some housing stakeholders to argue for an overall strategy before additional bond purchases were made. The city council adopted the criteria in october of 2017. Around the same time the second housing bond purchase was adopted. That criteria, known as the policy framework, when compared to the ballot language introduced new areas of focus and deemphasized or eliminated some topics. Veterans, although included in the ballot language, were not included in the policy framework. Seniors and people with disabilities, although included in the framework, were not emphasized as much as might have been expected, based on their prominence in the ballot language. Our second audit finding was at the housing bureau appeared to apply project selection criteria consistently when choosing which projects to pursue.

Fish: Consistently?

Prinz: Consistently.

Fish: Can you move the mic a little closer? The acoustics are also hard.

Prinz: Sorry. We were able to piece together an understanding of the rationale behind each purchase but couldn't find a concise record explaining why each property was purchased and how each decision advanced the goals of the bond. More transparency would have been helpful. The first annual report on the bond was only completed recently. Each project was justifiable in helping to further bond goals, although it's too soon to say if the overall effect will be that all bond goals will be met. Finally, we found the housing bureau, working with the home forward, and developed a targeted approach for getting tenants into bond units, and data on the two housing bond projects that have ten assistants show that the projects are serving diverse populations. Voters approved a change to the state constitution in fall of 2018, allowing the city to loan bond proceeds for affordable housing to private entities, rather than owning all the bond projects themselves.

July 31, 2019

That change will show how tenants are placed in the properties. Instead of overseeing leasing activities directly or through home forward the bureau is shifting gears and setting expectations for developers and property owners about how to find tenants from the priority communities and included in the framework. And we made three recommendations in this. The recommendations focused on the housing bureau better meeting the voter expectations for future bond projects, improving documentation, and communication about the rationale behind future bond projections, and evaluating how successful they are at reaching target populations, and that concludes my presentation. And thank you.

Wheeler: Thank you. We appreciate it.

Hull Caballero: Thank you. Those are the four audit reports.

Wheeler: Thanks for coming in. Thank you for the discussion.

Fish: You are the first auditor that commissioner Fritz and I have served with who has made a regular habit of presenting your audit to the council as a whole and having this discussion, and that's a level of transparency that I am not sure why we did not do that before, although there were some interesting personality issues, I think, involved but really appreciate that you made this cornerstone of your service that you come and present directly to the council, and by extension to the public and give us a chance to have this conversation.

Hull Caballero: Thank you, commissioner.

Wheeler: Thank you. Colleagues, commissioner Fish is going to be excused and speaking of vision zero, I have some traffic enforcement folks who are here and need to leave very quickly. I believe that we can get through 720 and 721 quickly, and then there is an emergency item that was pulled off consent that I would like to get to, so why don't you come up, please. By way of opening remarks, if you could read 720 and 721, Karla.

Items 720 and 721.

Wheeler: The grant allows ppb, and I am speaking specifically to 720 at the moment, and this is designed to -- this is to support the motor carrier safety plan, which is designed to reduce the accidents, particularly those involving commercial motor vehicles and to reduce the injuries and fatalities involving cmvs, commercial motor vehicles. Is the safety assistance plan grant allows certified inspections from the traffic division to conduct traffic stops on unsafe driving behaviors of commercial vehicles within the city of Portland. The stops increase safety and reduce the number of injury crashes. The amount is a maximum of \$25,000 in federal grant funds for reimbursement in the 2019-2020 budget. The city has been participating in this program since 2012, and these grants play a vital role in keeping the people safe on the streets, and I am grateful for the work the traffic division does. And we have sergeant engstrom and captain loranco here, and 721 is the work zone safety grant which allows the traffic division to provide high visibility and high contact enforcement efforts in specifically identified Oregon department of transportation work zone, and there is four purposes to reduce the number of fatal injury and property damage crashes in these areas to enhance driver attention and reduce speeds in work zones to provide preventative and incident-specific public information and education efforts through social media and other opportunities and activities, and to provide high visibility contact enforcement efforts while patrolling the work zone, and the amount of this grant is \$543,600, again, that's federal reimbursements for the upcoming budget, and this is a program that is part of vision zero, and the city has participated in it, as well since 2012. Greetings.

Fish: Council has been briefed on both these grants, can I go to questions?

Wheeler: Absolutely. I am sure that they would appreciate that.

Fish: One is a 25,000 grant, and not controversial and the other is a traffic enforcement grant. I want to make a comment. The other day when I was doing my vision zero tour we went along foster, which now is one lane, with other infrastructure built in, and it's marked 25 miles per hour. We felt like a bit of a hazard driving at 25 because of the behavior of

July 31, 2019

people behind us, and the most egregious behavior we saw when we stopped at intersections and were watching the traffic was among the commercial drivers. I don't want to unfairly call out fred meyer and, you know, uber and some other folks, but there were trucks that were going too fast. My guess is that these truck drivers are given unreasonable schedules that they have to meet and make deliveries, and I am guessing that this is probably something that transportation commissioner can take up with the corporate executives just letting -- like figure out who -- where do we see the most trucks, and maybe sit down with fred meyer and say your trucks are not, you know, meeting our standard, and here's why it's important. The point that I want to make, though, is that in a three-hour trip we never saw any traffic enforcement people. The only police officer that we saw the entire day was at my favorite sub shop in lents, and everyone is entitled to have lunch so that's fine. There was no coverage anywhere that we went, and we were literally on 122nd, foster, and we would stop for ten or 15 minutes and have a conversation and watch, so in my view we have cut -- we have gotten to the point now where in traffic enforcement where we simply do not have the compliment of officers we need to do the job. I hope that the commissioner is not shy about making a budget ask because frankly, even just having the presence, even just having a car driving has the deterrent effect like the reader boards and other things. But, it was a little discouraging not to see any traffic enforcement people, and I hope that we make sure that the commissioner and is the police bureau have the resources they need to do that, otherwise I am in full support of this.

Eudaly: You know I am not shy. Thank you, commissioner.

Wheeler: Very good, thank you. Any further questions? Is there public testimony on 720 or 721?

Moore-Love: We had two sign-up sheets but the same people have signed up. The first three will be charles bridgecrane johnson, jeff dubois and maggie.

Wheeler: And we will go two on your side minutes because I want to take the votes before the commissioner has to leave. Before you leave, is it helpful? Before you leave we could potentially put an emergency clause on these. Would that help? Would that speed up the process toward getting the grant dollars in the door?

Ty Engstrom, Police Bureau Sergeant: We're trying to stay on schedule and not put you in that position in the future.

Fish: It's a yes or no.

Engstrom: Yes.

Wheeler: Very good. Go ahead.

Johnson: Good morning. Charles "bridge crane" johnson. There's people at the police bureau whose work is to find the supplemental funding so we can have at least some as commissioner Fish noted some has traffic enforcement. Hopefully we'll get to a position where we don't have to fund this is a overtime when it's overtime expense we're getting 50% less hours of actual traffic enforcement for our dollars. It can't be missed that we're having staffing issues at the Portland police department. But hopefully there will be some brilliant sneaky management that can figure out a way to get more hours into traffic safety and also later on when we have an overall report from the police department it would be probably helpful for the police commissioner and the rest of the commissioners to know how many overtime hours are going into traffic enforcement, how many into violent crimes and other natures of the work. So thank you for finding this money. I look forward to taking the state's money.

Maggie: I'm maggie. Portland homeless town hall. I find it slightly hypocritical. The reason people don't want to go into police work and you have these overtime hours that you have to pay for at such high rates is we need a universal ban on assault rifles.

Fish: This has nothing to do with the subject.

July 31, 2019

Maggie: I'm just saying if you want to hire more police officers, let's ban assault rifles. Who wants to -- [speaking simultaneously] if you want to hire more people -- [speaking simultaneously]

Wheeler: It's not what it's about, Maggie. Appreciate it. I move that we add an emergency clause --

Fish: Second.

Fritz: In the public interest.

Wheeler: Any further discussion? Please call the roll on the amendment to 720.

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

Wheeler: Aye. The amendment is passed. Same motion for item 721, move to put an emergency for the reasons stated by commissioner Fritz.

Fish: Second.

Wheeler: Call the roll.

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

Wheeler: Aye. The amendment passes. Please call the roll on 720.

Eudaly: I want to thank the members of our traffic enforcement division. It's a hard job. Made even harder by underfunding and understaffing and I appreciate commissioner Fish's comments. I have been beating that drum for a while now. We need more funding. We need more enforcement on the streets. We cannot engineer and educate our way out of what I consider a public safety crisis. This month we reached the same number of deaths due to traffic collisions in July as we saw in an entire year of 2018. So of course I support these grants. I also support increasing enforcement over all. I vote aye.

Fritz: Thanks for your work. Aye.

Fish: Aye.

Wheeler: Aye. The ordinance is passed as amended. Please call the roll on item 721.

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

Wheeler: Aye. The ordinance is adopted as amended. Thanks for coming in. We'll go to the emergency item pulled off the consent agenda, 710, please.

Fish: Who pulled that?

Moore-Love: Charles Johnson.

Item 710.

Wheeler: This lawsuit arises from improper workplace behavior experienced by Mr. Rollins in late 2016 through his attorney, Mr. Rollins filed a federal lawsuit in 2018 against the city alleging federal and state law violations. In June of 2019 the parties agreed to participate in mediation session in an attempt to resolve the case. The session was productive and the parties agreed on a proposed settlement of \$80,000 inclusive of Rollins' attorneys fees. He's no longer employed by the city of Portland. Approval will allow risk management to pay Mr. Rollins and his attorney the agreed upon settlement totaling \$80,000. I don't know if there's anybody from H.R. here.

Eudaly: We had the city attorneys.

Wheeler: Public testimony.

Eudaly: We have staff available.

Wheeler: Let's hear the testimony. Two minutes, please.

Johnson: Good morning, commissioners. Charles "bridge crane" Johnson for the record. You know you're in trouble, especially commissioner Fritz knows when you make it into the daily mail something has gone wrong. In today's great up on --

Fritz: It's an absolute rag.

Johnson: Exactly: That's why we're in hot water when the city of Portland gets 23 shares about extreme hazing. So I hope that in making an allotment to grant this victim \$80,000 communications from the city regardless of whether we -- the city has accepted responsibility when it gives away -- fairly pays, rather, 80,000 to a victim of extreme hazing

July 31, 2019

as a citizen and I hope people in management are all very sorry this happened to mr. Rollins. I look forward to your unanimous approval of this settlement for him.

Wheeler: Thank you. Good morning.

Lightning: Good morning. I'm lightning. I represent lightning superhumanity. To mr. Rollins I would like to apologize on the conduct of the city of Portland and what you went through. The torture that they caused you, the trauma, and I think this number is really on the low side. Again, to any other victims within the city, or who have been employed at the city in the past, please feel free to step forward. Please understand and look at the settlement, a number to work from, and if you feel necessary, come back with a class action suit against these sick, demented, sadists that would have put you through this. It's appalling that this happened within the city. It's absolutely appalling behavior. And for anyone to think they should get away with the treatment of a city employee in this manner, you should be in prison for this. Prison: [shouting] and whoever did this to this individual I want to have them investigated. I want to make sure their kids are okay, that their family members are okay, I want to make sure their animals are okay. This is one sick individual that did this to this victim. Your number should be up by ten times that amount. This 80,000 is a low number. This is appalling to me. This is torture. This is trauma everlasting. And for the city to even think that they can get away with this and not do prison time is appalling to me. I'm demanding a federal investigation on this whole case, and everything surrounding this case. I want to get feedback and I want an independent investigation. I demand this with this type of conduct. Thank you.

Wheeler: Thank you.

Fish: Can I make one comment?

Wheeler: Commissioner Fish.

Fish: We are often when we take up these settlements we get testimony from folks -- lightning is one person, joe walsh I remember, someone else, who often say, you know, I think you should pay more in the settlement. I want to take one moment to address that because I used to be a plaintiffs' employment lawyer representing people in civil rights cases and in similar kinds of cases. When you go to mediation you get the service of an independent mediator who works with the parties to see if they can resolve the case. It's voluntary. A mediator reviews the strength and weakness of cases. This is not to excuse the behavior. I'm not speaking to the merits of this case. We obviously all feel terrible about this case. The mediator gives his or her opinion, it's voluntary. If a plaintiff does not think that that's a good settlement they have every right to proceed to court of the often lawsuits have been filed. A prevailing party in court often gets their attorney fees, so that's a good incentive to continue the case and do discovery. So again, when we hear from people who say I think this is too low or you should multiply' by ten or whatever, I appreciate the sentiment. The sentiment is you're offended by the conduct, and what you're reading, but I want to give people a sense of confidence that when these cases are resolved in mediation it's a purely voluntary process, parties have decided it's in their respective best interests and most modernly in every instance the aggrieved party has an attorney advising him or her, so they are choosing to settle because they want to. They have every right to go to court and we have no power to affect that decision. Just for the record, mayor.

Wheeler: Thank you. Any further discussion? Legal counsel, was there anything I should have said or not have said? Very good. Please call the roll.

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

Wheeler: I want to apologize to mr. Rollins on behalf of the city of Portland and what he endured nobody in our community should have to endure that and certainly nobody who works for the city of Portland should ever be subjected to that kind of behavior. So with this

July 31, 2019

settlement comes my apology. It's sincere. I vote aye. The ordinance is adopted. Next, 704.

Item 704.

Wheeler: Commissioner eudaly.

Eudaly: Thank you, mayor. Just a few quick comments before we read this proclamation. As arts commissioner, lifelong lover of arts and the mother of a son with a disability it's a distinct pleasure to honor phame today. Aha served people with intellectual and physical disabilities for years. When it was founded there were not opportunities for people with intellectual and developmental disabilities to participate in the arts. Phame recognized this need for inclusion and acted to solve the problem. Numerous studies show the benefit of arts education and as Portlanders we all have proven time and time again how much we value arts education. Phame adults with intellectual and developmental disabilities have access to experiences we all deserve self-expression, connecting with one another, about this community and meaningful lives. I share phame's belief that art is for everyone and the work they do changes lives and makes our community stronger and more equitable. A special thank you to jenny, director anne-marie and rebecca morris. Jenny and anne-marie are here to speak and show us a video presentation so i'm going to turn it over to them before the proclamation. Welcome. Please state your names for the record before you begin.

Anne-Marie Plass, Board Member PHAME: Hi. Good morning. i'm anne-marie plass, a board member.

Jenny Stadler, Executive Director PHAME: I'm jenny stauber, executive director at phame.

