



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **28th DAY OF AUGUST, 2019** AT 9:30 A.M.

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

Commissioner Fish left at 12:17 pm

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

Item Nos. 800 and 810 were pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

COMMUNICATIONS		
792	Request of Robert J. Patterson to address Council regarding housing solutions, the Southwest Barbur corridor and riverboat gambling (Communication)	PLACED ON FILE
793	Request of Mike O'Callaghan to address Council regarding homeless emergency (Communication)	PLACED ON FILE
794	Request of Ronald J. Saffold to address Council regarding eviction (Communication)	PLACED ON FILE
795	Request of Cheryl Graves to address Council regarding a community village (Communication)	PLACED ON FILE
796	Request of Lluvia Merello to address Council regarding fossil fuel infrastructure (Communication)	PLACED ON FILE
CONSENT AGENDA – NO DISCUSSION		
797	Authorize the Commissioners-in-Charge of the Bureau of Environmental Services and the Portland Water Bureau to renew an agreement with the Citizens' Utility Board of Oregon for a term of five years to provide an independent review of City utility bureaus on behalf of residential ratepayers (Resolution introduced by Commissioners Fish and Fritz) (Y-5)	37444
Mayor Ted Wheeler Bureau of Planning & Sustainability		

August 28-29, 2019

<p>798 Authorize the Bureau of Planning and Sustainability to contract with Neighborhoods West-Northwest Review Board and Southeast Uplift Neighborhood Program, Inc. for community groups to perform Community Collection Events for FY 2019-20 at a total cost of \$15,205 (Ordinance)</p>	<p>PASSED TO SECOND READING SEPTEMBER 4, 2019 AT 9:30 AM</p>
<p style="text-align: center;">Office of Management and Finance</p>	
<p>*799 Amend contract with Convergence Architecture to provide additional architect/engineer services for the 1900 Building Restroom Upgrade Project in the amount of \$15,375 (Ordinance; amend Contract No. 30005465) (Y-5)</p>	<p style="text-align: center;">189664</p>
<p>800 Authorize charitable organizations eligible to participate in the City's 2020 Charitable Campaign and authorize exemptions for charities not meeting the 25% overhead cost cap requirement (Ordinance) Motion to remove the emergency clause: Moved by Fish and seconded by Hardesty. (Y-5) Motion to add the Sexual & Gender Minority Youth Resource Center (SMYRC) to the list of approved organizations. Moved by Wheeler and seconded by Eudaly. (Y-5)</p>	<p style="text-align: center;">PASSED TO SECOND READING AS AMENDED SEPTEMBER 4, 2019 AT 9:30 AM</p>
<p>*801 Pay property damage claim of Travis Brake in the sum of \$8,474 resulting from a motor vehicle collision involving Portland Fire & Rescue (Ordinance) (Y-5)</p>	<p style="text-align: center;">189665</p>
<p>*802 Pay property damage claim of Mary Carr in the sum of \$10,637 involving the Portland Water Bureau (Ordinance) (Y-5)</p>	<p style="text-align: center;">189666</p>
<p>*803 Pay property damage claim of Amanda Denson in the sum of \$13,721 resulting from a motor vehicle collision involving the Portland Police Bureau (Ordinance) (Y-5)</p>	<p style="text-align: center;">189667</p>
<p>*804 Pay bodily injury claim of Marie Baker in the sum of \$41,209 resulting from a motor vehicle collision involving the Portland Bureau of Transportation (Ordinance) (Y-5)</p>	<p style="text-align: center;">189668</p>
<p>805 Create a new represented classification of Facilities Worker and establish an interim compensation rate for this classification (Ordinance)</p>	<p style="text-align: center;">PASSED TO SECOND READING SEPTEMBER 4, 2019 AT 9:30 AM</p>
<p style="text-align: center;">Commissioner Chloe Eudaly</p>	
<p style="text-align: center;">Bureau of Transportation</p>	
<p>*806 Accept a grant in the amount of \$2 million from Prosper Portland to construct street, sidewalk and stormwater improvements to NE Couch St from NE 97th Ave to NE 99th Ave and to NE Davis St from NE 97th Ave to NE 100th Ave and authorize the Director of the Portland Bureau of Transportation to execute an Intergovernmental Agreement (Ordinance) (Y-5)</p>	<p style="text-align: center;">189669</p>

August 28-29, 2019

<p>*807 Amend Intergovernmental Agreement with the Oregon Department of Transportation for the East Portland Active Transportation to Transit Project to update scope, schedule and budget information, state and local agency grant responsibilities and staff contact information (Ordinance; amend Contract No. 30003175) (Y-5)</p>	<p>189670</p>	
<p>*808 Accept a grant in the amount of \$80,000 from Metro, authorize Intergovernmental Agreement for Regional Travel Options Safe Routes to School program in Parkrose School District, and appropriate \$27,000 in FY 2019-20 (Ordinance) (Y-5)</p>	<p>189671</p>	
<p>*809 Accept grant in the amount of \$945,000, authorize an Intergovernmental Agreement with Metro to provide more travel options, increase use of active transportation options and decrease vehicle miles traveled through Regional Travel Options programming, and appropriate \$341,667 in FY 2019-20 (Ordinance) (Y-5)</p>	<p>189672</p>	
<p style="text-align: center;">Commissioner Nick Fish</p> <p style="text-align: center;">Parks & Recreation</p> <p>810 Extend Management Agreement with Kemper Sports Management, Inc. for Heron Lakes Golf Course for an additional 24 months, increase the management fee, and add fund for the management fee and operating expenses for the extension period, for a new not-to-exceed amount of \$7,307,912 (Ordinance; amend Contract No. 30006422)</p>		<p style="text-align: center;">PASSED TO SECOND READING SEPTEMBER 4, 2019 AT 9:30 AM</p>
<p style="text-align: center;">REGULAR AGENDA</p> <p style="text-align: center;">Mayor Ted Wheeler</p> <p style="text-align: center;">Bureau of Development Services</p> <p>811 Appoint Eric Bressman and Bill Bailey to the Building Code Board of Appeal for terms to expire August 27, 2022 (Report) 10 minutes requested Motion to accept the report: Moved by Fish and seconded by Hardesty. (Y-5)</p>		<p style="text-align: center;">CONFIRMED</p>
<p style="text-align: center;">Bureau of Police</p> <p>812 Extend Intergovernmental Agreement with Home Forward through September 30, 2022 to continue to provide patrol services at the New Columbia housing sites (Ordinance; amend Contract No. 30002975) 15 minutes requested</p>		<p style="text-align: center;">PASSED TO SECOND READING SEPTEMBER 4, 2019 AT 9:30 AM</p>
<p style="text-align: center;">City Attorney</p>		

August 28-29, 2019

<p>*813 Amend Police Review Board Code to clarify that a Citizen Review Committee member will sit on the Police Review Board as an additional community member in all cases that go before the Board that involve use of force (Ordinance; amend Code Section 3.20.140) 20 minutes requested (Y-5)</p>	<p>189673</p>
<p>Office of Community Technology</p>	
<p>814 Revoke franchise granted to Lucid Energy, Inc. for a renewal energy project in conjunction with the Water bureau for a period of 20 years (Second Reading Agenda 783) (Y-5)</p>	<p>189674</p>
<p>Office of Management and Finance</p>	
<p>815 Authorize contract with Bio-Med Testing, Inc. for drug, alcohol and steroid testing services for an amount not to exceed \$1,244,150 (Second Reading Agenda 785) (Y-5)</p>	<p>189675</p>
<p>Commissioner Chloe Eudaly</p>	
<p>Bureau of Transportation</p>	
<p>*816 Authorize the Bureau of Transportation to acquire certain permanent and temporary rights necessary for construction of the Safer Access to Bus Shelters project, through the exercise of the City's Eminent Domain Authority (Ordinance) (Y-5)</p>	<p>189676</p>
<p>Commissioner Amanda Fritz</p>	
<p>*817 Amend the Open and Accountable Elections program to clarify cap on in-kind donations and reporting requirements (Ordinance; amend Code Sections 2.16.040 and 2.16.140) (Y-5)</p>	<p>189677</p>
<p>Commissioner Nick Fish</p>	
<p>818 Amend Parks & Recreation System Development Charge to clarify the eligibility of projects that expand capacity by increasing access to parks and recreation experiences, and add arts capacity projects to the Capital Improvement Plan to improve community access to arts and culture (Ordinance; amend Code Section 17.13.110 and Ordinance No. 187770) 15 minutes requested</p>	<p>PASSED TO SECOND READING SEPTEMBER 4, 2019 AT 9:30 AM</p>
<p>Bureau of Environmental Services</p>	
<p>819 Authorize a competitive solicitation and contract with the lowest responsible bidder and provide payment for construction of the SE Claybourne Street at SE 135th Avenue Sanitary Sewer Extension Project No. 10873, for an estimated cost of \$3,148,000 (Ordinance) 10 minutes requested</p>	<p>PASSED TO SECOND READING SEPTEMBER 4, 2019 AT 9:30 AM</p>
<p>Parks & Recreation</p>	

August 28-29, 2019

***820** Authorize an Intergovernmental Agreement with Portland State University Northwest Economic Research Center to provide research for new revenue options for an amount not to exceed \$75,000 (Ordinance)

189678

At 12:26 p.m., Council recessed.

August 28-29, 2019

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **28th DAY OF AUGUST, 2019** AT 2:00 P.M.

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

Commissioner Fish left at 4:20 pm

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

The meeting recessed at 2:32 pm and reconvened at 2:39 pm

<p>821 TIME CERTAIN: 2:00 PM – Proclaim August 28, 2019 to be Parks for New Portlanders Day (Proclamation introduced by Mayor Wheeler and Commissioner Fish) 30 minutes requested</p>	<p>PLACED ON FILE</p>
<p>822 TIME CERTAIN: 2:30 PM – Appeal of Raymond Burse, Sr. and Raymond Burse, Jr. against the Hearings Officer’s decision to revoke the land use approval for a Type B Accessory Short-Term Rental use, limited to three bedrooms and six guests, within the existing house located at 2946 NE 9th Ave (Hearing introduced by Mayor Wheeler; LU 18-118937 CU) 2 hours requested</p> <p>Motion to tentatively deny the appeal and uphold the Hearings Officer’s decision to revoke a conditional use permit: Moved by Hardesty and seconded by Eudaly.</p> <p>(Y-5)</p>	<p>TENTATIVELY DENY APPEAL AND UPHOLD HEARINGS OFFICER’S DECISION; PREPARE FINDINGS FOR SEPTEMBER 18, 2019 AT 10:45 AM TIME CERTAIN</p>

At 4:22 p.m., Council recessed.

August 28-29, 2019

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **29th DAY OF AUGUST, 2019** AT 2:00 P.M.

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

Commissioner Hardesty arrived at 2:06 pm

OFFICERS IN ATTENDANCE: Keelan McClymont, Acting Clerk of the Council; Lauren King, Deputy City Attorney; and Ovie Griggs and Ian Williams, Sergeants at Arms.

The meeting recessed at 2:32 pm and reconvened at 2:46 pm

823 TIME CERTAIN: 2:00 PM – Proclaim August 29, 2019 to be Stan Foote Day (Proclamation introduced by Mayor Wheeler and Commissioner Eudaly) 20 minutes requested	PLACED ON FILE
824 TIME CERTAIN: 2:45 PM – Proclaim August 2019 to be Tongan Heritage Month (Proclamation introduced by Mayor Wheeler and Commissioner Eudaly) 30 minutes requested	PLACED ON FILE

At 3:17 p.m., Council adjourned.

MARY HULL CABALLERO
Auditor of the City of Portland



By Karla Moore-Love
Clerk of the Council

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

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

Key: *** means unidentified speaker.**

August 28, 2019 9:30 AM

Wheeler: We have a pre-gavel celebration and proclamation, and we have a very honored guest, who I will introduce in just a moment. Who will be coming up and sharing some words with us? This is the kick-off for us of hip-hop week. That's been important to our music scene and culture, and it's important to the fabric of the community. Hip-hop week came together as a result of several artists coming together in partnership with the city in order to strengthen relationships using this unique, artistic platform. We have today, David Jackson, David, if you could just raise your hand, and he is better known, I think, at this point internationally as d.j.-og1, and is the official deejay of the Portland trail blazers, and I would like to start off by introducing him to come on up and say a few words on behalf of hip-hop week. Welcome and thank you for and being here. And if you want to introduce your friends, you are welcome to, as well.

DJ O.G.ONE: Thank you, council, for having me have a few of the hip-hop community here with us. We completed a full week of hip-hop celebration, and we wanted to personally thank you for your support because this is a very significant and Historical situation for us because it speaks to the relationship, the very necessary relationship that's needed between the hip-hop community and the city. For a while, there was the feeling that hip-hop was not welcomed here in the city of Portland, and so for the city to make a statement that is not the case and we definitely need to continue the communication to bridge the gap of accountability and respect is very important, so today is a historical one for us, and I wanted to present you an award that we constantly give out during our celebration honoring people that have contributed to the hip-hop community, and you have definitely played a part in supporting this new movement. So, we thank you. [applause]

Wheeler: Thank you.

Hardesty: Just trying to visualize this, you know.

Wheeler: Thank you, I appreciate it. This is an important point for not only the music scene but important for all of us. One more opportunity to share. I will read the proclamation. This is a real honor. It means a lot to the city council. We appreciate it.

Hardesty: Mayor, if I may say a couple of words?

Wheeler: Please, commissioner Hardesty. You bet.

Hardesty: I just want to appreciate this historic moment because hip-hop in the city of Portland has had an uneasy relationship, and it is really Wonderful to see that not only has hip-hop day gone from hip-hop day to now a week. It is also important that from this podium we say that every type of music expression is welcome in Portland, and that we are very honored that you are here this morning and took time to be here. So, thank you all.

Wheeler: Thanks, commissioner. With that I would like to read a proclamation, and proclamations are a statement of the entire city council, and by extension, the city's values, so this is really the highest way, or the Best way, the most obvious way that we can recognize important things in our community. So, without further ado I would like to read the proclamation on behalf of the city council. Whereas hip-hop was established in the early 1970s in the south Bronx to be a voice for urban communities who didn't have a voice. And whereas the movement set the platform for the world to get a glimpse into the daily struggles of youth and urban communities and has become the most influential genre

August 28-29, 2019

in music over the last few decades. And whereas the hip-hop, the hip-hop platform consisted of the deejay who would take breaks from popular songs from jazz, soul, disco and more to create loops that would then invite the emcee, who would globalize words in poetic form to tell stories of present realities. Whereas, hip-hop was also accompanied by break dancers, beat box and graffiti art, which created a culture where people from diverse backgrounds could find their paths of expression as well as establishing entrepreneurial opportunities. Whereas hip-hop culture in Portland has been spearheaded by thunderstorms collective of people who represented Portland locally, but also on some national and international platforms. From national and international tours, commercials, corporate campaigns, local shows, to being official surrogates for presidential campaigns. Portland artists have represented our city extremely well. Whereas is the city of roses strives to be a place of support and nurturing to these individuals and groups that lend to the positive contributions of said culture, especially when it promotes a culture of growth, inclusion, diversity, and good business practices. Whereas today's proclamation is not just about recognizing the importance of the culture of hip-hop in Portland, nor the obvious power of hip-hop socially and economically. It is to publicly recognize the efforts of the city of Portland and it's hip-hop community to build better, supportive relationships, better systems of communication and accountability with law enforcement and other city agencies, better business practices and overall mutual support of one another in hopes of making Portland a positive and more thriving environment for the business and culture of hip-hop. And now therefore I, ted wheeler, mayor of the city of Portland, Oregon, the city of roses, do hereby proclaim august 20 through august 26 to be Portland hip-hop week and encourage all residents to observe this week. Thank you. [applause] commissioners, unless there is anything more you would like to say, could we come up here and have some photos taken? That would be great. Thank you. We appreciate you being here and thank you for the acknowledgment. Really, this was about acknowledging you today. [applause]

Wheeler: Colleagues, I was just reminded by my staff something that was not said earlier and probably should have been, to acknowledge StarChile who founded hip-hop week. StarChile passed away, I believe, two years ago, but this is a good time and opportunity to remember StarChile's contributions to this effort, as well. Thank you. Thank you all for being here. [applause] good morning.

McClymont: Good morning.

Wheeler: We are now in session. This is the Wednesday morning, august 28, 2019 morning session of the Portland city council. Keelan, please call the roll. [roll taken] now we will hear from legal counsel on the rules of order and decorum, good morning.

Heidi Brown, Senior Deputy City Attorney: Good morning, mayor, and council. 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. Police 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

August 28-29, 2019

do a thumb's down. Kindly remain seated in council chambers unless entering or Exiting. If you are filming the proceedings, please do not use bright lights or disrupt the meeting. Disruptive conduct such as shouting or interrupting testimony or council deliberations will not be allowed. If there are disruptions, a warning will be given that further disruption may result in the person being 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: Very good. Communications, first, Karla. You keep switching out on me. Good to see you again.

Moore-Love: Thank you.

Wheeler: First communications, please.

Item 792.

Wheeler: I don't believe I saw Mr. Patterson. Is he here? I don't see him. Next individual, please.

Item 793.

Wheeler: Welcome.

Mike O'Callaghan: Thank you. Back again. Been about ten years. I've been talking to the council about the unhoused. Anyway, I want to start out thanking my heroes, okay. First one is named Michael. He's harmless and he rides a bicycle every day on spring water trail corridor. I sought to help him one time, and I have never seen anybody put a cell phone in their shirt pocket with their feet before. Here's to Michael. Anyway, and thanks to the woman that fought the city to get murals in the city, and thank god the city caved in, and we have beautiful murals all over the city now. Hopefully we can house people. You saw everybody saw the stats about all of the unhoused, right, I talked about this for a long time, okay. We need the safety valve, okay, and it is, from my perspective, unacceptable in a culture to have this many people unhoused. Obviously, to those that are rulers have decided it's acceptable because it does exist. This program is called "go." okay. Garage occupancy. Approximately 350,000 units in Portland that are habitable, about a third of them, approximately, have garages, giving 100,000 garages. The city offered a permit to people who wanted to house the people in their garage, with preconditions, you cannot charge any more than your 112th of your annual taxes for rent, okay, the same thing as a renter, landlord thing. They have got to come to you to rent, and you have to supply water, sewer, garbage, access to electricity, and you have to provide a fire extinguisher and a smoke detector. Average is 3,000 a year in taxes, that would be 250 a month. Doable. We can house a lot of people with this, and you can put this program on another housing program, so it does not really add a layer of Bureaucracy. People come to you, they tell you that they have these things that you give them a permit for \$100 and they go out and they get somebody to rent their place for 250 a month, and you know, if a tenant decides that is not up to speck they can get a hold of you. You can check it out. You can get rid of it. But almost all of them will be up to speck. This is a way that we can house people inexpensively, no cost to the city, and here's the trick. I love this. Real estate, 100 times monthly average, a rough value for your property, so you increase the property's value by 25,000. Okay. And that's a big chunk. 25,000, and you guys get to tax it. So, and you control the permits. So, you can control the number of houses that are set up underneath this program. Okay. We can do this quickly, thank you for your time.

Wheeler: Interesting idea. Appreciate you bring it in. Thank you. Next individual, please.

Moore-Love: **Item 794.** Request of Ronald scaffold regarding eviction.

Wheeler: Good morning, and welcome.

Ronald J Saffold: Good morning, council. It is a pleasure to be here. To meet you all. I loved Oregon. Been here 14 years. Never had a problem. So, the reason that I am here, and my caseworker is that back in 2016, I was wrongfully evicted of my section 8 voucher.

August 28-29, 2019

In Pearl Court, there was a matter of a 24-hour eviction. I was evicted. I woke up to a 24-hour eviction notice stating that I sexually assaulted an elderly lady in 2016. I woke up to this 24-hour eviction notice on my door. Very disturbing. I call it very disturbing. In the report they stated on June 14 there was a Portland Police report that was taken with a model number. I am very aware of and the Portland Police and I have, when I was living at the Pearl court, three or four months before this, incident, the Police already knew where I was. At the time. I did a lineup of some instance that happened in our building in which this report, they say, they have a Portland Police report, don't make sense. As a result of that, I kind of tried to explain this to section 8, the real matter of me going to court and losing my section 8 vouchers is because this company, pearl court or IPM is who they are, that's been lying to Housing Authority. Telling them one thing, but not telling them the truth of what they took me to court for was the 24-hour eviction notice for a sexual assault to an elderly lady in a wheelchair. This is about a lady in a wheelchair, nothing else. Just a lady in a wheelchair. So then after a while, section 8 then asked me, and I spoke to them and told them I have made a way to get into -- there was a detective shepherd who called me and asked me, told me that they did an investigation of the pearl court, and then I turned around and went and got a background check shows that there is nothing on the state.

Wheeler: One second, sir. Commissioner Fish.

Fish: Let me jump in for a second. Ma'am, who do you work for?

Unnamed TPI case manager: I work for TPI, I am his case manager. I am just supporting him.

Fish: At TPI.

Unnamed TPI case manager: Yes.

Fish: And what I want to make clear here is Mr. Ronald Saffold, of course -- has the right to plead his case. We have no authority on a section 8 voucher. It's a program, as you know, that TPI knows administered by the federal government with home forward. Home forward, actually, allocation the section 8 vouchers, so the remedy is an administrative one, if he believes he's been unfairly removed. What is the relief you are asking us to provide?

Unnamed TPI case manager: Basically, he was -- he feels that he was wrongly convicted because there was no political reporter, no pictures, no nothing, and they will not talk to me about this case because my job is to house him, and if he has this, it's going to be impossible for me to house him because I pay for the rental Deposits, get them furniture and the conditions that he need, but it will be hard, so I am here to support him, and we are just wanting to figure out where can we resolve this because we don't want this to go on his record. He did not touch the lady. And he needs help to solve this because there is no political reporter. There is no -- they won't talk to me, so we want to figure out why are they saying that he did this if they don't have the right information or the evidence to support his case.

Wheeler: Who won't talk to you?

Unnamed TPI case manager: Pearl Court and Hamilton west refuses to talk to me about the situation, and they told us that this is where he is.

Wheeler: Thank you.

Fish: So, our only authority here is we appoint a number of people to the board of home forward, but we don't handle administrative appeals on people's section 8 vouchers. In the ten years I've been on council we have never taken that up. We don't have a procedure. If you believe that the Police department, the Police Bureau has treated you unfairly, you have recourse to the Bureau. If your ultimate concern is the section 8 voucher, that is home forward.

O'Callaghan: This is a company called IPM, pearl court. What happened when I say there was a 24-hour eviction notice, this was a state charge, not through home forward. They

August 28-29, 2019

took me to court. There is two charges, the first charge was a 24-hour eviction Notice stating that I did a sexual assault charge. Like I said, I woke up to this. Then they took it to civil court. Took it to civil court. The judge in civil denied the rape charge, they turned around and said, we are going to get you for a bad language and all this other stuff.

Hardesty: Can I just ask you to pause for a moment.

O'Callaghan: Yes, council.

Hardesty: So, the normal process that you would use to appeal, what is that process? I am asking you as a case manager. Your role is to house people, and it sounds like you have a caseload of people who are difficult to house.

Unnamed case worker: I do, yes.

Hardesty: So, what is your typical process when someone has been evicted, or wrongfully evicted without a conviction or without any other facts?

Unnamed case worker: Basically, we -- if they put an application in, we pay for the fee, if they were denied we will do an appeal letter, and once we do the appeal letter and they get denied again, then you can only get denied twice, and we will look for another place to house him in.

Hardesty: And you are in that process now? Where are we now? Are you housed today?

O'Callaghan: No, I am currently at the Court Center right now in the shelter because the way that I look at it, and we have looked to try to get into housing, the way that they say my background check is that there is the problem.

Hardesty: Sir, I am sorry, as commissioner Fish said, this is not the body that we can do this in, but let me encourage you to go to my office, which is just across the hall, and leave your information with my staff, and I will be happy to talk to you outside of this process to see if there is some advice that we can provide that will help you to address this issue.

Okay. I am just -- and I understand that you did not understand what the process would be, and you are just looking for help. So, let's see if we can help you.

Unnamed case worker: If we can get the arresting officer --

Hardesty: All I know is I don't have enough information to tell you what the help could be. But I am willing to talk to you.

O'Callaghan: I woke up to this.

Unnamed case worker: Not being funny, just being a black man in society when you get accused of raping an elderly, not being funny white woman -- and it's hard and it weighs on you and that can be on his record and he will probably have to get registered for -- this is something he did not do so he is --and this is something that he did not do, so.

Fish: He's lucky to have you as an advocate.

O'Callaghan: I've been fighting this for three years.

Fish: You have got an invitation from a commissioner to do some work. There is two issues. One is the eviction. Two is continuing to have is a section 8 voucher, which the home forward administers so I am sure the commissioner will look at both issues, and talk to the mayor, if necessary because the mayor has the direct liaison role with home forward, so thank you both for joining us today.

Unnamed case worker: You are welcome.

Hardesty: I am so sorry you are having this experience. I hope that we are able to help you navigate this system because it's hard to navigate from this side of the building, so I can imagine what it's like on that side of the building. Have a good day.

Wheeler: Commissioner, Tia from my office will work with you on that to coordinate whatever we need to do on our side. Thank you for coming in.

Wheeler: Nice to meet you. Thank you. Next individual, please.

Item 795.

Wheeler: Good morning.

Cheryl Graves: Good morning.

August 28-29, 2019

Graves: My name is Cheryl graves from Portland, Oregon. I am not a lobbyist. I am a resident of Portland.

Wheeler: Excellent, welcome. Glad to have you here.

Graves: Good morning, mayor, city council, and fellow Oregonians. I am here today because of this. I know you have read it. This article printed last week in the Oregonian and again in the Portland business journal. It reads 38,000 homeless people in this area. They say that we will spend 4.1 billion over the next ten years just to manage the problem. 4.1 billion with no recovery. On top of this 4.1 billion is the allotted \$21 billion for ten years of sponsored housing. That leaves us with \$25 billion to spend over the next ten years, alarming amount of money. I ask instead of a 4.1 billion for a band aid you invest only 1 billion for a rehabilitation community village. Homes for everyone. My name is Cheryl graves, and as a native Oregonian, I have a lifetime investment and protective love for my city of Portland. I did not bring on this bad issue that we have. I take it personal. I was born and raised here. My job is here, and my children live here. So, to go out in the city every day and just be accosted by people on the streets in front of our businesses, every day, is unacceptable. Over the past three years, I have written a book. This is how much this meant to me. It has my attempt to shift the energy from homeless individuals into productive families and communities by way of a group called, "yes, my life matters, the homeless cured." this is not a homeless management plan but an end to homelessness. No more people on the streets. Hungry and cold children will be safe and in clean surroundings. People will soon discover there is a place for them. The village is not a handout or a temporary fix but a job with life and personal skills development, a community surrounded by fellow people with likewise and positive role models. For this to succeed, we must remove the lost people from the city streets, getting away from temptation and in safe Surroundings. This manageable, all-inclusive village will be established for unconventional, the lost, recovering addicts, returning war heroes, children, and seniors at risk. This is not a low income community of low-income housing and no free food. This is a community built on hard work, better education, and skills training opportunities with positive goals. Every person will have a safe place to live while they learn to trust and become engaged in their future. The team leaders and mentors will be there every minute living and showing frightened people that it's going to be okay. This plan includes large and small animal care, gardening and landscaping respect nursery stock and eco-systems.

Hardesty: Your time is up. How much more time do you have?

Graves: this much.

Wheeler: Go ahead.

Graves: Eco-systems farming, wind, and pedal power fields along with child and senior care programs. The village will promote job ready employees for our community partners' employment. I'm here asking for three to 400 acres for a community ground. Although one large site would work the Best after reading about the troubled golf courses, possibly they may be better sights and they could have a wider use while helping the city to get clean and safe. By reducing the course from 36 to 18 holes we can invest in working learning farms and Agriculture with job skills opportunity. Once you have read this book, contact everyone you know, engage your friends and caring people who love Portland.

Wheeler: Cheryl, could you possibly leave a copy of your comments?

Graves: This book will be in full publish.

Wheeler: The book tour started right here; I want everyone to remember that.

Wheeler: This is interesting. I'm enjoying it. Next up, please.

Item 796

Wheeler: Good morning. Welcome.

Lluvia Merello, Oregon Physicians for Social Responsibility Organizer: Good morning.

