



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **11th DAY OF SEPTEMBER, 2019** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Fish and Fritz, 3.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Matt Farley, Senior Deputy City Attorney; and Cheryl Leon-Guerrero and Adam Cuellar, Sergeants at Arms.

DUE TO THE ABSENCE OF TWO COUNCIL MEMBERS FROM THE MORNING SESSION, EMERGENCY ORDINANCES AND CONSENT AGENDA WERE HEARD AT THE AFTERNOON SESSION.

COMMUNICATIONS		
851	Request of Cheryl Graves to address Council regarding homeless children, kids living on the streets and at-risk and unsupervised foster children (Communication)	PLACED ON FILE
852	Request of Craig Rogers to address Council regarding trust and local government (Communication)	PLACED ON FILE
853	Request of Portland Youth Climate Council to address Council regarding the need to take action on the climate crisis (Communication)	PLACED ON FILE
854	Request of John Hollister to address Council regarding the value of corporations, nonprofits and Portland government working together (Communication)	PLACED ON FILE
855	Request of David Potts to address Council regarding Oregon Department of Transportation placing boulders where homeless camps are currently residing (Communication)	PLACED ON FILE
TIMES CERTAIN		
856	<p>TIME CERTAIN: 9:45 AM – Designate Prosper Portland as the administrator of the Industrial Site Readiness Program on behalf of the City (Resolution introduced by Mayor Wheeler) 30 minutes requested</p> <p>Motion to add BE IT FURTHER RESOLVED, that this Resolution is binding City policy: Moved by Fritz and seconded by Fish. (Y-3) (Y-3)</p>	<p>37447 AS AMENDED</p>

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<p>857</p>	<p>TIME CERTAIN: 10:15 AM – Appoint and reappoint community volunteers to be available to serve on the Police Review Board for a term to expire September 11, 2022 (Report introduced by Auditor Hull Caballero) 30 minutes requested Motion to accept report: Moved by Fish and seconded by Fritz. (Y-3)</p>	<p>CONFIRMED</p>
<p>REGULAR AGENDA MORNING</p>		
<p>Mayor Ted Wheeler</p> <p>Office of Management and Finance</p>		
<p>858</p>	<p>Authorize Intergovernmental Agreement with Prosper Portland and Metro to provide Prosper Portland funding for the Arlene Schnitzer Concert Hall Marquee Improvement Project not to exceed \$1.5 million (Second Reading Agenda 836) (Y-3)</p>	<p>189691</p>
<p>Commissioner Amanda Fritz</p> <p>Water Bureau</p>		
<p>859</p>	<p>Authorize an agreement with TriMet for a sublease for the co-location of data radio equipment at Mt. Scott in the amount of \$55,963 (Second Reading Agenda 847) (Y-3)</p>	<p>189692</p>
<p>Commissioner Nick Fish</p> <p>Bureau of Environmental Services</p>		
<p>860</p>	<p>Authorize a competitive solicitation and contract to procure electrical switchgear and medium-voltage substation transformers for the Columbia Boulevard Wastewater Treatment Plant Project No. E10897 for an estimated amount of \$3.5 million (Ordinance) 10 minutes requested Rescheduled to September 11, 2019 at 2:00 p.m.</p>	<p>PASSED TO SECOND READING SEPTEMBER 18, 2019 AT 9:30 AM</p>
<p>861</p>	<p>Authorize a competitive solicitation and contract with the lowest responsible bidder and provide payment for construction of the Columbia Slough Outfall 100 Drainage Retrofits for Water Quality Project No. E10689 for an estimated cost of \$1,760,000 (Ordinance) 10 minutes requested Rescheduled to September 11, 2019 at 2:00 p.m.</p>	<p>PASSED TO SECOND READING SEPTEMBER 18, 2019 AT 9:30 AM</p>

At 10:19 am, Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **11th DAY OF SEPTEMBER, 2019** AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Molly Washington, Deputy City Attorney; and Phillip Turoff and John Paolazzi, Sergeants at Arms.

Item No. 866 was pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

*862	TIME CERTAIN: 2:00 PM – Authorize the Director of the Bureau of Environmental Services to execute agreements with U.S. Environmental Protection Agency to perform remedial design at Portland Harbor and conduct a public involvement program to facilitate public involvement in these projects (Ordinance introduced by Commissioner Fish) 30 minutes requested (Y-4)	189696
*863	TIME CERTAIN: 2:30 PM – Authorize bid solicitation and contracting with the lowest responsive and responsible bidder for construction of the Gateway Green Development and Restoration Project for an estimated \$3.7 million (Ordinance introduced by Commissioner Fish) 30 minutes requested (Y-4)	189697
CONSENT AGENDA – NO DISCUSSION		
Mayor Ted Wheeler		
Office of Management and Finance		
*864	Change the salary grades of the nonrepresented classifications of Accounting Supervisor, Surveying Supervisor, Emergency Communications Systems Administrator, Surveying Manager, City Forester, and Deputy Director I (Ordinance) (Y-4)	189693
*865	Create new nonrepresented classifications of Crime Data Analyst and Environmental Regulatory Coordinator and establish compensation rates for these classifications (Ordinance) (Y-4)	189694
Portland Housing Bureau		
*866	Approve application under the Multiple-Unit Limited Tax Exemption Program under the Inclusionary Housing Program for Garfield Housing LLC located at 6700 NE Garfield Ave (Ordinance) (Y-4)	189699
Commissioner Chloe Eudaly		
Bureau of Transportation		

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***867**

Accept a grant in the amount of \$1,709,404 from the Oregon Department of Transportation for the Oregon 99W/SW Barbur Blvd Area Sidewalk Infill project (Ordinance)
(Y-4)

189695

**REGULAR AGENDA
AFTERNOON**

Commissioner Nick Fish

Bureau of Environmental Services

***868**

Authorize the Bureau of Environmental Services to reimburse the property owner at 5609 N Vancouver Ave for sewer user fees paid to the City, in the amount of \$4,322 (Ordinance) 10 minutes requested
(Y-4)

189698

At 4:07 p.m., Council adjourned.

THURSDAY, 2:00 PM, SEPTEMBER 12, 2019

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

MARY HULL CABALLERO
Auditor of the City of Portland

Karla
Moore-Love

Digitally signed by
Karla Moore-Love
Date: 2020.04.27
13:10:30 -07'00'

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.**

September 11, 2019 9:30 a.m.

Wheeler: Good morning, colleagues and honored guests, before we get into our council meeting we would like to take a moment to remember and reflect on the 18th anniversary of september 11. The tragedy that took the lives of so many in our country. On this day, 18 years ago, thousands of people went to work as they would on any other day, not knowing the horrific tragedy that faced them. The attacks on 9/11 were horrific. They did not break the american spirit. In fact, it unified us. We witnessed this in heroic effort of the men and women in uniform, our first responders, who fearlessly went towards the devastation, some of them sacrificing their lives in the process. We have invited representatives from both the firefighters, the union, and the police union, and to share remarks and lead us in a moment of silence as we reflect on the great heroism and the spirit of our first responders and honor all the lives which were lost. I would like to, before I turn this over to alan from the Portland firefighters association, I would like to recognize that we have the fire chief sarah boone here today. We have leadership from the Portland police bureau, I believe, a.c. Davis is here and a.c. Lee are here and others. Portland police association, I believe tailor turner is planning to be here, and we have a number of ppb lieutenants, and many other firefighters and uniformed personnel, and we thank you for being here to share this moment with us. With that, I will turn it over to alan. Thank you for being here, alan. Chief boone, a.c. Lee and a cast of many other leaders, thank you.

Alan Ferschweiler, President Firefighters Association: Good morning, commissioner Fritz, Fish, mayor wheeler, thank you for having us here today, I am the president of the firefighters' association, here with our fire chief, chief boone and her administrative staff, which you have seen behind me, and chief lee on my left and representing us together, and I will be making the remarks today. 18 years ago we had a horrific situation in this country. Over 3,000 people lost their lives including firefighters and police officers that day, since that time and since last 9/11 memorial we have lost 200 police officers to the 9/11 illnesses that they had. Recently congress finally authorized the victim compensation fund, which will take care of the injuries for those that have succumbed to the illnesses. Unfortunately, since 9/11, this happened we have had 500 total firefighters and police officers that have died from their illnesses, and today we wonder why we say we never forget, because every day we have a memory of someone else that is a victim. So today I want to thank you for having us here. We are going to do a moment of silence, and reflecting on the number of how we do the moment of silence, we are going to do 35 seconds. In that reflection is for the 33,000 people that lost their lives and the 500 that lost their lives since, a total of 3,500 people affected and we will could do a second for every 500 affected. If you would not mind leading us?

Wheeler: Very good. Join me in recognizing a moment of silence for 35 seconds.

Ferschweiler: For all those available, I know 9/11 is on wednesday, and you have council agenda. We are having a public ceremony at 11:00 a.m. As well over at station 22, or 21 for anybody, that's available to come and the public, as well.

Wheeler: Thank you for your time.

Ferschweiler: Thank you.

Wheeler: Thank you. [applause] good morning, everyone, this is the morning session of the Portland city council, september 11, 2019, good morning, please call the roll.

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Moore-Love: Good morning. [roll taken]

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

Wheeler: Now we will hear from legal counsel on the rules of order and decorum.

Matt Farley, Senior Deputy City Attorney: The city council represents all Portlanders and meets to do the city's business. The presiding officer preserves order and decorum during the city council meetings so everyone can feel welcomed, comfortable, respected and safe. To participate in the council meetings you may sign up in advance with the council clerk's office for communications to briefly speak about any subject. You may also sign up for public testimony and resolutions or the first readings of ordinances. Your testimony should address the matter being considered at the time. If it does not you may be ruled out of order. When testifying, please state your name for the record. Your address is not necessary. Please disclose if you are a lobbyist. If you are representing an organization, please identify it. The presiding officer determines the length of testimony. Individuals generally have three minutes to testify unless otherwise stated. When you have 30 seconds left, a yellow light goes on, when your time is done, a red light goes on. If you are in the audience, would like to show your support for something said, please feel free to do a thumbs up. If you want to express that you do not support something, please feel free to do a thumb's down. Please remain seated in council chambers unless entering or exiting. If you are filming the proceedings please do not use bright lights 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, thank you, and I understand the first three individuals would like to come up together, is that correct? No?

Moore-Love: I don't have that.

Wheeler: No, very good, okay 851, please. Welcome. Thanks for being here.

Item 851.