Plass: I want to start our presentation by telling a little bit more about phame and getting some of you up to speed on some of the new projects we're involved in now. I have been over ten years as a student serving my second year on the board. Phame was started 3 years ago. At that time we were primarily a performance organization for adults with developmental disabilities. over time those first three years -- performance opportunities. Now phame is a robust art education organization that has three main parts of the program. First for school of the arts we offer -- three times a year. I have taken digital photography, musical theater, choir and yoga. I have taken drawing, monologues and dance. That's just me. Phame offers classes in podcasting, drama and video photography. we are also a performance program. This year it's the poet's shadow while performing in coordination with the importantly opera. Also in the last ten years of phame I have gone. we're a community. The opportunity to socialize, form community and make new friends becomes more and more limited. Phame offers the opportunity to do all these things at our school and also through events like barbecues and dances. I have friends i'll have for life at phame and my life is richer for these friends. It's never been a more exciting time to be at phame both as a student and a board member. We're partnering with more and more arts organizations to to take classes and work on shows. we're in the beginning stages of planning our own building, one in which we hope to have art space to show with the rest of Portland. Thank you for the support over the years. i'm hopeful for the future of phame and for a more accessible arts culture in Portland. Before I continue we would like to show you a video that gives a great sense of what we do at phame.

Stadler: Thank you. I just wanted to finish up by speaking to you guys to mr. Mayor and commissioners about why i'm so hopeful about what's happening in Portland right now, especially when it comes to people with intellectually and developmental disabilities in the arts. We people with develop mental disabilities can face multiple barriers to participation in the arts as audience and performers. I have been at phame a couple of years now and it's surprising still how often people with disabilities -- their voices aren't heard but how people think they don't have voices there are a lot of barriers but I want to talk about what

July 31, 2019

i'm excited about. In the past couple of years there's been a lot of wonderful things that are happening in the arts community in Portland. Our upcoming rock opera is one example of this. This is an 18 month long project, the brainchild of one of our staff members, rob smith. Someone at the Portland opera, alexis hamilton, they thought, could we write a rock opera together and what would that take? Now 18 months later it's happening in three weeks. It's a student written, student designed, set design, costume designed, student performed rock opera at the hamilton performance center. It's the work of four arts organizations in town. Phame, the Portland opera, a local creative group and metropolitan youth symphony is involved as well as others. About a year ago I started asking these organizations I said do you want to work with us to bring this project to life? Do you want to give a voice to people who don't normally have a voice? Do you want to learn more about access? I kept hearing yes. I'm hearing resoundingly yes the more I ask. Portland playhouse and artist repertory have started casting our students in their professional stage productions and they want to do so. Oregon ballet will teach ballet at phame this fall. Portland center stage is asking students to be cultural conductants on an upcoming production of theirs. Limestone is writing a play this western. We hope those pieces might get into fertile ground. These are a few of the many people I have talked to and we keep hearing yes. I'm excited about other initiatives that are happening around the city. We are talking to Portland parks and rec in september about putting on some kind of summer show next summer in the parks. Knowing us it will be a sing-along rock concert that involves partnership. We really like partnerships. We're going to be giving a presentation on increasing access across arts organizations at the regional arts and culture council to all the general operating support grantees and i'm thrilled it's three months away and the space is so full we're talking about having to get a new space already because so many arts organizations are saying we want to learn, yes. We have also received wonderful support from some of your offices in regard to this building. With have a big dream building happening. It's at grace commons. This would provide housing for people with disabilities and for working artists. It would be low income working artists that would provide art space and performance space including ada-accessible theater which include a light and sound booth which are ada accessible. It would give phame a permanent home. Those are some of the things i'm excited about. I'm really grateful that you allowed us to come here today. I'm thrilled about the proclamation. We're honored to be building more partnerships in the city and recognize the city is trying to make active change toward supporting marginalized populations. Thank you for supporting us. I hope we see you from 4:30 to 6:30 this afternoon.

Eudaly: Thank you for focusing on the positive. My scripted remarks were too much on the kind of hardship barrier negative side. I also really wanted to focus on the positive today. I love phame. I'm so excited about poet's shadow and all these partnerships, especially the building. I served on the first Multnomah county cultural coalition, probably a decade or more ago. I feel like conversations were just beginning back then about basic access to audience members with disability. It was not about inclusion of artists and performers with disabilities. So it's just thrilling to see our community evolve and become more inclusive. I just can't say enough. Thank you for being here. I will definitely see you this afternoon at the reception.

Stadler: Lovely.

Eudaly: Without further ado i'm going to read the official proclamation which the mayor has given me the privilege of doing. Whereas phame was founded in 1984. It has empowered hundreds of adults with developmental disabilities to lead full, creative lives. It's a school of the arts for adults with developmental disabilities that focuses on arts education, performance and community. Taught by exceptional working artists, phame's classes explore every arts discipline including visual, writing, acting, music and dance.

July 31, 2019

Courses range from choir to fashion design to i-pad ensemble, an orchestra that uses i-pads as adaptive instruments. The performances delight and move audiences around our city and the community building activities unite students as they create art together. Phame's work also reduces stigma around disability and encourages Portland's creative community to welcome and include people with disabilities. Whereas phame provides arts opportunities, phame gives people with developmental disabilities the chance to discover and nurture their talents, gain real world skills, build self-confidence and socialize with those who share their disabilities and those who do not. Whereas bucking the trend of persistently low expectations set for people with intellectual disabilities and developmental disabilities. Phame's programs offer the same opportunity other artists have to stretch themselves and earn recognition from audiences. As phame's students develop their talents they learn to advocate for themselves and their vision making themselves known as vital members of our thriving Portland community. Whereas the poet shadow created by adults with developmental disabilities represents a new art form in the city we recognize contributions of people with disabilities to the arts. Created through a partnership with Portland opera phame's groundbreaking work centers the voices and artistic efforts of people traditionally madge naturalized in the arts and all areas of our society to the point where many with developmental disabilities have not been welcomed even in the audience let alone on stage or shaping the worlds, music or fearful the story. Whereas artists with developmental disabilities have the opportunity to share their talents through the poet's shadow and every artistic work produced at phame the city shares phame's belief that art is for everyone, community is for everyone and excellence is for everyone. Now therefore, i, commissioner chloe eudaly on behalf of ted wheeler, mayor of the city of Portland, Oregon, the city of roses, do hereby proclaim July 31, 2019 to be phame day in Portland and encourage all residents to observe the day.

Wheeler: We'll suspend the rules. [applause]

Plass: Thank you, guys.

Eudaly: Thanks for the great video.

Stadler: We're very honored. Thank you.

Wheeler: We appreciate everything you do. This was a wonderful presentation, very uplifting. Thank you for being here. Did you want to get a photo?

Stadler: Please.

Wheeler: We'll move to the regular agenda item 722, please.
Item 722.

Wheeler: The business license appeals board hears and decides appeals of determinations issued by the revenue division. These appeals primarily relate to the city of Portland business license tax and the Multnomah county business income tax programs. But they also relate to franchise and utility license fees collected by the city and transient lodging taxes collected by the city. Currently there are three vacancies on the board. The board position that would be filled by adam is to be appointed by the mayor and if appointed the three-year term would expire on december 31, 2021. The term of harriet struthers expired december 31, 2018. The board position held by harriet is also to be appointed by the mayor but subject to the approval of the Multnomah county intergovernmental agreement. They have provided their consent. The three-year term would expire on december 31, 2021. The term of daniel morris also expired in 2018. It's to be appointed by the city auditor. The city auditor has provided consent to the reappointment of daniel. If reappointed the two-year term would expire december 21, 2020. Good morning.

Scott Karter, Revenue Division: Good morning. I'm scott carter on the audit and accounting manager with revenue division. I wanted to go into a little more detail. The appeals board is a five-member volunteer board comprised of members of the public.

July 31, 2019

When Portland fires their tax return the technology will review or audit the return. When adjustments are made to correct the return the taxpayer can protest the adjustments and explain why the return was -- or explain why the return was correct as filed. If the revenue division does not accept the taxpayer's explanation a final determination is issued by the revenue division which would include additional support and explanation. If the taxpayer still disagrees they can appeal to the appeals board. The board will review the case, hear and review testimony and make a decision of the city off the taxpayers. These decisions are final and there's no additional appeal available. Portland city code requires appointments to the appeals board provide an appropriate level of expertise in accounting, method and regulations. The three potential appointees meet the qualifications and should serve both the public and the city of Portland well in any matters coming before the board. I would like to introduce adam. He's the lone new appointment today. The other two are reappointments. Adam is founder and chief executive officer of the cobalt group, inc., a Portland cpa firm. He served as chief financial officer and several start-up and established small businesses. He did internal audit, risk management, information security and fraud management work. He graduated from the university of Oregon with a bachelor's degree in accounting. He has stated his reason for interest in serving is to apply his accounting and business knowledge and experience to productively contribute to local government. We believe adam would make an excellent board member. I'm going to step over the details of the other two candidates. If you need more information it's in your packets. Both have served the public and the city well and we strongly support their reappointment. To meet the requirements the outreach has been targeted to individuals who have a strong expertise in accounting as well as federal, state and local tax law. The revenue division recently ran recruitment through the office of community and civic life. The revenue division worked with procurement services to identify potential candidates. It reached out to accounting and tax professional organizations including the Oregon society of cpas to specifically identify individuals that could add to the board's diversity. Thank you and we're happy to answer any questions.

Wheeler: Very good.

Adam Abplanalp: I'm adam. I don't have much more to add. I think mr. Carter covered most of it. Happy to contribute with my accounting and business knowledge to the board.

Wheeler: Thank you. I'll just say we're really lucky to have someone with your experience step forward. There's a million other things you could be doing. This can be a fairly technical appointment so we need people with a certain degree of knowledge and we're grateful you're stepping forward. Really appreciate it.

Abplanalp: Thank you.

Wheeler: I'll entertain a motion.

Fritz: Move to confirm the appointment.

Wheeler: I'll second it. We have a motion and a second. Please call the roll.

Eudaly: Aye.

Fritz: Thank you for volunteering. Aye.

Wheeler: You're going to have fun also. I vote aye. The report is accepted, the appointment approved. Appreciate it.

Item 723.

Wheeler: This is a pbot item but i'll pass it to lester spitler unless commissioner eudaly has anything she wants to say.

Eudaly: I think we can cut to the chase. Lester knows the drill.

Wheeler: Very good. Welcome.

Lester Spitler, Procurement Services: Thank you. Good morning. Andrew aebi, the project manager wanted to say a few things about the project before I get into the report.

July 31, 2019

Andrew Aebi, LID Administrator Bureau of Transportation: Good morning, council. I know you've had a long morning so I'll be brief. This lid was formed in 2016. It is an engineering marvel and we're pleased to be joined with Nicole Blanchard, the engineer on the project. She did exceptional work. This is one of the most difficult lids I have ever worked on. We're not only building sidewalks, multiuse path on northeast 47 but replacing a 100-year-old cast iron water main. You may recall those occasionally break and leak and we want to replace that while we replace the roadway. We're also extending sanitary sewer and storm sewer. I also wanted to mention that since council formed this lid we have had a number of other pbot capital projects added to our list of projects that we're going to be building in Cully. For example, replacing the northeast 42nd Avenue bridge, building a multiuse path on northeast Cornfoot Road and building what is currently the largest lid in the city's history at 46th and Bryan where we're helping facilitate the building of the Trimet bus base. We have a host of projects physically tied into this project and there's a real sense of urgency to get this awarded so we can start construction. With that I'll turn it over to Lester. Thank you.

Spitler: Thanks, Andrew. City Council approved ordinance 187665 on April 6, 2016, and another 188514, July of 2017 that authorized us to issue a competitive bid for this project. We have issued the bids, due on June 21, 2019. We received four and Moore Excavation is the lowest responsive bidder. [audio not understandable] it's much, much below the estimate which was \$8,264,632. We have here in the report that the confidence level was low however in talking to Andrew, that was a mistake and that should have been corrected to have a high confidence level in that initial estimate. So we're happy about the price that we received from Moore at well below the estimate. For this project we applied our 20% utilization goal for subcontractors and suppliers. Moore Excavation is not able to meet that goal. You have in the report a table of certified subcontractors that they will use on the project but the total utilization is only at 11.78%. Moore Excavation is self-performing 67.5% of the work and there's 20.72% of the work going to noncertified subcontractors. Moore Excavation is in Fairview, Oregon. They are not a state certified contractor. They are in compliance with all of the city's contract requirements. With that we recommend that you authorize -- accept the report and authorize execution of the contract. If there's any questions we're happy to take those.

Wheeler: Any questions? Otherwise I'll entertain a motion.

Eudaly: I move the item.

Fritz: Second.

Wheeler: Motion and second. Call the roll.

Eudaly: Thanks for being here. I love your excitement about our lid program, Andrew, and appreciate you and Lester. Aye.

Fritz: Thank you for your breaking down of the subcontracting firms. That's very helpful. Seems like Moore Excavation had been doing better for a while. It's disappointing they have not met that goal. Perhaps next time they bid you could let them know I would like to see them to ask them about their efforts, whether they are still working on diversifying their own work force if they are going to be performing so much of the work. Aye.

Wheeler: Aye. The report is accepted. Thank you. Appreciate it. Next, 724.

Item 724.

Wheeler: I'm sorry, this is an emergency item. We'll have to hold it over.

Moore-Love: I'll finish reading the title.

Wheeler: Are we going to move this to next week?

Moore-Love: 2:00 p.m. The first item at 2:00 p.m.

Wheeler: Very good. Great. We'll move 724 to 2:00 p.m. This afternoon. Move to 725, please.

Item 725.

July 31, 2019

Wheeler: Mr. Spitler, welcome back.

Spitler: Thank you. Good morning again. I'm going to hand it over to Susan, the project manager. We're going to go through a presentation and we'll walk through what we propose and the context of why we're seeking an exemption from our low bid requirement.

Susan Hjorten, Program Manager Bureau of Environmental Services: I'm the engineer with environmental services. Next downtown old town rehab project is going to be in southwest main, salmon and Taylor from Naito Parkway to southwest 13th. Most of the pipe that we want to rehab is between 90 and 150 years old. Most of it can also be rehabbed sustainably with cured in place liners. That construction method requires us to have access to the manholes. There's no digging or excavation required. It will give us additional 75 years of life to that pipe. The laterals only to be bypassed allowing businesses to stay open. It doesn't disrupt their use of the bathrooms or anything. But we need to determine which are active and not active. Some are full of roots, debris, so we need to figure out which are active. Some of this work might require us to be in their basements, have agreements with them.