August 28-29, 2019

Merello: Good morning, mayor, council members. My name is Lluvia Merello, I am here today as the Energy Justice Organizer at Oregon Physicians for Social Responsibility, a concerned mother, local business owner, community member, and indigenous woman. Oregon PSR is an organization of health professionals and public health advocates working collaboratively to advocate for societal and policy change that protects human health at local, state, national and international levels. We seek a healthy, just, peaceful world for present and future generations. I wonder if any of you have passed by one of these long oil bomb trains that have been traveling through our neighborhoods filled with toxic chemicals that threaten our well-being. I live in Portland's northeast cully neighborhood and see these oil bomb trains passing through and sitting in my neighborhood all too often, coming to and from the Zenith facility in North Portland. My lifelong friend and her family live in SE Brooklyn neighborhood and these same trains pass within 50 feet of her home at all hours of the day and night. I've worked and been a part of schools and communities that are close to Portland's railways and when I see an oil bomb train I think of all of these communities and how the storage and train traffic of fossil fuels, like tar sands oil locally at zenith facility posts serious health and safety concerns for all of us. I am here today to ask that you, mayor, and all city council members take any opportunity that you can to prevent any oil bomb trains from coming into our community. Ultimately, the safest choice for the community is to shut down the zenith facility. Until shutting down zenith is an option, I ask that you work together to deny any permits for any expansion for zenith. Next week, Oregon PSR members will be here to testify and to invite you to the zenith vigil that the community is organizing at this facility. We are still working out the details, but please know that you all are invited. This will take place the week of the climate strike in late September. I greatly appreciate the time and attention that you have dedicated to this matter. Thank you.

Wheeler: Thank you. And Mr. Patterson did not arrive, did he? Very good. Consent agenda, please, Karla. Have any items been pulled?

Moore-Love: Yes, we have had a request for 800 and 810.

Wheeler: Very good, please call the roll on the remainder.

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

Fish: You threw us for a curve ball. We did a different order when we did -- at the beginning of the council meeting.

Moore-Love: Did I?

Fish: I was second, just curious.

Fritz: That was the wrong order at the beginning.

Fish: Colleagues, a brief comment I would like to make on one item on the consent agenda. That is 797, which is renewing a relationship with the citizens Utility board. The Oregon citizens utility board has provided citizen oversight of our two public utilities the past five or six years. The city of Portland has the distinction of being the first and only public utility that receives this oversight from cub at no cost to rate payers. The oversight has provided direct benefits to rate payers over the years. After the great recession subsided, at cub's recommendation we restored the SDC levels to ensure developers paid their fair share resulting in 2 million in savings to rate payers. Cub gave us pivotal recommendations for the success of the biogas project protecting ratepayer dollars while maximizing the success of the project, and cub played a key role on the blue ribbon commission that led to the newest body, the Portland utility Bureau. My thanks to Janice Thompson and the team for their partnership and diligence, and I am pleased that we are renewing this fruitful relationship. Aye.

Wheeler: Aye. The consent agenda is adopted. [gavel pounded] first item on the regular agenda, Item number 811.

Item 811

August 28-29, 2019

Wheeler: Today I am requesting council confirmation to appointed two new members to the Building Code Board of Appeal. Bill bailey and Eric Bressman. It is a privilege to recommend highly qualified members on the Building code appeals to the Bureau of development services. Bill bailey is the owner of an architectural firm. Over the span of his 35-year career he's been passionate about using the code as a design tool and one that can provide creative solutions for design problems in our community. Understanding that code is the minimum to provide fire and life safety for building construction. Eric Bressman is a practicing architect with 40 years of combined educational and professional experience. In his current position he reviews project for code compliance and assists project teams in developing acceptable alternative code strategies. We have Terry Whitehill of -- of BES here to answer any questions.

Fish: Would either of the appointees like to say anything?

Bill Bailey: Good morning. I am bill bailey. I appreciate this opportunity to serve. While I have served in other roles and other committees and those things, this is an opportunity to serve for what some people may see as a narrow band that I am very passionate about. We are talking about how to make rules, and in this case, building code rules work for people and work for design and community. So, I am excited about this opportunity.

Wheeler: Thank you.

Eric Bressman: I, actually, would like to echo bill's thoughts on that. Our firm works all up and down The west coast with many, many different jurisdictions, and the process that Portland has is very unique in that it provides a system for architects when they have alternative solutions they would like to propose and they are reviewed and decisions are made very quickly, and in other jurisdictions is, many times that can take three to six months to get the decisions like that. As a practicing architect we need to get the decisions quickly, so I really commend the city for implementing and maintaining the system.

Wheeler: Commissioner Hardesty.

Hardesty: Thank you, this is a quick question for staff. I applaud the background and experience of the gentlemen that we are going to appoint today, but I can't help but notice that you are all white men over a certain age, and so I am just kind of curious as to what process is in place to bring women and people of color into the fold so that when we appoint the folks that we're appointing look like the community that we are working in.

Terry White: So, there is already three members on the committee. Two of them are women right now. One male. So, the finding the minority, I still have one position open, and that's why I keep one open trying to find those. It is difficult in this community because it's a very specialized type of work, and there is -- it's a small percentage, so I have to do a lot of hunting to find -- we have had them in the past. Right now, I don't have, but I am still looking.

Hardesty: I bet we could help you identify architects and other expertise and communities of color because they are really focused on reaching out and making sure that we are diversifying our committees and yeah, and any help that I can give them certainly am happy to help, but it's really important that we, you know, a, not just have one seat that's a minority seat, that b, it, actually, reflects the community of the workers that we're trying to provide advice to. So, thank you.

Wheeler: Commissioner Fish.

Fish: I want to applaud you for your opening statements. A number of years ago one of our distinguished arts organizations, northwest dance project, found a building on the east side that was a perfect location for their new headquarters where they would also do rehearsal space. They ran into a roadblock at the Bureau of development services, which interpreted the code a particular way. They had the benefit of having creative teams that they work with, including a lawyer that knew the code. They went to the building code board of appeals, and to your point, they fashioned a commonsense remedy where they

August 28-29, 2019

analogized the space to a different part of the code, figured out a work around. And allowed northwest dance project to move into this new space, and so it is a unique thing that we have where members Of the community help to provide that oversight and do problem solving, and I have seen firsthand where it has benefited arts organizations, so thank you for taking this on. Thank you for bringing the common sense and some community perspective to the decisions as we go forward. Appreciate both of you stepping up. Thank you.

Wheeler: Very good. Commissioner Fritz.

Fritz: Thank you both for serving. This is a wonderful appointment because you get to make decisions, and so I really appreciate that you will be making them in the public interest, and when you find rules that need to be changed I hope you will forward the advice to the mayor to change it. This is something that you are granting the appeals on. Commissioner Hardesty, I wanted to mention that since I was in charge of development services, in 2013, and working with mike, with that same charge, I assure you that he is doing his due diligence. What I found, it takes the commissioner in charge or another commissioner reaching out to explain to somebody, why would you want to volunteer so much of your time on a city, on a committee, and so I know that it's been helpful having you on the council to help make those connections, and I am sure we will work with you on that.

Fish: I move the report.

Hardesty: Second

Wheeler: We have a motion from commissioner Fish and a second from commissioner Hardesty. Please call the roll.

Joe Walsh: Aren't we going to speak on this.

Wheeler: It is a report. Excuse me, this is in violation of council rules. If you continue you will be asked to leave. Please call the roll.

Hardesty: Aye.

Eudaly: Thank you for your willingness to serve, aye.

Fritz: Thanks, so much for the expertise that you bring, Aye.

Fish: Aye.

Wheeler: Two outstanding individuals, thank you for your willingness to serve. Great recruitment. I appreciate it and vote aye. The report is approved, and the appointments are confirmed. Thank you. Next item, 812.

Item 812

Wheeler: Colleagues, home forward collaborates closely with the office of community and civic life, Anne Property Management, and the Portland Police Bureau to provide community policing and patrol services to the new Columbia community through the new Columbia community policing team. The community-based style of policing encouraging citizen participation and crime reduction and focuses on greater coordination with other service providers to address crime related problems in the community. Police officers are a vital component in the new Columbia community policing team ensuring the community safety needs are met by creating a front line Access to services and law enforcement. The Police Bureau has an I go IGA with home forward to provide patrol services. The Portland Police have been providing patrol services under this agreement since 2012 and would like to extend the agreement to 2022. We have Michael here from home forward, obviously, and Captain Pasador from the Portland Police Bureau, and --

Wheeler: And Elise temple. Thank you. And I am not sure who wants to start.

Michael Buonocore, Executive Director of Home Forward: I will go first, mayor, thank you. Commissioners, thank you very much for allowing us to come and talk with you today. I am here to represent the Portland Police Bureau and ask for the extension of the new Columbia community intergovernmental agreement with home forward, and I would like to

August 28-29, 2019

recognize that officer Josh Silverman and officer Joanna Ortiz are also in the gallery, and they are also two other officers that are assigned to this program. I am a Captain with the Police Bureau, and I am assigned a north precinct, and that is where the new Columbia is located. The new Columbia policing team is a collaborative effort between home forward, Portland public schools, and Portland Police Bureau, and the office of community and civic life, and income property management. The team's focus is on building Community relationships to effectively solve problems, increase public safety, and improve community livability. The Portland Police Bureau's primary focus in this program is not on law enforcement. Rather, it focuses on problem solving the programs, the partnerships, and the strong community relationships that they develop. When I first became the Captain at north precinct I went around and talked to officers assigned in different details to get a good understanding of what their day-to-day jobs are, and when I talked with members of the policing team, from the officer's perspective and what we do with Policework, I was surprised at some of the things that I heard. I was under the impression it would be more of a proactive type environment, but one of the proactive and Police enforcement environments, but one of the quotes I wrote down in that meeting by the officer really summed it up the Best when he said, we have a very light touch with the community. We look at creative and positive ways to solve problems. They explained how they do that with the partners that they partner with. So how does the Portland Police partnership work without the primary focus being on enforcement? Every week officers meet with members of home forward to discuss the issues that may have occurred within the property of the new Columbia, including some of the calls for service. The purpose of these meetings is to ensure that the team is aware of issues that are occurring, this process allows home forward to develop plans to assist their residents. Examples of the assistance related to, for example, the domestic calls would be home forward, being able to follow-up with domestic violence survivors and possibly offering different types of assistance such as changing locks to make the survivors feel more comfortable staying at their homes, and as well as the Portland Police Bureau officers assigned having the time to respond to those locations and follow-up with the survivors, and talk to them about the need for extra patrol so that the survivors feel safer staying placed in their homes and not feeling like they have to be displaced or moved somewhere else. This team approach also helps to connect crime victims with advocates. It also helps to make referrals to adult protective services, to life works, to other mental health providers. It helps to connect with the office, the mayor's office of youth violence prevention and the Native American youth and family center, as well as several other providers within our city. This type of approach also helps to organize the mediation between the neighbors that may have disputes that have not dealt with in a proactive and productive way could cause them potentially to be displaced or to lose their housing. This is the type of program that helps the Portland Police build Strong relationships within the community. It truly is. This is policing woven into the community. This team of officers consists of four officers. They are each selected by not only the Police Bureau but by home forward members in the process, and they possess certain skills that make them strong candidates to provide this type of service and community policing. For example, each of the partnerships contains at least one ECIT, that's an enhanced crisis intervention team member, so that when necessity, if and when they deal with people suffering from mental health crisis, they are better qualified to assist in that manner. This program helps to build long-term relationships, establish with crime victims, and these officers don't go call to call. They have the ability to follow-up with the victims of crime and to build strong relationships, so they trust those relationships if they need help later. In the past, the new Columbia has been underserved by the Portland Police Bureau and historically issues have, at times, caused some community members to lose trust in the Portland Police Bureau. Through this program, home forward and our community

August 28-29, 2019

partners have truly helped the Portland Police Bureau in rebuilding damaged relationships. In the process, they have helped us to increase the Police Legitimacy within the new Columbia area specifically. This project is an excellent example of the community policing, our officers participate in community events, and community meetings, and leadership events, and some of those examples of that would be the POIC youth groups that occur monthly, the b town that goes out to McCoy park filled with community members, positive environment for children that also has Police officers that are present taking part in that and building the relationships with kids. They participate in family night events, and carnivals, and bingo nights and several other events within the area. As a result of this partnership, we are seeing downward crimes trend in the new Columbia area. The new patrol area accounted for 15,340 calls for service between January 1, 2012 and June 30, 2019. The new Columbia has experienced a declining trend in group offenses between 2015 and 2018. Those are offenses such as arson, burglary, break-ins, vandalism, destruction of property, and narcotics-related offenses. There has been a decline in crime within the boundaries of the new Columbia patrol area. As compared to some of the other areas within the city. An example would be total calls for service within the new Columbia area. That's one of the ways that we as a Police organization measure crime within an area that is seen from the citizens. It's not Police officers seeing Something and saying that there is a problem interacting but citizens saying that we see something, and we need help from the Police. Since the height in 2015, over the last 6.5 years, which was 2015 calls of service, it has steadily decreased to where last year there was 953 calls for service. That is not because of a lack of trust in Police. The relationships built out there with our Police department are stronger than they have ever been right now. That is because of the effectiveness of the program and showing a downward crime trend. Comparisons of total group offenses by year, within other parts of the city, if you look in the new Columbia area at the top, the crime trends for the most part have remained flat. Same thing with the nearby areas that surround that area. The crime trends have remained fairly flat. That's a positive influence outside of the surrounding area with the neighbors and the youth that live in that area, as well. Unfortunately, we do see a slight increase when we look citywide and precinct-wide. That's not the case in the new Columbia area. Prior to level calls are one of the main responsibilities for the officers assigned to the assignments in this partnership. 53% of the calls they respond to are high priority. 30% are low priority but if you look at the dispatch calls, they spend more time on self-initiated, directed patrols. Those would be contacting people at programs, at the events than they do responding to calls, and that's what we want to see within the geographical area. This week I took the time to take Police officers in this detail to council members' offices and talk with council members and their staff. Those of you that had time on our calendars, we appreciate it, and that was to answer questions and hopefully hard questions, and in that time, specifically, with the meeting with commissioner Hardesty, she brought up a very, very valid point, and that is why do you keep coming and asking us to extend the program, extend the contract? Why don't you reevaluate it and come to us and tell us what it is reevaluated like? Does it need to be adjusted or changed? Maybe it's for the better. Maybe there is things that we are missing. We could do better. That's an extremely valid point. When I went back to our -- the Police Bureau and talked with the administrators of the program, I talked about putting a time constraint on it where it would trigger a response for us to have that meeting to sit down and discuss, is it working? What I found out during that meeting is that under this agreement, if it's extended, the agreements can only be extended for ten years. This would take it to the ten-year mark. That would make it to where we have to have the sit do you know, the evaluation, and we would bring community input in On that, and my recommendation going farther would be in the next agreement, we put those benchmark requirements in where we sit down and we analyze the program,

August 28-29, 2019

how it can be improved and working and how it is not and with community involvement. This is a program that works, this is a program that I, as the Captain of north precinct am trying to replicate in other areas with high crime vols. I hope that this helps you to see how it has been a benefit for the community, and for the Portland Police Bureau, and we thank you for your time, and I will pass the mic over but I would like you to know that officer temple is here at the end in case you have more questions personally related to the activities the officers do. Thank you.

Wheeler: Great, thank you.

Michael Buonocore, Executive Director of Home Forward: Wheeler, commissioners, thank you for having me today. I am the executive director of home forward. I want to start by saying that I stepped outside and connected with Jayme and commissioner Eudaly's office, so we will make sure that we follow up on the section 8 question that was raised during the testimony. What I want to tell you today is that I started to work at home forward in 2001, so I spent a great deal of my early years at home forward in Columbia villa. I saw the redevelopment of the property. One of the things that we experienced in the early years is the reality that if you build a nice place and you put 10,000 people in it, no matter what you do, it takes time for the relationships to form, and those early years were a little turbulent, including just sort of community safety and law enforcement, and we did not have the foresight to put this model of community policing in place in those first years. You know, I have had a chance to sort of see what it looks like without this model, and with it, and I would just reiterate everything that officer Pasador said. Relationships make all the difference, and once we -- once we started engaging in this model, and I got to know some of the first officers who were assigned to it you know, I got to hear their own reflections on what it meant to have the time to build relationships with people, and also just how much history carried forward on the force from the days of the Columbia villa, and you know, there is a lot of -- there is a lot of, I think, real and misperceptions about what that community was and is. It takes people really having connections to understand that and change narratives about what a community like new Columbia is perceived as. My only other experience with the model like this was a few years ago there was a, sort of a walking patrol in downtown Portland and Hawthorne, and they did a walk along, and it was really amazing to see the officers have -- to know the names of everyone that they interacted with, that the folks on the street knew the officer's names, and the inter-actions that I observed were really touching the amount of trust there, and I hope you will not only renew this, but I just want to voice my support that sort of relationship-based community policing, I think, can be really powerful and transformative for our community and country. I just wanted to offer that plug of support, and I hope that you will renew the agreement.

Wheeler: Great, thank you. Officer, anything else you wanted to add?

Elise Temple, Officer for the Portland Police Bureau: Just I really feel like this experience being a part of the detail has changed my perspective on policing, and I really - I think it's like the only position I really want in the Bureau because I love doing the follow-up. I love getting the extra time to adjust my schedule. If there is a community event that starts early even though the shift is 2:00 to midnight I can go in and join in and I just -- it's helped me in experiences where I have known people I met at events or on the school visits. It has helped them feel comfortable reporting things to me at times, and I think it is a great agreement, and I hope it continues forever.

Wheeler: Thanks, officer temple. Appreciate it. Commissioner Hardesty.

Hardesty: Thank you, mayor. Thank you so much. It's always a good thing when you have a conversation and you see it reflected in what comes back to the city council, so thank you for going back and having that conversation. Michael, you said that you've been at new Columbia since 2001.

August 28-29, 2019

Buonocore: I worked at home forward starting in 2001 when it was Columbia villa.

Hardesty: So, when I had the visit in my office, the context that I had to -- the conversation was around an experience that happened in 2014 where I thought it was is a 12-year-old girl but I just was reminded it was a nine-year-old girl arrested. So, what I see is younger officers engaging in, and interacting in new Columbia. Just -- so my concern was that again, that we had these uneven policies about how policing would take place, and I am impressed with the officers that I met with. I believe that the program -- I am appreciative that this is the last extension, and that next time we will have an evaluation of what is really taking place. I personally would like to have some demographic data around, around the arrest and outcomes, and interactions of engagements, especially with young people and new Columbia, but so, it feels really hard for me sometimes to say really great things about the Police, right, because I am -- I certainly come to this experience as an activist and advocate, but when you do good things, I want to applaud the good things you do, and so just know that I judge your activity based on both history and the opportunities that we have had to change outcomes in the work that you do. So, thank you for what you do.

Wheeler: Commissioner Fritz.

Fritz: Thank you very much for bringing this report. Captain, I would encourage you not to wait until the end of the next contract, although we can direct you to do the next contract, I would suggest an annual discussion of -- and documentation of what's going well. That way you will have the report written by the next time you come back here. And I wanted to mention one of my senior policy advisers Cynthia Castro, was the director at the Charles Jordan community center before they came to work, and she noted the offices come into the community center, for instance, the Charles Jordan community center spring break dodgeball tournament, which sounds like an epic event. She was asked while she was in the position, does this kind of collaboration happen in any other parts of the city? Are they similar? Are there similar policing efforts in the other parts of the city?

Captain Anthony Passadore, Portland Police Bureau: We certainly strive for that. Unfortunately, due to some of the constraints with call loads and staffing, and I am not here to advocate for that, but this creates a unique opportunity where there is extra funding that brings those officers in and focuses in that area. We are working on programs in the north precinct specifically, the Lloyd center community safety plan that's occurring now, that are modeled after this, and we are going to try to see if we can model them further after it. This is a very successful way of Policing the areas because it's not policing with the sense of the Police first, it's the community watching out for the community first and the Police being of assistance. That's our goal. Constraints keep us from doing that everywhere, but we want to move in that direction.

Fritz: I think you did make the case for more resources, and particularly of people. We have 100 unfilled positions funded, so I think officer essential, you also have just demonstrated to anybody who might be watching policing is changing, and that there are deeply satisfying areas that people can work in as officers, which are not necessarily the traditional way of doing the work that you do. I hope people will sign up to do that and join the effort. Thank you very much.

Wheeler: Commissioner Eudaly.

Eudaly: Thank you. I have a couple of clarifying questions. It looked like on the charts; the crime is not particularly high relative to the rest of the city. Is that correct?

Passadore: That's correct. The main thing that we are seeing is that it stayed consistent, in the city there is a slight increase, but crime within that area is lower.

Eudaly: So, the 15,000 plus calls over a period of six years wouldn't be extraordinary for a community of that size? It sounds like a lot to me, but --

Passadore: Yeah, no. And for example, in the Lloyd district where we are running the program, within a year period there were 2,000 calls just for disturbances. 1,000 calls for

August 28-29, 2019

disturbances, 2,000 some, which is a smaller geographical area that does not have the same type of housing environment. It's really not that large of a volume, it is larger than we would like to see.

Eudaly: It did appear you are getting a lot of phone calls for non-emergency issues. Or issues that maybe shouldn't require the Police, is that a fair characterization?

Passadore: We get phone calls from the dispatch center that are asking for people to respond. The majority of the connections that we are having with the community are just in general interactions because they are out there, when people have a concern, a lot of times there is an apprehensiveness to call 9-1-1 thinking that they are being a burden. We want people to believe the system will work for them and we are going to come. In this geographical area the officers are there -- seven days a week so those are the interactions we are talking about.

Eudaly: And who provides the mediation? I want intrigued by that. I am a fan of mediation.

Temple: I don't know who provides that.

Eudaly: Okay.

Temple: But we also have, not official mediation but groups of meetings together where like if two neighbors are having a Dispute we will invite them in and say, are you willing to have a talk with a manager and officer and we will try to figure it out together. I.

Eudaly: The wheels are turning, in civic life, we are reorienting crime prevention more towards community health and more towards the community members, to deal with their own challenges involving lawsuit, so I am interested in the potential to collaborate center because it sounds like what you are doing is working. It sounds like the type of policing that we would like to see more of throughout the city and like there is an opportunity to work with the community, whether it's conflict resolution skills, mediation, that's what I am interested in. So, thank you.

Wheeler: Commissioner Fish.

Fish: I want to thank you for your presentation. Michael, I was reflecting, when I listened to the presentation this morning, that I've been involved, one way or another over the last 20 years, in helping to revitalize what used to be called the Columbia villa, and now is the new Columbia. I think that it's worth noting that there was a time when the federal housing department actually gave grants to help the communities revitalize old public housing stock. The difference between Portland and some other cities was a lot of the aging and unacceptable housing in big cities tended to be vertical. This was more of a suburban Development, and had its own challenges, but without the help of the federal government, we would not have been able to revitalize the new Columbia. And then as pleased as I am with the report about how community policing is working, I want to acknowledge that for that community to be successful, it takes a lot of partners. The Police are a piece of it. Tamala at Rosa parks is a big piece of it, and she is retiring this year after a distinguished career but has earned our thanks. The village market, which is a grocery store that is partly subsidized by the county and city and that violates all the rules of the grocery stores. It does not sell tobacco, alcohol, or lottery tickets. So, it needs a public subsidy to survive because it does not sell people things that they don't eat. I am reflecting on the community garden and the ball field that has come in and the commercial space. McCoy field. McCoy park, actually. Michael, I think at one point, it may be true today, it's the most diverse track in the state. It was once upon a time, whether it's now -- cully competes for that, I don't know, but it is amongst the most diverse set of tracks in the state of Oregon. When you invest in nonprofits and small businesses and high-performing schools, when you invest in a community center, and we renamed the community center in honor of Charles Jordan, I invite my colleagues this Saturday, we'll Be honoring Charles Jordan from 12:00 to 3:00 in an event that Dion Jordan and Michelle harper have organized, and when all these pieces

August 28-29, 2019

are working together, we build community. I think that that's what we are getting a sense of progress. It's taken time. It is ultimately the goal is to knit together the community, so people feel safe and comfortable in their own neighborhood, so thank you for your presentation.

Wheeler: Very good. One last comment, I want to say that I want to add to the accolades. I appreciate the hard work. I want to acknowledge what some of my colleagues have pointed out. This is the difference between resourced policing that has the opportunity to problem active and engaged on the front end and reactive policing where you go from 9-1-1 calls to 9-1-1 calls, where you don't have that opportunity to build those relationships, and as commissioner Fish just said, it's also about building community partnerships. Somebody has to facilitate the development of those partnerships, and here we have the time and the resources to be able to do it right. So, I want to acknowledge what my colleagues said earlier, this is the way that we should be doing policing all across the city, and that's the division of community policing. Here's a good incubator, a good example of how do it right. And I appreciate you being here, and I appreciate the presentation you gave, as well. Well done. Thank you. Commissioner Hardesty.

Hardesty: Thank you, mayor. How long have you been a Police officer, a Portland Police officer?

*******:** Eight years.

Hardesty: Eight years, and are you local?

Temple: Actually, I moved around but grew up in Seattle, and then since living in Portland I have lived in Portland and all the suburbs.

Hardesty: And was brought you to Portland?

Temple: I went to college at Portland state, and then I moved back to Seattle. Actually, I was going to be a lawyer, going to law school, and I decided I would rather be a Police officer, and my time and experiences were with the Portland Police, so I moved back to work with the Portland Police.

Hardesty: Last question, sorry so put you on the spot but you are probably the youngest Police officer that has sat in front of me, so I have got questions. My last question is why did you decide that you wanted to be a Portland Police officer. Says.

Temple: It was not my original plan. I went on ride-alongs, and I felt like you were working with people, directly helping people, there was an element of excitement to it, I liked driving fast, but I wanted to go out and be a compassionate, and learning people, and I have you also had a knowledge of like the historical issues with Police, and I wanted to be someone that Could be trusting and understanding of the situations.

Hardesty: Thank you. I didn't mean to put you on the spot but inquiring minds.

Wheeler: Thank you. We will take public testimony. You can cool your heels if you would like. How many people do we have signed up?

Moore-Love: Five people.

Wheeler: Very good.

Joe Walsh: Good morning, my name is joe Walsh, and I represent individuals for justice. We oppose this strictly on the lack of community input. At least the paperwork that comes off the computer is, basically, saying that the cops go to events, and they go to parties, and they talk to people during those events, and parties and get together. That's not good enough. You need people to sit down and say, you know what you should be doing, blah, blah, blah, blah, and you accept it or reject it. You don't need people at a party saying pass me the popcorn, and by the way, how do you like this program? That's not professional. What we saw here today is the Police department giving you a report. You believing it. We don't believe the Police department. We think that they lie. We don't believe this council. We think that you are corrupt. With the mayor under a RICO investigation, that's corrupt. That's bad. What people pay \$1,000 for a hotel room? That's corrupt. We don't trust you

August 28-29, 2019

anymore. We used to. We did. When I first came here, we at least trusted you. But we had a different mayor then. We had mayor potter, who was kind of cool. If I remember correctly, he used to ask, hey, how are the children doing? And I thought that that was interesting. Our mayor? Rico. Rico. You know what RICO is? It's racketeering. They use it for the mafia. Rico. We are against it. We know you are going to vote for it. But we want to go on record that we are against it, strictly because you have no input from the citizens, and you guys are phony and corrupt. Outside of that --

Wheeler: Good morning, and just for the record I am not under a RICO investigation in case anybody is wondering. Good morning.

Maggie: Good morning. I would like to give you that citizen input that joe Walsh was just talking about, and that is at 9:40:00 a.m. This morning, at southeast Milwaukie, I went and reported what somebody told me because they would not go to the cops, which is at 3:00 a.m., and I don't know if it was on a Monday or a Tuesday, a man was walking back from cocoa doughnuts towards walking east. A white 2000 ford was driving east, did a U-turn, came back, and within 20 feet of him a -- a caucasian man ran, turned, and heard a shot out of the gun. Let me finish.

Fritz: Is that new Columbia, is this at new Columbia?

Maggie: Let me finish. No. I am talking about the cop that I walked up and told this to was very, very rude to me. He was caucasian, by the way and extremely rude. He was like, what does this have to do with me? That is literally what he said to me.

Wheeler: So, Maggie this is about something else? You can file a complaint through the independent Police review.

Maggie: Why not have the participants of this program rather than the Police come up and give you testimony about how the cops are doing. The cops should not be giving you testimony of how the cops are doing. The participants in the program should be coming up to you and saying, yeah, things were bad if years and now they are getting better.

> not the cops.

Hardesty: Thank you, Maggie.

Wheeler: Thank you. Good morning.