Cheryl Graves: I am Cheryl Graves, a resident and author. So today I am here to talk about homeless youth. Kids living on the streets and foster kids that are left unsupervised. They all share like experiences and adequate supervision, high-risk living conditions, no positive role models and there is no one protecting or teaching them healthy living practices. We have foster and homeless children scattered in 8,000 places. Although the plans sounded good at first, to place kids in private homes with quote, "normal families, the reality is that we, as caretakers cannot be in 8,000 places to see to their safety." when we take action, against threats to children and build the yes village, the children will be together in one place under one roof with caring, supervised guardians. This is a plan that can be successfully managed for at least one-half of what we paid today. Immaterial at that, we will be able to successfully help twice as many kids. The yes plan, my life matters, is a solution putting an end to kids on the streets, helping them to find safety, available nutrition, creative education, and love. This is not another bandaid but a life changing solution. The homeless cure was created to elevate the homeless and foster care systems. To become the best model in the country, not one of the worst as we are rated today, excuse me. While waiting for the right foster parents these children will be raised in wide open spaces, surrounded with farming, orchards, gardening, Fishing, and real life eco-systems and sport and fitness parks. And then at the ranch, which includes chickens, pigs, goats, ponies and horses. Along with safe and caring daycare and revised education, there is safe and appropriate housing, along with on the spot medical and dental care, on the job training for 16 and over, and with programs that are interesting, while developing personal life skills. These children will learn more than just growing their food and building their own

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bikes. Also, about healthy friendships, responsibility, trust and learn the freedom to laugh. One of the best features of this plan is a, is that families can stay together. The village as a lifestyle rehabilitation community that serves all ages, individuals is, families, and friends who can now grow in a positive environment with specialized mentoring, engaging projects, and when someone needs to be redirected, there is someone there to help. When I battled cancer for three years, the only person I could look at was another sufferer. I couldn't look at other people. I could only look at somebody going through the same thing that I was going through. Kind of lining the people who went through 9/11 and suffered, they look at other people and they just melt, so we are in the same situation that they were in. What do you think kids feel when they are put into a home with a normal family? They have nothing in common. Nothing. Nothing in common at all. So what I am asking is, they need to be around people who know, who get it, who have been there, that they can hug and cry and heal. So I suggest a community for them. Thank you for your help and for your time.

Wheeler: Thank you, Cheryl and for sharing your story. We appreciate it. [applause] next individual. 852.

Item 852.

Moore-Love: He called and will not be coming.

Wheeler: He will the not be here today? Very good. 853. Good morning.

Item 853.

Wheeler: Thank you for being here.

Sophie Wehr, Portland Youth Climate Council: My name is Sophie Wehr representing the youth climate council, a graduate of high school.

Wheeler: What high school?

Wehr: Cleveland high school, and for the past two years our group has been powered by the voices of local youth and sustained by our drive to defend our right to a healthy future. Today we are here for the second time to address the harmful gaps in the Portland tree code. When the city adopted the code in 2011, they exempted industrial properties in an effort to meet industrial, industrial -- sorry, they exempted industrial properties to meet a land quota for industrial zoned lands. Those have been met since 2017, yet the code hasn't been updated. What's more, the provision that protects the largest trees includes the sunset clause set for December of 2019 which will leave older growth trees unprotected. Is the Portland tree code failing at its job. Instead of protecting trees, it allows commercial and industrial landowners to destroy precious tree cover, violating our city's pledge to work towards a green future. We call on the city to remove these exemptions as well as the sunset clause before it's too late. As climate change intensifies, preserving an urban tree canopy will prove invaluable, not only do they sequester large amounts of carbon but decreased the air temperature and promote healthy air quality. These properties will mitigate the effects of rising global temperatures, increased wildfire frequency and intensity and ozone pollution and more in the city of Portland. We have spoken with representatives of various city departments regarding this issue including the bureau of planning and sustainability, urban forestry and Nick Fish's office. None were able to take real action. We attended a meeting for the climate emergency resolution and founded the city may consider amendments to the tree code come January. However, consider is not enough in a time when we need to protect trees at absolutely every opportunity that we have. As one of my fellow members said in a speech at the recent Zenith forum, when you see your house is on fire you run out, but you do not runaway. You call the fire department, and today, we are calling on you to help us to put this fire out. No one has the power to step up to the plate and make the changes we need to the code except you. You have the choice to either protect our communities and our climate when needed most or to exchange people for profit, which will you choose? We ask you, what

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will it take for you to take immediate action to remove the commercial and industrial exemptions as well as the sunset clause from the tree code.

Wheeler: Very good. Thank you. And you have a number of people here, as well, supporting you, and I want to recognize that. Thank you. Next individual, please.

[applause]

Item 854.

Wheeler: Mr. Hollister, good morning.

Fish: It has been a while. Welcome back.

John Hollister: It has been.

Fish: You've been on sabbatical.

Hollister: It's John Hollister, for the record, so I've been gone a year. I took a new job, and I had to move to Michigan for six months, and I never realized that the words "polar" and "vortex" could be used in the same sentence. It was very cold. But I'm back. Commissioner Fish, you look great, and you are in my prayers on a daily basis.

Fish: Thank you very much.

Hollister: Commissioner Fritz, thank you very much for all your service, and you will be missed.

Fritz: Not yet.

Hollister: Not yet, but -- yeah. Yeah. Not today.

Fish: News of her demise are speculative.

Hollister: In today's world, there is too much certainty. I am right, you are wrong. This seems to escalate to anger, rage, hate, and then violence. And 18 years ago today is an extreme example of certainty turning to violence. I had business in New York City that October of 2001, and I saw a community in extreme pain but I also saw people with strong and different opinions working together. Listening and respecting each other. Cab drivers were nice. If people with strong, different opinions could just sit down and talk to come out of their respective end zones, and be willing to move to the middle of the field, I believe that amazing things can happen. I just had to say that. But now to the topic of my presentation, corporation, government, and nonprofits working together to make our communities better. The navigation center does not happen without Tim Boyle. The hundreds of new trash cans in downtown and the Pearl District don't happen without the business alliance and the Pearl District Neighborhood Association, there are many more examples of public and private sector working to go. This work, this work needs to continue and escalate. My company would like to follow suit and contribute 500,000 of our fundraising software to all nonprofits and schools large and small in the Portland area. Equal, every voice needs access to these tools. To clarify, we only help nonprofits that need more money. The ones that have all they need, we cannot help them. Here's my certainty. Every nonprofit, large and small, will benefit from using is a fundraising software platform. Our software can help every nonprofit in the Portland area raise more money. Our software has anywhere from 800 to 1500, but we are offering it free to all nonprofits in the Portland area. I am here asking your help to make sure that every nonprofit in the area, large or small, knows about this offer. I am really not sure what that help looks like. I would sure like the opportunity to be able to work with someone, in each you have your offices to figure out what that means and help to make sure that everybody is aware of this offer. A little shout out that all of my compatriots in Michigan are watching this right now, so hi, Matt and Tom and the rest of the gang. And Tom and my two business partners -- they have agreed to this very generous offer.

Wheeler: Thank you, John, for bringing this to our attention. We appreciate it. It's promising. Welcome back. Good to see you. Next individual, please.

Item 855.

Wheeler: Good morning, welcome.

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David Potts: Good morning, mayor wheeler. Commissioners. My name is david potts, I represent the lents neighborhood livability association. I am here to address commissioner jo ann hardesty's outrage over the boulders odot placed in goose hollow to protect the neighbors living in that area from aggressive criminal behavior by outside residents living on odot property. The neighborhood was victimized by these individuals until the boulders were placed there. Placing boulders is not relocation. If the city and-or county were doing something more effective with the money, they would have built a highrise by now and housed them. Continually adding to the system that most of the outside people don't wish to go into, is not addressing our issues, give them the option of housing, not temporary solutions. And if you are outraged by the boulders you should be outraged by a shelter system, which warehouses people and pushes them out on the street with in place to go. Odot is not a housing agency. The voters pass the metro 653 million bond to build affordable housing region-wide. Portland voters passed a 258.4 million housing bond. None of this current, affordable housing has helped the service resistant people off the street. From 2014 to 2017, we have spent 243. Why is commissioner hardesty not looking to the city that she works for and Multnomah county set up agencies to deal with housing? Why are there still people living on our streets? Why did the county purchase a dilapidated building and parking lot downtown for 5.8 million that will take another 16.5 to 21.5 million and years to renovate into usable open space. And again, with no money in the budget to run it. Perhaps, it is another fundraiser for the poverty industry. Meanwhile, the city is in crisis. It used to be unsafe only after dark. Now it is unsafe all the time. Commissioner hardesty should be looking at herself or other council members and the Multnomah county commissioners to address the issue. So far, they have spent millions on the problem, while not addressing the safety of our neighborhoods. In fact, the county has kept money from the budget, and closing jail pods and eliminating the district attorneys and the city continues to decrease the number of police officers that we have to protect all of us. The outside people have been identified as vulnerable. What about the vulnerability of the inside people? As long as the criminal element remains on the streets, neither the outside nor inside people are safe. Thank you.

Wheeler: Thank you for sharing your perspective and welcome. [applause] we will move -- we are not going to do the consent agenda because we don't have enough people, so we will push that off, we will do 856, please.

Fish: Mayor, can I -- point of order? Because I have to leave, and you are going to -- we are going to lose a quorum, to make it easier for you to manage the agenda, can we just do the second readings in 858, and 859? Everything else has been moved forward.

Wheeler: Without objection. 858, please.

Item 858.

Wheeler: We have had a presentation and taken public testimony on this item. It's a second reading, further business? Please call the roll.

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

Wheeler: Aye. The ordinance is adopted. 859, please, also a second reading.

Item 859

Wheeler: Further discussion? Please call the roll.

Fritz: Thanks to the director who gave the presentation last week, and to tom, who prepared this ordinance. Aye. **Fish:** Aye.

Wheeler: Aye. The ordinance is adopted.

Fish: Just so the public knows, items 860 and 861 are to be rescheduled at the end.

Wheeler: Would you like them at the end or beginning?

Fish: Beginning would be great.

Wheeler: Let's assume that.

Fish: We will have staff when and do them in less than the time that is set aside.

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Wheeler: Perfect. Without objection removing 860 and 861 to 2:00 p.m. This afternoon. Thank you. And we're back to 856.

Item 856.