Spitler: So the legislative action before you today is exempting this project from the competitive low bid requirement. So just for some context our state statutes and city code require us to issue invitation to bid for construction projects and make award based on the lowest price unless our local contract review board, our city council, exempts a project which requires us to walk through certain findings to provide justification and support for why we're exempting it from the competitive low bid requirement. For this project we're proposing a request for proposal to award a CMGC contract. Some of the findings that we address for this project I'm going to touch on them and highlight why this approach is better than competitive low bid. CMGC stands for construction manager/general contractor. That approach is used when you want to bring a contractor on board before the project is fully designed to be able to get their input into the design on things like constructability, sequencing, value engineering. It provides a much more cohesive and team oriented environment with the architect, engineer, the project owner, project manager and the contractor via a CMGC approach. We believe there are public benefits to be achieved via a CMGC by bringing on the construction contractor before the project is fully designed. They will have input on constructability, sequencing, scheduling, means and methods so there should be less disruptions once the project is in construction to businesses and residence and the traffic and transit operations in the vicinity of this project. The schedule can be reduced by getting feedback early on from the contractor. There can be better strategies for noise reduction and traffic control. Another added benefit is the value engineering. The contractor is going to work with Susan and with the architect and engineer to inform the design to make sure that the project is executed as easily and efficiently and effectively as possible. We also feel like CMGC will increase public safety because the contractor will have input on the design. We can take certain things into account that the contractor knows about that the architect or engineer may not be aware of because they are not in the business of constructing projects. Another benefit is that we feel like we will receive adequate competition if not more competition with an RFP than an invitation to bid. The reason for that is because there are obviously some risks associated with this project when you're replacing old sewer pipes in a downtown urban area. So we feel like there will be more opportunity for people to propose on this project and not necessarily take on the risks that they would via an invitation to bid, but be able to work with the project owner and architect and engineer to inform the design and then work with them to come up with an estimate for the work instead of assuming risks via invitation to bid. So that concludes the findings, overview of the findings. I'm going to pass it back to Susan to talk about some alternative delivery drivers why this is better suited for an alternative delivery method rather than invitation to bid.

July 31, 2019

Hjorten: Just a quick overview, this map shows the entire downtown old town program. We have a couple projects currently under construction, Yamhill Morrison, initially completed in May of 2017 when Trimet had their shutdown. We have a few more pipes to wrap up in the next month. And they started construction in spring of this year, should be wrapped up by October. In case -- those are future projects we plan to do next 10 to 12 years. Just basic overview there. These drivers are very similar to what Lester just mentioned. Having contractor input during the design stage we need to upsize some pipe and we plan to do it trenchously. It's almost impossible to dig downtown with all of the utilities above us. The sequencing, they are able to coordinate better with other developers, bureaus, franchise utilities, and one of the things we would like to do is make the safety, their performance safety record in downtown a criteria. How have they managed these things in the past. So when we look at the RFP we have different items to see how they have performed in the past.

Spitler: Another added benefit we foresee this having greater certified contractor and subcontractor utilization. We are able to take that into account in the evaluation of proposals and awarding the contract. There's also a pre-construction period before the construction starts where the contractor will be able to outreach and engage all of our community partners to maximize participation from certified firms. If there's no more questions, we would ask that you approve this and allow us to issue a request for proposal for this project.

Wheeler: Very good. Any further questions? Public testimony?

Moore-Love: Possibly two people. Jeff Dubois and Maggie.

Wheeler: Appreciate it.

Moore-Love: She's passing and Jeff is gone.

Wheeler: Very good. Any further discussion before I move this? This is a first reading of a non-emergency ordinance. Moves to second reading. Thank you both. And I believe that's it. Have I forgotten anything?

Moore-Love: That's all I have.

Wheeler: We're adjourned until 2:00 p.m.

Council recessed at 11:49 a.m.

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

Key: *** means unidentified speaker.**

July 31, 2019 2:00 p.m.

Wheeler: Long serving public servant here at the city of Portland, somebody who has made a huge impression on our community, Antoinette Edwards. [cheers and applause]

Wheeler: I'll turn this over to aja in a minute but I have to say there's never been anybody that I have seen with this kind of support in the community who is so almost reticent to accept public acknowledgment for the work she does. She's here somewhat against her will. [laughter] we who are her partners and her teammates, we just couldn't let it go without a formal acknowledgment at city council. Antoinette, thank you for giving us this opportunity to acknowledge the fantastic work you've done over the years at city hall. Good afternoon.

Aja Blair, Executive Assistant Mayor's Office: Good afternoon, mayor, commissioners. I'm Aja Blair, executive assistant to mayor wheeler. It's my great honor to speak about a woman who I have had the honor to know and work with over the last year. Although when you first see her one usually thinks queen, there's so much more than meets the eye. Fierce community leader, change agent, humble public servant, loving mother, wife, teacher, advocate, colleague and friend. Those are just a few of the words I use for this powerhouse of a person. Antoinette is a force to be reckoned with, and today we honor her years of public service and bid her farewell into her next journey of retirement. First I want to look at the office of youth violence and prevention along with manager tom peavy and play a short video for everyone to see. [applause]

Blair: So I would like to turn it over to the city council and the mayor to read a proclamation.

Wheeler: Colleagues, did anyone want to say anything? Commissioner Fritz.

Fritz: You have just been so inspiring to me over the 10.5 years I have been here. Every time I have come across you in the community or in city hall you've made me feel better about however my day was going, crossing paths with you gave me something to smile about, something uplifting. Your fashion sense is absolutely inspiring. [laughter] your contributions to the whole community and recognizing the communities within the community, you help me so much. I appreciate your heart-driven work and the fact you have worked with -- how many mayors now?

Antoinette Edwards: All of them. [laughter]

Fritz: Four, right? Each of them has recognize your special gifts and special abilities and your anchoring of this office starting with tom potter through mayor hales and mayor adams, now mayor wheeler. It's a hugely difficult job that anyone does for more than six weeks never mind how long you have been doing it. You have provided a continuity between different mayors, different approaches. Just doing your thing because you seek the good. I'm happy for you that you have chosen to retire. I wish you all the best in that and I just want to thank you sincerely for me personally.

Fish: I want to get to the proclamation, that's the high point. You and I both served under four mayors. Who is your favorite? [laughter]

Edwards: All of them:

Fish: And I just want to make a comment about ten years of service. I have noticed recently that a lot of people who take appointed jobs in this building have chosen to serve what I would call abbreviated terms and move on. I know this work is very hard. I know we

July 31, 2019

live in times where there's extra challenges that we deal with in these jobs. I know people have lots of different considerations. It says a lot about you that you've stuck with it for this long a period of time. These are not the best paying jobs. They are jobs where often people have complained particularly in this building about feeling unsafe from time to time. There's enormous challenges but you stuck with it. So thank you for being a role model for a public servant.

Eudaly: I regret we haven't had a chance to form a personal relationship or work together with the city, but your name is very known to me. It's a name I feel almost everyone knows whether they are connected to city hall or not. Certainly your style also makes you stand out. So many times in the building I have caught a dress or ear ring and done a double take, who is that? Oh, of course. I just want to thank you and congratulate you and encourage you to enjoy and rest and recuperate, but I have a feeling that your work is not done. Thank you.

Wheeler: I want to say, I wish you well. I don't know what's next for you. I'm sure it's going to be a lot of fun. There are very few people that I call hero. You're a hero, somebody who has had some of the most uncomfortable and difficult conversations when people say who is going to have this conversation, who is going to help heal a rift in the community, who is going to bring us back together again, often you served in that role and you have been a fierce advocate. You've been the glue that in many respects holds our community together, particularly at a difficult time when it's so easy for us to be divided. In the absence of that kind of hard work you've been a voice for people who don't always have a voice at city hall or feel frankly like they have a voice anywhere in society. You've given them that voice. You've been here for all of us and helped us all out. This is the least we could do. As a council, as you know, we read proclamations. We can't necessarily give you tax abatements, so we do the next best thing. [laughter] this is on behalf of all of us at city hall and we'll give this to you but you'll probably need some help carrying it out. As you know, our proclamations represent the values of this entire chamber, so I now have the honor of reading a proclamation we wrote specially for you today. Whereas antoinette edwards has been director of the office of youth violence prevention since 2011 and has worked tirelessly to convene meetings and built community support to prevent violence in our city. Whereas she received the gladys mccol citizen involvement award from Multnomah county in 2009. She created through directing a community poll the community police collaborative, peace collaborative public forum in september of 2014 and facilitated biweekly meetings ever since. Whereas she received the social justice fund northwest jeanette rangin award for being a tireless lifelong activist in 2013. She received the equity foundation's women who lead award in 2015. Whereas she has been a beacon of light, a guardian angel, a sister, a wife, a mother, a community leader, and a friend and continues to inspire hope in all who meet her. Now, therefore, i, ted wheeler, mayor of the city of Portland, Oregon, the city of roses, do hereby proclaim july 31st 2019, to be antoinette edwards first advocate day in Portland and encourage all residents to participate in this day. Thank you, antoinette, for all of your service. [cheers and applause]

Wheeler: You humored us thus far by agreeing to show up so let us honor you. Would you further humor us by giving us a few remarks? We would love to know what some of your favorite moments have been and what advice would you give us?

Edwards: Thank you all for this amazing day. I am in gratitude for the love. The love. I feel the love. My words would be we need to you're awesome leaders, you're chosen on purpose for a reason. We need your unified collective wisdom and strength. Portland, we don't have to make it great again. Keep it good and make it better and we can't do it without you. So those would be my words for you all. I have tremendous respect for each and every one of you. The courageous conversations I have had with folks. I have had some tender ted moments and I appreciate you for that. My parting words to my beloved

July 31, 2019

community, we're so much stronger together. We're resilient, wonderful, powerful. Let's just be the best of who we are and I thank you all.

Wheeler: Thank you, antoinette. Appreciate it. [applause]

Wheeler: Good afternoon. This is the wednesday, july 31, afternoon session of the Portland city council. Karla, good afternoon. Please call the roll.

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

Wheeler: We'll hear from legal council on the rules.

Lauren King, Senior Deputy City Attorney: Welcome to Portland city council. City council represents all Portlanders and meets to do the city's business. Presiding officer preserves order and decorum so everyone can feel welcome, comfortable, respected and safe. You may sign up in advance to speak about any subject. You may sign up for resolutions or first readings of ordinances. Your testimony should address the matter being considered at the time. When testifying please state your name for the record. Your address is not necessary. Disclose if you're a lobbyist. If you represent an organization please identify it. Presiding officer determines length of testimony. Individuals generally have three minutes unless otherwise stated. When your time is done a red light goes on. If you are in the audience and would like to show support, feel free to do thumbs up. If you want to express you do not support something, thumbs down. Please remain seated in council chambers unless entering or exiting. If filming please do not use bright lights or disrupt the meeting. Disruptive conduct will not be allowed. If there are disruptions a warning will be given further disruption may result in the person being ejected for the remainder of the meeting. A person who fails to leave is subject to arrest for trespass.

Wheeler: Very good. Thank you. We had one item, colleagues, pulled over from this morning. 724. Karla, please read that item.

Item 724.

Wheeler: The office of management and finance and the police bureau are here to present information for authorization to execute a lease for available ground floor retail space at the justice center from a private party owner. The city and Multnomah county are the majority owners of the justice center, and jointly desire to have the full occupancy of the building. The police bureau has two programs where ground floor access is absolutely essential and provides supporting services to the building. Currently the justice center doesn't have a community space so all community members must be checked in through the front desk for any business that they may have. Leasing the space will provide a huge benefit to the community by having more accessible space and in my opinion this is long overdue. Omf and the police bureau determined that the pace meets the needs of the programs and the owner is willing to lease at a commercially reasonable rental rate and terms and we have folks here to present. Good afternoon. Thanks for being here.

Pauline Goble, Property Manager, Office of Management and Finance: Good afternoon, thank you. I'm pauline goble, property manager of the the office of management and finance. I'm here with staff from the importantly police bureau to request authorization to execute a 61-month lease for space at 220 southwest main street located on the ground floor of the justice center. As you know the justice center is a 16-story public condominium that contains court facilities, correction facilities including the central precinct and ground floor retail space. The city and county have majority ownership of the building and the private party owner owned the remaining part of the building in the form of two ground floor units. One became available to lease and the city and county have long desired to secure the 2400 square foot space for uses consistent with the building services so the police have two programs as you mentioned where ground floor access is essential and so they are going to provide an update on those programs and their space needs.

Mike Sommers, Facility Manager, Office of Management and Finance: I'm the facility manager for Portland police. Do you need other information about the space? Mike

July 31, 2019

summers, facility manager with Portland police. We have this 2400 ground floor space that we're looking to rent. Long term it will be a community room for us, and in short term we'll move our quarter master to that space while the city does our elevator remodel project. Apparently there's only one elevator to our quarter master office so we need a place to put it. When it gets moved out of there we will use it as a community room.

Fritz: What is a quarter master office?

Sommers: They are the ones that house our police supplies, everything on the uniforms and things like that. Including our radios and basically it looks like a retail store with racks of uniforms and all the supplies they use for their uniforms. It's basically a storage space with one person managing the entire program.

Fritz: Currently they go to the 16th floor?

Sommers: That's where our mechanical room is. It's a windowless environment. This will be ground floor space with windows and long term that will be turned into a community room and we would like to move our quarter master to our training division where it belongs. That's kind of the short and long term plan for the space.

Fritz: Thank you.

Wheeler: Any further questions? Are there people signed up for public testimony on this item?

Moore-Love: They may have been signed up for the morning session. Charles "bridge crane" johnson, jeff dubois and maggie.

Wheeler: Very good. There being no further questions please call the roll.

Eudaly: Aye.

Fritz: Really good that it's become available. Aye.

Fish: Aye.

Wheeler: Aye. The ordinance is adopted. Thanks. Appreciate it. Thanks for your patience coming back this afternoon.

Wheeler: Next item, first on the regular afternoon agenda, 726.

Item 726.

Wheeler: The 150,000 for mediation services pilot program was included in the 2019-2020 fiscal year budget in response to a request for services from the rental services commission. To ensure the program designed for the pilot is targeted and effective, the bureau will be working with the program design experts at Portland state university and service providers in the community. As the housing commissioner I will commit the housing bureau to keeping the city council informed on the implementation and outcomes of the pilot program as we consider future permanent programs for the rental services office. We have matt tschabold from the housing bureau -- I don't know if you want to present or take questions.