Lightning Super Connectome: Good morning. My name is lightning. I represent lightning, super humanity connectome. On this issue is, and I am not going to necessarily talk negative about the Police on what I am going to say, but I am going to say this -- the Police serve a purpose, but when they become intertwined within a property and a large number of People and they call a community policing, my first question is I assume that they are going to be carrying guns. I don't like that in the villa. I want to have more private security without the guns at a lower price. More relationship with home forward. The Police need to keep more of a separation because as you know, how many other properties have this taking place? Well, they answered. We would like to expand but we don't know any. I don't think that it's appropriate, and my question to you, if I am in Columbia villa, and I am just on the edge of the property, and my car just got broke into or something, and I say hey, can you help me over here? Who do we have to answer to? Are they supposed to answer to IPM, to home forward? Who is their agreement with now? I want a complete separation, and as you know I fought against any Portland Police being hired by target and having to listen to them in the property. Once you have a conflict, if you are a tenant in the property, with the Portland Police, such as this gentleman that sat before us this morning, expressed, where is the mediation then? If that Portland Police took the report and points at you and someone sitting over there, what happens? We need to look at the eviction process, and we need to look at the mediation process. We need to hear the people that have been evicted. What do you think about this program? Why didn't it work for you? And I would like to look at those names and those people and see exactly what the problem was. So, I know you are going to approve this, but I am just saying shorten the approval

August 28-29, 2019

time, and make sure that you have a renewal possibility option and do more research on this. This is so serious. If you were in this property, and you had to say boy, I had problems ten years ago with the Portland Police, and by the way, this person knows me. I am not going to last in this apartment building. I shouldn't have to worry about that. If -- there is always two sides to the story as this gentleman sat up here and stated. Until you hear that other side of the story, it may not mean anything. And that's what we need to look at. By the way, mayor, you are under investigators by lightning, pertaining to the RICO act. Have a wonderful day.

Moore-Love: The last two are Steve Entwistle and dan Handelman.

Wheeler: Good morning. How are you today?

Steve Entwistle: Doing fine. I am Steven Entwistle, and this has been an interesting morning. Say agree with joe Walsh on the fact that we don't have enough public input on all these issues. I think that can be disastrous because, and the fact with what Maggie said, that the people Here that were in the building, the ten assistants are not here to comment. That's a valid note, as well. With lightning, the fact that they are having weapons in these facilities is rather disturbing, especially due to a lot of the histories that folks have. I think that it could be put together better. I think better minds can see, and there is other folks that have not gotten involved that may be should have a voice, an opinion, at least, to listen to. And I think that we are living in a time that is not natural, and our economics is skewed. People, good people are not making it the way that they should be. It's not their fault. That's all. Thank you.

Wheeler: Thank you. Good morning.

Dan Handelman, Portland Copwatch: Good morning, mayor, and council. I am dan Handelman with the Portland cop watch. I was not planning to testify on this agenda item, but after hearing the discussion, I just wanted to add a few things. I appreciate a lot of the things that lightning said before, and one of the things that you always have to think about is the power dynamics of having armed officers. Everybody got treated like a criminal suspect on the way into this building, except the Police officers sitting at this table with guns on their hips telling you how they are part of the community. Most people I know don't wear guns on their hips, so I find That disturbing that they are being used for mediations, playing dodgeball games with children while wearing guns on the hips. We have a new public safety support specialist, supposed to be unarmed officers. Maybe, especially because they are thinking about a ten-year extension of this contract, and instead you should think about having those public safety support specialists be part of their team instead of the armed officers.

Fish: It's not a ten-year extension. It is an extension that does not exceed ten years cumulatively with all of the extensions. We are not extending it ten years.

Handelman: Okay. So, you are saying that starting from 2012, so until 2022?

Fish: Correct.

Handelman: So, three years is a long time when you have this program available to you.

Fish: It is not ten years.

Handelman: I understand. So, you know, the question to ask about these relationships with the Police is always what happens if there is an officer-involved shooting. So, they build this great relationship with the community and something happens, and the trust goes away, so that's another reason why we should think about some other form of community interaction to help with the mediation and problem solving instead of armed Police officers. That's ultimately the power of Portland Police is to take the lives with guns and that's one of the reasons that the Portland cop watch exists because we are very concerned about that and the way that the -- our society allows the Police to do that. We also have testified many times in the past, and this is something else that lightning touched on about people with extra money being able to hire the Portland Police officers to do

August 28-29, 2019

policing in their communities. Normally, this is a problem in higher end communities like we are talking about the downtown business association that pays for four Police officers, and this new idea about the Lloyd district, but this is a lower income community, and I am not sure, it sounds like federal funding is paying for this, but it is still unequal dream. It is still -- you expressed how boy; this will be great if everybody had it. That's the way it is supposed to work. We pay our taxes, and everybody gets the same policing services. That is another troubling aspect of this. I will just leave it at that.

Wheeler: Thank you.

Fritz: Just according to the financial back statement it is funded through an ongoing appropriation into the Police Bureau budget.

Eudaly: We are not moving on this?

Wheeler: No.

Eudaly: I would like to say I agree with a couple other commenters, a couple of members of the public that I would have liked to have heard from members of the community on their experience with this program. I certainly -- it sounds like a wonderful program. It helps to have recommendations of -- from home forward, but there is just nothing like hearing from, directly from the people who are involved and impacted, so I am likely to support this as an extension, but when we come back to talk about renewing it or evaluating it as commissioner Hardesty has suggested, I want to hear from the significant community.

Wheeler: Commissioner Hardesty.

Hardesty: Thank you. I know that we are not voting on this today, but because of some of the public testimony, I just want to put on the record, I just want to correct something for the public record. First, the Police are not doing the mediation. They are contracting out for mediation services, and so.

Eudaly: That's what they said.

Hardesty: The public testimony said that the Police were the ones mediating, and I have actually a long history with Columbia villa/new Columbia, if fact, when we first got awarded the hope 6 grant, I was concerned that low income people would be totally displaced, once the new pretty environment was created. This happened in every community across the country. When these federal dollars came in. I was also concerned about making sure that mixed income people could co-habitate in a community and that the community would be better off for the new investment that had been made. I recently went and toured the community garden and talked to a whole host of community members. I think that there is like 50 different languages that are spoken at new Columbia today. It was really wonderful to talk to people about how community is building community in new Columbia. I also wanted to make sure that we -- I am appalled by the suggestion of private security. We have no oversight of private security in the city of Portland today, and sometimes private security has weapons, and sometimes they don't, and their prosecutes are not uniform across the industry. I would be very concerned about people that I could not hold accountable. Is Columbia villa the community policing program, the Best thing since sliced bread? No. Is there room for improvement? Absolutely. I would love to see a bicycle Police officer, or the unarmed Police officers be the ones that were building community at new Columbia. Maybe we will get to that process. Where we are today, this program is working, and it's working in a way that we are reducing arrests and we are reducing a community member's interactions with Police, and we want the Police to be less involved in the community members' life, except in a positive way, and everything that I have seen and based on the conversation, that I had both with the officers involved and the community members, this is good at the moment.

Everybody I have seen based on the conversation that I had both with the officers involved and community members, this is good at the moment. I wanted to dispel the myth we can't

August 28-29, 2019

do this in other communities because we don't have enough money or resources because we could do this in other communities if we were as thoughtful as we were when Columbia was being created. We could do this. We could do it with officers that we have as we start redirecting 911 calls to other systems so that Police are doing what Police are supposed to do and other community responders are doing what they are supposed do. So, apologize for the longwinded response because I'm old and I forget it by next week when we vote on it, so I wanted to make sure it was part of the public record.

Wheeler: Is there anything the panel felt they needed to respond to on this? I don't see that. Very good. First reading of a nonemergency ordinance. Moves to second reading. Thank you, next item 813.

Item 813

Wheeler: This amends the Police review board code to clarify a member will sit on the Police review board as an additional community member in all cases before the board involving use of force. The ordinance amends code 3.20.140. Under the DOJ settlement agreement when they review use of force cases one of two community members shall be drawn from the citizen review committee members. Paragraph 131a of the settlement agreement provides currently seven voting members of the review board use of force in incidents including two citizen members. When the PRB reviews cases one of the two citizen slots shall be drawn from the citizen review committee members. May 14, 2019 the united states department of justice issued its fourth periodic compliance assessment report. The DOJ found the city in substantial compliance with paragraph 131a and found as a matter of practice the Police review board in use of force case has included two community members, one of whom was a CRC member. In connection with its finding, however, the DOJ offered the technical assistance the city should conform city code 3.20.140 to clarify that in accordance with paragraph 131 a, all use of force cases regardless of how they are referred to the Police review board will include a community member drawn from the citizen review committee. All Police review board cases involving use of force regardless of the level of force or how the case is referred to the board will include on the board at least one citizen member from the citizen review committee, a change to section 3.20.140 c2 is appropriate. This code change amends city code to comply with technical assistance offered by the DOJ, department of justice, to the city. Ultimately the city goal is to obtain compliance under the department of justice settlement agreement, and this is an important step towards that goal. Mark is here to tell us more. Thank you.

Mark Amberg, Chief Deputy City Attorney: Thank you, mayor. Mark Amberg with the city attorney's office. As the mayor has basically stated this really is a cleanup to bring revisions of city code in conformance with the required agreed to in the settlement agreement. It clarified that when a Police review board is convened to review a use of force incident, regardless of how that case gets to the review board, there will be two community members that sit on that board, one of those members will be drawn from the citizen review committee or the CRC. Under current code language it wasn't entirely clear although that has been in fact the practice of the Police Bureau in Police review boards involving use of force incidents any time there is a review of the use of force incident by the board there are community members, one of which is a CRC member. Under current code it specifically lists four particular types of use of force that will require a citizen review member. The citizen review committee member to sit as a second member on the board. There's two other ways that a case can come to the board in addition to the four listed types of cases which are officers involved shooting, injury involving hospital stays, in-custody deaths or any use of force with a recommended finding is out of policy. There's two other ways a case can come to the board, discretionary referral by the chief of Police and assistant chief or the independent Police review or when a case is controverted by an

August 28-29, 2019

independent Police review and assistant chief or internal affairs. To clarify that in those types of cases if it's a discretionary referral or controverted case, that comes to the board on use of force case to clarify in code those cases will in fact also include a citizen review committee member as the second community member on that board. So that's what this ordinance does is to put that into code so it's clear that any use of force case there will be the two community members including the CRC member.

Wheeler: Thank you. Anything you want to add?

Commander Bryan Parman, Portland Police Bureau, Professional Standards Division: No, sir.

Wheeler: Colleagues? Commissioner Hardesty. I understand commander Parman is here as well if there's specific questions about the program. Maybe. No? Yes? I'm sorry. Thank you. Apologize. Thank you.

Hardesty: Thank you, mayor. Thank you, mark, for briefing me yesterday on this particular proposal. As you know I have no problem with this clarification, but for the public record you might remember that the OIR made significant recommendations for the Police review board and those recommendations have not been considered and updated either considered, rejected or updated since the OIR report was presented to us earlier this year so I'm curious as to what the timeline is and when we can expect to have a conversation about the recommendations that came out of the OIR group report.

Commander Parman: Good morning. Mr. Mayor, members of council, I'm Brian Parman, commander of the professional standards division. Thank you for your question. I reviewed the last two years' worth of OIR reports in both of those reports the Police Bureau has filed a response on whether they agree or disagree with the recommendations. In looking at those recommendations many of those were address through changes in our policy and practice and changes through our sops, standard operating procedures, within specific divisions based on my examination and consultation with the city attorney's office none of the changes required changes to the code language which really is about the structure and composition. Many changes have been incorporated and we would be happy to share information related to that at a future date.

Hardesty: I would greatly appreciate you sharing the information about what's been updated and if there's a timeline for the rest of the updates or if you have rejected the recommendations and if so why.

Commander Parman: Okay.

Wheeler: Commander, I have my glasses on now. I see you.

Commander Parman: Thank you.

Wheeler: Quick question. I assume the CRC concurs or CRC leadership concurs this is the right thing to do.

Commander Parman: Mayor, we met with the chair of the citizen review committee. It was also presented by IPR to the CRC as a whole this was coming many. There were no objections. They were supportive of the change.

Wheeler: Thank you. I appreciate that. Public testimony. Commissioner Fish? Public testimony?

Moore-Love: We have two people signed up.

Wheeler: Very good.

Moore-Love: Dan Handelman and Maggie.

Dan Handelman, Portland Copwatch: Good morning, again, mayor wheeler, commissioners. I'm still dan Handelman with Portland cop watch. We have strong language about the language pro poeed today. We have many questions about practical ways of fulfilling the intent of this ordinance change. We also are concerned that this ordinance keeps getting tinkered around the edges where there are large issues council keeps ignoring. The change being made that required the CRC to sit in on use of force

August 28-29, 2019

case is consistent with the DOJ agreement. The CRC already it's in when there's deadly force. Nearly every time the last two years the same member has been attending. She has spoken repeatedly about how the Bureau is reluctant to provide case materials outside certain business hours which makes it difficult for others to review the files and then sit in on the hearings. Once we overhaul the board so it's not fully internal for the Bureau, staff could be more flexible with their hours. You could direct the chief or the ppb to allow CRC members have the files digitally. I think there was a secure portal set up and DVDs. It's not clear why this isn't done for the Police review board. Another issue is that we brought up over and over again that CRC is made up of mostly young professionals that work full-time. We have talked over and over how there used to be too many retirees, now there's no one over age 50. That would help expand the CRC's ability to sit in on Police review boards. The code keeps getting modified bits at a time. In fact, you have had five years to make this change and it has not been done. Another change that was done in policy but never in code that the Police review board asks the Bureau to do further investigation they have to do that investigation. Have to complete it within ten days. That's not in this code. I don't know y. It's part of the DOJ agreement. It should be included in the code. We should allow the is from nears or their survivors to sit in on the board. This is something the community has been asking for. We should open PRB to the media and/or the public, require public meetings twice a year when the reports are published. There has not been a Police review board report yet this year even though they are required twice a year. We're already in august. I don't know why that is. You're about to reappoint a bunch of new people or returning people sometime in the next month. You can ask those people to hold those public meetings. They are supposed to be the voice of the community sitting in on those closed door Police review meetings. Would love an opportunity to talk to them. We would like to see you take bolder steps to reform the board not do a check box to finish the DOJ agreement. The DOJ said you can create a board that is stronger you just can't go backwards.

Wheeler: Thank you, Good Morning.

Maggie: I'm Maggie. I agree no closed door meetings. I agree survivors to sit in on board meetings. I agree members of the public to sit in. Also why not have the public member that's going to be part of the CRC be different each time based on it should be someone from the community who that use of force was used against. In other words, each time the use of force is reviewed, and it's being reviewed, obviously, for a reason, it should be somebody from the community who is of the victim of the use of force. It should change each time, the victim, the person who is the victim of use of force by the state, it should be the person who is on the CRC when is the public member should be from the community of the victim. That's it.

Wheeler: All right. Thank you both. Colleagues, do you have further questions of commander Parham or --? Very good, please call the roll. [Roll called]

Hardesty: I'm concerned about piecemeal fixes and doing it just so the DOJ can check a box and leave town. Clearly there are some big issues that still must be resolved in the issue around the Police review board, and I wish we were having a more in-depth conversation about where are we headed as far as this process is concerned. At the end of the day this is a change that just clarifies a community member, two community members will sit in on each hearing but it's clear that the fundamental structure is broken, and it's been pointed out in every report that we have received. So, I'm very interested in seeing a timeline about when we're going to do the other fixes because quite frankly the DOJ settlement is just one tiny piece of the reform efforts that we're involved in. Having said that, I vote aye.

Eudaly: Aye.

Fritz: Aye.

Fish: Aye.

August 28-29, 2019

Wheeler: I think there were some legitimate issues raised by dan Handelman in particular. I don't always agree but I think he made some good arguments on a number of issues. So, I will commit to following up on a number of them that I think are particularly important that I applaud the work that is being done both in the legal department and as well as in ppb. I know this is a very complex subject and I believe this moves the ball forward in an important way. I thank you for that. I vote aye. The ordinance is adopted. Next is item 814.
Item 814.

Wheeler: Colleagues, this is a second reading. We have already presentation and public testimony. Is there further discussion? Please call the roll. [Roll Called]

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

Fritz: I commend Commissioner Fish for when he was in charge of the water Bureau approving this innovative experiment. It didn't work out as well as hoped but that's a good thing for us to do especially since the only money we lose on this is that we won't get paid the franchise fees anymore. It didn't cost us anything to do it. Thank you for trying Commissioner Fish. Aye.

Fish: Aye.

Wheeler: Aye. The ordinance is adopted. Item 815, also second reading.

Item 815.

Wheeler: Colleagues, any further discussion on this item? Please call the roll.

Hardesty: Aye.

Eudaly: I just want to say I'm not the world's biggest fan of drug testing, but we have an obligation to ensure public safety, so especially when employees are operating vehicles or performing other tasks that could endanger the public if under the influence, I certainly support that. I vote aye.

Fritz: Aye. **Fish:** Aye. **Wheeler:** Aye. The ordinance is adopted. 816, please.

Item 816.

Wheeler: Commissioner Eudaly.

Eudaly: Thank you, mayor. This project is a pedestrian access transit improvement project focusing on southeast stark street and southeast 146th avenue. The scope includes sidewalk infill, ADA compliant curb ramps, pedestrian crossing improvements, striping and signage improvements and new traffic signals. Here to explain the details and answer any questions is Owen Kilmer, PBOT right of way agent. I love that title so much it makes me think I really want to be some kind of agent one day.

Ellen Kilmer, Portland Bureaus of Transportation Right of Way Agent: Really cool. Good morning. Mayor, commissioners, I'm Ellen Kilmer with PBOT right of way acquisition. Thank you for your summary. Agenda item 816 would authorize eminent domain authority and allow us to offer just compensation to property owners for their property rights in connection with the safer access to bus shelters project which is a fixing our streets project. The property rights in question as commissioner Eudaly stated would support construction of the sidewalk, construction ADA ramps, signals, and driveway reconnections at the intersection of southeast stark and 146th avenue. I would also like to add that the affected property owners have been informed and have also been invited today. That's about all I have. I can answer any questions that council might have.

Eudaly: I think it might be interesting to know the impact on the property owners. I understand it's a very small slice of the properties, and that it won't impact the current use of the properties.

Kilmer: Correct. There are two properties that we would be acquiring property rights from. Each property we would be acquiring a temporary construction easement on each, about three feet wide. On one of them we would acquire about one two feet of permanent right of way dedication.

Eudaly: For the sidewalks.

August 28-29, 2019

Kilmer: For the sidewalk construction, yes.

Eudaly: As far as we know neither property owner have an issue?

Kilmer: No. They haven't spoken about that with me. In fact, one has already offered their support.

Eudaly: Great.

Hardesty: Thank you so much for your presentation and information. I have a question about the safe access to bus shelters. Are we really going to get shelters or is a lane?

Kilmer: That's a great question. Do you mind if Sheila parrot can answer that question a whole lot better?

Eudaly: And just to be clear TriMet builds those bus shelters, it's not PBOT.

Hardesty: I understand that but if were putting money on the table we would like to be like the rest of the city and have robust shelters. Some of the core inner city areas.

Eudaly: I agree. The struggle is real. [laughter] I inherited a lot of issues with the Bureau, and I just want to be clear when the issue is not --

Hardesty: This is a good opportunity. As all of us inherit work that others have moved forward before, we got here it's important to take the opportunity to say are we really moving in the right direction. So, thank you so much for joining us. My question is really specific to the statement safe access to bus shelters. So, do you know whether or not we're getting real bus shelters or we're getting lanes like we consumer have in east Portland?

Sheila Parrot, Portland Bureau of Transportation Project Manager: Sure. I'm the project manager. No, this project doesn't include shelters. It's just access where there already are bus stops.

Hardesty: So even though it says safer access it's about street cuts to make it easier for people to get to a bus shelter if it exists?

Parrot: Correct. It's access for pedestrians to cross that busy street.

Hardesty: Do we know if there's a bus shelter in this area?

Parrot: I do not know. I know there's a bus stop on the westbound direction at that intersection.

Eudaly: Now I understand the confusion. I'm going to suggest that this name be changed to safer access to bus stops and shelters because that is confusing.

Parrot: I like that.

Eudaly: I also want to go on the record and maybe TriMet is listening that as PBOT and the city invest more and more money in our pedestrian infrastructure specifically on corridors with significant bus lines we would like to see them stepping up and offering additional improvements like shelters. We are trying to make it easier and safer for people to get to their bus stops, their customers to get to their bus stops, and increase ridership. I think some improvements would be justifiable.

Parrot: We can bring that up to TriMet.

Fish: Let me go back to what's actually before us, which is authorization to acquire certain permanent and temporary rights. You mentioned eminent domain. We're sensitive to the fact that we have whether it's sidewalks or remonstrances on LIDs or other processes, a mechanism for people to come to Council and object if they object. In this instance, I take it that you can assure us that all the property owners have been notified in writing.

Kilmer: Correct.

Fish: They have been given notification of this hearing.

Kilmer: Correct.

Fish: If they have an objection to what you are seeking, this is their opportunity to address council.

Kilmer: Correct.

August 28-29, 2019

Fish: We received nothing in writing from any of the property owners, in fact this has been a friendly transaction so far.

Kilmer: So far, correct.

Fish: Thank you.

Fritz: So, I appreciate you both being here. Thank you for your conversation. It seems like we have a carrot and need a stick as well because I have found it very difficult to get changes made at TriMet and I would like before I leave this -- body in 16 months to feel like we are starting to develop a better, more collaborative relationship. Since we are investing taxpayers money into improving the system that benefits TriMet's customers I hope you will have conversation both at staff level and at the executive level just to say let's get real and let's do this together and maybe we could put in a shelter at the same time we're doing the sidewalk or whatever.

Eudaly: I greatly agree, this has been a topic of ongoing conversation with TriMet. I'm gravely concerned by their lackluster mode share and that we're not seeing ridership going up. We of course have an obligation to make our streets safer whether they want to give us a bus shelter or not. In some instances, bus shelters are not possible because the sidewalks are not wide enough. I don't know if that's the case here but there are some factors that would prevent -- would prevent the construction of shelters in some areas. That being said, we really need TriMet to partner with us in making mass transit more appealing to more people. I appreciate the remarks of commissioner Hardesty and commissioner Fritz. You have my word that I'm really working on it.

Hardesty: I want you to know, let me know how I can be helpful. I think we can't be spending the money we're spending on transportation improvements and not have a good transit partner. I got to say the fact that the governor appoints TriMet board still bugs the daylights out of me even though I actually like the governor. I just think that we should be the ones appointing TriMet board and it should not be something that happens at the state level especially when we're not getting the kind of cooperation that we should have. Just sayin'. Thank you.

Eudaly: Duly noted.

Wheeler: We'll take public testimony. Thank you for your presentation. That's good.

Moore-Love: We have three people signed up.

Wheeler: Good.

Moore-Love: Maggie, Lightning, and Joe Walsh.

Wheeler: Good morning.

Joe Walsh: Good morning. My name is Joe Walsh. I represent individuals for justice. I would like to point out to you guys how important it is when -- I have to go or anyone in a mobile device has to find safe space. There's two reasons for that. Number one I'm almost positive my batteries are secure, and they are okay in the rain, but if they go out, I'm really screwed. Okay? I'm not going to get off appeared push up a hill. The shelters become very important to people that have mobile devices or are in wheelchairs. We have the ability to travel distances, but weather is really important, and the shelters help. So, I want you to think about that. I know that there's some conversation about shelters, however, it was introduced. You opened up the door as they say in tv land. Think about the people in the city that have to go out in the rain, and this is not San Diego. This is Portland. Rains a lot here. I notice that. So, thank you for your patience. I just wanted to make sure you thought about that one issue.

Wheeler: Thank you.

Maggie: Hi, Maggie, Portland town hall. I second the motion by Joe Walsh to build more bus shelters. Especially since and about the wheelchairs, the mobility devices, if he had not said that I would have said it. Especially in the areas where there are many low income people and many people with disability and many older people you find there are not

August 28-29, 2019

shelters. Bus shelters. It's not hard to figure out why this is because, you know, the rich people get the nice stuff and the poor disabled people don't. That's the way it is across the nation. So definitely think about that.

Wheeler: Thank you.

Lightning: Yes, my name is lightning. I represent lightning superconnectivity. One concern as always with me is when we authorize to go into basically eminent domain on any property that always concerns me up front. Now, it seems to me that you've contact the owners, you've stated there would be an ordinance today, but my only question is that once you go into that eminent domain mode it's saying we're going to get your property whether you like it or not and I guess if I was a property owner I would love to have the Bureau come up to me and say, we have an interest to buy your property. This is the price. Are you happy with that or not? Once you throw out that eminent domain, here's the deal, my friend, we'll come back with the price, you can use your appraisers. We'll use ours. But this is what we're going to pay and we're going to get your property. I would like to have it negotiated up front and the owners say, wow, that price was so low I'm not happy this is why I'm here. Now we're going to go through that, it's a little bit tilts the scale in my opinion. Issue number 2, this is my opinion to TriMet, you're like a dinosaur. You should be underground. Here's my opinion to you, TriMet. Sell out to uber now while you have some value. They are going to crush you into the grounds, grind you up like fossil fuel, and then spit you out.

Fish: Lightning --

Lightning: To uber, please do not cut my speech off. This is to the subject.

Fish: You have your time. Uber just reported a \$5 billion loss.

Lightning: Well, also uber did their IPO--

Fish: Saying they may not be around long enough to take you up on the deal.

Lightning: Here is my answer to that, it's amazing how you can show a \$5 billion loss and do an IPO which calls it at 60 to 100 billion. Understand that they just fund money and have investors coming in funding and they create losses. The reality is here that they are so much bigger than TriMet, they are going to swallow you up like a shark. So now quit wasting the public's money and understand uber, lyft and these companies will take over the transportation industry in this city. Get out now while you can and sell while you can before the public takes tremendous losses. As far as ridership being down, thank you, uber and lyft and thank you for bringing in these ride sharing companies. One guide said, guess what, they are going to go after public transportation like you can't imagine and they are going to buy you up at little to nothing and guess what, we're going in that direction. Good work, uber and lyft. Thank you.

Wheeler: All right, does that complete public testimony?

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

Wheeler: Any further discussion? Please call the roll. [Roll Called]

Hardesty: I think that this is a good improvement that we are making to make it safer in east Portland for people to travel. I'm hopeful staff will go back and make sure that as the street improvements are being completed that we are also making sure that it is safe for people to stand on the bus stops that have been designated and that area. I vote aye.

Eudaly: I want to acknowledge Mr. Walsh's testimony and just affirm that TriMet service for people with disabilities, especially people who have mobility devices, is grossly inadequate, and shelters are a part of that, obviously. I agree with my colleagues, commissioner Hardesty and commissioner Fritz, that we would love to see TriMet step up with some improved amenities. Mr. Lightning as far as I know TriMet is not for sale. It's a municipal corporation, and it's not publicly held. So, I don't think uber will be buying them out. TNCs are certainly not the solution for congestion and climate change. We need a better transit system. I'm committed to getting us a better transit system. I vote aye.

August 28-29, 2019

Fritz: We need to return to celebrating southeast stark and southeast 146th that's been selected to get these improvements. At the least there will now be a sidewalk for people to stand on instead of the mud. I appreciate the allocation and the shared commitment we have to partnering with TriMet to improve transit service, so everybody loves it. Aye.

Fish: Aye.

Wheeler: Aye. The ordinance is adopted. Next up, 817.

Item 817.

Fritz: Thank you Mayor, as we continue to work through the implementation of this program, we found some areas within the law that could be improved. As you know I'm going to be continuing to bring tweaks as they come up, so that we continue moving full speed ahead as candidates are already using the program. The two small amendments to the code before you today are intended to clarify reporting requirements for all candidates seeking election for city council not just those participating in the program. Also removes loophole for in-kind donations, which we came to our attention and everybody involved agrees needs to be closed. The open and accountable elections commission has reviewed these changes and approved moving them forward. Susan Mottet, Program director of Open and Accountable Elections is here to walk through the changes.