Wheeler: I have some opening remarks. Six years ago business Oregon's industrial site readiness program was approved by the Oregon state legislature, which provides reimbursements based on income tax revenues to private and public partnerships to cover the cost of development of industrial sites that would likely not occur without targeted public assistance. With the city council approval prosper Portland can act as the administrator on behalf of the city, similar to the role that the agency plays with the enterprise zone program. Approval of designating prosper Portland as the administrator of the industrial site readiness program supports the development of industrial redevelopment projects including applications of business and workforce equity programs and incentivizes industrial employment growth and helps to connect well paid job opportunities to priority populations. This morning, we have --

Fish: I think that we have staff making a presentation.

Wheeler: Who I have known for like a decade. I see like every other day. I really need more coffee. Good morning, Lisa, I know what you are. Thank you.

Lisa Abuaf, Director of Development & Investment Prosper Portland: Good morning, Mayor Wheeler.

Fish: Next time that happens, just say it's the chemotherapy.

Wheeler: I just had a birthday, and I think it was a breaking point for me. Thank you for being here.

Abuaf: Thank you for having me, good morning, Mayor and Council members, I am Lisa, the Director of Development and Investment with Prosper Portland, the economic development agency for the City of Portland, and the action before you today would designate Prosper Portland to be the administrator for the industrial site readiness program, which is a statewide economic development program. The State of Oregon supports the industrial site readiness program and was authorized back in 2013 by the state legislature. It is a program that is managed by the state's economic development agency Business Oregon. As the Mayor mentioned the program is intended to promote the development of regionally significant industrial sites, which is kind of a term of art that we will walk through, and to support the economic development, and it's in alignment with Prosper Portland's role as the economic development agency and would be very complimentary to Prosper's other tools and initiatives, ranging from the incentive program of e zone through to our initiative [inaudible] increased diversity within the hiring practices. The program was put in place to help address the shortage of market ready regional industrial sites and what you see here on this map are actually Metro's designated significant industrial land sites, so that is how we would follow suit to the Business Oregon's requirements as to which sites workable for this incentive tool. While the regional industrial site readiness project does inventory and protect adequate lands, they suggest that land acreage alone is not enough to support the new jobs that we would like to do, the new industrial jobs we would like to see. The biggest barrier to the industrial development is, actually, making that land ready for development, and that is what this tool is intended to do. This program can be combined with other efforts and incentives and is intended to help ready the land for improvement from environmental cleanup all the way to transportation improvements. The key component is a designated site, as I mentioned. It would be in alignment with Metro's designated industrial lands, and it requires a public sponsor, so a local government is the only entity that can apply if they own the industrial sites, and-or act as a sponsor for the privately owned business or property owner. As the sponsor we would enter into the tax reimbursement agreement with the Business Oregon, and we would be responsible for all the subsequent reporting and monitoring. It also requires an employer,

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and eligible employers must hire a minimum of 50 employees, whose average wages are 150% of the county or state average wages, and that's about 85,000 for Portland. The program is accepting applications until 2023, and there is an annual budget allocation to this by the state. And the eligible costs would allow us to recapture some income taxes to cover the cost of land acquisition, planning and engineering, and environmental cleanup, and transportation improvements and other infrastructure improvements. Reimbursement is capped at 50% of the totally eligible site preparation costs and our intent is to utilize the program and any funds made available through an income tax recapture to further the agency's job creation as well as our social equity objectives in alignment with our strategic plans. In the near term we are looking at opportunity sites, both within the central east side as well as airport way, which are designated the industrial areas and sanctuaries for the city of Portland, and with that I will take any questions.

Fish: Thank you.

Wheeler: Commissioner Fritz?

Fritz: I have an end from the amendment, and that is to be it further resolved this is binding city policy.

Fish: Second.

Wheeler: We have a motion and second from commissioner Fish. Further discussion? I have one question of staff, is there any objection from prosper to the amendment?

Wheeler: Very good. Call the roll on the amendment.

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

Wheeler: I appreciate the amendment and I vote aye. The amendment is adopted and on the table. Very good. Is there public testimony?

Moore-Love: Yes, we have four people signed up. The first three, please come on up. Edith, jiane, and cabe -- and maybe it's cabe.

Fish: Who is the next one?

Moore-Love: Maggie also is signed up.

Fish: Why don't you come forward? It looks like you are the only two.

Moore-Love: I think jiane may have stepped out.

Wheeler: All right.

Edith Gillis: I am opposed to this because prosper Portland does not have the knowledge, the experience, the expertise and the staffing or the vested interest that we need for the best use of our land for the long-term, intermediate economic development, and the wellbeing of the people of this city of Portland, and for the city as an ongoing entity. The reason is because the vested interest, the focus, the bias is in preparing quick, flat land for a big boxes for a big corporate industrial developments, and it does not include any knowledge or expertise in real, true, environmental cleanup, and in having the wetlands preservation and having earthquake resilience, and in having real equity in taking care of the land. We are going to have raising sea water, we are going to have a lot of changes in -- that affect Portland, so these industrial areas that are waste for pollution are not going to be cleaned up, not going to be having the natural areas that we need to have and not going to be integrated and not talking about requiring roughing and not having the folks that have even a perspective on the long-term economic or intermediate economic wellbeing, and they don't even have the framework of the information they are supposed to be looking at. If you make this a binding decision, you cannot go, not go back and correct it. We are not going to have the city oversight. We will be wasting city tax dollars and going to be endangering the lives of our workers and neighbors.

Wheeler: Put your name on the record.

Gillis: I am edith gillis.

Wheeler: Appreciate it. Good morning.

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Maggie: My name is Maggie, Portland Homeless Town Hall, and I would like to double and triple everything that she just said. I would like to say that not wanting pollution, not wanting carbon is a great thing, and I've been to these organizations, athletes where they are going to press the legislation to put a tax on carbon, but, what you quickly find out about these organizations and these are my people, they want you know, no pollution, and no carbon, so we can bring down this disaster that's slow moving disaster of climate change that is happening all around us. They will take that carbon tax and the financial incentive is to just let them keep spewing carbon or pollution so that they can stuff their pockets with money. It should be used for pollution, carbon reduction, but unfortunately the corporations and they are fine. They will pay that so they can put the pollution in the water and you know, more carbon in the air, and they will pay that tax if that's what they have to pay, if that's just the price of doing business, and they don't care that it is, you know, gets in the water and gets in, you know, poor people's -- they drink that water, and you know, the animals, the animals, they get, that they die from all of this. They go -- they go extinct. In Florida, it's illegal for employees to say it, so, I mean, we know where this is going. And you know, Ted, you are a developer. We need a real democrat, not someone who just puts on the jacket, you know, and goes out there and says the right words. Thank you.

Wheeler: Good morning.

Jeanne Connett: Good morning. I am going to direct this to Ted because I got told the other day that something wasn't his job. Ted, when I first came back to town, I had to go down to the waterfront.

Fish: Ma'am, this is about the industrial site --

Connett: This is about --

Fish: No, this is about Portland being an administrator for an industrial site readiness program. Do you support it or not and why. That's what the testimony needs to focus on. Otherwise you are out of order. I am sorry, it's not about Ted. It's about whether Prosper Portland should be the administrator of this program.

Connett: You don't know the answer?

Wheeler: Very good, thank you.

Connett: Sell out Portland all you want.

Wheeler: Who else is here?

Moore-Love: There was a Cole, but I don't think that they are here.

Wheeler: By the way, while we are on the subject, I visited a manufacturing facility yesterday, and I would like to talk about it because it's one that the city supports and one that the Prosper Portland has been engaged in, and it's the kind of partnership that John Hollister talked about the other day, institutions working with private sector working with government, and this one was focused on the private sector. It's called, the Pie Shop. I thought that it was really interesting. Pie stands for the Portland Incubator Experiment. This is a partnership between an industrial design firm called Auto Desk, which is located in the central east side industrial area, and the Portland Incubator Experiment, and [inaudible] studios, and the purpose of it is to bring manufacturing to the city that's focused on things like the Internet of Things and connected devices, which are growing market opportunities not just for Portland but globally, growing market and employment opportunities, and they create an opportunity for shared economic prosperity, and it has nothing to do with increasing carbon emissions, and in fact the work that they do in this manufacturing facility could help to do just the opposite. When I think about the industrial opportunities taking place in this community, I think about green energy and I think about green infrastructure, and I think about green manufacturing. And so I would encourage people, as you think about what manufacturing is, also thinking what the future holds and what the opportunities are. Manufacturing, you know, we all sort of grew up in a time where we think of manufacturing as being smokestacks and a lot of smoke coming out of the smokestack.

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When I think about manufacturing, I am not thinking about that. I am thinking about how we can move the economy forward while looking at things like the green infrastructure and green energy and green manufacturing and other forward thinking things. In this particular case, we need somebody to administer this program on behalf of the city. I don't think the housing bureau is the right bureau. I don't think the fire bureau is the right bureau. The police are overextended and I don't think that they need to manage this on behalf of the city of Portland. So, it would be my strong preference that we put prosper Portland, which is, which has stated the values and showed the results that they can get in this forward thinking cutting edge manufacturing, and create the sense of shared economic prosperity so that it's not just the usual suspects, making -- achieving financial security, but that we are, in fact, including people who have historically been under-represented. There is no agency in this state that has been more forward thinking than prosper Portland. The inclusive research business network that works with [inaudible] that represents a thousand entrepreneurs. The partnership around Portland means progress which is focused on equity and inclusion, and a lot of us have gone to "my people's market." this agency under the current leadership and the current administration is forward thinking, and we are inclusive, and I would encourage people rather than coming to the microphone and saying things like ted, you are a developer, think about it is that we are trying to accomplish in terms of laying a smart foundation for all of us in this community while addressing some of the issues like carbon. So, thank you for my talk, but I felt like I needed to respond to that. Are there any other questions of staff before we move this to second? I am sorry, a resolution, so is there further discussion? Very good. Please call the roll.

Fritz: This is about cleaning up brownfields and getting industrial, good manufacturing, well paying jobs in the Portland area, and I support it. Thank you for your work. Aye.

Fish: Thank you for pointing that out, commissioner Fritz, and our brown, we now have funded a position at prosper Portland to market all the programs which are designed to create incentives for converting brown fields to productive use, and our comprehensive plan is predicated on the assumption that over a period of time we will convert hundreds and hundreds of acres of brown fields to productive use, and I will find out a couple of years ago I did a tour of industrial sites in the city, and in this case, they were the various businesses that design high end bikes, mostly racing bikes, but custom bikes, turns out that Portland, other than a few european cities is one of the capital cities of bike manufacturing, that is now a new industry. It is -- it pays well, and we are lucky to be the headquarters of some of the best bike manufacturers in the country, and they make high end bikes for specific purposes, and that is an example of a diversified economy where we are manufacturing something, which we agree is a public benefit. So, with that I am pleased to vote aye.