Matt Tschabold, Housing Bureau: Matt tschabold for the record. The focus of Portland state university will be to compile data sets and do quantitative analysis on major issues that could be addressed through mediation services, then to engage through qualitative analysis with renters and landlords, our rental services commission and industry and stakeholders associations to cede some of the issues that could be resolved through mediation and then help us with the program design of the pilot. They will not be administering the pilot. We'll do a separate rfp process for a community-based organization to administer the mediation services themselves.

Wheeler: Very good. Questions? We lost Karla. She will be back. She never leaves for long. Do you see how we miss you when you're gone? [laughter] literally. City hall comes to a grinding halt. Is anyone signed up for public testimony on this item?

Moore-Love: No one signed up.

Wheeler: Please call the roll.

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

July 31, 2019

Wheeler: I would like to thank the entire Portland housing bureau staff, specifically both director shannon callahan and matt tschabold and cupid and tanya on my staff. The ordinance is adopted. 727.

Item 727.

Wheeler: I'm pleased to bring forward the rental registration fee, which has long been a commitment and a priority of mine to help support the office of renter services and establish a system to collect more accurate data of the rental market in Portland. In 2017, we set a rental registration fee for all units in the city of Portland. In the first year of registration we did not charge a fee. We wanted to encourage voluntary compliance for landlords but it's been clear from the beginning that a fee would need to be established. We asked the revenue division in the Portland housing bureau to return to us this year with the established fee. Since 2017 we have made consistent progress in increasing the city role in landlord-tenant law and services including the rental services office, the commission, adopting local landlord-tenant law, increasing landlord-tenant services and increasing training and education services. Roughly half the work being completed is funded with one-time funds and we need to find a sustainable and responsible way to pay for the rental services office. Portland is one of the only cities our size to not have a rental registration system in place and fees to cover the basic services. We're behind the curve and this is an imperative first step to allowing a more robust and streamlined support for renters in our community. This council has made it clear the importance for data driven policy making. This fee will support the maintenance of an expanded registration system, something that I'll be back in the fall bump to ask for support of this council for funding for the procurement of the expanded system so that we have data not just on the number of units and their location but accessibility, general unit characteristics and other relevant market data. The recommended fee is in response to the budget note we included in our adopted budget. This fiscal year and it's reasonable when compared to other cities in the region and across the country. I'm now going to turn this over to director callahan and director lanham and their team for more background on the process that got us here today.

Shannon Callahan, Director Housing Bureau: Thank you. I'm shannon callahan. Matthew and I will provide you context for the item including an overview of the services being provided by the rental services office and details regarding the implementation of the rental registration system. Then thomas lanham and I will talk about some of the factors that we considered in crafting the recommendation before you today. In 2017, the rental services office was established within the Portland housing bureau. The rental services commission was also established. It's a 12-member commission which serves as primary public forum for discussion of rental housing law and regulation, renter owner programs and services within the city of Portland. In 2017 council also authorized new funding to increase direct services to provide additional legal assistance as well as expanded education and training services. In addition, 2017 was a busy year, council passed a temporary relocation assistance policy and tasked to the housing bureau with leading a technical committee to address and make recommendations regarding permanent relocation assistance policy. Last year council approved the rental registration requirement requiring that all units, rental units owners in the city register their units through the business license tax platform. As the mayor mentioned to encourage voluntary compliance council did not set a fee for the system within the first year, and back filled the expenses with one-time resources. Without a rental registration system it's impossible for us to determine who may be providing rental units within the city of Portland. To ensure that we were reaching out to as many property owners as we could we sent a mailer in collaboration with revenue division to all property owners in the city of Portland regarding the rental registration requirements. Also in 2018, council passed a permanent relocation

July 31, 2019

assistance policy and tasked the housing bureau with administering the policy and processing exemptions. Since passage the housing bureau has provided landlords technical assistance and processed exemptions without fee for the service. Instituted new culturally specific housing enforcement programs and piloted an expungement program in 2018. This brings us to our current item this afternoon, which is talking about what we're doing in 2019. As you know, council recently adopted a security deposit requirement as well as application and screening criteria requirements and tasked the housing bureau and the revenue division to bring you a rental unit registration fee. We are also implementing a mediation services pilot which you just heard in the prior item and we're increasing our education and training services for both landlords and tenants. The goal of our service to landlords in our increased tenant and training services will be so that they both understand and comply with local, federal and state landlord-tenant laws it's hoped by providing those services and reduce conflicts between landlords and tenants and reduce liability for landlords that they may not understand the changes that have recently occurred at the state and local level. Going forward in 2020, we believed that if the fall bump request that the mayor just mentioned in his opening remarks is approved we would procure an enhanced rental registration system and work with our rental services commission on recommendations for the type of data to be collected. We would anticipate bringing that system online in 2021. In alignment with the timing for the new business license tax platform as well we anticipate continuing to increase our education and training for both landlords and tenants. Now for an overview of our plans in more detail for the rental registration system i'll turn it over to matthew.

Tschabold: Again, matthew tschabold of the housing bureau. As the mayor and shannon mentioned council last year passed a registration requirement and I would like to thank our partners on the revenue division for working with us to make that happen. We were able to use the business income tax filings as the mechanism to register units, but that has significant limitations on the data we can collect. It's the address of the unit, location of the unit, and we can through the filings try to understand the number of units per landlord. But there have been conversations that we have had over the past couple of years as city council has considered various local landlord/tenant policies and services where there have been questions that the housing bureau has not been able to answer, and a general desire for additional data, so we have contacted some vendors to try to get initial preliminary bids on an off the shelf con fig rabble system that has the ability to collect as the mayor mentioned data on accessibility, other unit characteristics, market data. So should the housing bureau be appropriated funding for that we will go through a process with the rental services commission, with council members, with the public to have a discussion about what data we should be collecting to better inform our public policy decisions.

Callahan: As to the recommendation for a fee the housing bureau worked with the rental services commission, which in april of this year recommended that if a fee were to be adopted that the fee should be administratively simple and is easy to communicate. That a uniform flat fee would best accomplish this goal. We considered council's direction and are recommending a fee that will fully cover the unfunded rental services office costs, provide resources for maintenance costs for an expanded rental registration system, and ensure that the fee revenue will be used exclusively for rental services, office costs and costs of the revenue division in administering the system. Therefore we are recommending an annual rental registration unit fee of \$60 per year with an exemption for regulated affordable housing and adjustments with the consumer price index west. With the average market rent in Portland being equating to \$1425 per month, the fee equates to approximately one-third of 1% of the annual average rents in Portland. Now I would like to turn it over to thomas to add some comments from the revenue division.

July 31, 2019

Thomas Lannon, Revenue Division: Thank you. Thomas lanham from the revenue division. I'll keep it brief. It's been mostly covered. Generally a fee needs to provide benefit back to those who pay it. This one does through the services provided by the rental services office. One of top considerations that we have in revenue for any tax or fee is administer ability. We look for a structure that is easy to verify, explain and understand. This fee meets all three tests in terms of being very straightforward. As far as the rate we set it at \$60 because this is the rate we feel most likely to cover the costs of the program as we understand them today. We're estimating revenue yield at this point with no prior track record to look at so we may need to make an adjustment in a prior year and we have been given prior authority by you to make that change administratively if it's necessary. I will stop there and happy to answer any questions.

Fish: I have a few questions, mayor.

Wheeler: Commissioner Fish.

Fish: I have some basic questions. Excellent presentation. Director callahan, the \$60 that we're proposing to charge, how does that the charges at sister cities that you canvassed?

Callahan: If I might, commissioner, thank you for the question, Karla, would you turn back on the power point for a moment? Commissioner, I would like to turn it over to matthew to answer more of your questions. He's done the research. We're putting up a slide for you so that you can see some comparitors.

Fish: I would like a very high level answer, if I could.

Tschabold: So the back page of the memo includes additional cities but we included these five that only to illustrate the fees in different cities but different structures. I'll hit them at a very high level. Gresham charges a first unit fee and then a variable additional unit fee. Minneapolis charges a building fee and a unit fee. Seattle charges a first unit fee then a flat additional unit fee. Philadelphia has a flat per unit fee similar to the fee we're proposing. Then dallas has a variable fee structure for single family versus multifamily. As far as rates, fairly comparable there are various structures but we have heard from the jurisdictions we have contacted as well as stakeholders that a float fee is the easiest to administer and to understand.

Fish: Thank you. Director callahan, it's two years from now and we're getting a presentation from the auditor on her first audit of this program. How do we ensure that the proceeds of this fee are dedicated to a particular account and not interspersed with other funds?

Callahan: Commissioner, we have ensured they would go into a special fund with the housing investment fund fort rental services office only. Then we would look to our budget office as well as council through the budget process to ensure that those fundings remain in that --

Fish: Goes into a dedicated fund?

Callahan: It would go to a dedicated funds. The only costs taken out is the costs of revenue division has already indicated would be the cost of administering their system.

Fish: To thomas lanham, what do we anticipate will be the compliance rate when you look at this and you forecast over the next five years, obviously we have some experience with the yards tax although that may not be comparable. Some experience with other fees in terms of compliance. What are you predicting with respect to these fees?

Lannon: Initial compliance we think will be about 60%, climbing to 90% as the program matures. Over all tax compliance rate is just north of 90% at the peak of each year. This program ultimately should mirror that. Particularly for two reasons. One we have recently executed a contract to replace all our databases and revenue and will soon be able to leverage taxpayer information in a way that will help reveal rent income that we can't currently access. We will in very real way be able to pinpoint who we should be hearing from around this. Of course the second benefit is in approximately fy-21-22 we will be

July 31, 2019

implementing efilg making it easy to comply with this. Using turbo-tax, it will be an initial wizard for the taxpayer to comply.

Fish: For similar kinds of fees, what tools do you have available to you to ensure compliance?

Lannon: Primarily tool that we'll be using is the federal taxpayer information.

Fish: That's how you cross reference. I'm talking about what's the carrot and stick. What is the stick?

Lannon: Any taxpayer that fails to comply with all the tenets of our tax code is subject to up to a \$500 civil penalty per year per jurisdiction, in this case it would just be Portland, not the county. There's the ability to implement a penalty and that would be something that we would be looking at. It would depend on taxpayer circumstances. If the taxpayer owed not only the rental registration fee but had other outstanding tax debt the full \$500 would certainly be implicated in that circumstance. It's likely that we would promulgate an internal policy or procedure to perhaps bring in lower penalty. The penalty is up to \$500 is our authority so we could make it more reasonable given that this is a \$60 fee.

Fish: I think we have to be careful. I think a penalty that is almost ten times the fee is going to be suspect. So I would look forward to hearing from you on that. I'm assuming director callahan that will be doing aggressive outreach and education in years one and two in aid of making sure people know whatever we land on here that they have to do it, and we may have a golden period where if they have a good faith reason for not complying they don't get dinged?

Callahan: I think so. I also think that we are currently -- the revenue division is currently receiving filings in the present time from tax filers, so they -- 2019 is the first year of the registration with voluntary compliance, no fee. I know as we gather more information and they are registering ahead of time it will be easier for us to communicate with them about the fee.

Fish: Thank you. Thank you, mayor.

Wheeler: Commissioner Fritz.

Fritz: Thank you for your work on this. Could you explain a little bit more about the exemption for affordable housing under the guidelines of the united states department of housing urban development to households earning no more than 60%, how does somebody qualify for that?

Callahan: We would be proposing that this is regulated affordable housing. Agreements that landlords have in place with the city or other jurisdictions that have assured that they are keeping rents at 60% or below. So it would not be a market solution necessarily but where there are regulated units that are requiring you to keep your rents affordable at 60% or below.

Fritz: Did you consider an exemption for any affordable housing and saying what that is?

Callahan: Looking at the market to try to determine what the rents rates were and if they were a lesser amount --

Fritz: Yes.

Callahan: We considered a variety of different options but we currently have no way to collect data presently on rents or any way to verify what that private market is. Actually charging I know thomas and I have recently had a discussion about the possibility of doing that in future years based on changes that will be implemented through the upgraded business license tax platform, but at the present moment there is not a way for us to do that in a verifiable way.

Fritz: What about exempting mobile home parks? From what I have been reading rents there tend to be much less if you're just renting the ground. You mentioned one-third of 1% for the average home but more like 1% if you're only paying 500 in rent.

July 31, 2019

Callahan: I would take a moment to make sure that the definition of dwelling unit would include space rental. I would want to double check. I would look to matt on that. Many mobile home situations are not just space rental but you're actually renting many folks living in the parks are not necessarily owners of their coach but renting both the unit and the space. Matthew, would you proffer --

Tschabold: They are under the current requirements they are rental dwelling units under state law and would be subject to the registration requirement. The census estimates around 900 manufactured home rentals in the city of Portland.

Fritz: That probably should be something that should be considered, exempting them. They are some of the most naturally affordable rental housing in Portland. That just seems like an expensive \$2,000 a month condo in the pearl paying the same \$5 as somebody living in a manufactured home park just doesn't seem reasonable. Did you look at other kinds of fees, somebody suggested why don't we have a fee on the new construction of apartments and condominiums that's valued over a certain amount of money. Was that considered?

Callahan: For their rental registration fee itself?

Fritz: Yes.

Callahan: We do have a separate excise tax levied on new construction of apartments and dwellings in the city of Portland. All of those funds flow for the development of new affordable housing. We actually do have a construction excise tax in existence in the city of Portland which captures that new development. We did not consider a different structure for rental registration fee that would charge only new units being created versus older existing units. Frankly I think our rationale and the rationale would be that the services that we're providing and the data we're trying to seek collecting owe of the rental registration system are necessary in both circumstances whether they are existing units or newer units. So we're getting phone calls from landlords, we're doing a service for landlords whether they are landlords of a new building or of an existing stock.

Fritz: Okay. Can our -- add to this new fee on to their existing leases or do they have to wait until the lease renews to pass it along to tenants?

Callahan: Any rent increase that they were increasing by would be subject to state and local laws. I could not speak about individual situations that a landlord may be in in the particular lease or whether they have already made an increase in excess of state or local law. I could not answer that blanketly.

Fritz: I'm not a lawyer either. I'm wondering at what point this gets -- who pays it this year and i'm wondering about implementing it right now rather than giving notice so landlords can build it into their budgets. Is this intended to go into effect right away?

Callahan: It's intended to go into effect for this tax year and next year's tax filing, 2020.

Lannon: So it would be due in april of 2020.

Fritz: Starting on implementation, so six months.