Susan Mottet, Director of Open and Accountable Elections: Thank you, commissioner. I'm Susan Mottet, director of open and accountable elections. I bring before you two amendments for your consideration found in exhibits a and b. The first is to section 2.1600 D. It strikes language that would allow unlimited in kind contributions of paid supervision of volunteers. That way donors can still in kind paid supervision volunteers paying someone for phone banking or to do voter engagement and education, but it would be subject to the \$20,000 cap for in-kind contributions each campaign is subject to per election action. The second change is to 2.16.140 A. It just clarifies that the nonparticipating candidates that need to report in political committees that need to report contributions and expenditures to the program which we're allowing them to do so they don't need to do duplicative work, doesn't apply to the candidates that are spending less than \$750 on their campaigns and therefore are not required to report to ORSTAR. We're not suddenly making them report to us. We didn't want to create a burden for campaign reporting that doesn't currently exist. Commissioners said all of these amendments were discussed with both the coalition and the Open and accountable elections commission. Unanimously making both of these changes.

Fish: What was the logic with the first change that you're making, suggesting. What was the logic behind exempting paid time for supervisor or volunteers from the \$20,000 cap?

Mottet: The thought was that that's one paid in kind that can really support democratic ideals of providing more time engaging voters and educating voters. So that was why it was left unlimited, but after the code passed and as we were getting into implementation people realized you can really just in-kind a whole staff member to a campaign. That might really be allowing in kind of large contributions within the program that were not contemplated and felt like a big loophole.

Fish: Makes sense. Thank you.

Wheeler: Very good. I just want to say number one I support today's amendments. They make a lot of sense. I appreciate the work commissioner Fritz and you have gone through. I support the values of the program, but I want to continue to express my ongoing serious concerns about the viability of this program overall. Just before we sat down to council today, we got the latest quality assurance report from the technology oversight committee, and it shows that all of the program is either in the yellow or the red. The overall rating for quality assurance for the entirety of the program is red. We already have candidates lining up declaring they are going to use this program in this cycle. What can you say to give us

August 28-29, 2019

confidence that this program quality assurance is basically saying it's not ready to go? What can you do to give us confidences that it is ready to go?

Mottet: We had hoped to get the entire technology product delivered on September 1. We have since amended that schedule. So that there are two pieces that we know we will not get. One until October 1, one until November 1. Those pieces are not important for the city to be able to administer the program. One of them is the ability to see public data visualizations about how campaign finance dollars are being raised. That will be ready October 1. The second piece is the ability of campaigns to bulk export their contribution and expenditure information they put into our software and then pluck import it to ORSTAR, so they are not doing duplicative work reporting to us and having to type all that information to ORSTAR separately. Those two pieces while nice to have don't need to be ready in time forever the program, the city to implement the program. We have received already modules 1 and 2 of the technology. And as soon as we receive module 4, which should be soon because the coding is a lot of mirror image of module 2, so very quick to do, we'll be able to do plan b implementation, which is mostly automated but a little bit of manual implementation on the city matching donor names and addresses to the voter registration list manually rather than automatically. So that's module 3 and that is due to be delivered to us on September 15th. So that's two weeks late but not worrisome in any way in terms of creating a burden on the city. Once that plan a fully automated implementation of the program. We're in good shape.

Wheeler: I have not had the chance to fully digest the report. It came to me literally minutes before it came to the meeting. I have to express my ongoing concern.

Mottet: Happy to brief anyone who has questions.

Hardesty: I think it would be great if you would brief us all just because we want to make sure that when this program rolls out as the mayor said there are candidates that are actually already publicly declaring they are planning to use the system. I'm certainly looking forward to an update. I have not seen what the mayor has seen so far today. It would be good for us to get the oversight committee back here and hopefully sometime in the next few weeks so that they can tell us what their concerns are as well. I do think we have an obligation to roll it out well. I look forward to the update. Thank you.

Fish: As of today, how many candidates are you aware of who have indicated a desire to access this program?

Mottet: Five have filed notice of intent so far. There have been a couple of candidates who have said publicly that they intend to use the program but have not filed a notice of intent.

Fish: Is there a scenario where you anticipate coming back to us in the fall bump for additional resources to administer the program?

Mottet: There's already money put into the contingency fund for \$950,000, which the program was underfunded in the fy-17-18 budget. I anticipate asking for that not to administer the program but to ensure we have enough matching dollars to continue matching at a 6-1 rate throughout the entire election cycle.

Fish: If you don't get that 900,000 will there be in effect forced rationing?

Mottet: Once they determine we need more money than we have in the budget to do the full 6-1 match I ask council to please provide me with additional funds. Only if they say no I then lower the match rate. It's possible that I would lower the match rate being only august it's a little bit too early for me to say --

Fish: You don't know --

Mottet: Once we get further into September, I think I can start to say we whether we need that 950 or could potentially need more.

Fish: Thank you.

Wheeler: Very good. Thank you for the presentation. Any public testimony on this item?

August 28-29, 2019

Moore-Love: One person. Maggie.

Wheeler: Thank you. Appreciate it.

Maggie: I believe in public money being spent to help people running for local offices because I would like to see more people of lower income running for these commissioners' seats.

Fish: Mayor this is not what's before us today, there are two amendments before us. We've already adopted the system.

Maggie: Excuse Me!

Fish: I'm speaking to the mayor.

Maggie: I know, but I'm talking. It's my time.

Fish: You're not speaking to the matter before us.

Maggie: I'm speaking --

Wheeler: Get to the point, please.

Maggie: I'm saying that I'm for public money being spent on candidates who can't afford to run.

Wheeler: Thank you. Appreciate it. This is an emergency item. Please call the roll.

Hardesty: Aye.

Eudaly: Aye.

Fritz: Thank you again, colleagues, for your support for the program and for your interest – really pleased with the variety of folks in the community who are considering running because of it. Thank you to the open and accountable elections commission continues to be an amazing group, dedicated individuals who are seeking to empower all Portlanders. Thank you, Susan Mottet, Director of the program, who has made great progress and continues to do so. Anna Pycior, former deputy director now working for the mayor of New York, and we are recruiting for that position right now. Thank you, Cristina Nieves, one of my senior policy advisors and team [inaudible] my chief of staff and thank you to all of the community members who showed up at the council meetings to provide input. This is truly a big step forward in democracy and we're going to do everything we can to make it successful. Aye.

Fish: Aye.

Wheeler: I would like to thank the commission as well. I would like to thank the director and commissioner Fritz; I thank you and your team. I know I'm being very hard on everybody when I keep raising the quality assurance reports but I believe it's my duty to do that my responsibility to do that. I'm very hopeful everyone working together can get through those issues that have been raised. I appreciate the amendments brought forward today. They are entirely appropriate and solve some of the problems identified previously. I vote aye. The ordinance is approved.

Item 818

Wheeler: Commissioner Fish.

Fish: Thank you, mayor, colleagues. Portland parks and recreation has a long-standing goal that every Portlander live within a half mile of a park. New parks are a big lift and a multistage process. While we work towards that goal, we are also looking for new ways to bring park service to our communities. And we are focused on increasing access to arts and culture to our parks system. Today we have a two-part proposal to help do that more effectively. Tracy Schreiber from my office is here to briefly describe our proposal. We have park staff on hand to answer questions. I want to thank commissioner Eudaly for her ongoing partnership on these and other changes. Welcome.

Tracy Schreiber, Arts Affordability Fellowship in the Office of Commissioner Fish:

Good morning, I'm Tracy Schreiber. I'm with the office of commissioner Fish. My job is to implement the city's plan to preserving and expanding affordable art space. This item does two things. First it clarifies Portland's parks and recreation system development charge

August 28-29, 2019

code to make sure mobile park facilities are eligible. They deliver arts programming, recreation activities and free summer lunches to communities without existing access to a park. They add capacity to existing parks during event and help meet growing seasonal demand. Second, it adds art and culture capacity projects to the parks Bureau's current capital improvement plan. Amending the list to include this category of capital investment will allow parks to add acoustic mitigation, sound systems and stage capacity to existing facilities so that we can continue to meet demands for access to arts and culture opportunities in our parks system. As Portland grows and becomes denser service delivery will look different. This proposal directly responds to the city's arts affordability plan and community surveys that highlight the need for adaptable, versatile infrastructure. We're excited to bring this proposal and we welcome any questions.

Fish: I just also want to say I got an email from my chief of staff we found the resources to extend Tracy Schreiber's Arts Affordability Fellowship for another month. She's been taking a lead on a whole host of things. We're really proud of her work and grateful she will be with us a while longer.

Wheeler: Great. Thank you. Any further questions? Thank you. Public testimony?

Moore-Love: One person. Maggie.

Wheeler: To the item, please, Maggie.

Maggie: We really need money spent for homeless people to participate in arts projects in the park. And we need to have the parks department stop participating in what I call Jim crow-like behavior with locking the bathrooms when homeless people show up. Thank you.

Wheeler: This is a -- any further discussion? This is a first reading of a nonemergency ordinance. It moves to second reading. Thank you for the presentation. Next item, 819, please.

Item 819.

Wheeler: Commissioner Fish.

Fish: We're joined by Joe Dvorak, BES's principal engineering, and Raechel Fogner. The spelling is unique. Raechel Fogner, project manager. The Bureau of environmental services protects public health and the environment by designing, operating, and maintaining Portland sewer and stormwater system. The southeast Claiborne street area is in the Police and the valley neighborhood in outer southeast Portland along Johnson creek. This project would extend sewer service to an area that is currently serviced by septic systems at risk of failure. By providing sanitary sewer service to the neighborhood the project will better protect public health, the environment, and the homes near Johnson creek. As I said, here to give us a brief presentation are joe and Raechel. Please take it away.

Joe Dvorak, Principal Engineer for the Bureau of Environmental Services Great, government. Thank you. I'm Joe Dvorak. We'll talk about what sewer extensions are and why we do them. We're basically building a new sewer system connecting to an existing sewer. We're extending the existing system hence the term sewer extensions. Why? To ensure wastewater systems to the whole community. Specifically, it provides municipal sewer service to existing properties that are currently on septic systems. Eventually those septic systems fail. So, by having a viable public system in front of these properties it ensures that they can quickly connect and do so without impacting the environment. In the last point when we do have a system available, we're protecting groundwater, specifically in this case Johnson creek, and we're being proactive about it. Now I'll turn it over to Raechel with more details on the project.

Raechel Fogner, project manager for the Bureau of Environment Services: Thanks. So just to get us oriented, geographically, this project is taking place in southeast Portland between 129th place and 140th avenues. West to east. Southeast foster road and southeast Claiborne north to south. This project will construct 4100 linear feet of new 8

August 28-29, 2019

inch diameter main line pipe connecting to the existing system that's present in southeast foster road. The project will also construct 2100 linear feet of new 6-inch diameter service levels that will service 80 properties currently using on-site disposal systems. Getting back to the purpose of this project is that this is an area with septic systems that are aging and are either failing or at risk of failure in the near future. Failing systems are a threat to public health, watershed health and groundwater in this area adjacent to Johnson creek. The smaller lot sizes limit the area for replacing these on-site disposal systems if they were to fail and additionally 50% of the properties are about 50% of the properties in this area have a public sewer line physically available to them within 300 feet and is an Oregon requirement that they connect as they fall within that range. Which can be quite costly. Upon completion of this project residents will be required to connect within three years or upon failure of their current systems. At the time of connection fees are due to the city and we do offer financial assistance programs as well as deferral options for those folks. Throughout the life of this project we have done extensive outreach via mailings, web email and social media updates. We have held community workshops and on-site events. Materials sent to the public have been translated to Russian when needed and we have had a Russian translator available in person when we meet with the community. We have worked individually with a lot of the property owners in this area and have tried to determine the Best solutions for them in regards to this project. The engineer's estimate as mentioned is \$3.1 million. We have high confidence level in that estimate. We expect to advertise the project in October of this year and begin construction in the spring of 2020. Construction is expected to last approximately a year, and that's all I've got. If you have any questions –

Wheeler: Commissioner Hardesty

Hardesty: Thank you, mayor. My question is this an area that has always been a part of Portland or is this part of an area annexed to the city 30 years ago?

Dvorak: I believe it was annexed. I don't know the exact date.

Hardesty: So what I'm hearing is that property owners are going to have to pay \$27,000 approximately for each individual property owner, and if I remember when annexation happened that was part of the deal that was if you join the city of Portland we're going to hook you up to the sewer lines. So, when you say to me this is a proactive program, I would say it's probably about 30 years behind.

Dvorak: Yes.

Fish: Could you supply to me the documentation in support of that promise?

Hardesty: I would be happy to try to research it. I know that I have worked with many areas of the city that have been annexed into the city --

Fish: No no I take your point very seriously. I have asked the director of the Bureau within existing law to see if there's another mechanism that we can access to help pay for these public improvements. In fact, if you give me a little time -- this won't kick in for three years. If you give me a little time, I want to actually solicit your thoughts on how we might do that lawfully with ratepayer dollars. We have to be careful because these are ratepayer dollars and this is a separate system than the gem fund, but I take your point very seriously. We would like to work with you on that.

Hardesty: Wonderful. I guess that's my last question for the moment. Thank you.

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

Moore-Love: Yes. Maggie.

Fish: Thank you very much.

Wheeler: Thanks for the presentation.

Maggie: Okay, so Maggie, Portland homeless town hall. I guess they have had more over runoff of the sewage system this year than any other year that's going into the Willamette, correct?

Fish: That's actually not correct.

Maggie: That's what has been reported.

Fish: That's not correct.

Maggie: That's what's been reported so we're going to go with what's been reported that you've had more sewage runoff into the Willamette this year than previous years past. So, what I'm wondering is what kind of alternatives are permits allowing for compostable toilets? Because compostable toilets can be made very inexpensively and don't have to have large capacity and need to be maintained about three times a year. So what kind of things can we do to have more alternatives for compostable toilets because you're going to hook these people up to the system and the systems are -- we had someone earlier this year before Hardesty was elected that came in to testify that the sanitation processing sewage plant was like over -- way over capacity. They don't have the capacity to sanitize the sewage.

Fish: That's not correct either, Maggie.

Maggie: Your own people are saying that. So, what about that?

Wheeler: Thank you. This is a first reading of a nonemergency ordinance. It moves to second reading. 820, our final item for the morning. 820.

Wheeler: Plus, the consent.

Fish: The last item on consent was moved to the regular agenda.

Wheeler: We have two, actually.

Item 820.

Wheeler: Commissioner Fish.

Fish: Colleagues we're heading into the lunch hour. I'm going to turn it over to Todd for a brief presentation.

Todd Lofgren, Deputy Director of Portland Parks and Recreation: Good morning, happy to be here. I'm Todd Lofgren, deputy director of parks and recreation, with Jason Smith, planning and analysis manager. Today's agreement with northwest economic research center at Portland state university is part of PPR ongoing work to create a plan for a sustainable park system. Portland parks and recreation's team is actively working on service and financial projections for the park system to inform the review of our possible funding options. We have formed a task force including members of the Portland parks board, Portland parks foundation, urban forestry commission, community members, external experts, and a variety of internal experts across the city of Portland. We're preparing these materials for city council work session with all of you in November. This agreement before you today with northwest economic research center at Portland state will provide PPR specialized expertise and tools to complete analysis of various funding offerings including revenue potential and how any measure might affect Portlanders. We're happy to answer any questions.

Fish: Nicely done. Thank you.

Wheeler: Short and to the point. Excellent. Any follow-up confession? Public testimony?

Moore-Love: I think Maggie just left. Shedrick left also. I think he left.

Wheeler: Any further discussion? Please call the roll.

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

Fish: We're very excited with the work we have launched on the task force. This will give us some technical expertise to look at impacts of various proposals on property owners and property taxes among other things. I want to thank Portland parks and rec for putting this on turbo charge to meet what we hope is a November goal of coming back to council and getting some preliminary feedback about options. So nice work. Aye.

Wheeler: So, I appreciate this. I always feel badly things get put on the end of the agenda after a long agenda. This is really important and it gets to one of the major questions that the public was asking us about during the last budget session, how do you get parks on to

August 28-29, 2019

a sustainable foothold so we don't have to come back year after year and beg you to keep our community center open or keep our pool open or certain recreational programs or coaches in play. I think all of us have our conceptions about what we think would be the right answer to that question. I certainly have my preference, but I think it's good to have an independent separate reality check in terms of what the options are and what is possible. I appreciate this harder look, commissioner Fish, I appreciate the work. I vote aye. Now back to the consent agenda.

Fish: 810, mayor.

Wheeler: 800 and 810.

Fish: We have someone here to do 810.

Item 810.

Wheeler: Before I turn this over to commissioner Fish, who pulled it?

Fish: It wasn't pulled. The bureau filed this and intended it to be on the regular agenda. First memo the Bureau had put it back.

Wheeler: Commissioner Fish.

Fish: Colleagues, Portland parks and recreation owns five public golf courses. Each has a management agreement with concessionaires who provide the operations. Kemper Sports management is our current concessionaire at heron. Their contract expires in October and this would extend their contract for an additional two years. In May city auditors released an audit of the program. One of their recommend indications was to update the concessionaire agreement. It will align the expiration of contracts for all four east side courses allowing Portland parks and recreation to conduct a comprehensive proposal. Vincent Johnson is director of golf to provide additional detail. Welcome.

Vincent Johnson Director of Golf, Portland Parks and Recreation: Thank you, commissioner Fish. Good morning. Good afternoon, I guess. Mayor, commissioners. Before I get started, I thought I would share a little bit about myself and about the Portland parks golf program. I'm Vincent Johnson. For three years I worked for Portland parks and recreation and next week I will have served as director of golf for one year. I grew up on the east side, born and raised in Portland and was given access to golf when my dad works at a golf course as a mechanic. When I think about the impact our program has, I think about the experiences I have had through golf. I remember that golf started as recreation for me. It was really a way to get around my dad and my brother who already knew how to play. I remember my first golf cart ride observing wildlife I never knew existed in the city. I remember how excited I felt when I was improving as a golfer. And a person's golf swing it's like their fingerprint, uniquely theirs. I remember the empowerment I felt through the ownership of my golf swing. It was imperfect but it was completely mine. I think about all the lessons I have learned and the relationships I have built, the connections I have made, and I have had all of this because I had access to public golf. So, I chose this role as director of golf because I believe in golf's ability to help Portland parks and recreation fulfill its mission towards equity and inclusion. When I think of providing recreation services in equitable and inclusive manner, I know we're reaching boys and girls that look like me that don't know yet that golf can be for them. That our spaces are theirs too. And this is why I'm before you today. As you know, the golf program has five golf facilities. We are an enterprise fund n. Fiscal year '19 we had over 340,000 rounds played at our courses. With the combination of expense reductions and revenue increases -- fee increases the golf program made \$515,000 in fiscal year '19 and this was our most profitable year in the last five years. I just want to give more clarity, more description around the contract as commissioner Fish set this up. This contract consists of two types of payments. One is the direct funding for the day-to-day operations for heron lakes golf course. This averages about \$150,000 a month. The other is a management fee paid to Kemper Sports for their services. That amount is \$20,188, which includes a 3% increase

August 28-29, 2019

which helps reflect the cost of living adjustments. These funds for this contract are accounted for in the operating budget and five-year forecast for the golf fund. With that I would be happy to take questions.

Hardesty: Thank you so much for that presentation. I guess I'm also concerned that we're extending this contract especially at a time where we're losing parks employees and we have a private firm that's now managing these golf courses. Do you know the comparables based on if it was city park staff as compared to having a private entity manage it? Said management is 20,000 a month, right? Is that comparable to how many FTE are on site and so what are we actually funding I guess is what my question is.

Johnson: It's a fair question. There are examples in the country that actually do have city employees usually I have seen the Directors I have talked to those facilities are smaller and shorter staffed. This is what we have gone with. For instance, our east Moreland concession air has been there 40 years. I grew up on that community and became the gm of that program. We have always contracted out the clubhouse operations.

Hardesty: So, the City has five golf courses, is that normal for a city of our size to have so many public golf courses?

Johnson: It varies. Obviously, the demand for golf is based upon that. We're also enterprise fund so we need to bring in the revenue to help our program sustain itself. There are some examples nationwide that have the golf program as part of the general fund. We are not. So, it's really based upon can we support ourselves and continue to drive that demand.

Hardesty: Thank you. It's probably a little unfair for me to be asking you these questions. I should probably be asking the commissioner in charge. Let me say for the record the last thing we passed was having this independent committee look at how we generate funds and I hope that the five golf courses are on the table to talk about whether or not there's some opportunities to utilize those golf courses in a different way as we're thinking about long term funding for Portland parks programs. It may not be popular with the people who currently play golf, but I hope that everything is on the table as we look at sustainability for our parks programs across the city. I thank you for your presentation.

Johnson: Thank you.

Wheeler: Any further discussion? Any public testimony?

Moore-Love: I think they have all left unless there's an Emblem here.

Wheeler: First reading. Commissioner Fritz.

Fritz: Thank you for coming in to tell your story and for taking over the program and you did a [inaudible] internship under the previous director. And I'm really happy that you were selected for the permanent position and doing such a good job. And I really appreciate you.

Johnson: Thank you, commissioner.

Wheeler: This is first reading of a nonemergency ordinance. It moves to second reading.

Item 800.

Last but not least item 800.

Wheeler: Colleagues, the city of Portland's charitable campaign was introduced by commissioner Mike Lindbergh in 1989. The campaign allows city employees to donate to their choice of participating charities through payroll deduction. Employees have donated more than \$3.3 million over the last 12 years. The 2020 campaign will run from October 30, 2019, through November 30, 2019. This ordinance authorizes the applicant participation in this year's campaign. The ordinance also authorizes an exception this year only for organizations not meeting the 25% overhead cap while the charitable campaign advisory committee develops an equitable exception process. I would like to answer any questions you have and then colleagues I would like to introduce an amendment. There's an organization that was not originally included but we have an affinity group that has

August 28-29, 2019

requested inclusion of an organization. I'll get to that amendment in a moment. First, I want to address any questions.

Fish: If you're offering an amendment does this still have to be an emergency for some purpose?

Wheeler: Why don't we ask the person in charge.

Janet Storm, Charitable Campaign Coordinator for the Office of Management and Finance Business Operations: Not necessarily. Janet storm with office of management and finance business operations. I'm the charitable campaign coordinator.

Fish: Why is this an emergency?

Storm: It's traditionally been submitted as an emergency because of the time factor, campaign is coming up. However, the campaign will not be until October 30th this year, so we still have plenty of time. It's not necessary to have it be an emergency if it doesn't --

Fish: Are you offering a substitute amendment?

Wheeler: I am offering a substitute amendment.

Fish: Why don't we take the emergency off so that people have a chance to comment.

Wheeler: By offering the amendment I would be doing that anyway, wouldn't I?

Fish: No. I move to take the emergency clause off the ordinance.

Wheeler: We have a motion and second.

Hardesty: Aye. **Eudaly:** Aye. **Fish:** Aye. **Wheeler:** Aye, the amendment carries.

Wheeler: I will go ahead and add my amendment unless there's any further questions. I would like to amend this to add SMYRC, the sexual and gender minority youth center, to the list of approved organizations. They provide a safe supervised harassment free space for sexual and gender minority youth as a city partnered nonprofit, they work with the Police Bureau, joint office of homeless services and office of community and civic life. Additionally, the LGBTQ Deep Affinity Group here at the city LGBTQ and friends requested SMYRC be on the list and therefore I would like to offer this as an amendment.

Eudaly: Second.

Wheeler: We have a motion; we have a motion a second. I think Commissioner Eudaly beat you to the punch, but you were so close. Any discussion on the amendment? Please call the roll on the amendment. [Roll Taken]

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

Wheeler: Aye. It is on the table. Public testimony?

Moore-Love: We did not have a signup sheet.

Wheeler: Commissioner Hardesty.

Hardesty: Thank you so much for your presentation. I actually asked this to be pulled off the consent agenda because of someone familiar with nonprofits I'm very concerned that we have a process where we're treating multimillion-dollar organizations the exact same way that we're treating very small nonprofit organizations. I'm referring to the 25% cap on overhead costs so 25% on a multimillion-dollar organization is different than a very small. Why are you proposing that we authorize you to do that this year?

Storm: What we're proposing is to suspend that rule for one year so that the campaign charitable advisory committee can create a more equitable process for some of these nonprofits. We did an analysis again this year and found that 68 of our applied nonprofits did not pass that 25% rule. Many, many of them are organizations that work with minorities, the disadvantaged, the homeless, animals, the environment. They are very tiny. As you said when you have a multimillion-dollar organization that's a lot more leeway for them to reach that 25% but with the tiny organization that's only bring not guilty about \$100,000 a year in revenue, that 25% is a tiny amount of money to run an operation. So, what the committee would like to do is continue working on an equitable exemption process. We had some committee turnover this year. We'll have new committee members. They would like to prepare something to present to you next year for your approval or for

August 28-29, 2019

you to look at and maybe change the way we do things from here on out rather than just doing a blanket -- making it a blanket rule.

Hardesty: So best practices nonprofit associations actually do require a good ratio between the money that's raised and how much money is actually used for the purpose that it's used for. Right?

Storm: As a matter of fact, it's not considered best practices anymore. We looked at guide star charity navigator, the Oregon association of nonprofits. They actually feel that that 25% rule contributes to something called the nonprofit starvation cycle which means that nonprofits are purposefully not investing in the kind of infrastructure that they need to operate successfully in order to keep themselves at that ratio.

Hardesty: The children's levy operates at a 15% administrative cap. That is money given out to community nonprofit organizations. So again, I am troubled by the fact that 25% just seems very arbitrary. I don't know where that came from or why we thought that was a good model for this year. Since this is not an emergency at the moment, I think it would be really helpful I guess we won't have any additional public testimony on this issue unless we make an exception for that day. But I would really like to hear from some of the smaller nonprofits about why this could work. That's one question. The second one is that I noticed that RACC is an umbrella organization but also is listed separately as a fund-raising -- I'm sorry, not RACC. It is RACC. RACC is listed as an umbrella organization where they get the money and pass through, but they are also listed as an independent organization. Questions about whether or not -- because they are the only ones that get the arts fund, even though they distribute art -- I was concerned about the appearance of double dipping into money for that particular organization.

Eudaly: These are employee contributions, so our employees should have the broadest choice of where they contribute possible. I don't -- it's not remotely double dipping. It's not our money. I'm making a charitable contribution from my own paycheck. If it happens to be an organization that the city also funds, I don't see why that's an issue. Didn't we have this conversation last year?

Fritz: How many times have we done this exemption?

Eudaly: I'm looking forward to resolving this. It's arbitrary. We think of charitable organizations strictly as pass-throughs for money going from donors to the needy, then I can see how this would make sense. We don't want to finance massive salaries for CEOs of these organizations but many nonprofits all they do is administer programs. So, whether it's literally a nonprofit, providing legal services immigrants, the overhead is going to be really high because they are not giving the money to individuals. They are providing services.

Hardesty: As someone who you said 1989 that Mike Lindbergh put this together. In 1990, I was working for the Black United Fund of Oregon. At that time, just a little bit of city history. The only organization allowed to raise money through government programs was United Way, and because of my advocacy and work we were starting to -- we opened it up to organizations like the Black United Fund and some other national organizations. So, it's overwhelming now to see that there's like, what, hundreds of organizations that we now have on this list. But I can tell you someone who has managed nonprofits for over 25 years that a reasonable administrative expense is what people expect when they are giving charitable dollars to an organization. Unless there's an organization that is all voluntary and is just really about providing the service. So, I'm glad this is not an emergency ordinance than we'll have another opportunity to continue this conversation. I'm sorry that it ended up being here all morning. We needed to have this conversation. But thank you.

Wheeler: It's a good conversation. Commissioner Fritz.

Fritz: So, we did it last year as well and I'll give you my two-cents, I think that our City employees make good decisions when they have good information. The chart that you just

August 28-29, 2019

handed out, as to overhead expenses I would not be in fact I do donate to [inaudible] and I am not deterred by their overhead because as commissioner Eudaly said they provide support and programming and that's what the money goes to. I would suggest to the committee that there will be just publish it and that we not take away that limitation. I'm sure the committee will make a good decision. Thank you.

Wheeler: Very good. Thank you for a great presentation. Good conversation. There was no testimony, right?

Moore-Love: We didn't have a signup sheet.

Wheeler: This is a first reading of a nonemergency ordinance. It moves to second reading as amended. Thank you. We're adjourned until 2:00 p.m.

Council recessed at 12:26 p.m.

August 28-29, 2019

Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

28 AUGUST 2019

2:00PM

Wheeler: This is the August 28, 2019 afternoon session of the Portland city council. Karla, please call the roll.

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

Wheeler: Here. We'll now hear from legal counsel on the rules of order and decorum. Good afternoon.

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

Wheeler: Very good. Thank you. Well, unfortunately we're out of time for the day, so thanks a lot. [laughter] Our first item today, very important item. Karla, read item 821, please.