Wheeler: I vote aye. The resolution is adopted as amended. [gavel pounded] next item is, and it looks like it's 10:15. Time certain, 10:15, number 857, please.

Item 857.

Wheeler: This is being brought to us by the auditor. Good morning. If you could introduce yourself for the record, please.

Ross Caldwell, Independent Police Review Director: Good morning, mr. Mayor and members of the council, I am the independent police review director as of a month ago, I am here to forward the recommendation of a panel of community members for the prb. We have got two new members and two seeking reappointment, I am sorry, ten, and two seeking reappointment. This is an advisory body to the police chief and commissioner. The group you see before you, and you have their material and bios here as well as a bit of a synopsis about the outreach effort done. This is a result of a lot of work by irene, who is our outreach coordinator. And I think that she has put together a diverse and impressive group that are willing to put in a lot of time and do a lot of work on something that's very

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important, so, unless there are any questions to start with, I guess that I would start by reading off their names. nathaniel bayme, alonzo chadwick, maria garcia, amanda greenvoss, michael luna, julie ramos, heather ralet and jim young, so those are the ten proposed new members. We are also recommending a reappointment for [inaudible] and joe pew who have served one term already, and we had one member who had to drop out at the last minute, which is mr. Kafary.

Fish: And we have the bios for the candidates, has the auditor's office received -- we have testimony, also, from the Portland cop watch that says they don't have any concerns about the individuals being presented as new members. Have you received any testimony from any other groups stating objections to these appointments?

Caldwell: Not that I am aware of, no.

Wheeler: And is there anybody here being appointed who wants to identify themselves or speak?

Caldwell: Not that I am aware of. You can take a look.

Wheeler: Stand and recognize and acknowledge you and stand. If there is no further discussion, I will entertain a motion, a motion from commissioner Fish and a second from commissioner Fritz. Please call the roll.

Fritz: This is an important community appointment. Thank you very much for your willingness to serve, and welcome, mr. Director, I appreciate you very much. Thank you for taking the time to come here in case we had questions. It's above and beyond the call of duty, and really appreciate it. Aye.

Fish: This is peer public service, so thank you for agreeing to step up and volunteer your time. According to the testimony that dan handelmann submitted, or the statement he submitted for the record, now of the pool of candidates, there is a knicks mix of women and men. Fewer attorneys this time as a recovery attorney I would say that's probably a mixed blessing. And a very interesting and diverse pool in terms of the community ties and backgrounds. So I think that we are being well served biased group, and again, the city owes you a debt of gratitude for your willingness to serve and reup. Aye.

Wheeler: I will just second that. This is not the easiest volunteer commission to serve on but one of the most important, and I know that each of you takes this very seriously. You have to approach this with a sense of conviction, and a sense of strong independence. I just want to tell you how much I appreciate your willingness to serve on this commission. I vote aye. [gavel pounded] the report is accepted and the appointments are approved. Thank you, and we are adjourned until 2:00 p.m.

Council recessed at 10:19 a.m.

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

September 11, 2019 2:30 p.m.

Wheeler: We have a celebration this afternoon and we're going to celebrate somebody who shies away from the spotlight, who doesn't necessarily want all the recognition and hoopla, but adrian, we want to recognize you. So I want to thank you for being here and thank everyone else for being here. It's my great honor today to recognize one of our g4s custom protection officers adrian johnson with a certificate of appreciation on behalf of the entire Portland city council. A few days ago, adrian noticed one of our custodians was choking, and without any hesitation, adrian performed the heimlich maneuver. If adrian had not acted so quickly this story could have had a much different ending, so today we're recognizing adrian and presenting him with this certificate of appreciation for performing lifesaving measures in a moment of need. We're sincerely grateful to you and this council is honored to present you with this award. In particular, I want to thank you for being one of the people who when help is required you ran towards the situation and rendered assistance. That's a good inspiration I think for all of us. A good message for all of us. And it would encourage all of us to learn the heimlich maneuver if you don't know it. Maybe, adrian, you could share a few words on your thoughts and feelings.

Adrian Johnson: Can you hear me?

Wheeler: Sure.

Johnson: First, sir, I would like to thank my mom. I thank god first. My second thing I would like to say, on this day there was a lot of heroes on this day. Everyone remembers 9/11. Everyone knows what happened. The firefighters, paramedics, everyone that rushed in. Anyone can with be a hero, anybody. I'm just happy that my training I had kicked in. I really appreciate you guys. I really appreciate my company I work for and the people that work here too.

Wheeler: Thank you. We appreciate the work of your colleagues and we appreciate what you do inside the council.

Johnson: Yes, sir.

Fritz: You're always so friendly to everybody who comes in and I really appreciate that. And I also want to thank mark, who is here, nearly a victim but is here to celebrate with us. Thanks to mark and his seiu colleagues who take such good care of us in city hall.

Mark Jeffries: You're welcome. Thank you.

Fish: I would like to add my congratulations. Every morning and every afternoon i'm greeted then departed with a kind word, and we really you are a model employee, and I always look forward to visiting with you. I head out of the building on the 5th avenue side, which I shouldn't advertise because that's our secret exit.

Wheeler: Was, nick. Was. [laughter]

Hardesty: They will be waiting for us now.

Fish: Also want to thank mark for the outstanding service he and his colleagues from seiu give us. Mark and I have a relationship outside of work. He actually was very kind to help me in my campaign for reelection. So thank you, gentlemen. Both.

Jeffries: Thank you.

Johnson: Thank you.

Hardesty: Thank you, mayor. Thank all of my colleagues for this recognition. I just want to say you're the only person in this building who is wonderful every single day. [laughter]

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Fish: Wait a second: Wait a second: [laughter]

Hardesty: I look forward to hearing that every morning that I'm in this building. I just want to say that I had no idea that it was you that was in distress. But you have always just given that warm smile no matter what's going on, and you don't know what that brings to this building every single day. So I appreciate you both. I'm so glad you're still here. I'm working on being wonderful every day, but some days, you know -- [laughter]

Wheeler: Very good. If you wouldn't -- mark, did you want to say anything?

Jeffries: Yeah. I'm mark jeffries. I'm a janitor here at city hall. Better get my glasses on. I just want to say thank you very much, officer adrian johnson, g4s, security, for rendering me lifesaving aid when I was choking. My family and those who care about me are also grateful to you. We're in your debt. I want to thank o.v. Griggs, kirk robinson and sergio verdusco, who assisted you after you alerted them to my dire situation. I also want to mention that members of my company relay resources and the representative of seiu local 49, casey, I believe her name is felice, are here to honor you here today. Thank you. I hope I got your last name right. Thank you, adrian. [applause]

Wheeler: This is a great time for us to slow down a little bit and take a step back and remember that we're all a family here in city hall. Things get pretty frenetic but it's situations like this that reminds us that we are all human and we all rely on each other. I'm appreciative that you stepped forward. Mark, we're so glad that this didn't turn out to be something much more serious. If you gentlemen wouldn't mind, council would like to get a photograph of you with your certificate. And you, adrian. [cheers and applause]

Wheeler: Good afternoon, everybody. This is the september 11, 2019 afternoon session of the Portland city council. Karla, please call the roll. [roll call taken]

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

Wheeler: We'll hear from legal council. Good afternoon.

Molly Washington, Deputy City Attorney: Good afternoon welcome to Portland city council. City council represents all Portlanders and meets to do the city's business. The presiding officer preserves order and decorum so everyone can feel welcome, comfortable, respected and safe. You may sign up in advance with the council clerk's office 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. When testifying state your name for the record. Your address is not necessary. Please disclose if you're a lobbyist. If you represent an organization, please identify it. Presiding officer determines length of testimony. Individuals generally have three minutes unless otherwise stated. When you have 30 seconds left a yellow light goes on. When your time is done a red light goes on. If you would like to show support, feel free to do a thumbs up. If you want to express you do not support something, please thumbs down. If you are filming the proceedings please do not use bright lights or disrupt the meeting. Disruptive conduct will not be tolerated. If there are disruptions a warning will be given that further are disruption may result in the person being ejected for the remainder of the meeting. A person who fails to leave the meeting is subject to arrest for trespass. Thank you for helping your fellow Portlanders feel welcome, comfortable, respected and safe.

Wheeler: Thank you. We had a couple of items commissioner Fish was kind enough to move from the morning schedule so we could keep on schedule this morning. 860 first, please.

Item 860.

Wheeler: Commissioner Fish.

Fish: Thank you, mayor, colleagues. We have to brief matters. This would authorize a competitive solicitation and contracts. All we're doing is launching the process, we're not accepting a contract. We're joined by project manager clarence thompson and engineering

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manager paul sudo. As you know environmental services is planning a complete replacement of an aging electrical substation that provides power to the columbia boulevard wastewater treatment plant. It's the city's main treatment plant that processes the sewage and stormwater of 650,000 residents. The substation is over 40 years old and is past its design life. Today clarence and paul are here to give us a brief presentation. Welcome.

Clarence Thompson, Bureau of Environmental Services: So the columbia boulevard wastewater treatment plant main substation is located on the northwest edge of the treatment plant. The plant is located in north Portland at 5001 north columbia boulevard. The purpose of the main substation is to serve as a single point of connection between the electric utility and the plant. It distributes power to the entire plant. And as was mentioned it has reached the end of its design lifetime. Since it was constructed in 1971. So our plan is to replace the entire substation. Ordinance 189054 was approved by council for electrical design of the substation replacement. And the current ordinance under consideration is for the purpose of pre-purchasing equipment that requires long manufacturing times to expedite the construction phase. The over all project schedule is shown on this slide and as I just said we want to order the long lead major equipment now before the construction documents are completed in order to save time during the construction phase. We estimate that we can save over six months of total project time via this approach. This slide summarizes the previous point and also shows the pre-purchase of the major equipment will reduce the risk of issues arising during construction that might lead to change orders. The construction phase of the main substation replacement will be performed by the contractor who has been selected for the secondary treatment expansion program. This will allow the bureau to capitalize on that contractor's experience in completing complex projects at a wastewater treatment plant while minimizing risk of outages. Therefore, we recommend an authorization for a competitive solicitation and goods and services contract to purchase 15 thousand volt primary metering gear and medium voltage substation transformers for the amount of \$3,500,000.

Fish: That concludes our presentations for council questions.

Wheeler: Any questions? Commissioner Hardesty.