Lannon: Effectively, the effective implementation date is january 1, 2019, however payment is not due until april 15 of 2020, many filers will extend, so some leases will be caught wholly -- there will be no opportunity for revisiting the contract versus others would expire between now and april.

Fritz: I thought we were not allowed to do retroactive taxings.

Lannon: Yes, we can. We can. Given the materiality of the \$60, it didn't raise a flag for us in revenue.

Fritz: Thank you.

Wheeler: Any further questions? Good presentation. Thank you. Karla, how many people do we have signed up?

Moore-Love: We have 13.

July 31, 2019

Wheeler: Let's do two minutes. If everyone could stay within the two minutes it would be appreciated.

Wheeler: We're not taking a vote on this today. If people want to provide written testimony we'll certainly accept that as well. Good afternoon. Thanks for being here.

Marc Rogers: I'm mark rogers. I'm an apartment building owner with my wife kathy. We own a building on 19th and hawthorne. We provide an alternative housing in that area. On the 26th Oregon live came out with an article outlining this proposal. I was sitting with my 21-year-old son and we decided to look at the comments in the section. So we read through those.

Fish: You were looking at Oregon live? That's a cry for help. We discourage you from doing so for your own mental health.

Rogers: Do you mind if I finish what I have to say?

Fish: In the spirit in which I offered it I appreciate the spirit in which you made your comment.

Rogers: Fair enough. The majority of the comments were opposed to the fee structure. I guess my comment is that if you're not paying attention to what people are saying, then are you really listening to your constituents. I also talked to a commercial realtor and a client of mine and he shared an email exchange between himself and one of you. I'm going to read that. It's anonymous because I don't feel like I need to point anyone out specifically. He said so to answer your question I would likely email all my tenants and let them know due to policies of city council their rents will be going up \$25 a month of the most of my tenants have not seen a rent increase in two or three years and I think you would consider the bulk of them affordable. Council person responded. Thank you. I share your concerns. Will you pass this fee along to your renters? I think I would if I rented a home. I think it's a very polarizing subject, and I think it's easy to look at landlords and demonize them as uncaring and interested only in the bottom line. I would like to share a story. It might take more than 27 seconds. For 11 years I have had someone living in my building for free. We pay his utilities and we provide him with a cell phone. Probably a thousand a month, maybe \$12,000 a year. We don't have a formal agreement. We don't even have a handshake. But what we have done is he looks out for my interests and I for his. Think that's the Portland thing to do. That's what we have shown we're willing to do and have done for the last 11 years, so that's really my closing. I would hope that you would reconsider this and maybe take more input.

Fish: Can I make a quick comment? My inept attempt at humor which you very nicely parried, I was pointing out the fact that not only is the internet not the first or second or tenth place I go to look for feedback for a lot of reasons, but I have noticed that Oregon live is that no one uses their real name. You may have a different experience, but I can't tell who is sending the comments and if I can't tell I actually don't know whether they are my constituents.

Rogers: Very fair.

Fish: Number 2, I asked previously and I think you were here for this, staff to tell me what's the occurrence in other cities, do they have a few and how much. Some cities charge more for that registration and have a different way of doing it. Can you tell me, because I sincerely am interested, in what way do you feel that discussing this fee cons tights demonizing landlords because i'm sensitive to that issue in part because to me this seems like a straightforward issue. We can disagree about what kind of fee and how it's structured. I like to hear people say there's a better way of doing it but how in the course of this discussion about this particular fee you believe landlords have been demonized?

Rogers: I think that's a fair question. I think that the policies of council over the last couple of years have been very negative towards landlords. I think that maybe the use of demonization was not the correct word to use in that.

July 31, 2019

Fish: If you believe this commissioner has demonized less than landlords as part of this discussion I not only invite you I insist that you call that out and let me know. That I think is a -- we can have agreements or disagreements in this room. In this current environment in this country which i'm getting awfully sick of all the divisiveness and negativity, we ought to be able to have a conversation. If you feel put upon or the climate is wrong, if i'm contributing to that i'm asking you to call me out.

Rogers: Perfect. I will. Thank you.

Eudaly: Thanks for coming back again. I remember your previous testimony and I kind of want to join commissioner Fish in saying it's not certainly my intent to demonize landlords. Some of my best friends are landlords. [laughter] but seriously, friends, family, we do have a number of supporters who are landlords. I really admire and appreciate the way that you treat and serve your tenants, and this kind of exceptional situation you have described. I'm wondering, it's a question for bureau staff, if you have a unit that you don't collect rents on would you be required to pay the fee. I also can't help but wonder if we could help your tenant connect with some services or supports they may qualify for, especially through the county. My question about your testimony is why would your friend feel compelled to raise the rent more than five times the actual cost of the fee? It's a \$60 fee and \$25 a month would be \$300 annually.

Rogers: You know, I can't answer that because obviously I can't speak for him. What I can say is that any time any commodity, the price of a commodity goes up that's typically passed on to the end user. If the price of diesel, a loaf of bread at fred meyers goes up fred meyers is going to pass that along at their store. That's the way businesses work. I think sometimes in my opinion landlords are not necessarily looked at as small businesses. We're small business. We're not any different than any other mechanic shop or a coffee shop or a restaurant. We're small business people. I think in my opinion the attitude of this council in the last two years has been that we're in some way not a small business, that we're something different than that and that we're not good people. And we are.

Eudaly: I certainly don't want you to leave these chambers thinking that. I was a small business owner for 22 years and I would say in fact I want landlords to recognize the fact they are business owners. We hear from a lot of especially small business owners who feel it's something they do on the side. It's almost more of a hobby or a supplement. They feel that some of the regulations are forcing them to professionalize in a way they are not equipped to do. I see you as a small business. I just question, you know, I was lucky to be able to double my costs on anything. Granted I had a bookstore and books come with a preprinted price on them. Unfortunately rental units don't, but I think that it's hard for me to take a comment, not you but your friend's comments seriously because that's not reasonable.

Rogers: Just to make a point, we're a commercial realtor. We deal in smallplex properties. Duplexes, triplexes, fourplexes mostly. Two years ago if you could find a dozen duplexes on the market close in northeast southeast or northeast Portland southeast, you would be lucky to define that. There was none on the market. I checked two days ago there were 61 duplexes on the market in north northeast and seeth Portland close in zip codes, five or six of those were new product. So a speculator, developer made those. There was maybe a handful, outside of 82nd. The rest were all very close to the downtown core. Feedback we get consistently is that the small mom and pops, people that own a duplex, maybe two of them. Don't want to deal with security deposits, amortization schedules, rent control. The sophistication level for them they decided to get out so that takes inventory off the market. It also adds cost.

July 31, 2019

Eudaly: I don't think that we can draw direct correlation between our regulations or policies and changes in the real estate market without adequate data, but I will say there's a plus side to having more housing on the market.

Rogers: I don't disagree with you at all.

Eudaly: And that rental services office will actually help landlords navigate these rule changes. It kind of supports this item. We should probably move along.

Rogers: I appreciate your time.

Fish: Thank you for your courtesy.

Wheeler: This was a good discussion. Thank you.

Kathy Rogers: I'm Kathy Rogers. This fee in and of itself may not seem like a huge deal, but I think as Mark alluded to, coming on the heels of everything else that's been thrown at landlords over the last two years ago, it feels a lot like the straw breaking the camel's back. I think a lot of small landlords feel like all of the costs and fees and complexity will be dumped on the landlord, not shared by the tenant. If this is to support the rental services commission, which I have been in contact with and as far as I can tell about 90% of what they do supports tenants, why are the tenants not paying the fee? How about with every lease renewal the tenant pays the \$650 fee. Why is it 100% paid by the landlords is my first question. With the mandatory renter relocation assistance, elimination of no cause notice evictions, rent control, new tenant screening ordinances which our attorney can't even figure out and he's a real estate attorney, security deposit ordinance, the rental registration program, this is all come to us in the last two years. The UR and placarding ordinance which was overturned in a federal court, now this, it's very difficult to navigate. I will tell you that a lot of small landlords are afraid to rent out their properties. They are afraid of being sued, of not following the rules. A lot of single family and duplexes being sold are being purchased by owner occupants. Those are rental units being taken off the market. We never used to raise our rents every year. We have to now. Every year on the anniversary, 100% of the time we raise rents to the 100% maximum we're allowed because of the actions taken by this city council and we never used to do that so I want you to think about everything you're throwing at us may be hurting the people you're trying to protect.

Wheeler: Thank you. Good afternoon.

Michael Havlik, Deputy Executive Director Multifamily NW: Good afternoon. I'm Michael Havlik. I'm deputy executive director from multifamily northwest. We make up 40% of rental housing supply and as such prior to joining multifamily northwest I worked for several firms and home forward as director of asset management. I have passion for housing affordability and rental services. All told I have 26 years experience in property management including conventional multifamily housing, affordable tax credit, public housing, permanent affordable housing and special needs housing. My associates are dismayed with the registration fee, another layer of tax on housing adding to a cost of the market already in process. It offends common sense that implementation will cost millions each year. The commissioner asked about fees. For the comparable 200 unit property in Seattle the fee is \$575. \$2.88 a unit. Compared to 12,000 for the comparable 100 unit property in the city of Portland. In other words the city of Portland's rate will be over 20 times the amount of Seattle. We estimate by year 10 of the fee scheme the city will have collected \$58 million that will do nothing to create more affordable housing. It's ultimately a tax on renters impacting those most who have lower incomes and do not have the good fortune of living in regulated affordable housing which receives the special carve out. With the housing supply shortage what rational jurisdiction would meet this out? The city is creating inequity across all housing renters by imposing a fee for the sole purpose of [audio not understandable] if you're truly striving to provide solutions to the problem for the lack of affordable housing across the continuum of housing you would pin the path through

July 31, 2019

house bill 2001 and 2003 which both work to create diverse, inclusive and vibrant housing opportunities throughout our city. Additionally, the city should reassess its posture towards housing providers it has demonized over the last several years. These providers are big piece of the solution and you should view our members as willing partners in the goal of making housing more affordable and accessible to all Portlanders.

Wheeler: Thank you for your testimony. Next three, please:

Jill Warren: Good afternoon. Mayor, commissioners, i'm jill warren. I'm a mom and pop landlord in the city of Portland for 30 years. We have 34 units, so it's \$60 per unit we'll be paying \$2040 a year to support the program. I just think that's too high. \$60 per unit. I appreciate the previous conversation about the demonization. I have felt that some of the mandates that are being brought down by this body is actually it hurts our industry like for example that you don't want us to factor in the criminal background for a tenant, and that's very dangerous. I just screened an applicant. He had 17 pages of felony convictions including felon in possession of a firearm, theft, burglary, possession of methamphetamine, and to protect the safety of my tenants that is my primary goal is their welfare and safety. So that's why I screen. It's all about screening. Also the mandate to pick the first applicant that comes along. That's not very intelligent to do that. That's why we screen so that -- I run a criminal check, I do a background search. I check your credit history and your previous and currently landlord referrals. I stir it up and that's how I determine their eligibility. So I appreciate our discussion on this and thank you very much.

Wheeler: Thanks for being here.

Eudaly: If I may, i'm interested in hearing people's feedback on this item but I can't allow this forum to be used to spread information -- misinformation about our policy. We're not requiring landlords to not consider prior convictions. That's a choice. The first come first serve, first come first to qualify. We're not requiring landlords to literally rent to the first person that applies. Those are two false statements that you made and I want to ask everyone who comes up here to try to avoid spreading misinformation. Let's debate real issues, the policy in front of us.

Wheeler: Thank you.

Chris Nguyen, Director of Operations Commerce Property: I'm chris wynn, director of operations for commerce properties.

Fish: Bring the mike a little closer. I couldn't hear you.

Nguyen: I'm chris nguyen, direct. I want to talk more about the potential impact of this fee on the market and quality of rental housing in Portland. So we believe that the proposed rental fee will be harmful to renters by reducing new development in low to omoderate housing using upward pressure on housing costs and reducing quality of existing rental housing. This tax combined with additional state and local legislation introduced over the last few years makes it difficult for housing providers to provide affordable housing and reduces incentive to develop new units or keep existing units on the market. Good example is my next door neighbor who has been occupying his house with his wife and two kids for four years is moving out in august because -- I don't know the owner's reasoning but it's on the market now. The proposed rental fee is essentially a tax on renters. Since rents need just to align with the cost of providing housing an example of -- we can look at for instance the current tariffs imposed by the white house how the cost of consumer goods have exponentially increased because of the tariffs. As an example of what adding any extra fees can do to the end user.

Fish: I'm glad you said that because the white house keeps saying they are designed to punish the host country yet we know the cost is passed on to the consumer. We're seeing extraordinary inflation in things like speculative products like steel, the cost that we're bearing as a city in projects where they are using steel are going through the roof because people are betting that they will go way up because of the tariffs yet the line out of

July 31, 2019

Washington is tariffs are punishing the host country, not the consumer. So i'm pleased that you brought us back to economics 101.

Nguyen: I can tell you that I pay \$150 more for -- I pay \$78 more for a water heater, a comparable water heater, now than before the introduction of the tariffs. So lastly the proposed rental fee reduces funds available for maintenance this. Tax for the company I work for will have a \$27,000 annual impact. This fee could hire a part-time maintenance technician. Could allow us to replace 23 carpets, allow us to put appliances in 16 apartment homes. This means that many housing providers will have to choose -- not have to choose, will have to pay fees with funds they would normally use to improve or maintain existing house.

Wheeler: Thanks, chris. Appreciate it.

Margot Black, Community Alliance of Tenants: Good afternoon, mayor, commissioners. I'm margot black from Portland tenants united, a registered lobby organization with the city of Portland and i'm here to testify in support of the fee with minor reservations. I'm going to bypass most of my testimony to respond to a couple of concerns I have heard come before council so far. One commissioner Fritz to say no fees are strictly regulated by 9 state and landlords of Portland would not be able to explicitly pass this on in their fee, however I just got a 90-day notice for a rent increase that will start this november. I'll pay \$150 every single month. One of the reasons my landlord gave me was increased fees by city council. I'm not even sure if she knows about this one yet. She could pay that twice every single month. That's something you to remember. Rents are still allowed to go up by 10% every year and median rents are about \$1500 and will go up about \$150 a month. Frankly as a tenant every time we hear about tenant protections or things that will help tenants, costing us money and ultimately hurting us when my rent can already go up hundreds of dollars a month I would rather it go to the city to provide programs and services to renters than just in my landlord's pocket. The other thing I wanted to talk about today was the expanded rental registration system, make sure that council understands this fee is currently covering a very limited bare bones rental registration system as was already discussed earlier by folks from the housing bureau. I want to remind council how limited that system is and how not useful it is in solving the problems that this rental registration system is supposed to be able to solve. We need to collect data on rents. We need to collect data on vacancy and turnover, on size of units, on no cause and for cause evictions, rent increases, late fees which tenants are charged often in excess of \$60 a month, far more than this fee will be charged to landlords. So please support this fee but please remember work has not been done and who is not being protected and whose needs are not being met until we have that expanded rental registration system in place which was promised, is needed and is not being met yet with our current system and with this fee.