Item 821

Wheeler: And before I call on commissioner Fish I want to acknowledge mayor Tom Potter is here and I see Karin is here as well. Could we please acknowledge Mayor Potter? [applause] Thanks for being here. We appreciate it. Commissioner Fish.

Fish: Thank you, Mayor. Let me start with the run of the show for this afternoon. I'll make some brief introductory remarks. We have some distinguished speakers, we have a panel that we'll invite to come forward. Then we'll hear from commissioners and the Mayor. The Mayor will read a proclamation then we'll see if we have time for a group photograph. So that's the afternoon. Colleagues, today we are proud to celebrate the Parks for New Portlanders programs. Parks for New Portlanders provides free inclusive and culturally responsive programming and events. Some of the events include the annual walk with refugees and immigrants, and the Portland World Soccer Tournament. Parks for New Portlanders is successful in part because of our many strong partnerships. I want to

August 28-29, 2019

acknowledge for example the work of my colleagues, especially commissioners eudaly and Fritz, other city bureaus, immigrant communities, refugee resettlement agencies, local nonprofits, and many volunteers. And for one of our premier summer events the world soccer tournament I want to especially recognize adidas, our first title sponsor, for the generous support. Tom hughes, not that tom hughes, the other tom hughes from adidas. Tom, would you please stand to be recognized on behalf of adidas for your generosity? [applause] Thank you. Now I would like to invite director adena long to come forward with our distinguished panel. We're going to ask everyone to introduce themselves. We'll have a brief presentation then move to council comments. If the whole panel, Som, if everyone could come forward and we'll go, we'll start with introductions across the panel, and then we'll take comments in order. Director long.

Adena Long, Director, Portland Parks and Recreation: Good morning. My name is adena long. I'm the director of Portland parks and recreation.

Som Subedi, Portland Parks and Recreation: Som Subedi, I'm the engagement coordinator of Portland parks and rec.

Eder Katembwe: My name is Eder Katembwe with Portland park and rec.

Fowzia Ibrahim: Sorry moved far away, but fowzia Ibrahim and I a youth ambassador for new port -- parks for new Portlanders program.

Wheeler: Great. Good afternoon. Thanks all of you for being here.

Long: Thank you, Commissioners and mayor Wheeler. Again, i'm adena long, director of parks and recreation, and we appreciate the opportunity to honor the parks for new Portlanders program today. I remember when I was just a few weeks in as director when I spoke at the program's Portlanders stand with refugees and immigrants event at southwest community center. I remember the music, the dancing, and most notably, the resounding and sincere message that all are welcome here. Representing many cultures the event was a keen reminder of the strength of our diversity as a city and an auspicious beginning to my tenure as parks director. I thought, Portland, you're my kind of town. And while it was a celebration of the arrival of new Portlanders, the day had also taken on a new meaning. It was march 16th, one day after the tragedy at a mosque in new zealand. So we gathered to celebrate refugees and immigrants but we also gathered to mourn and truly stand united. The parks for new Portlanders program welcomes our refugees and immigrants and celebrates their arrival. But during times of division in our country, gatherings like the stand event also define us as a community that fights hate and bigotry in all forms. From Portland world soccer and our partnership for world refugee day to the walk event in east Portland, this program connects new Portlanders with resources and services but also the respect and welcoming they deserve. It's an honor to celebrate Portland's refugee and immigrant community today. We recognize their courage, their resiliency and their contribution to a stronger Portland. As your parks director i'm committed to welcoming refugees and immigrants into Portland parks and recreation's programs services and spaces. Thank you.

Wheeler: Thank you.

Subedi: Namaste, city council members. My name is Som Subedi. I'm the engagement coordinator at Portland parks and rec. My job is to help integrate refugees and immigrants into city life as only possible by increasing recreational access, creating culturally responsive programs and partnering with city bureaus and refugee and immigrant communities. Growing up in a refugee camp and getting an education 10,000 miles away didn't prepare me to be in this vast bureaucratic western system. I didn't know how to use the outlook calendar upon my hiring as a seasonal employee.

Eudaly: Still don't know.

Subedi: As one of the few refugees hired by the city I have to represent refugees and immigrants well by working extra hard. Giving back is not easy. Especially in recent years.

August 28-29, 2019

Federal funding and support have sharply dropped, pressuring local government and staff to go above and beyond to engage and build community. I'm so proud of my diverse team at work, my accent and writings are personally and politely accepted and my welcome to "som" moments are surprising. It may take years but I try every single day to be better. I write down new words and phrases. I have my volunteer mentors check my grammar. I wish American English wasn't my fifth language [laughter] but I do my best to communicate and those around me are great listeners.

Wheeler: That's great.

Subedi: I have a very social job. I reach to ethnic stores, community gardens, cultural events and diverse soccer practices. I met with community leaders and members at mosque and temples and of course Facebook has blocked me more than 100 times because "you are inviting people too fast". [laughter] Success to me is measured when within five days of arrival in Portland from a refugee camp, a young soccer player participated in Portland world cup soccer tournament, sorry Portland world soccer tournament; when churches and mosques canceled their services to join. Success to me is measured when two singles, an immigrant and American born, meet at an event, get married and come back to share their story.

Fritz: Which actually happened.

Subedi: When community members communicate on Facebook in languages other than English; when an initiate [inaudible] brings new refugee and immigrant families into the community center; when a nine-year-old wants to come back and volunteer at an event again the following year; when community partnerships double in second year of engaging; and when the program gets published in nine different media within three months. One of my proudest moments was receiving the 2017 Parks Champion National Award in New Orleans. This is my belt I got at the national level. [applause] And this belongs to all of us. I also received Immigrant of the Year Award, the Oregon Immigrant Achievement Award and the Phillips Diversity Award among others. I couldn't have done it without the generosity and compassion of community members present here today. Thank you so much for everyone, [applause] City Council and my bureau. I have turned past challenges into opportunities and here I'm ready for another ticket. It's a privilege and an honor to serve Portlanders. Thank you. [applause]

Hardesty: Thank you.

Wheeler: Thank you.

Katembwe: Greeting all. My name is Eder Katembwe. When I was four years old my father was set on fire because of political upheaval in my country Congo. By the time I was 12 years I was in a refugee camp called Mayukwayukwa in Zambia. It was not a good place to live but we were there not because we wanted to but because of the situation we found ourselves into. It was in a forest where people were attacked every night and sometimes you will see someone crying without you knowing that an uncle has gone, or an aunt has gone. It was a miserable place without clean water, often not enough food, people were often depressed. Through it all I believed there was hope and one way I tried to encourage those around me was by getting involved by playing sports such as soccer, track and field, and they were all done without shoes, no soccer ball. As well, there was no clean water to drink. When I arrived in Portland I used the same experience learned in refugee camp in Thailand to help and got involved with Portland World Soccer Tournament. Thanks to Mr. Som who recruited me in 2011. Thank you Mr. Som. [applause] While since then, I have been involved with Portland World Soccer. I started as a soccer player and it's helped me to stay away from trouble and making good decisions. I started as a soccer player and after that I became a soccer coach. In that I coached boys and girls teams and now I'm one of the organizers. To make a long story short, I'm now a full-time employee with Portland Park and Recreation as a member of the Equity and Inclusion team. [applause]

August 28-29, 2019

From this journey, I have learned no matter where you go it is how you respond to your situation in life. It is the willingness to assess, learn and adopt the situation that will help, that will allow you to be successful in life. It is that mindset that allowed me to take the lead and be where I am today. Thanks to Portland park and recreation for believing in me.

Thank you. [applause]

Wheeler: Thank you.

Fish: Move the, yeah. Move the speaker all the way over. That's fine.

Ibrahim: Salaam alakykum, can you hear me? Ok. Salaam alakykum, city council members. My name is fowzia Ibrahim. I was born in a refugee camp in Kenya, but my family's in, my family is from somalia. I was three years old when I came to america. I speak the language of somali and mai-mai. I am one of the community youth ambassadors under the parks for new Portlanders program. In early 2017 I saw a flyer at my locker at madison high school for a community youth ambassador job position. After reading the job details and requirements, I knew that this was the perfect opportunity for me to get involved in my new community and home. I'm from boise, idaho. On the flyer, it said "all applicants will be called for an interview. No resume needed, no cover letter needed. No work experience needed. Your community service is validated". This made me feel more confident in applying for this job because I knew I would gain all the skills I didn't have on the job. I was one out of 125 applicants who spoke 41 different languages. Ten of us got hired, the rest were referred to different job opportunities at parks and beyond. Working at this job, I was able to advocate and organize events for people who were within my cultural backgrounds. I interpreted for them and got them to participate in different events that helped them meet different people with multiple resources that could be an asset to them and their families, and their adjustments to their home. These events made them feel welcome, safe and included. My involvement with parks and recreation has really opened more doors for me, has really opened doors for me personally. It helped me gain many skills that became useful to me in school, other employment opportunities and in my volunteer work. It made me open minded about my surroundings and the people I interact with every day. It helped me see the world in a new light. I was able to find my voice through the parks for new Portlanders program and I truly believe if my community members were not included and welcomed at the events parks for new Portlanders organized, they wouldn't be aware of the resources provided and accessible to them in Portland. In my early days my family and I struggled to adjust to our new home because we didn't have enough resources and support. This program made it possible for me to bridge the support to those who were in the same position my family used to be in not too long ago. Thank you. [applause]

Hardesty: Thank you.

Wheeler: Thank you.

Fish: Mayor, that concludes the formal part of our program. There's now an opportunity for commissioners to make comments, and then that would be followed by you reading the proclamation and then a group photo. I would like to acknowledge, though, a lot of people helped to organize today and one person in particular I would like to acknowledge is asena lawrence. Asena, would you please stand and accept our thanks for your work? [applause]

Fish: So colleagues.

Wheeler: Commissioner Fritz.

Fritz: I am so happy with this program. I just think, I think in the ten and a half years that I have been on city council I have only once told the director you will hire this person and that was for Som and it was one of the best decisions I've made while I've been on the council because you have really – took a concept that you started in partnership with polo catalani and anne downing who are both with us today. Anne downing, is an English as a second language teacher at David douglas high school -- you started a concept. And

August 28-29, 2019

developed it into a program. It used to be an event and I had to explain to people, no it's not an event it's a year round thing. And I look at you both being part of this program, and part of the improvements, and, you know, the interview process where you didn't have to be able to write, that you just showed up and talked about your experiences and what you wanted to do for the program, which again was in partnership, and so there's been many different city entities that's had a piece of this. Portland parks and recreation obviously, the office of neighborhood involvement, office of human relations, and the office of equity and human rights, all of us working together to make sure that we provide support that people in our community need. And as a refug – as an – as an immigrant and somebody who had a very different experience coming into this country with the privilege that I have with the color of my skin and the background that I had in growing up in a secure environment, i'm just so happy that we can provide all of these opportunities to so many people and p.s., it's really a great program. The parks for new program -- Portlanders program, it's for everybody, and everybody is welcome at the slavic festival this weekend, everybody's welcome at the tongan festival, everybody is welcome to come and celebrate our different cultures and how together in our diversity we are so much better than any one group by ourselves. So, thank you so much for what you do. [applause]

Eudaly: Um I –

Wheeler: Commissioner Eudaly.

Eudaly: Thank you, mayor. I don't know if I've ever admitted this in public, it's a little silly, but before I was ever elected, I came across the new Portlanders program maybe on the city website or an event, and I thought, we have a program to welcome people who are moving to Portland? No wonder so many people are moving here. [laughter] And then come to find out, no, new Portlanders is specifically designed to serve immigrants and refugees, which in my mind is cooler. I would also just like to share that it's really one of the greatest pleasures in this job has been working with the new Portlanders commission through the office of community and civic life and getting to know some. I grew up in rural Oregon. I read my way through the gales creek elementary school library, my favorite books were about countries around the world. I dreamed of leaving my tiny town of 500 people who were mostly farmers and traveling the world, and life didn't quite work out the way that I thought it would, and I didn't get very far, just 45 minutes away to Portland, Oregon, so I mean it's a special treat. I don't really have to travel the world because I can meet people here from all over the world and learn about their cultures and learn about the unique needs and challenges of our immigrant and refugee community and work towards having a more inclusive, joyful city for everyone. So thank you very much for your work. [applause]

Wheeler: Commissioner Hardesty.

Hardesty: Thank you, mayor, thank you, commissioner Fish, for bringing this resolution forward. I want to say that I really, really miss the opportunity to be in the immigrant walk this year but I want you to know that I was in d.c. Actually lobbying our legislative leaders to ensure that they continue to fund our refugee resettlement programs in Oregon and so though I wasn't with you on the street I was there in spirit. I had a blast the year before, and what it showed me was what I already knew. Is that Portlanders are very generous, and when you see neighbors putting drinks out on the street and cookies out on the street and welcoming people to stop and have a conversation, it almost brought me to tears. So today we're celebrating this resolution, but I also I have been hearing from the comm -- many of the communities that are in this room about the inequity and how we fund various programs, and so while today is a day of celebration and i'm not going to go down that road today I think it's really important that we live up to our values about equity and making sure that everyone has an opportunity. I didn't even know the mission statement until today for parks which is that everyone has a park access within a half mile of their house. I think

August 28-29, 2019

that that is a core value statement that we can all agree to. But the way it's playing out today isn't equal for everyone and I just want to say I wish that every city council meeting looked like this. And as I look in this audience and I look upstairs, this is what Portland looks like, and this city council chambers should look like this much more often. So, thank you so much for being here today. [applause]

Wheeler: Well, first of all, commissioner Fish, thank you for bringing this proclamation forward. Thank you, director long. You've come in here and you've hit your stride from day one. This is another example of the great ways parks integrates the needs of this community. I want to thank the folks who testified who run this program. This is a celebration. As commissioner Hardesty just said we have a lot to celebrate and this is also one more tangible example of what we're doing. When we say we're a welcoming, inclusive sanctuary city, it has to be more than words. It has to mean something. We have to acknowledge the larger national context as well. We're in a time when we are more divided than we have been recently as a nation. There is a lot of hate speech out there, much of it targeted towards women, towards people of color, towards immigrants, and I hear and I know that people in this community are living under the fear of that increased hateful rhetoric and sometimes even under the umbrella of the violence that results from that hateful rhetoric. So it's really important that the city of Portland at every opportunity possible drive a stake into the ground and remind everybody what our positive values are, our values are about being welcoming, about being inclusive, about supporting diversity and equity but not just as statements of value but as tangible things that we're going to act upon. This is great in my opinion in terms of continuing to build that coalition. Commissioner Hardesty, I have to say you knocked it out of the ballpark when you said this is what every city council session should look like. And boy, wouldn't it be a lot more fun? [laughter] –

Hardesty: Yes it would.

Wheeler: If that -- if that were the case? So it's not my honor. One of the great perks I get as mayor is I get to read the proclamations. These are not just my proclamations. These are proclamations on behalf of the entire city council, they are a statement of our shared values, our collective ideals and by extension they represent what we believe this community stands for. So we see this as a very important way to acknowledge and honor what it is that we're discussing here today. So it's my privilege as mayor to read this proclamation. Whereas Portland is proud to be an inclusive, welcoming, and sanctuary city. Whereas Portland parks and recreation formed parks for new Portlanders in 2015 to help welcome and integrate refugee and immigrant communities into the city of Portland. And whereas parks for new Portlanders provides many annual cultural specific events. And whereas this year in partnership with adidas, thank you, parks for new Portlanders celebrated the 10th anniversary of its most popular program, Portland world soccer, which engaged more than 500 refugee and immigrant youth and their families. And whereas this summer parks for new Portlanders hosted its third annual walk with refugees and immigrants with over 3,000 attendees. And whereas this summer parks for new Portlanders also celebrated the 5th annual pdx world refugee day. And whereas parks for new Portlanders in partnership with local organizations, nonprofits, resettlement agencies, city bureaus and volunteers provides a vital service for the city of Portland in celebrating diversity and multi-culturalism. Now, therefore, I, Ted Wheeler, Mayor of the City of Portland, Oregon, the City of Roses, do hereby proclaim August 28, 2019, to be Parks for New Portlanders Day in Portland and encourage all residents to observe this day. [applause]

Moore-Love: We have had a request for everybody to step outside for a picture. Yeah, if everybody could meet out front for a picture.

Eudaly: This is really a [inaudible] recognition.

Fritz: Yeah, well actually though its --

August 28-29, 2019

Katembwe: Everyone please lets meet downstairs for a picture. Thank you very much.

Fritz: That's taking charge.

Hardesty: [inaudible] can get a job --

Wheeler: Guy has a future in radio. We'll reconvene five minutes from now.

Fish: Thank you all. Amanda, thank you for your remarks.

Eudaly: You can give it to Karla, yeah, and she'll distribute -- yeah --

Wheeler: Oh great. Okay, thank you. Okay, good, its good seeing you.

******:** See you, too. Thank you.

Wheeler: And as you like to say, now for something totally, totally different.

Fritz: Well actually, no, it's -- suppose it's not. It's about [inaudible] --

Wheeler: We'll break, we'll reconvene at, I can't see the clock, five minutes from now.

At 2:32 p.m., council recessed.

At 2:39 p.m., council reconvened.

Item 822

Wheeler: We're back in session. Karla could you please read item 822? Very good. First the city attorney will make some announcements about today's hearing. Good afternoon.

Linly Rees, Chief Deputy City Attorney: Good afternoon. This is an on the record hearing. This means you must limit your testimony to material and issues in the record. We'll begin with a staff report by bureau of development services staff for approximately ten minutes. Following the staff report, city council will hear from interested persons in the following order. The appellant will go first and will have ten minutes to present his case. Following the appellant persons who have supported the appeal will go next. Each of those persons will have three minutes to speak to the council. After that council will hear from persons who oppose the appeal. Again each person will have three minutes. Finally, the appellant will have five minutes to rebut the presentation of the opponents of the appeal. The council may then closed hearing, deliberate and take a vote. If the vote is a tentative vote, as we expect, the council will set a future date for the adoption of findings and a final vote on the appeal. If the council takes a final vote that would conclude the matter before council. I would like to announce several guidelines for those who will be addressing council today. First the evidentiary record is closed. Again, this is an on the record hearing. It's to decide only if the hearings officer made the correct decision based on the evidence that was presented to him. This means you must limit your remarks to arguments based on the record compiled by the hearings officer. You may refer to evidence that was previously submitted to the hearings officer, you may not submit new evidence today that was not submitted to the hearings officer. If your argument includes new evidence or issues you may be interrupted and reminded that you must limit your testimony to the record. The council will not consider the new information and it will be rejected in council's final decision. Second, if you believe a person who addressed city council today improperly presented new evidence or presented a legal argument that relies on evidence not in the record you may object to that argument. And I'd also like to add that in order not to interrupt the hearing I have asked folks who do want to object to talk to staff, marguerite feuersanger, rather than interrupting the hearing. Third under state law only issues raised before the hearings officer may be raised in this appeal to council. If you believe another person has raised issues today not raised before the hearings officer you may object to council's consideration of that issue. Finally, the property owner must identify constitutional challenges to conditions of approval. If the council were to amend or add conditions of approval. If they fail for raise such issues the applicant will be precluded from bringing an action for damages in circuit court. That concludes my remarks.

August 28-29, 2019

Wheeler: Very good. Do any members of council wish to declare a conflict of interest? No member of the council has declared a conflict of interest. Do any members of the council have ex parte contacts to declare information gathered outside of this hearing to disclose? Nobody does. Have any members of the council made any visits to the site involved in this matter? Nobody has made a visit to the site. Do the council members have any other matters that need to be discussed before we begin the hearing? I don't see any. So we'll start with the staff report. Ten minutes. Welcome.

Marguerite Feuersanger, Bureau of Development Services: Thank you.

Wheeler: The way I do this is I ask people to please stay within the required time limit but if somebody needs to go over 30 seconds, a minute I typically allow that but then I give the other side the opportunity to also extend by the same amount of time just so people understand that. That does not apply to the staff report. The staff report is separate.

Feuersanger: Are we ready?

Wheeler: You're ready. You're good to go.

Feuersanger: Well, good afternoon, mayor Wheeler, council members. My name is marguerite feuersanger, and next to me is justin lindley. We both work for the bureau of development services. We are city planners working with the zoning code. I review -- my main responsibility is to review land use proposals and justin focuses on enforcement. He investigates citizen complaints about violation of land use approvals. Whoa. So before you today our discussion is really focused on zoning code enforcement. Before you is the property owner's appeal of a prior hearings officer decision to revoke or to take back a prior land use approval. The property owners are requesting that the city allow their accessory short term rental, we call it astr, air b&b, an astr use previously approved on the site. So this astr business has a two-year history of repeat violations of the conditions of approval. Bds has substantial evidence of the violations and we'll go over that later in our presentation. As a result of these repeat violations, bds no longer has the confidence that the astr business will operate within the limits set by the original land use approval and bds did initiate the process to revoke the land use decision. This process is detailed in the zoning code and it's designed to be a strong enforcement tool. So our staff presentation quickly is in three parts. I'll just go over the astr proposal and the rules, and then i'll touch on the hearings officer finding and then justin will talk about bds compliance. The site's in the Irvington neighborhood, northeast 9th avenue, it's just south of fremont and a few blocks east of northeast martin luther king, jr., boulevard. The site is there in the blue square. It is rather in a sea of r5 zoning, single dwelling residential zoning. So ast's. what are they. The zoning code defines them an individual or household group that resides in a dwelling unit and rents bedrooms to overnight guests on a short-term basis. But what's important here is that they are allowed in any dwelling unit as long as there is a long-term resident present. So the city allows astrs for good reasons. To promote efficient use of residential buildings and also to provide an alternative form of lodging for visitors who want a residential setting. The zoning code does regulate them because they tend to have impacts on neighbors. These are guests or groups that are on vacation. They tend to be noisy. But the primary reasons for regulating them are to prevent them from detracting from the neighborhood character and ensure that the primary use of the site remains residential. Of note, the zoning code prohibits a commercial vacation rental which is essentially a whole house rental and there's no long term tenant present. Here's a picture of the site, and the house on northeast 9th avenue. The zoning code regulates two types of astrs. The type a, is one or two bedrooms of rental in a house and it's an administrative process. The type b requests, three, four, five bedrooms, which this proposal fits into, is a conditional use or a land use review is required. Just want to make note that site context plays an important role in review of the conditional use. The prior land use approval conditional use was approved by the hearings officer for up to three bedrooms and up to

August 28-29, 2019

six guests. Very important were conditions that were applied. They are essential to the astr being a good neighbor. They reduce intensity of the use and minimize noise and late night impacts on the neighbors.

Wheeler: Could you clarify type b, specifically, type b?

Feuersanger: It's a term that we use, a shorthand term, so a type b is where a resident or property owner needs to rent out either three, four, or five bedrooms in their dwelling unit. The type one is just one or two. And that's an administrative process. There is a process that they have to go through, but it's not a land use review.

Wheeler: Thank you.

Feuersanger: So the hearings officer decision to revoke the land use approval, the essential findings of the hearings officer was appointedly that the astr operator is legally obligated to follow the conditions of the land use approval and the hearings officer's review of all evidence in the record, the hearings officer found substantial and continued violations of nine conditions of approval.

Wheeler: And when you say continued violations, what has to happen for a violation to be considered continuing?

Feuersanger: I think that it's not just a one-event, it happens over a course of time.

Wheeler: They receive notice prior?

Feuersanger: Yes.

Wheeler: Some sort of formal notification?

Feuersanger: Yes. Yes. And lastly, the hearings officer found the zoning code consideration requirements were satisfied and the revocation of the land use approval is factually and legally warranted. I'll turn it over to justin.

Lindley: Good afternoon, city council members. My name again is justin lindley, and I'm a city planner with the property compliance division at bds. As mentioned this property has had a history of short term rental violations that date back to the previous owner. Prior to appellant's ownership there were two separate violation cases for operating unpermitted short-term rentals at the house. A total of four citations were issued to the previous owner, totaling 35,000 which remains unpaid lien balance. Since purchasing the property on october 27, 2017, the appellant has received four citations for the continued operation of unpermitted short term rentals. These four citations total \$53,000 which remains an unpaid lien balance. The property owner ceased operations in early 2018 and rented to a long-term renter which allowed the bds compliance case to be closed. The appellant then initiated a conditional use review application for type b, short term rental that is subject to the appeal. After approval of the type b conditional use, multiple complaints were received, alleging that the site was operating in gross violation of the conditions of approval. In response to these complaints, bds staff met with the appellant and discussed all conditions of the complaints. Bds staff met with the appellant and that the conditions of type b permit. After this meeting in response to ongoing complaints and verified continued violations of the condition of approval, a notice of violation was issued to the operator in november of 2018. This notice outlined each condition of approval that was violated based on evidence collected at the time. In january of 2019, bds compliance staff met with appellant to discuss the notice of violation letter, the enforcement process and options for compliance. The appellant stated that they would ensure compliance with all conditions. Received complaint logs with date and time-stamped photographic evidence documented that violations continued at the property in february and march 2019 despite assurances from the appellant that all violations would be corrected. Based on continued evidence of ongoing violations bds initiated a hearing of the conditional use. Evidence of the violations collected during the investigation period was presented to the hearings officer at the reconsideration hearing, along with testimony from bds staff, the operators, neighbors and other concerned parties. The hearings officer found substantial evidence documented continued violations

August 28-29, 2019

of the conditions. I will go over some of the evidence for the violations that had the greatest impact on the neighborhood and surrounding properties. Condition b1 relates to the number of guests per night and the maximum numbers of rooms. The rooms that were authorized for use as short-term rentals were two rooms located on the main floor and one room located on the second floor for a total of three rooms and up to six guests. No rooms in the basement were allowed to be rented guests due to the impact it would have on the living arrangements of the long term tenant and potential for a greater capacity at the house which would increase the intensity of the use. Evidence collected during the investigation documented that the basement bedroom was used for guest stays and advertises a bonus space on the air b&b ad. The hearings officer found the multiple violations of this condition with use of the basement bedroom and additional guests to be a substantial violation. Condition b2 --

Eudaly: Could you go back one screen please? That was too fast. Okay. Thank you.

Rees: Welcome. Condition b2 attempts to limit the impact on neighboring properties by "imposing quiet hours and restricting times outdoor spaces are used". The exterior gathering spaces are in close proximity to neighboring houses and have the greatest impacts by short term rental guests. This condition was imperative in reducing impact on the adjoining properties. Multiple violations of the conditions from various guest stays occurred. Many of these occurred with guests conducting parties lasting through the night into the next morning. Additionally, violations of this condition were confirmed after the notice of reconsideration was mailed and prior to the may 15th, 2019 reconsideration hearing. The hearings officer found that the violations were substantial. Condition b7 sought to mitigate the impact of guest access going from the driveway and using the side door directly adjacent to the neighboring property. During the conditional use review, the condition was proposed by the operator to mitigate impact of the short term rental guests would have on neighboring properties. This condition was never implemented by the appellant, the code entry to the house was on the side door. The hearings officer found substantial violations of the conditions. In conclusion, the site has had a continued history of violations with the short term rental regulations. Despite the appellant's assurances of compliance throughout the conditional use review and enforcement case the violations continued. Multiple opportunities were available for the operator to take corrective actions to implement and meet the conditions. Effort taken by the operator proved to be disingenuous. At no time was there an effort such as providing an on-site manager to enforce any conditions or address complaints from neighbors. The conditions set forth were essential ensuring accessory use of the house as short term rental to guests would have minimal impact on the neighbors and surrounding properties. The conditions of approval that have and continue to be violated were authorized by city code hearings officer through the afforded land use appeal process. No additional conditions can be implemented in that situation to ensure the compliance with existing conditions. The reconsideration hearing found continued substantial violation of the conditions of approval and granted the revocation of the conditional use. We recommend the appeal be denied and that council uphold the hearings officer's decision to revoke the conditional use.

Eudaly: To be clear, there is no owner occupant, which is a violation of our short term rental rules?

Rees: We were not able to confirm that.

Fritz: Can the hearings officer address that?

Rees: The hearings officer did not address that.

Eudaly: With the type b, is that still a requirement that the dwelling's owner occupied.

Rees: Yes.

August 28-29, 2019

Eudaly: And the noise, the conditions on noise that you mentioned, that's standard city-wide, 10 to, well I think it said 10:00 to 8:00 a.m., but ours is 10:00 to 7:00 a.m. 10:00 p.m. To 7:00 p.m.

Feuersanger: So the noise condition was a little bit detailed because the outdoor decks were of such concern during the hearings. The applicant proposed and the condition -- the hearings officer applied the condition that the off -- the outdoor deck use would stop at 7:00 p.m., which is earlier than typical.

Eudaly: Oh, I see.