Hardesty: Thank you. I have a couple of questions. One, you want approval to pre-buy equipment when you don't have the contractor selected. What is equipment that the contractor is unfamiliar with?

Thompson: The contractor has already been pre-selected. The contractor is the same contractor that is performing the secondary treatment expansion program.

Hardesty: Thank you.

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

Moore-Love: No one signed up.

Wheeler: Any further business on this item before I move it forward? This is the first reading of a nonemergency ordinance. It moves to second reading. Thank you, gentleman.

Item 816.

Wheeler: Commissioner Fish.

Fish: Mayor, colleagues, we're joined by joe dvorak and patrick lease, project manager. The bureau of environmental services columbia slough out fall drainage project is necessary to improve water quality in the columbia slough. It's located in the parkrose neighborhood. This project will construct stormwater planters, filter manholes, and other infrastructure to remove pollutants. Here to give us a brief presentation is joe dvorak and patrick lease. Tate it away.

Joe Dvorak, Bureau of Environmental Services: Thank you. I'm joe dvorak with the bureau of environmental services. I'll give a little background on this project, which is the wrong one. This is the wrong presentation.

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Wheeler: We just have a blank screen.

Fish: Can we put the next one in?

Moore-Love: That was the last one.

Hardesty: Guess you'll have to act it out.

Dvorak: We do have handouts. I think we're there. Here we go. I'm sorry about that it'll give background. This is a high priority deq cleanup site. In 2005 it issued a record of decision for slough contaminants.

Fish: Karla -- there we go. Thank you.

Dvorak: This is a photo of the columbia slough. The whitaker slough contributes flow to it so to the left is the actual columbia slough. Over 200 city outfalls contribute stormwater to the slough so an outfall is a pipe that conveys stormwater to a receiving body. Basin 100 is one of the 71 high priority areas in the columbia slough. A basin is basically the area that contributes flow to the outfall. The city worked to implement the record of decision is being performed under an intergovernmental agreement with the deq. So the goal of this project is to treat stormwater runoff from the right of way and basin 100 and thereby will be complying with the 2005 record of decision and the 2016 intergovernmental agreement. Patrick will give more details on the actual project.

Patrick Leis, Bureau of Environmental Services: The project is in the parkrose area. This screen actually shows the area of the project to the lower part of the screen is the parkrose middle school. In the middle is the parkrose high school. There's just a friendly slide showing going through a slough.

Fish: Looks like bob sallinger and his family.

Leis: Might be. [laughter] project description we're going to construct 10 underground injection control facilities to make stormwater requirements. We're also going to construct 12 storm filter manholes. We're also going to construct two green streets. They will be on shaver. There's a crosswalk so it will be a bump-out. We figured that was a great place to shorten up the distance for the crosswalk. Also helps with pbot vision zero. The picture on the far left is a picture of a uic, typically the water goes into a catch basin, into the sedimentation manhole where the sediment falls out then goes into a sump. The sump then distributes the water to underground. The next picture is just a demonstration of pretty much the same thing but the sump has been exchanged with a filter manhole. That will filter out the pollutants and go right back into the storm system that's there. Public involvement, there's been a lot of public involvement for this. Public involvement outreach includes residents, school district, parkrose association. There's been open houses, flyers, door to door and letters have been sent out to the people in the neighborhood.

Hardesty: How many languages did this material go out in?

Leis: That's a good question. I did invite p.i. Her name is debbie caselton.

Fish: Oh, boy, we got royalty here. Debbie is the public outreach person that's pioneered a system we now use routinely at the bureau where each affected property owner or resident gets a what looks like a flyer. It's a newsletter. On the cover is a memo from whoever has been assigned to the project, in this case debbie. It's a personalized memo from debbie with her phone number.

Debbie Caselton, Bureau of Environmental Services: Not my personal number. Just so you know.

Fish: Not personal. But it does include her social security number and bank account number. [laughter] it has produced a sea change in our relationship with communities that we serve because instead of getting a list of eight numbers that you can call being put on hold or whatever you can actually call debbie and she will answer. The question is how many different languages did we use in parkrose?

Caselton: The predominant language in this neighborhood is english but we translated into spanish because there's a large spanish speaking population. And stefanus is the

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primary lead for outreach along with myself on this project, and he actually just did some -- he went to the native arts festival. He speaks fluent spanish as well, which is great, and he also went to the summer free for all movies in the park and was very successful in that and the gateway discovery park. He's worked very closely with the parkrose school district and had one on one meetings with the principal. Spanish is the other primary language in the neighborhood. Those are the two languages.

Hardesty: I appreciate that but I think that the number of languages spoken in that community is significantly more than just spanish and english, but I certainly appreciate all the work that's been done to really engage communities who have not been involved.

Caselton: Definitely. We're working to in all of the neighborhoods find out what are the languages being spoken, so if you have some insight I would greatly appreciate some more on that. It's been difficult finding out exactly how to get those languages so we can translate more accurately.

Hardesty: There are organizations like the east Portland action plan which is a volunteer plan that meets monthly in east Portland and there's certainly more than just spanish and english folks who participate in those meetings. I would also go directly to the organizations like asian family center and irco. I could go on and on, but -- the thing is they are in that community, so --

Caselton: Yes. We have definitely infiltrated this neighborhood and specifically in the area of the construction impact and the design impact, the specific homes and residents, apartment buildings and school has been predominantly spanish and english but the over all parkrose area is much more than spanish and english. Last time I was at parkrose high school I think they said there were 46 different languages spoken. Now, some of them who are multiple dialects of the same language, so there's like multiple dialects of cambodian, for example. We do translate our materials into different languages, and we have -- I just approved riverview going out with multiple languages that -- so we can always do better and we'll follow up. Good suggestion.

Fritz: Something that you do in parks is on the back of the flyer you say if you need this translated --

Caselton: Everything. All our stuff.

Fritz: The other thing for my colleagues to be aware of when I was in charge of the office of neighborhood involvement which is now civic life which has a list of what languages to use -- I don't know whether that's still being worked on or not. Seems like each organization shouldn't have to do all of the outreach.

Caselton: Agreed.

Hardesty: Didn't we used to have a civic engagement committee?

Fritz: We still do, the public involvement aid advisory council.

Hardesty: We do? Okay.

Leis: The budget for the project is 1.6 million is the engineer's estimate. We plan to begin construction 2020. We're hoping that the construction will take no longer than six months. Any questions?

Fish: That concludes our presentation, mayor.

Wheeler: Any public testimony?

Moore-Love: No one else signed up.

Wheeler: This is a first reading of a nonemergency ordinance. Thank you for the presentation. It moves to second reading.

Caselton: I just want to say, commissioner, our construction signs that we put out have multiple languages on them on what to expect during construction, so when construction does start it does have a lot more languages on it, just so you know.

Hardesty: Thank you.

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Wheeler: Next is the consent agenda. My understanding is 866 has been pulled. Is that correct?

Moore-Love: Correct.

Fish: Who pulled it?

Moore-Love: Commission Hardesty's office. I have no other requests.

Wheeler: Please call the roll.

Hardesty: Aye.

Fritz: I just want to note on item 867 the southwest neighborhood improvements on southwest 26th that I know there are some concerns in the community, and there's a lot of people wanting to be sure that the southwest 16th improvements are done properly before considering other projects, and I know there's ongoing conversations about that I vote aye.

Fish: Aye.

Wheeler: Aye. Consent agenda adopted. Next time certain 862, please.

Item 862.

Wheeler: Commissioner Fish.

Fish: Colleagues, we have two really inspiring items back to back. One involving superfund and one involving Portland parks and rec, and it's the luck of the draw this week and I'm glad we have almost a full complement of colleagues here to hear them. We're joined today by Annie von Berg, the environmental policy manager for the bureau of environmental services. Annie is effectively one of two or three leads at the city on superfund. Spends the bulk of her time working on superfund compliance. With the Portland harbor superfund site currently in the design phase of cleanup, and by the way, if any of my colleagues need a refresher on what the various stages of superfund are, what design phase is versus remedial phase versus when we cash out, et cetera, we would be happy to give you briefings. The city is taking on three projects to expedite action by all responsible parties. The first was approved by council. Creation of a joint city trust that would cap funds at \$12 million each to spur new remedial design. The preparatory plans needed before the actual cleanup begins. That's the key thing. We're in the remedial design phase, which is creating the plans that actually guide the cleanup. The proposed actions today address two additional projects. Cleanup design for Willamette Cove and an information management plan that addresses the overall superfund site. We have been working on superfund for a long time at the city, and I have had the honor of helping colead our efforts the last few years. Today is a breakthrough. That's one of the reasons why we have an all-star lineup here who I think will be testifying. Why don't you walk us through both items. Welcome.

Annie Von Burg, Environmental Policy Manager, Bureau of Environmental Services:

Thank you, commissioner. Thank you for your time. I'm Annie von Berg, program manager for the Portland harbor superfund. I'm here with our partners the port of Portland and state of Oregon who are in the audience here to request approval to enter into an agreement with EPA for two exciting projects. I'll give a brief overview of those. Before I get into that just a really quick --

Fritz: Would you like some water?

Von Burg: That would be awesome. Thank you. Delicious. Thank you. Just a really quick reminder of the superfund, this is a ten mile stretch of the lower Willamette river of contaminated sediment that's a result of over 100 years of heavy industrial use. EPA estimates it's going to take about 30 years to reach cleanup goals at an estimated cost of about \$1 billion. There are over 100 potentially responsible parties. The city of Portland is one of those parties. Also.

Fish: Let's be clear. We have the least exposure in this case. Did I say that correctly?

Von Burg: It goes without saying, yes. Really quick recap of where we're at in this process, we have made it through the remedial investigation and the feasibility study. In

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January 2017 EPA released its final record of decision. Earlier this year the baseline sampling effort was completed. Earlier this year EPA also sent notice to all potentially responsible parties that they have the expectation that the entire site will be under a legally binding agreement to kick off the remedy design work. So that officially brings us into the remedy design phase or the cleanup design phase of this project. Like Commissioner Fish mentioned when we say remedy design that's the engineered design for what will guide the actual construction of the cleanup. So as Commissioner Fish mentioned to step up to our obligation for this phase of the project we proposed three projects. The first one you saw earlier this summer is now in full effect. That's the city and state trust that pooled and capped up to \$24 million of public funds to help get that expedited and moving along. In return the city and state will get credit from EPA for those funds that are used. What I'm here to talk about today are the two projects we have proposed to EPA, Willamette Cove and the information management plan. So I'll start with the Willamette Cove. This is an image of what Willamette Cove looks like today. It's roughly a 45-acre in-water site that we're talking about here located between St. John's Bridge and the Railroad Bridge. As you can see in this photograph it's just north of that Railroad Bridge there.