Wheeler: Thanks all three of you. Next three, please. Good afternoon.

Nico Sera: I want to make sure you got his written testimony so you can follow along.

Written testimony provided by Allen Hines to support verbal testimony presented to Council for Item 727:

Mayor Wheeler and Commissioners,

My name is Allen Hines, and I work as a peer mentor supporting people with disabilities to find and succeed in housing. I am here today to express the critical need for the expanded rental registry and encourage Council to allocate funding for the system as soon as possible.

I am going to share a story of a participant of my organization to illustrate why we cannot wait any longer to collect information that will enhance equitable access to housing,

July 31, 2019

especially for people with disabilities. The participant secured a grant to cover housing costs for them and their child. The grant covers approximately \$1250 a month, and once awarded, the participant faced a time crunch to lease up or lose the opportunity. The participant is a wheelchair user and approached my organization to help them find a unit that would work for them.

We had seven weeks to find a unit. Throughout June and the middle of this month, we searched. I reached out to 10 different property management companies and routinely checked their websites for vacancies. The participant scoured Craigslist and Facebook groups for finding housing. In our daily searching, we found nothing that was wheelchair accessible and would accommodate this family of two. With days to spare, the participant came across a unit that had not yet been listed as available and was able to utilize their grant.

That people with disabilities are positioned precariously in the housing crisis should not be news to anyone on the Council. In fact, we've heard stories from policymakers, landlords, and about their family members who have struggled with unmet needs for accessible housing. I encourage you to take action to help those family members and seemingly everyone who has a story about the difficulty of finding accessible housing. Please fund the expanded housing registration system and use it to collect data on accessibility features. Our community needs to know where to find the units that meet our needs.

Thank you.

Wheeler: Thank you. Appreciate it. Thank you for being here.

Nico Serra: All right. Good afternoon, mayor, commissioners. I'm nico sera. I'm a white passing mixed race trans and gender -- I volunteers with people with disabilities as a board choice at real choice initiative with alan. I'm here to support -- show support for the rental registry and talk about the critical need for the fully funded publicly accessible expanded rental registry that includes accessibility and price ranges for each unit which as I understand from your comments, mayor wheeler, will be included in the fall bump.

Wheeler: I can't commit on behalf of the council. There will certainly be a proposal that I will put forward.

Serra: When I arrived in Portland in 2010 I was a rock climber, hiker, snowboarder among other things but that all changed with one bicycle ride about six weeks after I got here. Although I was doing everything right, wearing a helmet, I was on the right place on the road, looking around, aware of my surrounding, a person driving a station wagon wasn't paying attention. He hit me, kept driving and turned a corner. I just barely missed hitting my head on an electrical box when I fell to the ground. The timing of moving to a new state and being hit by a car was made so much worse as the most supportive member of my family, my father was killed in a high profile plane crash and I had just started my transition from female to male. Like most queer and transgender people of color I was disowned by my family. Just a few minutes my life was forever changed. I never understood the importance of accessible housing until I had to scoot around on my bottom to access five of the eight bedrooms I have lived in in Portland. I have had to move my power wheelchair outside where it once became infested with rats. It was disgusting and unbearable and I couldn't clean it so it smelled bad everywhere I went. I spent hundreds of dollars creating makeshift ramps to get wheelchairs inside only to be told that when I got a prescription tore a power wheelchair medicare-medicaid law says you have to have an ada-accessible unit so I had to wait years to get that. I appreciate you giving me some extra time here. Thank you. I can't tell you how frustrating it is to pay \$800 a month to live in a unit I can't use. The

July 31, 2019

stories of making do are abundant in the disability community, and we lived through these humiliating experiences because there's no way to find housing that we can afford. The rental registry is a tool that will help the most vulnerable early in at \$5 a month. In addition to tracking these units the registry would tell us where the stock is and provide essential data to tell us what policy decisions need to be made in the future to create more accessible housing. Mr. Mayor, commissioners, I assure you my story is not unique. Any one of you or your family members could be in my shoes tomorrow. When we talked to your staffers and lobbyists and the landlords every single group had a story about a family member that needed accessible housing so i'm here to ask if we all knew that we need accessible housing can we at least start tracking where it is? We need it. I encourage everyone in the room to think about people and their family or friends that need this accessible affordable housing. We deserve to live lives of dignity. When you get to the point when your bodies change you will need it too. Disability disproportionately affects people of color and other vulnerable populations. We need this registry. The expanded version with accessibility and pricing will be very helpful for us and i'm excited to hear that you will be bringing this forward in the fall bump. Thank you so much.

Wheeler: Thank you. Appreciate it. How many more do we have?

Moore-Love: Four more at least. Was that pam on north east 63rd? Then we'll go with jessica greenlee.

Jessica Greenlee, Infinity Property Management: I'm jessica greenlee with finny property management. I wanted to point out a couple of things regarding the registration fee that I have some concerns around after hearing a lot about this in the rental services commission. One being the cost for the rental registration fee is being dedicated just to administrative and software costs. Right now there is not a line item in here for inspections, which is where the majority of rental registration fees typically go in other cities. I'm sure that that is a program that eventually will be rolled out. So we're starting at the high end at a \$60 mark for a per-unit fee. The other major concern that I have is that this is rolling out at the same time as properties are incurring a lot of other additional expenses associated with legislative changes. This fee represents about 10 to 15% of the over all increase in costs that properties will bear due to some of the changes regarding the screening criteria and the security deposit ordinance. Rolling this out at the same time is definitely adding to that level of burden and making it that much more challenging for work out for new supply. Also the fact that it's essentially charging for the past year, so it's going into effect as a retroactive fee. So those are just some things that I hope that you would consider as you look at this proposal. It's obviously there's some great services and programs that the rental services offices are operating, and that they will be expanded in the future. Fully focusing on funding the rental services office just through a registration fee I think is quite likely not feasible when you look at the expansion of what those program needs will be in the future. Thank you.

Wheeler: Thank you for coming in.

Sarah Iannarone: Hi. I'm sarah. Nice to see you all. I'm here to testify in support of the \$60 fee but with caveats. To ensure adequate housing stock municipalities need to design and implement policy based on practices based on complete data. I appreciate what we have done so far to have landlords register with the city but we need to think beyond that. I appreciate the effort to create a permanent funding stream via the proposed flat fee maintaining rental services office but there's an opportunity here for us to move the rental registration program out of the half kept promises column and start collecting all of the necessary data we need to ensure adequate supply of the right mix of affordable housing in our city. I'm hoping city council will approve this fee when it comes up for a vote recognizing it's not nearly sufficient. We need to circle back on this in the fall bump and aggressively expand the rental registration program making investment in software,

July 31, 2019

program administration to fund the additional data collection that we need. State level policy hinges on us set up a system that provides the way information that we need but we're not collecting. If Portland is going to be serious about realizing the right mix of rental housing supply we need to move beyond base funding and gather expanded data for our decision making. So please support what we're doing today but don't stop there. We need to commit to implementing via the fall bump the robust data collection mechanism in a dashboard that delivers to our community the voter information we need for a thorough understanding of the rental landscape in our community.

Wheeler: Thank you. Good afternoon.

Mary Sipe: Good afternoon. I'm Mary Sipe. I support this fee. I'm very much in support of the rental services office. I have heard a lot of really good testimony today and a lot of really good feedback. In the past, it has been my observation on most of these ordinances that you'd been working on, especially relating to rental, tenants and landlords, you have taken feedback and gone back to the drawing board, and you have amended and you have made changes and you have modified, and I can see where I think that some testimony today gives you the opportunity to go back and work on this a bit more and address the issues and concerns. I was thinking about how you came up with the \$60 fee, and to me, you need to identify really how much funding do you need, is the first year going to be the most money because of the technology that you need to buy, and then you kind of back into how much the fee needs to be once you know how much money you need to have. So, I just -- I just want to encourage you to, once again, to -- I definitely want to see this move forward. We are talking about \$60, I was confused because on one hand they were talking about passing it to the tenant, and on the other hand I hear it cannot be passed onto the tenant, so I think we need clarity there. I just want to support it and ask you to do your due diligence once again.

Wheeler: Commissioner Eudaly.

Eudaly: Mary, the distinction is the landlords can't add a \$60 fee to the lease, but they can roll it into a rent increase. Within the constraints --

Sipe: Yeah, okay.

Wheeler: Appreciate it. Was this one more person, Karla?

Moore-Love: Yes. Katrina Holland.

Wheeler: Good Afternoon

Katrina Holland, Executive Director Community Alliance Tenants: Good afternoon. Greetings, council member, Mayor Wheeler. Thank you for the opportunity to -- oh, for the record, I am Katrina Holland, executive director of Community Alliance of Tenants. Again, thank you for the opportunity to sit before you today to talk about rental registration. I am pretty sure you will not be surprised to know that the CAT is very supportive of the effort when it comes to the fact that we will have a reliable source of information to collect and understand the housing data within the city of Portland and when it comes to the fee. However, they did voice in the rental services commission meeting we think that it is absolutely imperative that we understand that this fee in comparison to what the city needs is, actually, really low. Considering the degree of programming, members of the RFC are advising on and asking for to support the rental market, again, this fee is very low. When it comes to the variety of services that both landlords and tenants are asking from the city, we don't believe that 60 per door would cover the cost, considering the degree of revenue options available to us from the state and local government, I am just not sure where the extra money is realistically going to come from to support these critical asks for services requested again by both landlord and tenants. Assessing the fee makes sense because we will start to lessen the burden of taxpayers putting -- footing most if not all of them supporting landlords and tenants to understand their rights. It is a common argue that we hear from the managers that it should be mitigated by government intervention, even if the

July 31, 2019

direct benefit to the market actors materializes in a way that is individual or for a select few. The cost to provide requested programming is very expensive and to expect taxpayers to foot the bill has been necessary because we had no choice, but now that this option exists, I think that it makes sense. We also think it's unfair to make services for half the population in Portland who are renters, and an unknown amount of landlords rely on volatile, non-guaranteed politically fraught, one-time funding mechanisms when we know that these critical services are needed on an ongoing basis. Existing landlords and tenants need information on their rights for housing education and enforcement is critical on both ends, and serving our most vulnerable -- populations only makes sense so we support this fee and we hope that -- thank you for your commitment to evaluate whether it is enough, we hope that this fee goes up given the cost it is going to cost to maintain services requested by both landlords and tenants. Thank you.

Wheeler: Very good. Thank you. That completes the testimony. This is a first reading, so we are going to move it. Is there anything else before we do so? Very good. This is a first reading of a non-emergency ordinance and moves to second reading. Thank you, everyone, who testified today. [gavel pounded] next item, please, 728. Commissioner Eudaly.

Item 728.

Eudaly: Oh, boy, all right. Thank you, mayor. Pbot staff occasionally identify the need to clarify and update the city code. Pbot staff are bringing updates to multiple sections of title 16 and 17 to council for consideration and adoption. These changes are primarily administrative in nature to address changing bureau practices, updates to out of date terminology, and to clarify previously ambiguous code. Pbot staff member Matt Burkow is here to answer any questions that the council may have. Welcome and please state your name for the record.

Matt Berkow, Bureau of Transportation: I am Matt Burkow. We are bringing -- we assemble a number of updates to the city code. These are a combination of cleanup, clarification, and a few that are more substantive. I could step through the impact statement if that would be helpful to walk through each one.

Wheeler: Okay, great.

Berkow: So first one to 16.20, public right-of-way parking, first element is we have a lot of areas of our code that reference meter hoods, we no longer use parking meters so this is an example of cleanup, just changing the language. We don't use meter hoods to reserve the parking spaces any more. The other thing that was in this code is the authority to issue parking reservation permits. We revised this with the director of the bureau of transportation. This just matches our authority at the bureau. It used to be the city engineer and traffic engineer, and we have updated title 17 with this in the past so this is just making title 16 consistent with that. And the other element in here is we removed the reference to the special traffic control district. This is the downtown area. We used to have development activity, mostly concentrated downtown so we would regulate the closing of parking spaces with vision zero with the city's commitment to insuring that we accommodate the people walking and bicycling through construction zones. We now manage the parking throughout the city, so this change flexes the expanded authority of the permitting citywide. That's the first one. Okay. And this second element of 16.90 was again, referencing the meter hoods. 16.50, vehicles allowed on the transit mall. You may recall that a few months back we came to you with an emergency ordinance to allow for the closure of the auxiliary vehicular lanes on the transit mall. Currently, it is not permitted to close those lanes between 6:00 a.m. and 7:00 p.m., maintaining the vehicle access on the transit mall. But, periodically, there is a need for construction, otherwise, to close it, so this is just granting the authority for short-term three days or less closures provided the -- with TriMet's approval. We are working on a subsequent admin rule to kind of clarify that the applicant needs to

July 31, 2019

demonstrate why they cannot perform this on private property or, you know, on the weekends or nights. The next one was a very simple cleanup where we changed the name of a position, and so we are just making the code consistent removed one word from the title of a position. I am flipping to the next page. 1715, this is the transportation system development charges. There was a confusion where the discounts would be applicable, particularly, in some overlay districts, so this is clarifying that it kind of read a discount would not be applicable in these districts, and that it's referring to the citywide sdcs, the discount is applicable, so just clarifying that, the discount is not applicable to the particular sdcs, the north macadam and innovation quadrant, so it's a clarification of that code. Another clarification for sidewalk cafes, the cafe language says that the furniture must be placed on hard surfaces. We added that, but not in the driveway approaches. So if there is a driveway, sometimes they are expanding it into that, so we are making it clear for people. 17080, so we had the gateway master street plan. This was existed as code, and the typical practices when we update the transportation system plan, we amended the tsp to reflect the street plan, which renders this code no longer necessary so we are moving that. The 178-8090, about the local transportation infrastructure charge. So we removed the previously added provision g. The change was initially recommended by the office of is the ombudsman, however staff found that the program could have unintended negative consequences on property owners, and this is a provision that has never been used. And the next one was another 171-0720, this is a -- another cleanup. It referenced a policy of the tsp. It was updated. That number changed so we had to change the number here. So, a simple cleanup. Finally, 17109, relocation benefit appeals, the -- this creates a process wherein the rare instances that the city has to relocate somebody off their property, that they have a process where they can appeal the benefits that are proposed for them.