Feuersanger: So there's quiet hours and then there's the actual use of the outdoor spaces.

Eudaly: But that slide went by a little fast. It was 7:00 p.m. to --

Feuersanger: 10:00 a.m., no --

Eudaly: 10 --

Feuersanger: 8:00 a.m.

Wheeler: Why don't you bring the slide up again so the commissioner can take a look at it.

Feuersanger: I would like to clarify the earlier question about owner occupied. The dwelling unit with the astr does not need to be owner occupied necessarily. It just has to have a long-term resident. And what we find is a lot of astrs, the owners will assign or have another long-term resident that occupies a portion of the dwelling unit.

Eudaly: Okay, thank you.

Fritz: And was that looked into in this case?

Feuersanger: They met the requirements and there was a slide up that showed there was a long-term resident. This is from the --

Lindley: There's been multiple long term residents. We did have a -- a family that was living in there from the period when the short term rental ceased to when they received their conditional use permit. At that time they received their conditional use permit, there was a new long term tenant that was to reside at the property. We had received complaints that there was not a long-term resident at the site, nor on site manager. When we investigated that and looked into the Yasmin barguti, who is listed as the occupant for the property or what would be the long term resident, during her conversation, she said that she had ceased living at the house in October and was no longer the resident there. We then received clarification from raymond burse, jr., that he was the resident, and so it would be owner occupied and that he had been residing there since october.

Wheeler: Commissioner Hardesty.

Hardesty: Thank you. Could you -- I understand part of the conditional use permit required the front door entry for the guests of the astr, what do we call it?

Feuersanger: Astr.

Hardesty: Thank you. Acronyms make me batty. And so from my reading of the hearings officer's statement, that was never done, so there was never a process that actually met that requirement for how guests would enter the location. Is that accurate?

Lindley: That is correct.

Hardesty: And the reason given, I believe, was that -- what was the reason given?

Lindley: During the hearing the appellants had argued that because of the historic nature of the door that they could not move the key code from the side door to the front door, which is not correct.

Hardesty: That was going to be my next question. Have you had that experience in the past where that's been part of the conditional use permit and that was -- that condition was -- happened? Right? So you said this is what you need to do, and so normally that takes place?

Lindley: Yes.

August 28-29, 2019

Wheeler: Very good. Does that conclude this panel? Very good. Next step. Thank you for the report. The next step is the appellant, ten minutes. If you could please identify yourself for the record we would appreciate it. Welcome, sir.

Raymond M. Burse, Sr.: Good afternoon. Hope you can hear me, I've got a little hoarse voice. My name is raymond m. Burse and I own the property jointly with my son, raymond, jr. Raymond, jr., was, is, was employed in Portland, has an undergraduate degree from ohio state, graduate degrees from **[inaudible]** university thunderbird school and was here playing, he played for the Portland timbers. Myself, I'm a **[inaudible]** college undergraduate, harvard law school, rose scholar, and we're both professional people. We've had problems with this site from the very beginning starting with the application for permit, neighborhood objection at every stage. The permit was granted and a neighbor with the neighborhood association showed then and continues to show intent to get rid of, no matter the method or consequences sometimes engaged in untruths which is presented in an environment not conducive to safe and livable neighborhoods. As an example I point to three things. A camera mounted on the neighbor's house focused on the bedroom of the property which we own. Daily log of each activity. Everything that we've done has been logged. In fact, there was an air conditioning complaint made that the air conditioning unit was too loud and the city checked it, and there was no problem. So any little nit, whatever you have it, comes there. What has happened is the activity has empowered neighbor and neighbors to complain, block and destroy, not what you want and not you support, and that's is the reason we're here today. I heard earlier that there was a two-year period in which we, probably we have not been involved in the property for two years. It was acquired in october of 2017. The review notices that we got were broader, the review --

Fish: Excuse me, Sir. Did you take the property subject to the lien?

Burse: To, to which lien?

Fish: The prior lien that the bureau of development services put on the property.

Burse: There was no lien on the property when we purchased it.

Fish: Okay.

Burse: Okay. So we, the review that was then taken was broader than the notices. The violations gave us 30 days to correct the violation, and if you do the review, the review included items not in the notices itself. There were efforts made and corrections made but no consideration by the staff or hearing officer for action taken in response to the notices. Okay, and if you read into the hearing officer's decision, the definition of substantial was used in different ways depending on what results was thinking to be achieved. In one instance **[inaudible]** he dismisses our definition of substantial but later in the hearing the decision itself comes back to justify a conclusion which he was reaching for. The substantial violation in our opinion has not been improved because there's been a misapplication of the facts. In some instances we were alleged to have done things which we did not do and did not. In fact when we were owners present on property, there had been complaints about us using our own property and again, inability to do that. The hearing officer failed to review, use and consider all of the evidence, and if you read through the hearing officer's decision, he makes reference there are times where he considers the, this evidence but gives credence, greater credence to a log of an individual who has not necessarily gone through the rigors of that. There was over reliance on proven discredited witness. And this discredited witness I'd say is the witness who had the daily log. In terms of things that she recorded alleged to have occurred that didn't occur. The hearing officer found that some conditions were not typical that were imposed on the property. And for instance, one was if you're going to be away from the property for more, for three days or more, notify your neighbors. I don't know how many people are going to do that. And as said, that was stated evidence not in the file by the hearing officer when in fact it was there. There were statements that were attributed that neither my son nor I had

August 28-29, 2019

said in the record what was in fact there when we reviewed it, it was there. We also raised in the hearing an equal protection argument which was not considered. Constitutional protections are available to all and ours was dismissed out right by the hearing officer with no consideration. And what I mean by equal protection is that we be treated the same way as any other similarly situated individuals, in regards to how we park cars in our driveway, in terms of how we enter our property and what we have in fact is, is that from equal protection is a property taken. Our livelihood and ability to in fact maintain and own that property. All we ask is that we use our property like others use theirs. This next item I hate to raise after having heard your, the earlier session that you had. My son has raised on certainly occasions racial animus. His record shows that there's been no cooperation from neighbors as contemplated by the process. Not one time did any of them come to us and complain about anything that was going on. Their objective was to close it down. No matter what. The staff was put on notice regarding animus and to our knowledge no action to correct, counter this or to take into consideration when reviewing complaint. There was a duties and responsibilities assignment sheet that I saw was put up and who, other than us, no one has lived up to those. Never once contacted by a neighbor with a complaint. So from our standpoint the decision is not supported by substantial evidence, substantial evidence being relevant evidence as a reasonable mind might accept as adequate to support a conclusion. Reason leading from the facts found to the conclusion drawn more than a scintilla but less than a preponderance. A case-by-case analysis required and review of the whole record, relevant evidence. And when you look at that, what we have here is just sheer number and volumes of complaints being used as a guideline to in fact move forward with this. The volume and the number of complaints was really by an uncredited neighbor and that in itself is not substantial. To do so without more is dangerous, is an unlawful taking, and the staff has relied on a lot of what the neighbor's complains in terms without any independent validation by staff in terms of that. When you review that, they always cite what the neighbor said, but no validation in terms of going back to do that. In conclusion I would say perfection is not possible. You will make some mistakes, yes we did, but we also when put on notice took efforts to in fact to correct those. Perfection is an unreasonable standard. We took action. We fired the management company because they were allowing more folks in to there than we had allowed, had done that. We appeared before, or at least tried to appear, the appearance and function of the neighborhood has not changed by us being there. The use does not fully comply with the conditions of approval but violations, correct, those corrected after the notice letters are not substantial enough to warrant revocation and the use can comply with the original criteria if the conditions are met. And therefore, we ask that you reverse the decision and affirm the use permit.

Fish: Mayor?

Wheeler: Commissioner Fish.

Fish: So, sir, thank you very much for your presentation. I understand from listening to your presentation that you have in fact preserved a number of constitutional issues that you may choose to take up. You've mentioned taking, you've mentioned equal protection and you've mentioned racial animus. Just to be clear as a deliberative body reviewing the decision of the hearing officer, we're not really in a position to rule on a constitutional claim. But you have clearly put that in the record so you have preserved your right to bring those claims in some other forum. How long have you owned the property?

Burse: Since october of 2017.

Fish: And since october of 2017, which is almost two years, what efforts have you made to relocate the keypad to the front door?

Burse: According to my son, when we originally was given --

Fish: According to your son?

August 28-29, 2019

Burse: According to my son, okay, he was the one in charge with primary responsibility for doing that.

Fish: Okay.

Burse: Okay? According to him he had locksmiths come to the property themselves and given the historic nature of the door they said they could not change the door to put the keypad on the door itself. Okay? And he failed to com – finish and complete that. He subsequently put, and this was told to the hearing officer, it has been corrected in terms of a padlock that's attached to I guess one of the seats or benches that you now used a combination to open the front door.

Fish: For the front door. So you, now, you currently have a lock on the front door.

Burse: Yes, we do.

Fish: Okay. We had a slide earlier that you saw, sir, where some guests of the property referred to having as many as ten people present. Do you acknowledge that during the period of time of your ownership you have had more than six guests in the building?

Burse: According to the records prior to december of 2017, there were I think four occasions where there were more than six guests.

Fish: Okay, and what steps have you taken to correct that?

Burse: We corrected the website itself, went in and corrected the website. We did that in terms of the rules. We also fired the management company who was responsible for the actual rental of the property.

Fish: So, there are apparently 16 conditions of approval on this property. Have you affirmatively taken any legal action to reduce any of those 16 conditions?

Burse: What do you mean affirmative legal action? I'm not understanding the question.

Fish: There are – there are conditions on how this property can be used for astr.

Hardesty: Yeah, I know. Yeah, astr.

Fish: I have the same problem with acronyms as my colleague. Have you affirmatively moved to set aside any of those conditions?

Burse: I guess i'm not understanding you. In terms of addressing those issues, we have done -- gone through the things that we need to do to address those issues in terms of our agreement with our rental agency, the things we put on site, the rules and regulations for the operation of the property.

Fish: Right, but according to the timeline we were given earlier, sir, we have violations that are contemporaneous. So, you've owned the property for two years but there are some violation that have occurred fairly recently. So, what, maybe -- let me say this slightly differently. What's the current lien on the property?

Burse: What's the current what?

Fish: Lien on the property.

Burse: I don't know of any current lien on the property.

Fish: So the bureau of development services, and in our material, says there's a \$100,000 lien on the property. Is that --

*****: Just under \$100,000, sir.

Fish: You're not aware of that?

Burse: No, we're not aware of that. When we purchased the property there was no lien and we also had a title search and information done. None of that was of record.

Fish: Okay, but part of that lien has been applied since you purchased the property, and you're not aware of that?

Burse: No, I'm not. We didn't get any notice of it.

Fish: Okay, I'm just going off what was said in the presentation.

Burse: I do not know of any, any lien on the property that has been imposed for which we have an obligation.

August 28-29, 2019

Fish: So when you were presented at the hearing below with allegations of violations of conditions, did you present testimony rebutting the allegations of violations?

Burse: We presented testimony where we could rebut it. We acknowledged that in terms prior to then that there had been violations but we also contested the question of notice was that 30 – that we got the notice of violation said you needed to correct these in 30 days. When you look at the record of things that were used -- all those things required, were mostly, if not all of those, occurred prior to that notice. When you look at the period after it's a different story.

Fish: Who is your current property manager?

Burse: It is, it's being done by the air b&b itself. Air b&b. The company itself is doing it.

Fish: Air b&b itself?

Burse: Yeah –

Fish: You do not have a property management company like a white spider or some other --

Burse: No, we don't -- White spider was who we terminated because they were responsible --

Fish: I understand you terminated them.

Burse: Yeah –

Fish: But now Air b&b --

Burse: Air b&b is doing it and they have local contractors in the community who in fact clean, do -- undertake all those activities.

Fish: Okay. So I had some other questions but I want to defer to my colleagues. But, sir, I will say that we have been advised that you have \$100,000 lien on your property. I don't know what the property is worth. I assume given the pictures of the property and the location it's worth quite a lot, but i'm a little concerned that that's news to you because that's a substantial lien on your property already for violations, alleged violations that had been put on the property separate and apart from what we're here today to talk about.

Burse: Right, but you know, I guess the question is, what day, what was the dates and when were those liens placed. Because at the time that we purchased the property there were no liens on the property. The title search showed that. In addition to that, since then, the notice of violation said that we had 30 days to correct it and then said, there would be some, if not there would be some, could potential, but nothing has ever been assessed nor have we received any notice of it.

Fish: I'm suggesting it's something you're going to want to look at.

Burse: Yes, I will.

Fish: As a separate matter. That's a, that's a substantial lien.

Burse: Right.

Fish: Thank you very much.

Wheeler: Commissioner Hardesty, then Commissioner Fritz.

Hardesty: Thank you, mayor. Reviewing the hearings officer's documents – well let me go back. So, there was a process where you went to obtain the permit in order to use this property as an astr, or as a temporary rental, short term rental property.

Burse: Correct.

Hardesty: And there were some very specific limitations that were set on this property based on its close proximity to neighbors. One example is the parking. There seems to be a long record of cars being parked in the driveway even though the conditional permit actually says cars would not be parked in the driveway.

Burse: It doesn't say cars will not be parked in the driveway. It says you have to in fact cannot extend beyond ten feet beyond, from the property line itself. So in the actual driveway, and it's supposed to limited to two cars. Okay?

Hardesty: Right.

August 28-29, 2019

Burse: Now we had some people who, that would parked cars in there that's not under ten feet. When you look at the neighborhood the way everybody else parks, the way people are parking are no different. So when I talk about having standards that apply to everybody

–

Hardesty: Right.

Burse: That should be one that applies to everybody.

Hardesty: Well, let me challenge that a little bit, sir. I think, we're in a residential neighborhood. So most people are parking based on their individual use of their house.

Burse: Uh huh –

Hardesty: So you have additional criteria placed on you because other people are coming and going at a regular basis.

Burse: Right.

Hardesty: Do you agree with that?

Burse: Yeah, I understand that.

Hardesty: Right? And so when you went to get the permit, there was a conversation about these are going to be the limits on how you can use this property if in fact you want to use it as a short-term rental property.

Burse: Right.

Hardesty: And you agreed to that.

Burse: Yeah, we agreed to that. We also -- those requirements were actually put in the rules for the use of the property that was given to the management company, given to people at the time that they rental and then the rules, they were on the property itself.

Hardesty: I understand and of course if you hire a management company you have an expectation they are going to do the job you that you hired them to do. However you have an obligation to make sure that the people you hired are doing their job that you're paying them to do. Right?

Burse: Right.

Hardesty: And when you made that argument with the hearings officer, what the hearings officer said was the fact that the, the company that you hired did not do what you asked them to do is not an excuse for it not happening.

Burse: Right. It's not an excuse for it, but when we got notice of what was being done, we addressed it.

Hardesty: Well, I also notice in the report that you agreed with most of what was laid out when the hearings officer was reviewing your conditional permit. You agreed that you had violations to the numbers of people. You agreed that you had violations to using the basement property. You agreed that you had violations for parking. You agreed that smoking was in fact taking place. You agreed people were using the outdoor balconies and so, I, -- let me just finish my, and then you can respond. I'm just trying be, let you know that I have read all the documents that I have and I've read your statements that affirmed many of the complaints that have been filed against you based on this conditional use. Right? And so if you agreed to all that, that, yes, we did make -- we had had substan- and I actually see it as substantial because it was just kind of an ongoing thing, right? That there was a consistency of not actually implementing what you agreed to as the provisional use of this property. Do you agree with that?

Burse: Not -- in part I agree with, in part I disagree with. We acknowledge and agreed that things we were going to, going to abide by. Okay? If you take the date of notice of violation, which was in december of 2017, and you look backwards from there, there were violations. You, it's hard to argue with that –

Hardesty: Right.

Burse: Okay and I don't argue with that.

Hardesty: Right.

August 28-29, 2019

Burse: What I do argue with is the notice said you had 30 days from here to do some corrections and we did some corrective action.

Hardesty: But was it enough for you to actually meet the requirement that was part of the conditional use? You did some things.

Burse: It wasn't, it wasn't perfection.

Hardesty: Well, I mean, I'm not asking for perfection. I'm just asking if you met the letter of what you agreed to do.

Burse: We tried. We attempted to and from my perspective we thought we were in compliance. We had some, some variations in there where people did things. When you look at the number of people who were supposed to be in there, after that December 30th, you know we abided by that. The rules were put in as it relates to the cars. Part of the rules and responsibility document that we signed or at least agreed to with was that everybody had a responsibility and they were going to do that. Part of that responsibility was, if neighbors thought there were violations to in fact give us notice.

Hardesty: Mm, hmm.

Burse: They never gave us one single notice, one call, one anything.

Hardesty: So, my last question, and, because I know my colleagues have questions as well, and so what did you do to proactively address the concerns that were being raised about the noncompliance with the conditional use of this property?

Burse: The notice of noncompliance which, one I wasn't [inaudible], November the, I mean December the first was we changed the rules and regulations. We put those rules and regulations in place. We visited our property and my son was here in the community looking at the property. We did all those things to in fact do that. And when we found people that were not doing it we said, no, you couldn't be doing that. We even put into the rental agreement itself if in fact you engage in some of those activities, you were going to be fined for being on the property.

Hardesty: Right.

Burse: Yeah.

Hardesty: I'm sorry. I do have one more and then i'm done for the moment. So you said as of January -- when did you get the notice?

Burse: We got it in , I guess roughly December the first of 2017. No, yeah. Yeah 2017.

Hardesty: So, there's a substantial list of violations that happened after that starting on January 1st -- I mean January 9th, 2019, going to April of 2019. And so there's a pretty long list.

Burse: But there, there is a log, a list -- log generated primarily by one person.

Hardesty: Do you disagree that these violations were in fact happening?

Burse: Disagree with it because I never seen them or reviewed them or any of those things, nor have we ever had a conversation were about violations. Probably she didn't want to have a conversation with us.

Hardesty: Thank you.

Wheeler: Commissioner Fritz.

Fritz: Thank you. When did you change the management company to air b&b?

Burse: We did it in I think it was February when we finally got rid of them.

Fritz: Of this year.

Burse: Yes, of this year.

Fritz: Okay, but, so they didn't change, according to the records of development services and from the operator's guest log, they didn't change the listing until March?

Burse: Let me make certain on the dates. I think there's some confusion on the dates. We purchased the property in October of 2017. It was in December of 2018 that we got the notice of violation.

August 28-29, 2019

Fritz: Okay. But then bds, development services documents that the house rules and narrative haven't been changed on the air b&b listing?

Burse: It most certainly has been changed.

Fritz: Well it says it was changed on march 21st of this year, but not before that. And even than it says --

Burse: We, when we got the notice we requested that it be changed and we actually went on there and provided the actual language to the company that this was in fact to be done, and we know for a fact based on the logs of the use of the property that in fact there was no time after december where there were more than six guests on the property.

Fritz: But there were use of more than four bedrooms, um --

Eudaly: More than three, right?

Fritz: And the operators logs talk about using the fourth bedroom and about having more -
-

Burse: And on that site to get to the rules and the information you had to click through some items, and I think, based on what my son and I look at what was presented was, they presented the front page of it, never clicked through to where the rules and all that information was. That's what we saw when we looked at it.

Fritz: So it would it be helpful if staff has some screen shots of that, that were in the record? I would like to see what was listed as of both 1/23/19 and 3/21/19. I don't know if that's in the record, but if it is, I would like to see it, please. Because it seems like air b&b has not paid attention to the conditions that you were given either. Even though they're now responsible for it, which i'm kind of glad. They haven't acknowledged that there's a conditional use for this house.

Burse: According to my son, who has gone through it in detail and sent me screen shots, I don't have those, I got them on my phone, that they -- in fact it was changed. We showed the rules and in fact, as an exhibit to one responses we showed screen shots.

Fritz: Okay, thank you. We'll see if we can get that. Thank you so much.

Wheeler: Commissioner Eudaly, did you have a question?

Eudaly: Yeah, I was just taking a look the where the property is located. I want to sympathize with you as it does seem like there's an extraordinary focus on this property in your neighborhood and there may be racial issues at play. However, it's extremely rare for the city to revoke these permits, and this is an extraordinary number of complaints that's continued well into 2019. Too many occupants, people in an illegal basement bedroom, I'm unclear about the smoking rule. Is there a no smoking rule for -- is that something -- it's a limitation we put on the property but it's not a limitation we put on anyone else. Okay. There's a question of whether you have a long-term occupant. There's been repeated noise issues. And you know, some of these complaints are there was someone outside at 8:20 p.m. Honestly, that's beyond nitpicky but there's also complaints of people being disrupted at 1:00, 2:00 in the morning. It's a real problem having unattended hotels essentially in the middle of residential neighborhoods, and besides wanting to reduce intensity and minimize noise of, on this property, we also have these rules in place to protect our rental market. Because every rental that's taken off the longer rental market and put into short term, creates more pressure on our rental market and we're in the midst of a housing crisis. So the question remains, is there a long-term occupant of your house.

Burse: The house in terms of when it was set up, there was a young lady my son employed to in fact do that. She in fact moved out. He is, he was here in Portland working and doing that, lost his job in jan -- february of '18 so he is in Portland just about every week, every other week, to the house itself. So he's back and forth. And then he lives there when he's here.

Eudaly: What i'm unclear about, maybe we need to find out from staff, is that I know different types of buildings have different rules, but we have this rule there needs to be a

August 28-29, 2019

long-term occupant. Well, I'm unclear. I thought it was nine months out of the year it's owner occupied. Is it any different for type b?

Fritz: No, and –

Eudaly: Okay.

Fritz: It's 270 days, so it doesn't have to be nine consecutive months.

Eudaly: Right. Okay. That's all. Thank you.

Wheeler: All right. Good. Thank you, sir. Next up are supporters of the appellant. And you'll have three minutes each, and I ask people please keep it within three minutes because we'll have to stop you at three minutes.

Moore-Love: No one else signed up.

Wheeler: Very good, opponents of the appeal, three minutes each. Same rules apply. We need people's name for the record. We do not need your specific address.

Moore-Love: We have 13 people signed up. The first three please come on up.

Fish: Mayor, can I just make an observation?

Wheeler: Commissioner Fish.

Fish: If 13 signed up, I just want to caution people, this is an on-the-record hearing but if 13 people come and say a different variation of the same thing, it is not helpful to us as decision makers. So I'm hoping that it's 13 different pieces of testimony that are relevant to this. If not, we would be happy to take a handful of representative speakers who are here to talk more generally, but if we spend the next 30, 40 minutes having everybody repeat themselves, I just want to caution that does not help us as decision makers hearing redundant testimony, so --

Wheeler: It's also okay to come up and just say I agree with what somebody else said or whatever.

Fish: Yeah.

Hardesty: Or stand behind people as --

Fritz: Can I just ask –

Wheeler: Commissioner Fritz, then Commissioner Hardesty.

Fritz: As the city attorney, often in these proceedings we have a principal opponent who gets 15 minutes. Do we not in this case?

Rees: In this case we do not have a principal opponent. Correct.

Fritz: Thank you.

Hardesty: And I had a question for the attorney as well. My question is, is the appellant is that right term.

Fish: Appellant – is the appellant's son present?

Burse: No, he's not.

Hardesty: He's not. Because we had a lot of testimony based on what your son told you, so I, it's kind of hard to weigh what your son said if he's not in the room and so I just want to put that on the record, that I guess we will ask direction from legal counsel after we hear –

Wheeler: [inaudible] right now.

Fish: Well, can I just jump in on that. That's classic hearsay, and unless he -- did he testify at the hearing below?

Rees: It's my un–

*****: Yes [inaudible]

Rees: Yeah, so, so, I want, just, without interrupting you if you don't mind, because this is an on the record hearing you're basing it on all the testimony before the hearings officer anyway. So I think what you would do is look at the hearings officer's decision and look if staff has information that was presented by the appellant at that time and could, and give you that information.

August 28-29, 2019

Fish: So counsel, I have a follow-up question. I listened very carefully to the question and answers that, um, questions that Commissioner Hardesty raised, and the answers of the appellant, and I think it's fair to say, based on that exchange that the appellant acknowledged virtually all the violations, but in the course of his presentation, offered explanations, such as well, we had a property management agency that didn't do their job or we had tenants that violated their lease agreement, their conditions of being on the property or whatever. I did not hear the appellant specifically say that on the vast majority of the so-called violations, that he denied them. He said either they were the fault of others or he said some steps had been taken to correct them. In light of that, is there a controversy before us?

Rees: The standards you have, you have, and I think staff will, has or will go through the staff memo what your options are, so --

Fish: In the options. But if, if they have, if the appellant has acknowledged that there were these violations, but has instead chosen to either argue they are the result of someone else's failure to act or that some action has been taken to correct them, is there a controversy in terms of findings of the hearings officer?

Rees: I think the answer is yes because the standard is not was there a violation or was there not a violation, it's whether there was a substantial violation, and so yes, there is --

Fish: So we have to, we have to judge the volume and the qualitative and the quantitative.

Rees: Yes, and I'd point out that the, the appl – the hearings officer includes a discussion of what the appellant's position was on whether they were substantial and he chose to interpret the code in a particular way and determined they were.

Fish: Thank you very much. That is helpful.

Fritz: And just, again before we get started, thank you for your patience. I'm noticing in the reconsideration documents that there are several Air b&b advertisements with house rules, so if staff needs to get them copied for us, you're welcome to go to my office and run some off.

Wheeler: Very good. Karla, how many -- we have 13?

Moore-Love: Yes.

Wheeler: First three please.

Moore-Love: First three please come on up, are bob Dobrich, jim barta, and dean gisvold.

Wheeler: Good afternoon, why don't we just start on this side over here, please.

Robert Dobrich, Irvington Community Association: Good. No problem. Good afternoon mayor wheeler and commissioners. My name is robert Dobrich, Irvington in portland. I am the current president of the Irvington community association. For context, the i.c.a. represents all residents of irvington, homeowners, renters and businesses. All of our meetings of the ica and all of our committees are open to the public and all request to speak are granted. In irvington there are over 100 permitted short-term rentals. The majority of these operate within the city guidelines and permit requirements. Unfortunately, the whole house vacation rental at 2946 northeast ninth is not one of them. As the record shows, there have been blatant disregard for the rules. In fact, the owners of 2946 northeast ninth have been violating the rules for approximately two years. After the first hearing in august of 2018, the current owner mr. Burse, was granted a type b permit with conditions. These conditions were not unreasonable and they followed the city protocol and standards. However, these conditions were not followed with many egregious violations. Neighbors, not just those next door continued to complain and document these violations. Since the city of Portland is complaint based it puts the onus of enforcement on the shoulders of the neighbors. The reported violations were captured in official complaint logs and filed with the bureau of development services. These violations lead to a revocation hearing in may of 2019. At that hearing, hearings officer frank found that several substantial violations and to the conditions of the permit and revoked the permit. In

August 28-29, 2019

addition mr. Burse has repeatedly used intimidation tactics against his neighbors, including threats of police arrest, legal action and verbal harassment. The ica has fielded complaints from several neighbors regarding this whole house vacation rental. Contrary to mr. Burse's assertion, not all of the neighbors were board members of the i.c.a. Mr. Burse has continued to say that race played a factor in these actions. I would not disagree that race has played a big part in mr. Burse's life. However, I will emphatically testify that race had nothing to do with any complaint or action by the i.c.a. But let's bring it back to the facts. Mr. Burse purchased a property that already had violations of the short-term rental code. He chose to continue to operate the whole house vacation rental. He chose to not follow the conditions of the permit set forth by hearings officer, turner, in august of 2018. He chose to simply ignore the rules set forth towards operation repeatedly and to this day. The result has been an impingement on the livability of long-term residents on both sides of the block and behind the subject property. In summary, the whole house vacation rental at 2946 northeast ninth continues to operate with numerous violations of the permit condition and has generated countless complaints logged by several neighbors. It appears the operators are blatantly disregarding the permit requirements. As such, and based on all the information in the record, I support the revocation of the permit. I cede the balance of my time to dean gisvold. Thank you.

Wheeler: Thank you, and nobody can cede their time.

Dobrich: Oh, okay.

Wheeler: It's three minutes per person. Thank you. Good afternoon.