Fish: To those of you who still can't orient this, just to the south on the other side of the Railroad Bridge is the University of Portland.

Von Burg: Thank you. This is Willamette Cove in respect to the rest of the Superfund site. It's roughly square in the middle there of the entire ten-mile stretch. So this site historically was used heavily from the early 1900s to the 1970s for heavy industrial usage. There was a lumber mill there, a drydock, had a lot of overland work including shipbuilding and ship dismantling of World War II. What that left was a lot of contamination in the in-water and upland area of the site. Here are just a couple of photographs to show you how much work was done in the site. It's pretty impressive how much work was done in this Cove area. So this is an important site, a site that we're really excited to get working on. It's a priority site designated by EPA, DEQ and the city and primarily we designated a priority site because it poses a public health risk. Although this area has restricted access we know people frequent this area predominantly those vulnerable communities. What that means is they are exposed to unacceptable levels of contamination. It's important for us to make sure this site moves along as quickly as possible. The challenge with this site is those that are responsible for the bulk of the contamination no longer exist. Four public agencies got together, discussed the opportunities and benefits it would provide by moving it along quicker. A couple of those is an incredible amount of environment enhancement, habitat enhancement unique for that swath of the industrial corridor. It also presents an increased opportunity for collaboration for the work that's currently being done on the upland. That's being done with Portland of Portland and Metro.

Hardesty: Excuse me, Mayor. Thank you. Who owns that land?

Von Burg: That's owned by Metro. That was purchased with natural area bond funds hopefully to create a natural area and to do some connectivity with the trail there.

Fish: By the way, when I saw this power point originally I asked why U.S. Department of Defense. We know there are some sites in the Superfund footprint where Agent Orange was manufactured. This is much more straightforward. You saw an earlier picture where warships were manufactured. So I say Department of Defense is a public partner because this was a shipbuilding site during the war.

Von Burg: This is a great example of four public agencies coming together and move a site forward that otherwise may have stalled for quite some time. We have worked with EPA on coming up with an agreement. What that would look like. Basically the commitment is to move forward towards the 100% design. That's the agreement you have before you today. We estimate the cost of that in-water design will be around \$8 million. All four public

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agencies are splitting that equally and we anticipate that to take about three years to complete. I'll move to the second project that's within your ordinance package.

Fritz: It's just to design the project, not to actually do it.

Von Burg: That's right. This will be that engineered plan that will guide the cleanup. There will be another round of negotiations and a number of parties discussing who will actually do that portion of the work.

Fish: Colleagues, mayor, would you prefer to ask questions on this particular item and then go to the next or hear the next then ask questions of both?

Hardesty: Individually for me.

Fish: Can we pause here for a second? Can we bring the camera up and take some questions then do the second part of the presentation.

Fritz: I'll continue. I'm assuming because I know how carefully you're working on this that when we get into the actual remediation of cleanup there be a discussing of the order which we do things in. Your map shows this is downstream from the major contamination area.

Von Burg: Do you mean order respective to all the other sites? Yes, that will be something epa determines. It's my understanding they are working on that in terms of sequencing for that. They will be the ultimate deciders.

Fritz: Thank you.

Fish: Let's move to the second piece of the presentation.

Von Burg: Great. The second project in this proposed legislation is what we call the information management plan. Epa is currently working to break down the site into smaller project areas to make the work more manageable. This image here shows what we call sediment management areas. Those are in the pink blobs. Depending on how those areas get divided and broken down we may be looking at anywhere from 10 to 18 distinct project areas for this whole mega site. What that ultimately means is that there's going to be an enormous amount of information collected, analyzed and reported on a small scale for decades to come. Currently there is no plan for how to standardize the collection of that, how to stitch that altogether, and where to house that to make sure that that is accessible to all stakeholders. So the city and state have stepped up and come together to build a plan that will guide how the information is collected, where it will be stored and make recommendations given feedback that we hear from stakeholders on how to make that information easily accessible, timely and how to make it transparent for those that are both regulating the cleanup, who are performing the cleanup and those interested in tracking the progress. We see this plan as promoting long term consistency, gaining efficiencies and adding a layer of transparency to a complex project that we know is coming. Having the standardized and comprehensive approach to collecting this information is critical for the long term success of this project. The city and state public agencies have a significant interest in what the guidance of that plan will provide. So we're very excited to be a part of this. We'll just quickly give you an image of the concept in general. I won't dive into the details but this is representative with the three blue boxes on the bottom of the type of information that will be developed and will be part of this guidance. We have everything from environmental data to site maps and also institutional controls, put in place to help protect public safety. That's all being collected. We're going to build a plan for how that gets placed into a central repository and then made very accessible to the users. Those users include tribal governments, regulating agencies, performing parties, and the public in general. So we do estimate that this plan for the guidance here will be a little over \$2 million. We're estimating that it take about two years to complete. And that concludes my overview of that second project. I'll go into the next piece to see if you have questions.

Hardesty: Thank you, mayor. I have a question about the development -- the process that you're involved in now. So this information sharing process. Does it include community

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stakeholders? Does it include, like, community members who have been following this enormously long process?

Von Burg: Absolutely. So one of the critical components to building this is to do a needs assessment. That needs assessment will be bringing in a multitude of stakeholders, but what we see is one of the most important is the community groups. So we have set up a system both to get feedback to help guide what that looks like and ultimately help guide what the interface looks like for how they will get that information, and we're hoping this next portion i'll share with you will help in the assistance to build capacity and funding for them to help us in that work.

Hardesty: Do we have a list of all the responsible parties? I think as a taxpayer i'm happy that governments are stepping up and putting some resources in place, but clearly we didn't create -- there were private business interests that actually created a lot of the environmental degradation, so what's the other side?

Fish: Let me take this one. There is no allocation process yet in terms of who is responsible for what. A number of the prps as you know have taken the position hell will freeze over before they acknowledge they have a liability or pay anything. So this is an example, commissioner, where because government is -- because the state of Oregon and the city of Portland have fiduciary roles to play in superfund this is a good example of us using our expertise to make sure that people get all the information on all the sites. In a perfect world we pass the hat to other prps or have a mechanism to compel them to. There's a virtue in my mind to having fewer cooks in the kitchen. We want to have this operational. It's a couple million bucks. That's lot of money. On the other hand it's something that we can move quickly on and share the costs with the state. So I love your instinct, and if there's a way to capture -- get reimbursed I would love to pursue it, but at this point most of the notorious prps are still signaling that it's going to take litigation and other things before they even acknowledge liability. That's the conundrum we face.

Fritz: Prp is potentially responsible party and cag is community action group.

Von Burg: Thanks. Something important to note, here, along with the trust the city and state trust and willamette cove and this investment for the information management plan, these all accumulate credit with epa for the project. We intend to get reimbursed and not pay more than our share.

Fish: The reason I made that half hearted joke about turning to council, did I say it right in terms of exposure, we believe strongly the polluters should pay their fair share of the cost. The law is joint and several liability. What that means is that we could be to within a dollar's calculation, we could kind of calculate down the road, when the dust settles, what our true exposure is. If there's no one else around to pay their fair share we would pick up the tab for others. The reason the city has been reluctant to put a number out there or say it's liability is because we do not want to pick up the share of liability for parties that have to pay for their own pollution. What often confound some of the members of the public is why isn't the city just owning to some number. We can do so but we can also shoot ourselves in the foot. The name of the game is us to pay our fair share too but not a penny more and certainly not to pick up the tab of other polluters. The principle is polluters pay. That a nuance that sometimes is misinterpreted by members of the public as the city is not willing to step up and own their piece. We're owning every part of the work. In fact we're being sued for owning it too much. That's not the point. It's that we don't want to strategically start talking numbers and let anyone else off the hook.

Hardesty: Thank you, commissioner Fish. I absolutely agree with you. But my question was really about how are we putting pressure on the responsible parties that we can find, right, and so I understand we're not at that place yet.

Fish: We are. The agreement that you approved a number of months ago with the trust is a carrot -- rather than a stick because we don't have a big stick is a carrot. If you want to

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join us doing remedial work we're going to make an investment, move the process forward and as a result we don't win. The epa has the stick. That's going into court and getting orders against people. What we have is the carrot. Saying now is the time to do the right thing. Do your fair share. We'll actually through the trust model the city and the state will invest with you to move the ball. All against the backdrop of every penny we invest is a credit against what our liability is. Not one penny more. We go back to the slide.

Von Burg: I just have one more quick slide. This is the last component of your legislation today. This is a proposal to ed did indicate funds for public involvement related to the projects. We're proposing up to \$300,000 over the next four years to assist in public involvement and public outreach, especially to those that will be most affected by the cleanup. If this is approved we will have our first funding announcement going out this fall for that. So with that that concludes my presentation.

Wheeler: I have a question on that. Is this a hypothetical commitment, an actual commitment? Is this going to be brought through the ordinary budget process? What is your expectation?

Von Burg: This is a hard commitment brought through in the budget this year.

Wheeler: This is a cumulative 300,000, not per year.

Von Burg: That's correct, cumulative to four years because we expect the remedy design phase for the city of Portland to last about four years.

Wheeler: How will those \$300,000 be expended?

Von Burg: Primarily in community grants and activities to support the outreach and education of this area. We have a set of criteria that will be included in that first funding announcement that will be very targeted in helping in our needs assessment for that information management plan.

Fish: The council will decide in its wisdom how much of this gets allocated to the bureau of environmental services and how much to the general fund.

Wheeler: Very good. Thank you.

Hardesty: You asked all my questions.

Wheeler: We're becoming the same person. There it is. There it is. [laughter]

Fish: Can we take a break? [laughter] thank you. Do we have invited guests or just people who signed up to testify?

Von Burg: I hope we have folks listed as testimony. If not --

Moore-Love: I don't have the invited. I have the list of people who signed up.

Wheeler: How many?

Moore-Love: Five.

Fish: Let's bring all five up together. It's important to hear from our advisory body first then go down the line. I don't see lightning here.

Fish: Does our friend from the state want to testify? Okay, good. Kathy, take it away.