Wheeler: Great. Thank you. Pretty straightforward. Appreciate it.

Berkow: Great.

Wheeler: Any further questions? Any public testimony on this item, Karla?

Moore-Love: No one signed up.

Wheeler: So I know this is actually kind of tedious work going through and cleaning up old code, but thank you for doing it. It's, obviously, important that it be done well, and we had a code change in front of the council a week or two ago, and we noticed that there was still some cleanup to be done on it. So I appreciate the thoroughness with which you put into this. Thank you. And this is a first reading of a non-emergency ordinance. It moves to second reading. [gavel pounded] thanks for your hard work.

Berkow: Thanks very much.

Wheeler: 729.

Item 729.

Wheeler: Commissioner eudaly.

Eudaly: Thank you, mayor. Portland parks and recreation will be renovating and reconstructing the mt. Tabor maintenance yard as part of the improvements pp&r plans to construct a multi-modal path on city property to connect mount tabor park to southeast division street. This connection has been a city goal for decades, and in 2010, the pads was is also included on the Portland bicycle plan for 2030. So, it looks like we are going to beat that deadline, very exciting. The agent with pbob is here to paren, and someone else is here, as well. The name I do not have, and maybe you are not even carl.

Karl Arruda, Bureau of Transportation: I am.

Eudaly: Well, welcome carl, and police state your name for the record.

Arruda: I am carl ruda, an agent with pbob.

Robin Laughlin, Parks Bond Program: Hi, I am robyn, the bond program manager, and with Portland parks and recreation, and managing the park improvement project here.

Wheeler: Thank you.

July 31, 2019

Arruda: And so thank you, commissioner eudaly, and mayor wheeler, and commissioners. As mentioned this proposal is connected with the mount tabor park and maintenance yard renovations. This vacation proposal was initiated by the parks bureau as part of the renovation project. The ordinance before you would eliminate a small piece of southeast 64th avenue just south of southeast sherman street where 64th dead ends at the maintenance yard. This piece is no longer needed for street purposes, and pbot has no intentions and has not had any intentions of pushing a full street through to division street, and so, it's part of the project. Pbot was agreeable to vacating this, and so by vacating it, the east half of this vacation area would go to the parks bureau and where they would be able to use that for their multi-modal bicycle and pedestrian path to connect mount tabor to division street. As commissioner eudaly mentioned, this has been a city goal for a number of years. Pp&r completed a conditional use review as part of the maintenance plan to include this piece of the vacation area in mount tabor park and to get authorization to put the multi-modal path through this area. As part of the usual vacation process, we contacted the city bureaus and other agencies for comments. We also notified the neighbors in the designated affected area prior to the planning and sustainability commission hearing and also again prior to this hearing. As part of the comments, pbot staff requested that we reserve what we call a springing trail easement over the pathway so that if the maintenance yard area was ever sold off or transferred to a different entity, the pathway would be maintained as a public trail. The bureau of environmental services also has requested sewer easements for a sewer pipe that goes down pretty much the center of that part of sherman street, so again, bes will have the easements to protect the pipe, and it will be 7.5 feet wide on each side of the pipe. The west half of the vacation area will revert to the two adjacent property owners on the west side, and they both have been notified of the project, and they are aware of the proposal. We have a few images here where the first image here shows the overall plan that robyn has been working on, the orange area here shows the piece of the path going from division street up to the vacation area in here, and continuing on a narrower path up towards the park. These are renderings provided nicely by robyn showing the view, and after construction is finished, the first image should be the view, if you were standing in the street looking towards the park, you would see the pathway going up north woods. The second image is once you are on the path and looking into what is now southeast 64th avenue, the vacation area, you would see a wide path leading up towards the remaining piece of 64th avenue. Part three, after you leave the vacation area, the pathway would continue as a narrower sidewalk type of area, and 64th avenue is over there on the left. The fourth image is just a different view of that corner of 64th and sherman street where the vacation area leads onto the street and into the narrower pathway. And this is an aerial photo showing the area in yellow being vacated with a maintenance yard off to the right and division street down below. And a pathway will go again from -- through the yard through the vacation area and then up along the area on 64th. This is some photos of the current configuration of sherman street and 64th on the left, and the maintenance yard in the distance there. The next photo is a more of a closeup area of the part of the maintenance yard. And if you were standing in the vacation area, part of it -- this is where you would see sherman street up to the left there. The other photo from the maintenance yard part of the vacation area, again, you are looking towards sherman and 64th there, and so this photo was taken from where the pathway will eventually be constructed. And again, there is looking towards the other direction. This grassy area on both these photos is, basically, part of what is now legally 64th avenue, and would be vacated, and this fence area is, I think, pretty much down the center of what is 64th avenue of the vacation area, and so the maintenance part over there will be reverting to the parks and the grassy area is what, basically, would be reverting to the owners on the west side. And then the spring trail easement I mentioned, this is the

July 31, 2019

approximate location of that where the pathway will be constructed by the parks bureau from division towards the park. And the more slender sewer easement area for the pipe down the center of the street. I don't know if you have anything else that you wanted to add? Or if there were any questions?

Laughlin: I just wanted to express my gratitude to this body for the continued support of the 2014 placement bond. This project that we're working on is the mount tabor yard facility improvement, under theme of protect our workers. It's an important piece of the bond work we are doing through the land use process. This was the requirement that we dedicate this full-time to multi-modal use for our community, and we are looking forward to providing that, hopefully, next summer, and have been really appreciating carl's support throughout this year and a half long process. Thank you. If you have any questions, I am happy to answer any questions you may have about the project.

Wheeler: Commissioner Fritz.

Fritz: Thank you for being here, I just -- this morning, we had four different audits that the auditor presented, and I was reflecting on the parks bond, and I am proud of how it has gone. This is a great example of how we are doing what we said we were going to do in taking care of the workers in every project. I think that we have done, we have done something that makes it better. It's not, it is not -- it is not justification. This is a great example of that where people might have said, you know, this is just benefiting the workers, what's in it for the public. It's good for the public for workers to have safe places to work, but it's also in partnership with pbot, going to be a great amenity, so thank you both for your work on this.

Wheeler: Commissioner Fish.

Fish: You know, for ten years almost like a broken record, I am used to people saying that there is something fundamentally flawed in our form of government, that everyone lives in a silo, which I am still looking to see where that address is, and that no one works together. And then we get a presentation like this, and I was struck by the fact that as you were sort of making the presentation, talking about all the bureaus that had an interest in how you were coordinating and how this is working out, and it's like yeah, it's not necessarily the form of government. The way this works is by having people, actually, talk to each other. And there is nothing inherent in our form of government which prevents bureaus from collaborating at a high level. And I just appreciate the presentation like this to remind us that our system does work when there are respectful relationships across bureaus at the staff level, in particular, and we can resolve what is a mind-numbing -- halfway through the presentation, I mean, I am starting to get a headache, the level of detail. But, these are very complicated things, and yet nothing prevented us from getting it right. So thank you very much.

Wheeler: Very good. Karla, was there any public testimony on this item?

Moore-Love: No one signed up.

Wheeler: Too bad, this is a first reading, non-emergency ordinance, and moves to second reading. Thanks for your great work on this. Next up, 730.

Item 730.

Wheeler: Very good. And colleagues, just by way of presentation, I want to remind you that we have one -- actually, that's the second reading, second reading. We have four non-second readings remaining by way of time check. Commissioner eudaly.

Eudaly: Thank you. The petitioner for this vacation is the owner of the abutting property to the east and west of the street area, and all the vacation area will revert to the parcels they own to the west. Pbot, I should be able to say that right, pbot.

Wheeler: It has been a long day.

July 31, 2019

Eudaly: It has, and I am lagging. Lance is here to protect, as well as the project manager. In the interest of time, I just encourage you to keep it real tight, so welcome and please state your name for the record as you share your testimony.

Lance Lindahl, Bureau of Transportation: Thank you, commissioner. Go ahead and start off. Again, I am lance, the pbot right-of-way acquisitions. Before you is a proposal to vacate a portion of southwest 9th avenue between gibbs street and u.s. Veteran's hospital road. In this slide you can see the vacation area shown in yellow. This area is located to the immediate west of the ohsu marquam hill campus. The vacation area is impassible due to the presence of dense vegetation and steep elevation changes. No pbot facilities are located there. This graphic has been provided by the applicant to me. This shows that the improved streets at this location would have a great change of approximately 32%, and that's in excess of the 18% maximum street grade allowed in our code for fire bureau access. Two city bureaus have responded with conditions of approval. Bes required the petitioner grant a 15-foot wide easement over an existing sewer main, and that could be seen here on the right side, the purple line. And also the water bureau has imposed fees to cover the expense for them to cut and plug the existing water main. It's the blue line in the center there. And also for relocating a fire hydrant, which is the blue dot. That's tough to see. That's in the lower right hand corner there. The petitioner has agreed to all these terms, and they have paid the fees to the water bureau for this work to be completed. Is the approval of this vacation will allow the petitioner to move forward with plans to develop a small hotel at this site, and the project architects, as well as matt wand, the council, they can provide you with additional information or questions. Feel free to ask. Thank you.

Ed Trumpke, Counsel Gordon Ramis: My name is ed with jordan ramos, and I am outside council to the group. The architects are in the back if you would like. We are here only to answer question. Matt wand is behind me, in-house counsel. We ask you approve this. It will provide for a 99 room, medium to long-term stay hotel for use by people who are making use of the ohsu facilities because they have patients who are family members or friends or may have business that takes them a week, two weeks, a couple of months at the ohsu, and it will keep people off of sam jackson parkway and alleviate the traffic.

Wheeler: Thank you. Commissioner eudaly.

Eudaly: That sounds fantastic. As someone who has spent far more time than I ever wanted to -- more time than I ever wanted to at doernbecher children's hospital, it will be great to have lodging adjacent to the facility.

Fish: A question for the attorney -- is there a specific contractual covenant that the owners operated, entering into with ohsu, to provide this service?

Trumpke: I will lean to in-house counsel.

Matt Wand: Matt wand. Not at this time. We have outreached to them. They are cooperative, supportive, but we have not entered into any contracts yet.

Trumpke: I am not sure that there necessarily needs to be because the use is for that area. People won't be staying there as a bed and breakfast. It will number downtown. It's not very convenient. They may or may not enter into long-term commitments for that particular use. But, it is there, it is right across the street from doernbecher, it really is for use for people up there on the hill.

Fish: In terms of vacating a piece of property, do we have to be able to demonstrate some kind of nexus to a public benefit?

Lindahl: Right now, we have to demonstrate that there is not a current transportation use for the property.

Trumpke: Probably the only use would be for a four-wheel off-road vehicle that is very steep.

Fritz: I am usually skeptical of street vacations because it's giving up a public right but this is about the most open and shut one that I have seen regardless of the use, even if it is

July 31, 2019

used for nothing. It is not going to be used for transportation. Is it zoned correctly? Do we know the zoning?

Trumpke: Yes, it is. And the approval has been given. Almost a year ago for the hotel. This is one of the last conditions to be satisfied in order to get the hotel going. The hotel was -- there was discussion by the neighborhood association, no appeal was filed. So, it's been sitting on the shelf waiting for in and a couple of other small issues to be resolved.

Fritz: I assumed you notified the neighborhood association. Did you hear back?

Lindahl: We did not hear back. I have heard from a couple of the neighbors in the area who own adjacent properties. They were all very supportive of the project.

Fritz: Thank you.

Fish: One more question, the owner is the yoshida group?

Wand: Yes, it is.

Fish: I have an association between mr. Yoshida and the food products and some other things that he's done. Does he have other properties like this in the region?

Wand: I don't know what you mean by other properties like this. He owns several commercial properties and multi-family residential, and his residence, so he does own other properties, yes.

Fish: Okay. Thank you.

Wheeler: Great. So it looks good. It looks like a very promising project, and I am glad that the city can be a help in a small way.

Trumpke: The city has been very helpful in the project, so we thank you for that.

Wheeler: Glad to hear that. Definitely glad to hear that. Good to see you, matt. Is there any public testimony?

Moore-Love: No one signed up.

Wheeler: Very good. This is a first reading of a non-emergency ordinance and moves for second reading. [gavel pounded] thank you. Next up, 731.

Item 731.

Wheeler: This is a second reading. There's been a presentation and public testimony on this item. Is there any further discussion? Hearing none, please call the roll.

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

Wheeler: Aye. The ordinance is adopted. Next item, 732, also a second reading. Further discussion on this item? Please call the roll.

Item 732.

Eudaly: Well, I have an exciting update to share before I give my vote. As you know, the city is working with the central east side industrial council on an innovative security model for their enhanced service district known as their safety for all program. It requires the security contractor to engage in a very different way with people experiencing houselessness and mandates trauma informed trainings, a situational protocol to minimize the unnecessary police contacts and inclusion of people experiencing houselessness as security personnel. I am excited to share that the Portland transit mall, all three -- for the Portland transit mall all three parties, city, tri-met, and pmmi are committing to opening a competitive bid for security services in fiscal year 2021 to integrate the lessons learned from the ceic safety for all program into the new contract to promote a more compassionate security model that benefits all users of the transit mall, and I want to thank katherine lavigne, pbot streetcar division manager for making this request happen and to the compassionate change district coalition for envisioning and pushing for a better way to enhance the community that benefits everyone. I vote aye.

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

Wheeler: Aye. The ordinance is adopted. Next item, 733, also a second reading.

Item 733.

Wheeler: Commissioner Fritz, it's my understanding this is going to be rescheduled.

July 31, 2019

Fish: Corrected.

Wheeler: A time has not been determined?

Fish: Correct, we are working with the property owner.

Wheeler: Very good. So we will move on then to 734. Is that sufficient, legal counsel? 734 next, please.

Item 734.

Wheeler: Colleagues, this is also a second reading. There's been a presentation and testimony. This took place while I was out of town. I have reviewed the record. Is there any further discussion? Seeing none, please call the roll.

Eudaly: Aye.