Jim Barta, Irvington Community Association: Hello, my name is jim barta, and I'm in charge of code violations for the i.c.a. and land use committee, I see every community association. I've been tracking this matter since July, 2017. The owners that [inaudible] their property have been operating in violation of code for more than two years. Ica filed a complaint on behalf of neighbors in October, 2018, after the initial complaint was closed in error. The owners finally filed for the required type two permit in february 2018. The owners continued to operate an unlicensed astr during this time. The owners received approval for type two permit in June, 2018. I.c.a. appealed the approval. The unlicensed airb continued to operate during that time. The i.c.a. appeal was denied by the hearings officer in august 2018. Hearings officer approved the type two astr with additional conditions which we've heard about here. In october 2018, i.c.a. filed a complaint that the owner is operating str in violation of the august, 2018, ho conditions, hearings officer conditions. Owner continued to operate str in violation of conditions. A revocation hearing for the type two was held on may 15th, 2019. Hearing's officer decision, asked hearings officer to revoke type two str. Owner appealed decision to council today. The owner continues to operate the astr in violation of august, 2018 hearings officer decision to this day. We ask the council to deny this appeal. Thank you.

Wheeler: Thank you. Good afternoon.

Dean Gisvold: Good afternoon. Dean gisvold. I support the revocation. I prepared and submitted a two-page rebuttal to the arguments of the owner. I'm not going to read it. Plus copies of the lists of violations, seven pages, single spaced taken from the staff report and the quoted findings regarding nine of the 14 operating conditions which are in that attachment. You don't have to read the whole staff report. Let me summarize what happened after the owners filed for a b permit after operating without a permit for a significant period of time. The owners received approval from hearings officer turner for a b permit, for three rooms, up to six guests, with 16 conditions. Owners object to the conditions now but they did not appeal it. They had the right to appeal to luba but they did not appeal it and they should have done so if they objected to it. By city code, they must comply with all of these conditions. Whether they feel it fair or unusual at this point. The violations then continued on. Since Portland has instituted a resident complaint driven

August 28-29, 2019

enforcement process, the neighbors in the i.c.a. did what the city requires and filed complaints. The neighbors filed complaints using forms and pursuant to the instructions from the city. And in some cases even provided pictures. They filed periodic logs each week, week after week, month after month, all these logs for the relevant times are in the record. The violations nonetheless continued and the complaint logs were filed again and again. The hearing was scheduled for may 15th 2019 and a staff report that contained the seven pages of violations was sent to all parties, including the owners, Mr. Burse sr. and mr. Burse jr. Owners received notice of these violations, they received notices in november and december of other violations. And the hearings officer frank found that the city gave all the required notices. Please note most of the b-1 violations were from the owners own guest log who wrote in there how many guests, how many rooms, how good it was that they were there. The revocation hearing was held and on june 21, hearings officer frank found that there was substantial evidence of numerous violations of nine of the 14 operating conditions in order to revocation. But the violations continued and the complaint logs have been filed up until last week. The owners appealed and here we are. I ask you, as the others have, approve the decision of the hearings officer and support the efforts of the residents to follow the city requirements and the revocation decision should be upheld.

Wheeler: Thank you. Next three, please, Karla.

Moore-Love: Are Barbara nagle, Richard plagge, and lily copenagle.

Wheeler: Good afternoon. Would you like to start, please. Thank you.

Lily Copenagle: Good afternoon. Thank you, I would. My name is lily copenagle and I am the daughter of Barbara nagle and Richard plagge. I am testifying today because in the course of assisting the city in gathering information about violations of a short-term rental permit, they have been threatened and accused of racism by the property investors who own the short-term rental next door to their house. The threats were frightening, but the accusations of racism are what hurt us the most. The influence of racism, and in particular as it relates to housing and businesses is very real and very serious, and you don't know my parents and you don't live on our block, so I want to share with you some of the history that might help you evaluate those accusations. My family moved to our neighborhood when I was less than a year old. I went to inner north, I went to a neighborhood school and I grew up with the neighboring kids. In our inner northeast Portland neighborhood, race, racism and Portland's history with the black community are a big part of our collective conversation and in our house, we discuss this history and the ways in which it impacts the day to day lives of our friends and neighbors. My parents are deeply committed with an unflinching humility and honesty about the privilege that we enjoy as white people and our role in fighting against the systems that exclude and discriminate. But they don't just talk about it. They showed me with their actions. My family could have left our neighborhood at any time in the last 44 years. In fact, many factors have made it challenging for them to stay. But they chose to stay in part because of their lasting and deep relationship to the neighborhood and the connections that we have there. They have helped the long-term residents as they have aged and encouraged them to stay, they have watched with sadness as many of our long-term residents have left the neighborhood and the neighborhood has gentrified. I'm a product of their house and the experiences of growing up in the diverse neighborhood. I have dedicated my career to exposing the ways in which race and gender disparities impact our communities. I work with several local organizations and government agencies, such as the coalition of black men, the national association of minority contractors Oregon, and even the city of Portland to provide transparency and accountability in the Portland business community and to help the residents of the Portland area understand the impacts that discrimination and bias has on us as a city. While I have no doubt that mr. Burse jr. and mr. Burse sr. are impacted every day of their lives by the culture of exclusion and oppression, that we live in today, I hope

August 28-29, 2019

that this helps you make an informed decision of the history on our block and my family's commitment to a diverse and healthy Portland. Thank you very much.

Wheeler: Thank you. Good afternoon.

Barbara Nagle: I'm barbara nagle. I live 2938 northeast ninth. My husband, Richard Plagge and I have lived there 44 years. Through the years we've had warm, positive relationships on our street. We've always been committed to Portland's strong, diverse, inclusive neighborhoods. We appreciate the burse's concern about racism. We, too, are concerned about racism in our community. It means a great deal to us and so I state clearly and sincerely to attribute our complaints to racism is an abuse of the word. Our complaints have nothing to do with race. We are both retired and although we both have volunteer obligations, we're home a lot, and we do a lot of our own maintenance so we're outside a lot. We're especially aware of what happens next door, 2946. The driveway is passes five feet under our bedroom window and the back deck is five feet from our garden. We see and hear almost every person and car that enters that driveway. There is no barrier between our house and that driveway. Sometimes the guests are considerate, and then there are those who party until the morning hours, run enthusiastic team-building retreats, use foul language, urinate on the back fence separating our back yards or barbeque on the deck after midnight. We are awakened at all hours as guests come and go, greet each other in their excitement of their vacation and drag their suitcases down the driveway to the back door. We hear it all from our bedroom above, especially in the summer months. We understand it. They are on vacation, eager to have a good time in the motel they've rented. This whole house rental started in january of 2017 under the prior owner without a permit. We complained to her and then to the city in 2017, before mr. Burse was the owner. We complained to air b&b. Our last notice from mr. Burse says that jasmine barguti still lives there. She doesn't. Never did. Why would we call her? None of our concerns have been addressed. The city only accepts complaints with documenting time stamped photos. On the day of the hearing in july 2018 mr. Burse jr. called the police claiming my husband was harassing his guests. Richard's crime was that he had taken photos of guests' trucks blocking the street. Mr. Burse jr. then e-mailed our neighbors saying they shouldn't communicate with us because we were under police investigation. As noted by bds at the July hearing, this was not true. The complaints with photos are our only tool. We've submitted 19 citizen complaint logs with 167 photos. The evidence shows the flagrant, serial proven dishonest management of this enterprise in spite of multiple opportunities to comply. We are deeply affected by those unsupervised activities. We can't capture all of it on complaint logs. We are no longer comfortable entertaining in our garden. We don't allow our grandniece or my 95-year-old mother in the garden alone. We dread the better weather because it brings out the worst. Mr. Burse claims he has corrected the problems, but he hasn't.

Wheeler: Thank you. Good afternoon.

Richard Plagge: Yes, my name is richard plagge. I live in the house next door, too. The house is advertised as a whole house rental and it is rented almost every day. On july 28th, the owners listed it for 12 guests, defying the permit's six-person limit. Here is a screen shot. City code explicitly prohibits full-time, short-term rentals and requires that someone live there at least 270 days of the year. Mr. Burse jr. claims he lives there. Bds exhibits 25c and d, but he doesn't and never has. On july 22nd, mr. Burse jr. informed the Washington county courts that he lives in south carolina and that when he exercises his parental rights in Oregon, he stays with his girlfriend on murray road in Beaverton, and here is the court record. His Linkdin page says his real estate --

Wheeler: Can I ask a question of legal counsel? Is that already included in record?

Rees: So I'm trying to figure out the dates. So, I want to make sure that the people testifying understand that this limited to the record in front of the hearings officer. The

August 28-29, 2019

hearings officer hearing was on may 15th, I don't, of this year, so I don't believe, unless somebody else tells me I'm wrong, anything after may 15th, 2017 -- when was the record closed?

*****: May 22nd.

Rees: The record was closed on may 22nd for new evidence so, if there is new evidence coming in, and I'm keeping a list of somethings I've heard that might be but this might be better to stop because it sounds like it's definitely --

Fish: And Counsel, if I could also just add.

Wheeler: Commissioner Fish.

Fish: The appellant has already testified that his son lives somewhere else, that he is an occasional visitor to Portland, that he may on occasion stay at the house, but there has been no representation that there is someone currently living there 270 days a year, so --

Copenagle: Okay.

Fish: -- just to be clear, I think that's already been established in the colloquy between commissioner hardesty and the appellant.

Copenagle: Thank you.

Wheeler: Right, and not to cut everybody off, but this is a legal hearing and therefore we have to stick to the record as it currently exists.

Nagle: That's fine.

Copenagle: Thank you for explaining.

Plagge: Okay. Start here.

Nagle: Yeah.

Plagge: Our only respite in the past two years was february to july of 2018 when the freemans, an african-american family, displaced by a fire, rented the house. They were considerate, responsible neighbors, but Mr. Burse raised their rent from \$4,000 to \$6,000 a month saying he could make a lot more money renting it on air b&b. The freemans left and we were sad to see them go. We recognize the merits of alternative housing and there are many models on our street, but there must be limits that respect livability to all. We have a right to enjoy our homes. We accepted the conditional use permit because it set reasonable limits, but with no onsite resident, unsupervised guests continued to violate the permit. We support the city's efforts to prevent unsupervised motels like this. This is not a home. It's an investment company's low overhead motel in a residential neighborhood, everything the city claims it wants to avoid. It displaces long-term residents and exacerbates our housing crisis. This is not about the investors who own 2946, it's about the livability of our city. For over two years we have tried to find relief to once again fully enjoy our home. Condition number 16 of the august 2018 decision says, any but the most minor violations should be grounds for revocation. We need relief now. We plead for immediate revocation.

Wheeler: Thank you. Thanks all three of you. Next three, please, Karla.

Moore-Love: Are Karen deora, james stevens on behalf of Carolyn dasher and kate bloom.

Wheeler: Good afternoon, would you like to go ahead and start please.

Kate Bloom: Sure. My name is kate bloom. I live 2947 northeast 10th avenue, the house that is directly behind the house in question with the air b&b. I have seen many air b&b users being rowdy and partying past 10 a.m. They smoke both marijuana and tobacco products, both fills my window as I face that, my bedroom faces directly their outside living area. There was not allowed to be out past 7:00, that they weren't allowed to be out past 7:00 which they were. And on top of that, I have never seen a full-time resident whose job was to watch the house within the property. On top of that, my family also has trouble spending their dinners outside due to the noise and the smoking that we have to endure and fam -- when we have family gatherings.

August 28-29, 2019

Wheeler: Thank you. Good afternoon.

James Stevens: My name is James Stevens and I'm reading a letter from Carolyn Dasher, a neighbor who is not able to be here. In their narrative of support of appeal, the operators imply that the complaints of a single neighbor are behind the revocation of the permit. This is untrue. The northwest corner of my property touches the southeast corner of the operator's property. Their deck overlooks my patio and there's probably about 25 feet if that from my actual house, so we are definitely impacted by what goes on this property. At the recommendation of Bds, we have submitted a number of complaint logs regarding noise, partying and after permitted hours deck usage. While we have not been as strongly impacted as the neighbors immediately next door to the property, we are just as tired as they of having to yell at tourists who take their noise inside in the small hours of the morning and in fact they have had to submit additional complaint logs to Bds since the June 21st, 2019 decision. On weekends, perhaps because the operators assume no one in the city will be checking their Air B&B listing, then the operators change their Air B&B listing by increasing the number of guests allowed to 12. On Monday they change the listing back to six guests, the maximum allowed per conditions b1 and b10 of the Astr permit. The operators will not have provided an onsite – still have not provided an onsite manager for this property, condition b13 of the Astr permit. Neither of the Burse's reside there. Their property essentially functions as an unstaffed hotel. This leaves managing noise in the hands of us neighbors. Based on the operators' historic lack of interest in solving these problems and the fact that Mr. Burse Jr. has called the police on neighbors who have complained, we have no confidence they will suddenly become responsive to our concerns. The operators have shown repeatedly they are unwilling to operate this property in adherence of the conditions of Astr B permit. We strongly urge that you maintain the revocation of the Astr permit for 2936 Northeast Ninth Avenue.

Wheeler: Thank you. Good afternoon.

Karen Deora: Good afternoon. I'm Karen Deora. I'm here to speak in support of Barbara Nagle and Richard Plagge. I lived across the street from them and the Burse property for 21 years. I know the neighborhood well. I've written letters, made phone calls and spoken to Ray Jr. in opposition to the conversion of this family residence into a profit-making business. I'm not a member of the neighborhood association. Those of us in opposition don't want a business there that allows 12 strangers to arrive and depart -- arrive and depart every couple days. People who have no interest in us as neighbors. It has been very disruptive in many ways. However, we do value diversity. In 1975 when Barbara and Richard moved to this street it was mostly inhabited by African-American families. That's why they wanted to live there. Being avid supporters of social justice issues, they didn't want their daughter to grow up in a predominantly white neighborhood. Their neighbors on one side were a refugee family from Eritrea, and Barbara and Richard are still their friends. An older couple across the street and my next door neighbors until they passed away were also Barbara and Richard's friends. When his wife died he was all alone, only nieces and no children. And I'd see Barbara bringing him food, she is a great cook and Richard would go and sit with him to watch his favorite games on TV. These are only a few examples of the kindness and generosity which I admired and also received from them over the years. When I heard that Ray Jr. accused two of the families in our neighborhood of being racist, I was surprised. I don't fault him assuming that. Portland is well-known for its racism, but these two families hadn't known that the new owners were African-American. If Ray Burse Jr. and his family would have moved into this house, they would have been welcomed.

Wheeler: Thank you.

Hardesty: Thank you.

Wheeler: Thank you all three. Next three, please Karla.

Moore-Love: Are Nikki Johnston, Helen Nushi and James Posey.

August 28-29, 2019

Wheeler: Good afternoon.

Nicolette Johnston: Good afternoon. Thank you. My name is nicolette Johnston and I'm here as a citizen in this process. By way of disclosure, I sit on the irvington land use committee. The cost of this type b accessory short-term rental process is being borne by the taxpayers. Not only the time the city staffers, Marguerite Feuersanger and Justin Rees have put into this particular situation, but also not one, but two hearings officers that taxpayers have paid for and now this appeal to you. If the appellant had simply followed astr requirements like everyone else we wouldn't be here today. In my opinion, appellant doesn't want to comply with astr requirements or they would have done so ages ago. Stop history from repeating itself, please. Enough is enough. Thank you.

Wheeler: Thank you. Good afternoon.

James Posey: Good afternoon, Council, mayor. My name is james posey. I think most of you all know me. I've been in the community -- I live down the street from the residence on the other side of mlk. I live in lower, I say lower elliot neighborhood. I'm here because when lily copenagle told me about the issue and the specter of race was raised in this particular circumstance, I was offended. Because when an outfit or an appellant or anybody raises the specter of race, then it becomes a different ball game. And everybody knows it. And so i'm concerned that the whole issue of racism in this matter is being inappropriately and outrageously used in a way that doesn't serve us well in this community. We know there is racism in this community. You all know I'm no patsy when it comes to talking about racism and how it affects our community, but this particular case is outrageous. When a person doesn't get what they want, they start throwing the race card. That is outrageous because it lessens all that we do to try to change the situation in our community. I've got to tell you, after listening to the testimony, if this person or this house was down the street from me I would be raising hell. I'd be in here screaming at you all every day until you got rid of them. We've got kids in the neighborhood, we've got old people in our neighborhood. We just can't have that kind of mess going on where parties and smoking and carousing. You know, these communities are already disrupted enough with the many changes, homeless and so on, et cetera. So i'm saying to you all, divorce yourself from the concept of racism in this matter and look at the merits. Look at what people are saying, look at the evidence. Don't let somebody come here and spew the concept of racism and people will basically transit to our community, by the way, transit to our community and let them influence your decision on how you look at this matter and people in this community. Thank you very much for allowing me to talk to you today.

Wheeler: Thank you.

Hardesty: Thank you.

Wheeler: Thanks both of you.

Moore-Love: And the last person I have is Gregg snyder.

Hardesty: [inaudible]

Wheeler: I think one fell out. Good afternoon.

Gregg Snyder: Yes. Good afternoon.

Fish: Gregg, is there anything that has been said that you have not had a chance to address?

Snyder: I am last but not least. I will make my testimony short because many of the things I do say, I have put in the record already and the hearings officer plus the conditional use. But I'll say mayor and council, when are we going to crack down on illegal air b&bs? How many thousands of air b&bs do we have in this city that are not following the rules you set out? And yet here we are trying to follow the process, trying to say, look, this is a problem, this is a problem, this is a problem, only to have it thrown back in our faces as citizen enforcers. We are doing the only thing we can, and that is to take it to bureau of development services in a systematic way to try to document what's happening. We need

August 28-29, 2019

real leadership, we need real policy change, we need a crackdown on illegal air b&bs in this city. And I don't know what it's going to take, but this is a wakeup call to that effect. So, please, I implore you, now is the time to make policy to get rid of illegal air b&bs in the city of Portland. Thank you.

Wheeler: Thank you.

Hardesty: Thank you.

Wheeler: All right. Next up, that concludes, Karla, the opponents of the appeal, correct?

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

Wheeler: Okay, next, if you so choose, mr. Burse, you have the opportunity to rebut. This is the appellant's rebuttal. You have up to five minutes.

Fish: Mr. Burse, while you are collecting your thoughts, this won't be charged against your time. I have a couple of questions that will help me. Where do you live, sir?

Burse: I live in prospect, kentucky.

Fish: Excuse me.

Burse: Prospect, kentucky.

Fish: How often are you in Portland?

Burse: I have a grandson here. I'm here four to five times a year myself. My son is here every other week – every other weekend.

Fish: And what's his domicile?

Burse: He still claims Portland. He is working out of south carolina and also out of dayton, ohio for, there's a company, they have him moving around.

Fish: Okay, and sir, is there someone currently in this house on northeast ninth avenue who lives at least 270 days a year and is your agent?

Burse: And is my agent, you said?

Fish: Correct.

Burse: My son, you know, based on the calculation --

Fish: Let me restate my question again. Is there someone living in the house at least 270 days a year who meets the code requirement of having a full-time occupant of the house separate and apart from people you rent to? It's a yes or no.

Burse: No, but he calculates that he's here 270 days a year.

Eudaly: That doesn't mean he lives in the house.

Fish: Okay, sir.

Eudaly: Yeah.

Fish: And my final question is, we have a couple of exhibits that list complaints that can be brought against tenants for violations of the rules and it says there is a mandatory walk through if there is an allegation of a complaint. Who does the mandatory walk through?

Burse: It, it, it's done by the management company, folks that walk through. My son also walks through those prop, through those properties.

Fish: Yeah, and how many time has the management company done a walk through with one of your tenants?

Burse: One of the, with one of the tenants. They, let's put it, they charged us to do it on a regular routine basis.

Fish: No, I'm talking about when there is a complaint brought against the tenant, how many times has your managing agent, this is Air b&b, done a walkthrough of the property.

Burse: We haven't had a complaint against a tenant, a actual complaint. And that's part of one of the points that I was making earlier, is that there have been several complaints but none of those to us for us to address or for the management company to address. There's been no outreach, no contact whatsoever.

Fish: Thank you, sir.

Burse: Okay. You know, as I've sat there and listened to a number of things in terms of what people have said, it is still my position that a substantial violation has not been

August 28-29, 2019

proven. And we have not operated an illegal Air b&b. By, according, according to the rules, we have a permit for what has been operated there and continue to be operated there. We submit that we heard from the president of the ica who said that they had been open and willing to in fact meet with us in regards to things. The record, if you review it, shows that they have not met, not made the opportunity nor provided any notice to anyone. They kept a record and log of complaints, but nobody has complained directly to the owners or to the property. There was, in fact, phone numbers e-mail addresses provided and no time was, in fact, anything done to in fact do that. Had we been told of some of these things, it was fine. We would have done something. After the december 1, 2018 notice, we took action. And I think what we, what you're saying is that if you look at some of the facts, and many of them, that there was a misapplication of the facts in the hearing officer's report. And in that regard, there are several things in terms of misstatement. He states that there was no evidence in there in regards to -- in regards to the rules and regulations. Before those rules and regulations were, in fact, posted, they were, in fact, shown to bds in terms of what we were supposedly doing, in fact, that is what we ended up doing. We said, that in fact, you know, granted, you know, there's been a parade of folks in terms of number, but the primary person who has been, in regards to all of this, has never reached across the five feet in the driveway to say i've got a concern. I have a problem. Can you help me and how can you do that? The hearing officer also found there were some conditions that were not typical. Meaning they wasn't consistent with what has been done in the past. Even though they were there, it was nothing that he could, in fact, do about that. So, in fact, an undo and unfair burden was, in fact, placed upon us in terms of doing some things. When we got the notice again, it took place. We did the things that we needed to do. We're not saying that oh, but someone else didn't do what they wanted, they needed to do. What we said is what we did to, in fact, address and do the things that we needed to do. And we have done that. The hearing officer also stated in many instances that there was evidence not in the file when, in fact, it was there in terms of giving and saying that we are, things that we had said and not done were not there. If you look at it in terms of one of the ones that he said was there in terms of the ica noticing, in terms of, that was not there. We spoke to him also regarding the, how individuals distinguish between who was, in fact, a residence of the neighbor, of the residence, of the home versus who was, in fact, an Air b&b tenant in there. And she could not, and they could not distinguish between them, but because they were, in fact, there, his assumption was it was everything applied to everybody. You know we, we are, as I said earlier, we are far from perfect. Didn't do perfect in terms of doing that. But we've tried our best to, in fact, be hospitable and good neighbors and to work towards trying to make this situation work. But in order to make things work you have to have people working with you. And I think it ought to be very clear to you there was no inclination or desire on the other side at any point to work with us, to notify us, or to do any of those things. It was more bent on they have to go. They have to go and we seem to be the point for a much larger issue and larger discussion that has taken place. So thank you.

Wheeler: Thank you. Commissioner Fritz, you had some questions.

Fritz: So, I'm just trying, I appreciate stuff getting me Air b&b screen shots from march, january and the latest is april 17th of this year, and it lists six guests, but five beds. And when look over where the beds are, there is a king bed in the master suite, a king – a queen bed in the guest bedroom and a queen bed in the second guest room. So that's not five beds, so it kind of implies that the bonus room or the downstairs is also being allowed. My question for you, sir, is it says there is a six guest minimum on weekends during summer and fall months. When I saw that in the record I thought that must be a typo, that they meant maximum, but –

Burse: I think it's typo –

August 28-29, 2019

Fritz: Well, it's throughout this listing and it's throughout all of the listings is that there's a minimum. Is there a per person charge on this rental?

Burse: No. There is, there are, there are only six guests are allowable in the uh, in the unit itself. I think when they did the revision it should have been six max, not six minimum.

Fritz: That doesn't make sense because it says, "This home has a four guest and four night minimum on all holidays and three-night weekends, and a six guest on weekends during the summer and fall months. So that doesn't make sense to exchange the word minimum with maximum.

Burse: Well, what, what you have is, in terms of what, what you're stating is for those weekends and for the summer months, what you are expecting is six guests. Six guests to do, to be there. You are not going to put any more than that, but if someone wants to rent the property it's got to be for six guests and they get charged for six guests.

Fritz: Why do you have only four guests on holidays and weekends, on holidays and – yeah, why only four on holidays if that is the case, if this is supposed to say maximum but it meant minimum?

Burse: Say again?

Fritz: I guess my concern is that --

Burse: An inartful language, I would say.

Fritz: Even after the management company has changed, it's really unclear that there is a maximum.

Burse: Yeah.

Wheeler: Commissioner Hardesty.

Hardesty: Thank you, mayor. Mayor, I would like to –

Fish: Bring a motion –

Hardesty: I'd like to bring a motion to deny the appellant's appeal.

Eudaly: Second.

Fish: Uphold the hearings officer's decision.

Hardesty: And to uphold the hearings officer's decision.

Eudaly: Second.

Wheeler: We have a motion from Commissioner Hardesty to –

Fish: I'd like to speak in favor of the motion –

Wheeler: To deny the appeal, uphold the hearings officer's decision, and revoke the conditional use permit. Second from Commissioner Eudaly. Commissioner Fish.

Fish: This is a tentative decision, but I think based on the, all of the evidence we have heard and the evidence in the record, there is substantial evidence of chronic and continuing violations at this site and I think it is appropriate for us to finally once and for all drop the hammer.

Wheeler: Commissioner Fritz.

Fritz: I was just wanting the city attorney to weigh in as to the proper process here.

Rees: I appreciated commissioner Fish mentioning that it would be a tentative vote. It, I think it's important in this case. Although, we would, depending on council's ultimate vote, it would be good to act quickly. I think it's more important to make sure that the findings reflect the discussion that happened today and also to make sure we are clarifying that there were some pieces of new evidence and I think the findings can reflect that new evidence was not considered by council in its decision.

Fish: Counsel, could we have findings in three weeks?

Rees: I think the dates that -- may we discuss that after -- I don't want to interrupt deliberations any longer. Could we discuss that –

Fish: So take a tentative vote and then figure out when it comes to council?

Rees: Yes.

Fish: So mayor, I move the vote.

August 28-29, 2019

Wheeler: Any further discussion. Call the roll.

Hardesty: I just want to say that I know that we live in a community that has suffered from deep gentrification, from racial tension and racial inequality. And I just want the record to reflect that I'm appalled when race is used in a way as a hammer and as an excuse for nonaction. I vote yes in favor of this motion.

Moore-Love: Linly, are we good, Linly, then?

Fish: It is a tentative vote.

Rees: It's a tentative vote

Fish: A tentative vote.

Moore-Love: All right.

Eudaly: I agree with commissioner hardesty. When I looked up this residence, I realized I lived on this street in 2007 for a year, so I can attest to kind of the character of the neighborhood. It is quiet. It is very residential. It does, it ends into the park. It is a street where kids could probably safely play in the street. However, not with dozens of people that aren't invested in the neighborhood coming and going and treating it as a hotel. I've made up an alternative slogan for air b&b, which I can't say because of our fcc regulations, but I'll modify it. It's live like a local, and not care about your neighbors. And, sir, you have complained that these individuals never spoke to you directly, didn't reach across the driveway. They reach across the driveway, they wouldn't know who they would find. You were not the neighbor. And although on our website we do encourage neighbors of air b&bs to talk first to the owner, you are not present. The next alternative would be neighborhood mediation. Again, how do you go through a mediation process with an absentee landlord? And finally, they are absolutely entitled to submit a complaint to bds enforcement program and I don't know this gentleman's name, but I have the same question and it has been a huge frustration to me. Our inability to enforce on illegal air b&bs. And today I think we have seen how incredibly difficult, time consuming and expensive it is and it is not fair that the responsibility falls upon neighbors and the cost falls upon the city. We shouldn't have to pay for air b&bs in allowing people to illegally operate in our city and -- or the illegal operations of hosts. This is an extraordinary case with an extraordinary number of violations. I'm -- was completely not compelled by the argument for the appeal and I vote -- this is always confusing to me. Every single time. Just want to make sure, yeah, I am voting Aye. Yes.

Fritz: The folks testifying in opposition noted that there are over 100 rentals, short-term rentals in the irvington community association's district. This is the first one we have heard of them taking issue with. There may be others. But it's, that's why we set up the short-term rental program so community programs could have some input into the kinds of activity. I agree with hearings officer greg frank that the previous hearings officer's conditions of approval was somewhat unusual and in some cases I thought excessive, however, the time to appeal those conditions was back in 2018. And we are charged now with were those conditions upheld. I don't have the record for that hearing, so I don't know why those conditions were imposed. I'm going to trust our city's process they were imposed because of concerns. So, Mr. Posey, I want to particularly thank you for coming and saying what you did. That was very helpful and to the neighbors for making this about the case and about being good neighbors. Aye.