Cassie Cohen: I'm kathy cohen. I'm the lead for the Portland harbor community coalition. Thank you, mayor wheeler and commissioners, for having us be here today to testify in support of this legislation. I just wanted to indicate that we haven't had much time to engage our coalition members in what the implementation means for this ordinance, but I think I can speak for myself that I think it's a good first step to indicate that the city and other agency partners are stepping up and continuing to be a leader in moving forward in the Portland harbor cleanup process with this remedial design phase. Also in recognizing that communities that are impacted historically, currently, are experts in this process with their lived experiences and that the city has begun to really move in the right direction to partner with our coalition and many other stakeholders and also in expanding transparency and accountability with superfund related issues. Healing relations that historically were broken with these communities around the river issues and other related issues. We will continue to be a stakeholder in this process moving forward. Having regular we hope

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monthly or buy monthly meetings with the city, with bes leadership and with the state and the port of Portland to find a common set of values we hope to begin to address historical disparities around work force, contracting opportunities, as well as working on all three of these projects we hope so the information management plan, the willamette cove pilot. We have a lot of interest in willamette cove. We're also involved in doing a train the trainers for the upland property with metro. So I can fill you all in on the work we're doing around that. We're generally supportive and open to dialogue with our -- jessica will be present at our coalition meeting this next week to share the ordinance components and have dialogue with our coalition members. We look forward to that dialogue. Thank you.

Hardesty: Thank you, mayor. Good to see you. I'm curious as to whether you have been envisioning how the community coalition could partner with the Portland clean energy fund initiative on some really innovative, creative opportunities to train owe young folks in how to do this kind of mediation, right?

Cohen: Yes.

Hardesty: I hope there's some planning, thinking going into that now. Every time I see the community coalition I think of all the opportunities we have to train another generation to be world leaders and environmental stewardship. If we miss those opportunities we won't get them back.

Cohen: Yes. We are pretty laser focused on the jobs training opportunities for Portland harbor superfund for impacted communities. We are looking at all options on the table as much as possible. Whether it's superfund jobs training initiative through epa, and other means we hope. So we hope to engage the city, continue to engage the city in that conversation and see how it dovetails with clean energy absolutely.

Fish: There's now no money left to distribute but that's a terrific idea.

Cohen: Yeah.

Fish: Use that resource and we would be happy to help you formulate a grant application.

Cohen: Sounds good.

Fish: Mr. Sallinger.

Bob Sallinger, Conservation Director Portland Audubon Society: Good afternoon, i'm bob sallinger, conservation director for the audubon society and a member of the Portland harbor coalition and cag. We're here to support the resolution. We appreciate the work of the city and the proactive approach it's been taking over the last couple of years. Including the work earlier this year, resolutions passed earlier this year as well. Commissioner hardesty, I really appreciate your question about holding responsible parties accountable. We are very, very concerned about that. Making sure the polluter pays principle is adhered to. It's very complicated obviously with this site with this many prps. We think the city is making the right choice in taking this leadership role because somebody that to break the log jam and show folks how it's done. We remain concerned about how many prps are not in negotiations with the epa and are stalling. We have seen that now for 20 years. We think the city is making the right choice by moving these sites starting to get things working showing that it can be done. That it will need to loop back and make sure costs born by somebody else are allocated properly. We appreciate the community outreach piece. It's a little different than most sites because it's publicly accessible. There are not many sites in Portland harbor that are truly accessible. We need to make sure that all of the potential public uses that could be on this site in the future are truly allowed for. If we make mistakes here we'll foreclose opportunities in the future. As far as the job training goes I would add to that, I look at these numbers and \$8 million, we were just talking about this in the back, folks we bring in from somewhere else it leaves. Goes away. We know the superfund is a very good investment that for every dollar spent the city gets more than a dollar back. Even with that situation we're getting a lot back from this economically, but the reality is too much money leaves. You know, this for better and for worse is job training

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that's going to continue to give. We have a lot of brownfields in the city. A lot of the green infrastructure work we need to do, whatever we train for this will be applicable in other places. It's long term and short term investment. Pcef is a really good vehicle to think about that there are real connections to climate change and the core functions they are trying to get at. It's an exciting nexus to explore. I'm there, just express my appreciation to the city for working so hard to break this log jam and get this process moving forward.

Fish: Let me say i'm very pleased that you mentioned the linkage between superfund and brownfields. Just like we talk about in the community benefits agreements can we get seamless employment opportunities in the metro region and different levels of government so you go from one opportunity to another, can we think holistically? The legislature now has twice given us a set of tools. This fall i'll be reaching out to our allies to help implement those tools. We have to bring the county and we have to bring the school district on board in order to have a robust tax abatement plan which would allow us to get brownfield remediation followed by affordable housing or other community benefits. I'll be asking for your help because we have to get two jurisdictions to concur for us to use that tool which will then jump-start the work on brownfields and create a potentially seamless training set of programs both for superfund and brownfields. -- we're very excited to work with you. We're part of the metro brownfields coalition. We have new tools and we absolutely need to move forward on brownfields. We need more tools than what we have but it's hard to get more if you're not putting the existing tools to work. Getting those things in the ground, when i'm down in the legislature testifying they are asking what have you down with the tools we gave you two and four years ago. Appreciate the city's interest in moving those forward, happy to participate.

Fish: Welcome.

Jackie Calder, Portland Harbor Community Advisory Group: Hi. Thank you for -- i'm jackie calder. I'm with the Portland harbor community advisory group and have been since february of 2002 and followed it just very closely. I'm just a volunteer, and I have worked on trying to get the harbor cleaned up. What I think of it and I just have some simple things to say, how I think of Portland harbor is a way of taking health care for all in the method of preventive medicine. We know pcbs cause cancer. We know pahs have endocrine disruptors. We know that and we could do so much just for the healthcare of this harbor by cleaning this up. So I thank you very much for going forward on willamette cove. I think it's great. We still know that the university of Portland still had their track team going through there saying, oh, my gosh, it's so contaminated, why do they want to do that? But I go to the neighborhood association and I tell them those people, get them out of there. It's nasty stuff. The other thing I worked on we had a precursor to the information system management, and I got to go around to all the neighborhoods and ask them what do you want to hear about the superfund? What do you want to understand? The first thing for most part was one information and two, a website. This website would be this information system. I hope it just doesn't stay on a high level where it's just agencies and prps and high level. I hope it reaches out to real people because they need to know how this superfund affects their life every single day. Thank you.

Hardesty: Please never say again that you're just a volunteer. Our city is so rich because we have so many just volunteers in our midst. So don't put just in front of volunteer.

Calder: Okay.

Hardesty: Thanks for being here.

Fritz: Thank you so much for volunteering since 2002. I know many of you have been involved in it for a long time. There's a lot of talk now about including more voices in all these discussions I want you to know also that I want long time volunteers to be honored and just we need that long term memory as well as the new people coming in to add to the richness.

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Calder: Thank you. Thank you for going forward with this. This is what my work is about is getting this river cleaned up. So thank you for going forward with willamette cove and the information system. It's very difficult to go on the city's website and understand all that. So

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Fish: We're working on that.

Calder: What would give meaning to me is if we kind of communicated to people. The community.

Fish: Thank you. Karla, anyone else?

Moore-Love: Lightning.

Fish: Lightning? You weren't in your normal seat.

Lightning Super Connectome: My name is lightning. I represent lightening superconnect ohm. The law secures to the people the right to a clean river. Judge david mazione. Now, my position is I think epa is doing an outstanding job. I will continue to do my overview over what you do. Some of my concerns on this is that I want to have more penalties imposed in a faster time frame in a higher dollar amount, and once they go into signature on this let them know real fast it's time to start getting things done. You were put on the list in about the year 2000. We know where we're at right now. We need to get some things done. We have other examples to look at. One of the other concerns I have is on the aquatic dependent species. I want a more accurate list on what might be harmed at this time. On the 64 contaminants currently that we have discovered and i'm sure we have more I want to have it made very clear that in the superfund site once they go into agreement, a letter is sent to mayor wheeler, there will be no swimming in this site under any conditions. And I want to see that letter from epa sent to the mayor directly. Now, on the willamette cove, I say this to metro, what a purchase you made. What a disaster you just stepped into. I want you to cover all the cost on the up land, I want to cover all the cost onto the submersible land. Welcome to the world of commercial real estate. Welcome to what you bought. Moving along on the prps, the potential responsible parties, if i'm correct we're over 100 possibly 150. I would like a complete exemption on any and all parties. I would like any government entity to cover any and all costs here especially looking at the united states of defense. I want to have a report done on all these parties on how this will affect their businesses and how many jobs they will lose because of this extensive cleanup. I want to have an understanding when a lot of these contaminants were put in the river this was back many, many years. We must look at the job creation, saving these businesses, saving the values of the property. I would like all assessed values dropped to zero until we're done with this cleanup. There should be no property tax paid on this type of property at this time. There should be nothing. These properties are worth nothing until this is cleaned up. Again, to the prps you are responsible for the upland on your land. In the water, that falls back on the state. I want them to cover any and all costs. Thank you very much.

Wheeler: Thank you.

Fish: This is an emergency.

Wheeler: Is there any further business? Karla, please call the roll.

Hardesty: I greatly appreciate receiving this information and certainly support continuing this long process that we have been involved in. Every opportunity to ensure that those communities most impacted are actually benefiting from the jobs that are being created, any opportunity to remind folks that it's not just government who has a responsibility for the cleanup, any opportunity I have to make sure that we are centering what we're towards as compared to what's the quickest cleanup we can do. If the goal is to clean it up so that this land is then valuable that is a worthy, worthy goal. I vote aye.

Fritz: Very slow process was alluded to with the community volunteer from 2002. When I was involved in it when the office of healthy working rivers was going from 2009 to 2012 it

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was not nearly as far along as it is now. I honor commissioner Fish for the progress you've made since you've been in charge of environmental services and the community volunteers who put so much time and effort. Thank you to the attorneys who have worked extremely hard on this project. Thank you. Aye.