Fish: I am really excited and I am glad to see the water bureau staff here because I know there's going to be a lot of celebrating tonight. Thank you, colleagues. This is -- this is was a ten-year process, and they have required consultation with the warm springs tribe and the grand ronde, and thank you to lori john, our liaison, for her work in coordinating the discussions in grand ronde and her continued work across the city supporting our goals we do intend to continue to work with the peoples in all city projects, and in particular, in the bull run watershed to make sure that our actions also benefit the people that will need the city. Thank you, also, to edward campbell, the director of resource protection and planning, and who worked on this a few weeks. A fun fact, he used to be commissioner saltzman's chief of staff, and has really been part of the process for -- since the conception, so again, a thanks for his work coordinating with the water bureau, the united states department of agriculture forest service, and other stakeholders. Thank you richard coleman, the mount hood onshore forest supervisor, who worked with us very diligently also. who assisted the lead since 2012, and dick robbins, who retired, and got the land exchange process started way back in 2010, and janet, who took over for dick in 2013. And finally, thank you to commissioner Fish who was the commissioner in charge for at least four of these years, and did a magnificent job of continuing to move it through the process, aye.

Fish: Thank you very much, aye.

Wheeler: Yeah, good job. Aye, the ordinance is adopted. Next item, 735.

Fish: Before we read, this I want to point out the next four are bes matters. We are going to try to trim our sales. We think that we can be done by 5:30, so I want to give you a heads up.

Wheeler: Very good. 735.

Eudaly: I am out at 5:00.

Item 735.

Wheeler: Commissioner Fish.

Fish: Jennifer, would you come forward, and I will just read the introduction and we will take questions. Colleagues, the neighborhood to the river program combines green solutions with engineered pipe solutions. It brings rain gardens and green streets into neighborhoods and supports education programs and community projects, and it's will add to the green infrastructure, a broad reach across our neighborhoods, like northeast, southeast, and northwest. This item has an emergency clause on it because bes is fortunate to have four grantee this is the pipeline, who are eager to get started. They are the janice youth programs, garden works project, verde cully rain program, the columbia slough watershed council haynesworth habitat project, and the regional arts and culture council's whitaker pond and cully park indigenous artists project. Jennifer who does a wonderful job as the program coordinator and lead on this project, is here to answer any questions that you may have.

Wheeler: I just had one. First of all, this sounds fantastic. I was looking at the community impacts and the community involvement statement here in the proposal. There are a number of great benefits that commissioner Fish has mentioned, and one of those benefits

July 31, 2019

is access to environmental education, particularly, for Portlanders who have historically maybe not had the opportunities that many have had to go to outdoor school or other types of programs. Can you give us some sense of balance? How much of the program is focused on education versus how much on some of these other community partnerships?

Jennifer Karps, Bureau of Environmental Services: Absolutely. Great question. Thank you, mayor wheeler. I would say to an extent it depends on the projects that come in because they come from the community. We are really eager that there be education involved in all of the projects.

Wheeler: And you have outreached to all these organizations that the commissioner mentioned, so they will consider the proposals and bring them back, I would assume?

Karps: Yes, absolutely. These four perspective grantees came in through our community watershed stewardship program intake process. That's a mouthful. So this grant program will be similar to that, however, we will offer rolling grants, which will give us flexibility to work with partners as they arise and come in and as our outreach team finds them and finds their good projects.

Wheeler: Great. Thank you. Any further questions? Is there public testimony on this item, Karla?

Moore-Love: No one signed up.

Wheeler: Great, call the roll.

Eudaly: Aye.

Fish: Thanks for your presentation, aye.

Fish: Jennifer, thank you for your good work. This is a fantastic program. It's a relatively small amount of money with a big impact. Aye.

Wheeler: I think that this is great. I hope we will hear information back in terms of what kind of proposals you receive and what kinds of proposals receive funding and the community impact is. That's a great program, and thanks for doing it, I vote aye and the ordinance is adopted. Next item, 736.

Item 736.

Fish: Taran meyer. This is the best environmental specialist and senior engineer. I think that I can tee this up and we can go to questions, and we have the experts here. My colleagues have questions. This ordinance would continue an agreement that bes has had with the Oregon department of environmental quality for the last 20 years. It would extend that agreement for another ten years. The agreement continues environmental oversight services for city work performed on contaminated sites. It streamlines the process to help minimize the costs and to maximize the efficiencies, so site issues can be resolved more quickly. Currently, there are 18 active projects or sites that deq is -- what's the word, overseeing, partnering with us on. These include properties slated for affordable housing, brown field redevelopment projects, and long-term environmental monitoring for city facilities. We have two professionals here to answer any of your questions, but I think that captures what we are doing, and as I mentioned, this is a renewal of an existing agreement and a heavily regulated area.

Wheeler: Thanks for that clarification. It's helpful. Any further questions? Any public testimony, Karla?

Moore-Love: No one signed up.

Wheeler: Call the roll.

Eudaly: Aye.

Fish: I am very glad that we have technical experts who take care of things like there. Thank you for your work. Aye.

Fish: Yes, thank you both for being here, aye.

Wheeler: I always feel badly that these go quickly because they are technical, and I know that up spend a lot of time, and you are really thorough in going through this. I want to

July 31, 2019

acknowledge that, the amount of time that we spend on it is not a reflection of our estimation of the work that you put into this. You put a ton of work into it, and we are very appreciative. I vote aye. Ordinance is adopted. Next item, 737.

Fish: I want to invite liz to come forward, the environmental services construction division manager, and once again, I will tee this up. This has actually a very good story behind it. I think that I can say that. Liz is going to take a couple of minutes to amplify what I will share with you at the outset. Bes is continuing construction on the slabtown sewer replacement project. The project area is between northwest thurman and overton from roughly 12th to 21st street. Is the project is preparing a number of deteriorating and undersized sewer mains, some of which are more than 115 years old. During construction, changed conditions and changes in payment restoration required, requirements resulted in significant increases in the amount of construction required. This ordinance amends the current contract by 4.2 million, which is a significant amount to a total not to exceed 12.6 million in order to complete the project and protect the public health properties in the area and the environment. As liz will explain, sometimes a change in the scope is not clear to us until we get into the project. Because it's some of the unique characteristics of this area, we have to come and ask for a modification of the contract. Liz, take it away.

Liz Moorhead, Bureau of Environmental Services: Good afternoon. My name is liz moorhead, the construction division manager for the bureau of environmental services, and I have asked nick, the construction manager on the project, to join me today in case you have detailed questions about the project. A little history about the slabtown area, in the 1870s, a lumber mill was opened on northwest northrop street. The mill's discarded edges were a cheap source of cooking fuel. The slabs were delivered and placed by the curb, as you can see in the picture on the left. This is how the area got the name, "slabtown." as nick mentioned, this project is replacing over 1.5 miles of a deteriorating sewer pipe, some over 115 years old. And the project limits, as you can see, in the picture on the right, the northwest 12th to 21st, overton to thurman. And we are here today to ask council to increase the construction contract 4,157,000, the new construction contract will be 12,580,219. The increase is primarily due to the change conditions, including a utility conflict, soil conditions and pavement, and additional curb ramps. The original pipe location on northwest 12th between over quimby is shown. The bold black, it looks like. When we went to construction it, we discovered a utility duct bank was constructed in this location. We did not know about this during the design of the project. Bes had removed the pipe to a new location shown in red to the west of the design location. Challenges of the new location include structural tie-backs installed in the right-of-way by an adjacent building that was recently constructed. The new pipe must be placed so it does not interfere with the tie-backs. In addition resident access must be considered at the envy block 17 and vista apartment buildings as they have the parking garage on entrance on the street and the [inaudible] on the street. This slide shows an example of the challenging soils and paving conditions that we are facing, and this is resulting in an increased cost to backfill and paving on the project. In addition we are building 40 curb ramps that were added to the project.

Fish: Liz, what did you tell me was partly the cause of this? What was -- was this a garbage dump?

Moorhead: It's a lot of fill, so the fill material tends to cave in. It does not hold up in vertical walls like we like it to. You can see it caves in, and that results in the pavement caving in, as well.

Nic Cavall, Construction Manager Bureau of Environmental Services: Nick, the construction manager, we found like wood debris, wood sections of something that is black in color, that some of them have to be sent to hillsboro for disposal because they are contaminated.

July 31, 2019

Eudaly: What were the slabs that you referred to earlier? What were they for?

Moorhead: For heating. Heating and cooking back in the late 1800s.

Eudaly: And what were those made out of it.

Moorhead: When the mill logged, made the pieces of wood, it was the outside, the circular pieces unusable from the lodge.

Eudaly: Slabtown has conjured up cuts of meat in my mind, and that's more pleasant.

Fish: Commissioner, I know you are fond of karaoke bars.

Eudaly: Yes.

Fish: I think you could make money in a bar challenging someone to just, you know, for a buck tell them where did slabtown get the name because I did not know until I got this presentation.

Eudaly: I will bear that in mind the next time that I need an extra buck, commissioner.

Moorhead: So this last slide, the table shows the existing contract is 8,423,219. We are asking for an additional 4,157,000 for a new contract total amount of 12,520,219, approximately 50% construction increase.

Fish: Let me ask you the obvious question -- we are used to seeing changes in sometimes cost overruns and other things that -- or inflation that lead to higher prices, this is very substantial. You have described the sources, and most of them are -- were not foreseeable until you got into the ground. Why not just rebid this thing?

Moorhead: Well, we have an experienced contractor out on-site right now doing the work. We are about 70% completed with the project, and we have an end date of christmas. So, we would like to get it done. Rebidding the project means repackaging the project, means rebidding the project, and that adds three months to the job. You never want two contractors in the same place stepping all over each other, so it's in the city's best interest to maintain the contractor we have and get the work done. They have done a lot of work in this -- in this area and they are used to challenging projects, so we are fortunate to have them.

Fish: Thank you.

Wheeler: Commissioner Fritz.

Fritz: We had a moore excavation contract that had minority and women subcontractors. With this new amount of 4 million, how much of that is going to subcontractors and how much --

Moorhead: I don't know the exact numbers of what is going to subcontractors. I can tell you that on this project, they are using subcontracts, or excuse me, dmwesbs for flaggers and traffic control, trucking, and saw cutting, and pothole excavation and rodent control. So they are using it for a number of pieces of work. I don't have the numbers.

Fritz: Could you find out? I don't need to know soon but I would like them to know that we care about, you know, that they are making this, and to strive to meet the 20% of the new amount as well as wish they would have been required to on the old.

Moorhead: Yes. Absolutely.

Wheeler: Very good. Any further discussion on this? Good presentation. Karla, was there any public testimony on this item?

Moore-Love: No one else signed up.

Wheeler: This is a first reading of a non-emergency ordinances and moves to second reading. Thank you. Appreciate it. Good presentation. Next up, 738.

Item 738.

Fish: We are going to hear from kaitlyn in a second. Colleagues, kaitlyn will also be back with us probably this winter to lay out the next chapter in our salmon sanctuary series, and she has been the lead on that, and we are very proud of that work. This agreement before us, continues a water monitoring partnership with the u.s. Geological survey that began in 1998. The information collected by usgs is used by the bureau of environmental services

July 31, 2019

for storm water management, flood management and response, modeling and planning around Fish, and wildlife and climate change impacts to the rivers and watersheds. This agreement leverages bes funds through marching federal funds. Here today is caitlin the science integration division manager, to give us a brief presentation. Welcome.

Kaitlin Lovell, Bureau of Environmental Services: Thank you, commissioner.

Fish: Are you doing hood -- hood-to-coast?

Lovell: Yes, I am, don't make me more nervous. Good afternoon, mayor and commissioners, as commissioner Fish said, this agreement continues a long standing partnership that we have with the federal agency of the u.s. Geological survey. I don't have a power point today, just a couple of points about this agreement that I would like to highlight. The first is that there are two parts to this partnership. The first is the city's contribution to the eight stream gauges on every major Portland river. This represents the bulk of the expense of the agreement. Data from these gauges informing everything from how we design the sanitary pipes that rung alongside and across the rivers is, the stormwater systems that drain to the rivers and our restoration projects in these rivers. Is the gauges are critical to knowing when and where to deploy the floods response system, and moreover the data are one of the long-term data sets that we have to look at how climate change is affecting Portland to inform the forecasting of future changes. The second part is a collaboration across multiple jurisdictions that manage johnson creek. To go, we work with you the usgs to identify and study the key challenges in the watershed that affect all of these agencies. In this agreement, the usgs will look at sediment to help us better understand the -- I am sorry, where and what triggers the erosion, and pollutants like ddt that associate with those sediments. We are excited to embark on a pilot study using a new state of the art temperature fiber optic cable that will help us to locate all of the underwater sources of cold water that are critical to keeps johnson creek cold and clean in the face of increasing temperatures. We are hoping to deploy the first pilot in crystal springs lake in mid august or early september when the temperatures are still high. The total amount of the agreement is 989,425. The agreement is in the city's best interest because of the usgs's ability to pay 35% of that cost leaving the city's five-year cost at 672,108. Thank you, and if you have any questions I am happy to answer them.

Wheeler: Very good. Colleagues, further questions?

Fish: So mayor, the only thing that I want to add is caitlin I understand that there is some urgency to move on this, and if there is, I am prepared to make a motion to slap an emergency clause. Is there a sense of urgency?

Lovell: There is because the fiber optic cables work best when the temperatures are highest, we would like to deploy them to the end of august, which is sooner than the normal 30 days that we would allow.

Fish: Would you entertain a motion to slap an emergency clause? So moved.

Fritz: For the purpose of making sure the construction timeline is met.

Lovell: Yes.

Wheeler: Motion, second. Any further discussion on the amendment? Please call the roll.

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

Wheeler: Aye. The amendment passes. Any further questions? The main motion, Karla, did anybody sign up for public testimony?

Moore-Love: No one signed up.

Wheeler: Call the roll on the motion, on the ordinance as amended.

Eudaly: Aye.

Fritz: We know an enormous amount of work goes into the back story on this, and then having implemented this, there will be a lot of work, so thank you very much for bring it in such a tidy package for us. Aye.

July 31, 2019

Fish: Kaitlyn, we have to find a way to shorten your title so it can fit on a business card. Science integration division manager. We have got to -- we have got to find a way to get that down to three, but thank you for your superb work, and I am pleased to support it today, aye.

Wheeler: Yeah, well done. Thank you both. I vote aye. The ordinance is adopted as amended. Last item 739. Second reading. Colleagues, this is a second reading. We have heard a presentation and testimony. The auditor amended this to accommodate some of the requests of commissioner Hardesty. Any further discussion? Please call the roll.

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

Wheeler: Aye. The ordinance is adopted. We are adjourned.

Council adjourned at 4:25 p.m.