Fish: Let me just start by saying when we do these land use proceedings, they are heavily prescribed. We have very outstanding council who walks us through what we can and can't do. There are co-roles assigned to people and I think the council on a whole, and I'm speaking over a ten-year period, does some of its best work because we come to these without judgment. In fact, we are required to make disclosures that other than the written materials. We haven't visited the site, haven't had ex parte communications. We haven't engaged in any behavior which in any way prejudices us, I mean in the nonracial way, but

August 28-29, 2019

biases us in terms of the outcome of these hearings. So this is truly a fair fight where we listen to both sides and we try to get to the right outcome. Now, today was a little unusual because we had 13 people testifying on one side and none on the other. And frankly Mr. Burse, I think your case would have been stronger had your son been here, but I have detected throughout your testimony that you've shifted the responsibility or the focus to your son, to a management agent, to the tenants, to Air b&b, to others. I have not, sir, with all due respect, sensed an accepting of responsibility by you as the owner for this. And I've grown weary of the way these new companies in the so-called sharing economy, which is a terrible misnomer, have come into our community and have flagrantly violated our rules and our norms. 70% to 80% of Air b&bs in our city are illegal because the owner refuses to even take the modest step of getting a business license and/or a safety inspection, which after all, is exclusively designed to make sure the guest is safe. Exclusively designed that a visitor to this city is safe while they are visiting the rose city. And with our friends at Lyft and Uber poised to take another run at pre-empting the right, the basic right of the city of Portland to even regulate those industries through a legislative end run, I think it says, speaks volume about what we are up against. But this is one of the most egregious cases that has come before the council during my tenure. I think we have to send a strong statement of disapproval of the behavior of the owner. And if we cannot enforce a modest requirement of for 270 days there being an occupant who is responsible for the well-being of the guests and is accountable to the neighborhood because that is the other piece of this. God help us if we can't enforce such a modest requirement, which clearly has not been met in this case. I believe there is substantial evidence of past and current and recurring violations that require this council to take a bold step. I'm pleased to support my colleague's motion. Aye.

Wheeler: Well, I tried to boil this down to its essential elements and the essential elements from my perspective based on the record are these. Number one, a conditional use permit was extended. That permit gives the owner privileges. That permit comes with conditions. The hearings officer documented repeated failure to meet those conditions. You acknowledge that you have failed to meet those conditions. You failed to address those conditions even when given the opportunity to do so, apparently, repeatedly. Therefore, I vote for the motion to deny the appeal, uphold the hearings officer decision and revoke the conditional use permit. I vote Aye on this tentative vote. And now the question is when do we adopt the findings and take the final vote?

Rees: Commissioner Fish had requested findings back in three weeks. We think that is the 18th of September and I think Karla and I talked about that possibly working.

Moore-Love: Right, it would be 10:45 on September 18th.

Wheeler: 10:45 a.m. September 14th?

Moore-Love: 18th.

Wheeler: 18th. I'm sorry, Karla. And that's time certain?

Moore-Love: Correct.

Wheeler: Commissioner Fritz.

Fritz: I want to thank staff for all your work on this. I know that the enforcement and indeed the whole Air b&b, the short-term rental is fraught with challenges and I think you did an exemplary job of getting us the information that we needed to make this decision. Thank you also to everybody who took time out of your days to come here.

Wheeler: We're adjourned.

At 4:22 p.m., Council recessed.

August 28-29, 2019

Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

August 29, 2019 2:00 p.m.

Wheeler: This is the afternoon session of the Portland city council. Please call the roll. [roll call taken]

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

Wheeler: We'll boil it down into one sentence. Please do not disrupt people presenting. If you do council rules will require us to notify you that you're being disruptive which will probably be self-evident and if you continue then we may ask you to leave. That just boiled down two and a half minutes' worth.

Eudaly: I don't know, mayor, they look like a pretty rowdy bunch.

Wheeler: The guy on the front row on the left with the blue shirt needs extra watching. First is 823.

Item 823.

Wheeler: Commissioner eudaly.

Eudaly: Thank you, mayor. I'm so grateful for stan foote's vital work as director for the Oregon children's theater. Under stan's leadership the Oregon children's theater has exponentially expanded cultural and artistic opportunities for children of Oregon. His work has brought education and pure joy to over 3 million Oregonians. I hope one day to be able to make that same claim, stan. As a lifelong lover of the arts and a parent, I know firsthand how much early exposure to art can make a fundamental difference in a child's development. I know that the benefit of arts education lasts a lifetime. When he was first hired to develop oct's educational programs stan formed the acme academy, young professionals company and other school programs across the state. He has directed nearly 50 plays and helped create 20 new scripted adaptations of beloved children's classics such as the giver by lois lowry and holes by lewis sacker. Rhymes with cracker. I had to like it up. None of this would have been possible without you, stan. I also know how much you believe in the future of oct. You leave the organization in good hands. I want to thank ross mckeen, managing director, advocate for the arts and board member stan penkin who helped put this together. You truly deserve this recognition and we will all miss you but i'm sure you'll still be around. Hope you enjoy your time here. [laughter] we always say that to hard working people who attempt to retire. Now I want to welcome stan penkin, board member, and president emeritus from the Oregon children's theater. He will speak first. Then ross mckeen. You may approach --

Ross McKeen, Oregon Children's Theatre, Managing Director: Don't want him to get lonely. Not used to doing this kind of thing.

Eudaly: Do we have ross mckeen here? Sorry, I have been looking at you as if you were stan.

McKeen: Happens all the time.

Wheeler: Now you have to deal with this stan.

McKeen: Feeling the love.

Wheeler: Best sendoff yet. That was great.

Eudaly: Yeah. Where is stan? Oh, okay.

McKeen: I hope he's here:

Eudaly: It would be so sad if you missed all of this.

August 28-29, 2019

McKeen: I'm known as the other stan around the theater. I'm the junior, he's the senior. He's the important stan.

Eudaly: It's thursday afternoon. Things can get loose around city council. So then we will hear from stan foote. Mayor wheeler will read the proclamation, then we'll take a quick photo, so don't run away immediately. Take it away, stan.

McKeen: Thank you, mayor, commissioners, for helping us honor this remarkable man today. Stan, who has done incredible work in helping transform the lives of children at oct, I think for nearly 30 years. So thank you very, very much. And it's kind of appropriate that today happens to be stan's birthday.

Eudaly: Awww:

McKeen: I don't know what year but -- [applause]

Eudaly: Should we sing him a song?

McKeen: Also appropriately, saturday night was our annual fund-raiser, and it was the most successful in our history.

Wheeler: That's great.

McKeen: Much of the funding going towards the stan foote youth access fund which will provide scholarships and other benefits for children going forward. [applause] we're happy about that. So just a quick story, which oct people have heard this many times but i'm going to repeat it again, about seven or eight years ago my wife took our two oldest granddaughters, at the time 13 and 10, to an otc show. The show was gossamer by lois lowry, who by the way was here for the celebration saturday night. When my wife suzanne came back with the girls it was a friday night, it that was back in the days when we used to have sleepovers with these kids. They are now both in college. The kids were bubbling over. I said, what's it about? They were talking a little bit on the dark side, but it had an element about parental child abuse. I said, wow: Kids show, how can that be? That kind of topic for kids? It kind of blew me away, but they were excited. They had learned things. They were just bubbling over talking about it made them think about a lot of things. So that was that. Ironically I would say two weeks later I happened to be at a breakfast of champions, and who did I wind up sitting next to? You guessed, it was stan. We had never met each other. We got to talking, and I told him about the experience of our grandkids. I said, it really surprised me that there would be a topic like that in a kids' show. He said, basically said, you just can't underestimate what kids can understand, what they should be understanding, or what they should be exposed to, and I was just really, really impressed. That was one of those moments where for stan and myself it was an instant love affair between us. We just hit it off and it was instant chemistry. That's how I became associated, acquainted with oct. It was a few here's later stan and I used to get together socially and talk about things. One day he said how would you like to be on the board? I said, well, maybe. The rest is history. [laughter] congratulations to stan. I cannot say enough about him. He has done remarkable work. His heart is overflowing. His feeling for kids is just incredible. His understanding of kids. So stan, we love you, I love you, congratulations, and we will miss you. Unfortunately, he's not going to be around. He's going to be heading off to mexico. But we hope to bring him back from time to time. Share things with us.

Eudaly: Can I come with you?

McKeen: That's it for me. [applause]

Stan Penkin, Oregon Children's Theater Director: Thank you. I appreciate this opportunity and the privilege of saying a few words about stan. It's difficult to say just a few words about stan let alone it's difficult for me to say just a few words in any setting. Excuse me -- [laughter] be patient with me.

Wheeler: We have an extra seat up here.

Penkin: Every city is shaped over time by many people known and unknown, recognized and ignored. You can't publicly celebrate everyone who deserves it but i'm happy you've

August 28-29, 2019

chosen to recognize stan's impact on Portland in this way on his birthday. I can't tell stan's story and am reluctant to do amateur psychoanalysis but let me take a stab at it because stan's early experiences, the stories he's told have influenced his approach to this work. Stan grew up on a rural community in northern california, a single town is a logging community without a lot of opportunity or choices available to young people. With high expectations of what it meant to be a boy and a man. That was a challenge for a kid with a big imagination I can only imagine myself. Particularly for one who is gay. It's football and logging from what he tells. But the arts showed stan that other paths were possible. He tells me of a teacher who took him to a symphony performance in a big city. Was it redding? Big city redding. How that experience of this work of beauty that was performed by real people opened his eyes to what was possible. These were people doing this work of creating this work and it was a possibility. A waking for a life he could aspire to. I think that goal has carried over all these years in his work. Led him to theater and eventually brought him to Portland a little over 40 years ago. Because of his 28-year history over Oregon children's theater it's easy to overlook his contributions to the rest of the theater community. He was immediately immersed from the thriving theater community. Now it's just booming and active but it was in the '80s as well. There was lots going on and stan was in the heart of that. He had a stint at boring in a play called professor bodywise, a kaiser permanente touring performance. He came away with an aversion to having costumes, purple full body costumes on stage and so you won't see those often at Oregon children's theater. Many years later that connection led to a long-term partnership we still have with them to deliver programs about social emotional learning, about resilience and trauma informed care that's just deep in the community. But his career as an actor led him to directing and he quickly became an in-demand director in Portland. He has a long list of directing gigs and awards particularly at lakewood theater but also artists' repertory and others. He was the go-to guy for directing shows. I know that stan appreciates i'm speaking for him, those opportunities that he was given to direct when he had relatively little experience, and the willingness somebody had to take a chance on him and the difference that made has carried forward to his commitment to create opportunities for others. He is constantly thinking about who are the young directors, designers, actors, teachers and how can I find opportunities for them to learn and grow. That's become part of our core dna. That's a value. The other part that's really at the core and that stan alluded to and chloe in your remarks, this deep respect for the intelligence of young people. He's approached his directing, his teaching, mentoring with the belief that everyone can improve no matter what level they start from. A teenager with years of training and stage experience is not exempt from receiving directing notes from stan foote. Especially if they have been trained in what you might call the disney school of over-emoting. They will come in full of confidence and he will say, lose that. Don't do that. At the same time I have seen him with five-year-olds giving notes in a kind and caring way. I have seen him with kids with severe emotional, intellectual disabilities, physical disabilities and he will coach them and he does a public speaking program called loud and clear. I have seen him work with a kid, a teenager in a wheelchair with no ability to communicate orally. Figure out how that kid can make a speech. How we can accommodate that because he believes, we can do this. I have seen his work or heard of his work with st. Mary's home for boys where he loves to work every summer and I think it's been hard for him to pass that on to someone else but where he doesn't look at the kids in that program the teens in that program as troubled kids or part of the justice system he sees them as actors, kids capable of diving in and learning and improving. That's really what he brings and what will carry on. I try to emphasize that that is so in the spirit and the body of what Oregon children's theater is that that's not going to go away. But it's been a huge contribution. His direction, guidance and mentoring is welcomed because it comes from a place of caring from his heart delivered

August 28-29, 2019

with authenticity. Oregon children's theater is a heart-driven space and that's stan. I try, but it's him. No, we have all got it now. [laughter] it's not uncommon for a parent enrolling their child in the class to say stan taught me when I was a kid, or, I came, now i'm bringing my kids to see a show. It's multi generational. A former student to drop in from college or their career to say hi, to stan or to danny, who runs the program, let them know how their studies are going or their acting career is developing or how their acting experience has helped them become a better engineer or doctor. It's a remarkable story. I have more to share but I want to end with my gratitude toward stan for being my friend and business partner for the past 13 or 14 years. I wish him the best as we move on. We actually have a short video we want to show now, then I think stan wants to say a few words too. Thank you so much. [applause]

Wheeler: Can you project?

Stan Foote, Oregon Children's Theatre Artistic Director: I can. First of all -- stan started Oregon children's theater. [applause] dedicated mentor for all the young professionals. [applause] there are a lot of artists in the room. Thank you all for coming and friends and family and all of that. And the brothers from the union, which makes me so happy. Boy, I was thinking I would be a lot more eloquent than this. Loved Portland 40 years ago. It was loaded with opportunity. An incubator for lots of different things. It's what I hope that continues to be, and I know there's a lot of stresses going on in this town right now. And I think arts have a way of healing things. I believe in these youth that are in the room. And that they will heal things. The main thing I wanted to say is nobody does this alone. I'm so fortunate and privileged, a lot of things happened while I was here so the reason I rose, talk about privilege, the reason I rose as a director so quick is at least seven directors in town died of aids immediately when I was here. That's benefited me, but that's weird. I acknowledge that. My buddy greg tamlynn, who directed, we were popular and we got to growing really quick because there were openings for that. I would like to say all of these people are really young up there. I had a 50-year-old email me and say you were my first director when I was 11. So there's a generational thing happening here that's amazing. I love Portland, Oregon. I want it to be that thing again that incubates the arts. There are two children's theaters in town. Both children's theaters homes have for sale signs on them right now. Art spaces are disappearing. Both children's theaters are nationally known, respected across the country, yet are on this fragile balance of space. That's with a lot of organizations, so as a city council and as a mayor, arts define this town. We're the largest city in Oregon, we serve our organization alone serves people from bend. We have school buses coming from hermiston, from tillamook, we have buses coming from centralia. We are vital to the children of this community and I hope that becomes a priority in this town. It's a blessing to be here. There's no possible way another city could take a rural boy from shingletown, california, whose earliest memory was selling newspapers in a bar, and have a day dedicated to them. So thank you very much. Thank you all very much. [applause] that's it. That's all I got.

Eudaly: That's not quite it. The mayor would like to now read the proclamation.

Wheeler: Before I read the proclamation, I have a burning question, stan. Selling newspapers in bars. Is that a lucrative business? [laughter]

Foote: For a six-year-old not very but my parents needed the money enough to feed us that that's what we did.

Wheeler: Thank you. I didn't see that as necessarily being the greatest business idea but it was a good start. We're grateful to have you here. The city council, the way we like to acknowledge people in the community is through the reading of proclamations. As mayor I have the honor of reading the proclamation, but it's really a statement on behalf of the entire city council and by extension the entire community. So this is a small and easy thing for us to do, but we want to acknowledge that it is truly heartfelt, and it's something that we

August 28-29, 2019

put a lot of value into. I want to thank you for everything you've done. Without further ado I have the honor. Whereas stan foote after 28 years of exemplary artistic leadership is retiring as artistic director of the Oregon children's theater. Whereas under stan's leadership, Oregon's children's theater has become a leader for arts and arts education for young audiences bringing joy and learning to over 3 million children. And whereas stan has exemplified a deep commitment to and respect for the intelligence and capacity of all children and has guided development. Oct's wide ranging educational programs which teaches essential life skills such as empathy, teamwork, courage, personal expression and creativity. Whereas stan has shepherded the production over 28 scripts in collaboration with playwrights and theater artists with many scripts being subsequently produced nationally and internationally and whereas stan has deep roots in Portland's theater community for over three decades, having worked alongside Portland's actors, designers, stage hands, playwrights, teaching artists and stage managers and whereas stan has been committed to advancing oct's vision of reaching all children, families and communities, and overcoming barriers to access, equity and inclusion. And whereas the city of Portland is grateful for stan's exemplary service to children, families, and our entire community. Now, therefore, i, ted wheeler, mayor of the city of Portland, Oregon, the city of roses, do hereby proclaim august 29, 2019, to be stan foote day in Portland, Oregon, and encourage all residents to observe this day. This is for you, stan. [cheers and applause]

Footer: Thank you.

Eudaly: I think we need to sing happy birthday. Ready? ¶¶ happy birthday to you ¶¶¶ ¶¶ happy birthday to you ¶¶¶ ¶¶ happy birthday dear stan ¶¶¶ ¶¶ happy birthday to you ¶¶¶ [cheers and applause]

Foote: Thank you.

Wheeler: Could we do a photo down front here?

Foote: Oh, of course. Where do I go? Here? [cheers and applause]

Wheeler: We are in recess until 2:45.

Wheeler: Please read item 824.

Eudaly: Thank you, mayor. [cheers and applause] I'm pleased to present this proclamation in honor of tongan heritage month. I thought ocean eel would be in the room who is of tongan descent and helped me in my opening remarks. I'm struck by how much they have contributed to the city of Portland especially in terms of adding diversity, compassion and spirit to our city. It shares common value with all Portlanders such as emphasis on family and togetherness. In the tongan community when someone achieves their goals the family comes together to celebrate from the immediate family to the extended family, church members, friends from school, work, every person who has been a part of the journey joins the celebration because when one person succeeds everyone succeeds. Likewise when someone is going through a hard time the family and community come together to provide support. Portland is a city that welcomes immigrant and refugees from around the world and values their contributions to our diverse cultural landscape. That welcome has been no different from the tongan community which has grown exponentially since the late 1970s. We're fortunate to have the community as part of our larger community. Welcome. Now i'm pleased to call up our speakers to proclaim august tongan heritage month. We'll hear from three community leaders followed by a short performance before the mayor reads the proclamation. I would like to call up lute' richards, cato kavatalu, and kolini fusitu'a.

Kolini Fusitu'a: Welcome. Beautiful. Thank you. Good afternoon, mayor wheeler, esteemed commissioners. My name is kolini, i'm here to represent the tongan community. I am moved just hearing the description of who we are. It makes me feel good that you guys are paying attention because it's just a mirror of who our community are here in Portland. So thank you for that description. I want to thank everybody here, my community

August 28-29, 2019

that's here to want to share a little bit of who we are. Some of our challenges and some of our success stories. We just had our third -- about two weeks ago on the 17th, some of you staff were there and the letter from the mayor was accepted by the community. We want to continue this relationship and the support from the city on building the only tohoda y in the nation. This is our second year having delegates from the tongan government. We had 12 last year, we had nine this year. We want to build that relationship but that's a relationship but we want to move from there to have the city of Portland government have a relationship with our delegate that's come here to support us and you, your body are supporting us and we accept that and we want to continue having a working relationship. The Portland parks is a huge supporter, so we want that to continue. Commissioner Fritz has always been there to support us. We have the new commissioner Fish coming on board and his staff has been there. So good thing is we have personnel shifting but the relationship is still there. We want that. We had a great relationship with the police bureau about four or five years ago. Today we're losing that. We're losing that because of the personnel shifting, but we want to have relationship with bureaus. We don't want to just have relationship with individuals because when people shift, we still want to build that relationship. Unfortunately, that relationship is phasing out and we hope to continue to get this relationship all fired up again. I spoke with the assistant chief davis about it, he had no clue what it is when I asked for support. What we have had is back and so forth. Shift to the commander and she had no clue and some of her staff had no clue. Fortunately, after we had attended the leo bedner. He heard what happened and he was there from the beginning. As I mentioned success story I want to mention leo. We had the relationship with the police first, it was a challenge because the youth is following the social media having the fear and judgment of officers and so forth but as time goes the they are bonding with officers and even to our elders. One time 11:00 at night an elder called me, said somebody is try to steal my car. Scared him away. I want you to get the white cop that came over last week to speak to us, I want that white cop to come to my house. That's a relationship. He doesn't want to report to the police. He wants to report to that white cop. I want him to come my house. We want white cop like that to make our community feel good. Thank you very much.

Wheeler: That was a mike drop moment. Thank you. [laughter]

Fritz: I couldn't come to your event because I was at my son's wedding in chicago. I'll be there next year.

Fusitu'a: Thank you.

Wheeler: I want you to know that i'm taking good notes here and I will most certainly report this back to the bureau and we'll see ways we can continue to strengthen that relationship.

Fusitu'a: Excellent. Thank you.

Wheeler: We would love to do that.

Lute' Richards: Good afternoon, mayor, esteemed city commissioners, i'm lute' richards here representing the tongan community. Some of the many of us are here with me if I can ask them to stand up. [applause] first and foremost we thank the almighty god for the leaders of our city and state and our beloved country of america. We as tongan community are very honored and thankful for this wonderful opportunity you've given us to be here and witness as you voted in and proclaiming our one day annual celebration to be celebrated throughout the month of august. Mr. Mayor and city commissioners, we know of Oregon to be of many extraordinary slogans from make Oregon green to now we say keep Oregon diverse. By your recognizing our tongan culture, traditions and heritage to be known and studied with within neighboring communities if I could address one or two needs of our community maybe facing along with continuing challenges in working to make their communities safer places. We would have our community gatherings, meetings, our

August 28-29, 2019

annual celebration to family reunions held at many public parks. Maybe you could hire a tongan community representative to have jobs there at your Portland city parks. It can help our community having a similar familiar faces there when we come and use and clean the parks afterwards. With the tongan community member being hired a job into city hall that could help community growth and diversity to learn strategic planning along with the legislature for our city and state. This is not limited to increasing community members in professional jobs within the city and access to community resources building of their own. We are defined by many that tonga is but a friendly island, a hard working people and willing to learn new stuff. Our social change activities, our pride in our community and heritage, appeared knowing once neighbors helping each other good communication and having people who go the extra mile is what we are and striving to do in our daily continuing challenges. But with strong leaders we have and support for families and programs for youth we can achieve many great things. Thank you, council, for the opportunity to present my speech and your kind attention to my comments.

Wheeler: Thank you. Appreciate your being here.

Cato Kavatalu: Good afternoon, mayor wheeler, and elected city commissioners. My name is cato kavapalu. I'm here to represent the tongan community. I'm happy to thank god for this day that we feel that this is our place, this is our country, this is our land. I'm happy today to have a little speech about the students. We have some couple students in Portland that they finished from high school, from college. But there's nothing to do. We would like to see if you have internship, scholarship. We are so happy to accept it. But this time only a little student from tonga, why, because they are neglected with financially, they are with sometimes they are help with some commissioner and some people from the state of -- with Portland, but now we ask for our students. This year we did a little program in our day to acknowledge our students from high school and the student from university. We just have a little gift card and we just acknowledged him in the program. Can you see their mind and their face? They are so happy and so proud that our people recognized them. That's one of our things that we want to look at it in our tongan community. The second thing is that elderly people. We have so many elderly people here. I'm working as a nurse, and I care of elderly people so many assisted living but there's no tongan. They just stay home because of financially and sometimes we'll try, we'll try to help equip some of our place so they can have comfortable as they have their home. We want to have sometimes a program that has some craft. Can you see our craft in tonga? We have it here. We just have our traditional cultured way of dressing. We just want to proud that we are tongan. [applause] and also we just want some program and see if any time people I will be happy to take care our elderly, to take them to the beaches, to some of the place, to enjoy their time before they come to heaven. We just love our elderly people. Any way, thank you for the city of Portland. We have something, we just enjoy that. We just enjoy whatever we have. So that's the only thing we are trying to emphasize our students and also our elderly people. Thank you very much for the opportunity that you present and also for elected city commissioners for accept our tongan -- today: Thank you. This is mostly of our economic in tonga is craft. You can see this is our tongan -- the other lady. Made with hands. Now we just brought this one. Mayor wheeler, just for you, for your center or corner of your place. Just remember the tongan. Just to provide for your family from the tongan community.

Wheeler: It's beautiful. Thank you. We'll display it in a very prominent location. That is gorgeous. We'll put it in a place where lots of people can see it and admire it and think of you and your community. Very, very thoughtful of you. Thank you.

Richards: If I can turn your attention to we have a performance from the island of tonga.

Richards: This is our national tongan flag. It's not the red cross. [laughter] it's our flag.

Wheeler: Are you declaring an emergency?

August 28-29, 2019

Eudaly: We don't have a very good sound system.

Wheeler: That was outstanding. Thank you.

Fusitu'a: So that's our judicial dance. This is how it goes. When I have a girl doing a dance and you have to have a good-looking guy, smart guy, young guy to dance behind her to protect her as a warrior. Today we couldn't find one. [laughter] we're going to have our last speaker.

Wheeler: Thank you.

Cione Malua: Good afternoon. Mayor ted wheeler and all the city councilors, my name is cione malua. It's an honor to be presenting the tongan community to you today. I'm not the one who is supposed to say today. I have no number. Not number 2 or number 3. No alphabet too. I am a guy so they put me in here. [laughter] i'm here today, i'm a pastor for the tongan fellowship in vancouver. But I came and stayed in Portland. For 40 years. Today I just think it's kind of a connect with the bible. 40 years of exile in the desert israel people. And today I think the day we are going to walk to the blessing land. Everything is put on the table and I say thank you very much for the mayor and the councilors, and all the help you give to the tongan people, and we feel today, right now, everybody is going -- not only recognize in here but outside in Portland and going to be spread all over the united states because what i'm talking about, every time I say to someone I come from tongan island they say where the hell is tonga? I try to make them understand. They never -- they know hawaii. They know fiji. They know new zealand. They know samoa, but us, never recognize. We are kingdom island in our whole life. And our flags over here -- it's not the red cross. But so we are a christian kingdom. And this is the only thing put us together. Right now what you work on it for free is right now we feel like we are on the table right now. We are going to deal with you and thank you for not only recognize us but we going to accept us. We are a little baby to your care because we still in 40 years I was here we still not stand up. We still need your help. And this is what those people are doing to be giving to you what we need. We need a home. We can stay, this is our home. This is our place right now. We know this is our home. With our children is growing up to be an american tongan kids. We don't want to forget our country and where we are coming from, but we want them to continue walk hand by hand with american they are american. They are tongan too. And i'm looking forward they going to do a great thing. Not only this country but the whole world. Because today we going to make something in here and I feel our children is going to be know right now what is their situation right now. So to make them feel they are something. They ask we come from tonga, where is tonga, they back off. We need them to feel this is their country and this is where they stand for. United we stand. And I think today we are united. I'm here to say thank you for all of the things you do for us, but we still need you. And we need all the help for our next generation coming up different from us. It's coming up they are so proud to be tongan american kids. And I think my time is only three minutes. I'm sorry if I ran over, but thank you very much, and i'm happy to meet you, mr. Mayor, today, and councilors. Thank you very much. [applause]

Wheeler: Thank you.

Eudaly: Let's do a picture.

Wheeler: Wait: Wait:

Eudaly: Oh:

Wheeler: Well, there goes the surprise. The city council likes to recognize, to acknowledge and to honor people in the community in the highest way that we can do that collectively is through a council proclamation. It's my honor to read this on behalf of all of us. Whereas tongan americans are americans who can trace their ancestry to the oceanic country of the kingdom of tonga. There are approximately 57,000 tongans and tongan americans living in the united states. Tongans are considered to be pacific islanders in the united states census and are the fourth largest pacific islander american group in terms of population

August 28-29, 2019

after native hawaiians, samoan americans and guamanian chamorro americans. Whereas there are 1300 people of tongan heritage and descent living, celebrating and working in Portland, Oregon. And whereas the tongan community cherishes a multi generational family structure and holds a tradition of caring for their elderly at home which reinforces the preservation to their american born children. Whereas tongans seek to preserve tongan culture and language, the essence of true community integration and hope for a future opportunity to have tonga as a sister city to Portland. And whereas tongan culture is shared with community throughout family traditions, music, faith, dance performance, island food and quilt making, the majority of tongan men work in the residential construction arena, masonry and concrete industry and all tongans seek economic opportunities and a desire for higher education. And whereas the tongan community seeks ownership of public -- safe public spaces and to establish rapport with Portland's diverse community for which they are related to celebrate their third annual tonga day in the city of Portland august 17 and to have the city welcome the delegates traveling to Portland specifically for this event and whereas the city of Portland welcomes the continued growth, prosperity, and health of the tongan people in the city of roses. Now, therefore, i, ted wheeler, mayor of the city of Portland, Oregon, the city of roses, do hereby proclaim august 2019 to be tongan heritage month in Portland and encourage all residents to observe this month. Thank you. [cheers and applause] we appreciate you being here.

Eudaly: Thank you. Now we're going to do some photos.

Wheeler: Come on down here. We'll go ahead and adjourn.

Council adjourned at 3:17 p.m.