Fish: Thank you, colleagues. This is really a milestone year for us. As annie's power point demonstrated, this is the year in which council has already authorized the trust, which has been fully funded by the state and by -- partially funded by the city as was anticipated. You know it was a good idea because a group of people whose source of funding will never see the light of day promptly went to court to try to stop us from doing it so you know it was a good idea. So the trust has been established. Today we're asking for your approval on willamette cove and the information management system. Individually, they are important milestones in moving superfund forward. Collectively, they are really a day I think where we can take pride in showing leadership. I appreciated kathy cohen actually used that word and said that the city is showing leadership. I appreciate it when bob sallinger used that term. We can't control what certain rogue prps are going to do. We don't have the influence we might have once had at the environmental protection agency although to their credit they have said that superfund is an area where they are going to enforce existing records of decision and they have set a deadline of this year to get the remedial work done. So recalcitrant parties will find themselves dragged into court and face penalties in answer to one of lightning's concerns. But this is a real milestone. I had the great pleasure of working on this issue with the mayor but it's the senior staff people driving the work day-to-day, annie, our community engagement specialists, the legal team, mike jordan, and many others, who really deserve the credit for getting us to this point. We're particularly appreciative of our partners at the state for making history. This trust idea is a history making idea. Shows that we are united in trying to really make progress on superfund, and I want to also say i'm very appreciative of everyone who took time to testify. To offer their perspective. We heard you loud and clear about being fully engaged particularly on the information management system. As the least technologically sophisticated person on this panel, it's very important to me that it be accessible to average people. It cannot be a system where you need to have a code and you have to have a ph.d to access it. It has to be publicly accessible and we have a chance to set a standard of transparency here which while I think will be a model at all superfund sites by putting literally all the documents online and making them available. Thank you to everybody who made this day possible. Thanks to my colleagues for the confidence in our work. I'm very proud to vote aye.

Wheeler: Thank you, commissioner Fish, to you and your team. To thank as you said the entire leadership and the good folks at bes. This is a complicated subject, and it doesn't get any easier day by day. But I feel like we're getting very, very close to the tangible phases of this process. We're thousand into the remedial design phase, public engagement piece. We're making commitment to move forward on that. I can almost see the day where we are in the process of the remediation. I look forward to that. We wouldn't be where we are today without your leadership, nick, without the executive leadership and without the community working with us pushing us and engaging in a meaningful way. I too am very happy to vote aye. The ordinance is approved. Thank you. Next item is 863. Time certain 2:30.

Fish: Colleagues, gateway green provides access to off road cycling in our great city. Sandwiched between 205 and interstate 84, gateway green is a unique park and an opportunity to put otherwise undevelopable land to community use. The vision for gateway green began in 2005 as a grass roots project. Portland parks and recreation became involved in 2014 when the bureau purchased the property from odot. Over the years it has grown into a robust and strong public-private partnership with the friends of gateway green or fog. I want to thank paul and linda who were here today who are past and present

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presidents of the friends of gateway green for your enthusiastic support of gateway green and for your great partnership with the city. The next phase of work, the gateway green will include improved access and park amenities like event spaces and rest rooms. Now i'm pleased to turn it over to parks capital project manager ross swanson and also to acknowledge our special guest, the best looking member of the metro council, metro councilor sam chase. Welcome.

Ross Swanson, Capital Project Manager Parks and Recreation: Thank you, commissioner Fish. Mayor, council members. I'm ross swanson with parks and rec. This is sam chase. After five years of partnership development community engagement, feasibility studies and design, we are here to seek permission to go to bid for construction project at gateway green. I stated five years in Portland parks. That's how long we have owned the property. However, as the commissioner alluded to ted gilbert and linda robinson have been working on this over a decade. 12 years now. They're cofounders of friends of gateway green. They have led this initiative. Some of their achievements are securing a \$1 million nature in the neighborhoods grant from metro. As well as developing a large partnership network of partners including northwest trail alliance, community cycling center and several others. The representatives will be here to speak shortly. In june of 2017 parks and rec and our partners decided to open the dirt lab project, a beta project essentially. We wanted to assess given the unique nature of the site it's wedged between two freeways, a light-rail and heavy rail. You can only get there by foot or wheels we wanted to assess a couple of things. One, will the public have interest and will they be able to get to the site. We don't have a lot of off heave road psych lining in our system so we wanted to wrap our minds around the maintenance of that and how we get going. We opened that in 2017. After six months we realized we had a pretty successful park on our hands. At that point we dove in to public advisory committee process which went about eight months and what you have seen today, what will come out of this project today all came out of that process. As the commissioner said we plan on building public event and gathering spaces. We'll provide access, better access across the park. The park has steep slopes which is nice for mountain biking but not if you're a little kid trying to climb out after a long day. We're going to make some of those gentler for a lighter audience. We will also provide drinking water and a loo. Over the last three years we have been doing habitat enhancements and registration and we'll continue that work. One of the things we have learned in our public outreach, linda and metro also had their eyes on this, when you come as a family of four not all four want to mountain bike all the time so a place area is a nice addition. The project has completed bid drawings and specifications. This is an emergency ordinance as we want to hit the bidding period starting mid-september. Total project 5.75. Estimated cost is around \$3.7 million, in budget. We have a moderate level -- [laughter]

Fish: I trust you, colleagues.

Swanson: We have a moderate level of confidence.

Hardesty: So this is my neighborhood. That is a smog-filled area with freeways on both sides. Have you done any air quality analysis prior to deciding to kick up more dirt in that particular area of the city of Portland?

Swanson: Portland parks has not. I can ask the same question of fog. I know there was 30-panel Oregon solutions process that happened before the acquisition of the project. There was a lot of studies back then.

Fish: We'll have a couple of guest speakers that can answer that question.

Hardesty: That's my hood. I look forward to that.

Swanson: We have a moderate level of confidence mostly because of the difficult access of the site.

Fish: Councilor chase, also vice chair chase.

Sam Chase, Metro Deputy Council: Yes. Deputy counsel, president. Yes.

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Fish: Originally when this was scheduled sam was not available. When it got rescheduled because of some other council scheduling issues he was available. Thank you for taking time to be with us today.

Chase: Thanks so much. I'm really honored to be here.

Hardesty: Sorry, sam, didn't mean to interrupt. I wanted to disagree with my colleague. I think lynn peterson is the better looking metro councilor.

Fish: But she wasn't my former chief of staff. We have to go with the ones we know.

[laughter]

Wheeler: I want the record to reflect I wasn't here. [laughter]

Chase: I was going to let that fly. I'll take it.

Hardesty: Moving on.

Chase: So for the record i'm sam chase, i'm the metro councilor for district 5, the district where gateway green is located. I'm really honored to be part of this conversation and the partnership between metro and parks. We have two very high quality teams that are working on projects regularly and really doing a lot for our community's liveability. I wanted to do a couple of things. One is just really talk about the importance of this project for our entire region. One of the things that we know is that we have had 500,000 people move to this region in the last 20 years. We expect another 500,000 in the next 20 years. So we're really charged with how do we manage that growth as a region, how do we make sure that we have transportation systems, affordable housing, diverse and inclusive communities and a host of other things. From one of the really fundamental things that we need to do as a region is as we're growing, as we're creating a big backyard for everyone in our community. How can we make sure that people have access to nature, not just when you can get to multnoma falls and actually get in or when you go to mount hood, those are wonderful assets. Those are not things you can access on a daily or weekly basis as part of your regular life-style. So when we're more assets or restoring natural areas like we are here, elements of natural area, children's play areas, we're creating those experiences right here in our neighborhoods, in our communities. It's particularly important that we invest dollars in some of our most underserved areas and communities. I thank you not only for supporting this project here before us but I know at least a couple of the members on council were somewhat engaged in getting these nature and neighborhood grant dollars in the first place. It was part of our 2006 bond measure and coalition for the future amongst many other. Involved in helping promote and make sure that we were investing in our urban areas that we're not investing all the dollars on the outer areas but really in those areas that are still underserved. We have a lot of work to do. This is a really important step in the right direction. But we have much much more to do. I look forward to continuing our partnership.

Fish: One time I was having lunch with sam. People get confused about metro so he drew this diagram. He said this is the easy way to remember it. At the top is metro. Then comes the county then the city. [laughter] I said, now it makes perfect sense to me. Thank you very much.

Chase: I like to be helpful. [laughter]

Fish: Thank you both very much. Karla, do we have invited testimony or just people who signed up?

Moore-Love: I have people who signed up.

Fish: Let's invite the first five.

Moore-Love: We have a total of six.

Wheeler: Welcome.

Fish: Linda, would you sit next to paul? We can sit four. We can add a chair. I just think for continuity purposes we should have the former and current president of the board here to talk and I think one or both can answer commissioner hardesty's question. Welcome.

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Diana: Hello, mayor, commissioners. I'm diana. I am really excited about this gateway green development restoration project. I think that it is something that is very much needed. Everything that I have heard today is really exciting. I loved the enact we are going to be expanding the neighborhood and also expanding the undeveloped areas of this neighborhood. I think that's very, very important. I was very intrigued on the water placements facilities. I wanted to know how many water fountains will be available in this park and i'm also curious how many rest rooms will be provided and whether or not they are going to be gender-neutral. I do think that is something that is a necessity.

Fish: Our loos are gender-neutral.

Diana: Thank you. Then lastly, the reason why I pose these questions is because there are community members that do not have places to call home. So they would be, you know, seeking out areas where they would be able to use the loos, seeking out areas where they could have clean drinking water because that's something that is really hard to find within our own cities. To really serve the community it's serving the entire population, those who have shelter and those who are struggling to find shelter. So I just -- those are things that are important to me. I was homeless for two years and trying to finds a safe place or find a public rest room without having to walk into a department store and feel the need to purchase something and being turned away because I don't have the money to make that purchase is -- it's a form of homeless discrimination. That needs to stop.

Fish: Thank you. Someone from the northwest trails alliance.

Juntu Oberg, Vice President NW Trails Alliance: I'm juntu oberg, the vice president of northwest trail alliance. For those of you not familiar we are the nonprofit off road cycling stewardship group established in 1988. Our organization is 100% volunteer. I'm here representing our over 1800 paying dues members from the Portland area to support the improvement projects at gateway green. Since the construction and opening of the dirt layout the soft surface trails have been very popular with cyclists and families looking to connect with nature via their bicycles. some of your staff members in attendance was very successful with limited infrastructure. We look forward to completion of this project to help increase the number of parks on the east side and to be able to host all of you for our next ride day. We also want to mention with all of the enthusiasm and success of this park that the council will complete and implement the off road cycling master plan because all residents of Portland no matter their income or background should have access to soft surface trails via their bicycle for recreation and transportation options without the use of a car. Thank you very much for your time.

Wheeler: Appreciate it. Commissioner Fritz.

Fritz: Thank you to the northwest trail alliance for your work on this project. Physical work in constructing the dirt tracks and proved not only an effective advocacy organization but you put your money and your backs behind the work. I really appreciate that.

Oberg: Thank you.

Wheeler: Good afternoon.

Paul Dickow, Chair Friends: Mayor, commissioners, thanks for your time. Friends of gateway green is an all-volunteer nonprofit board. My first time in city council. Thank you. I'm paul dickau, chair of friends of gateway green and a resident of madison south neighborhood. We support Portland parks and rec in their invitation to bid and our support comes not only as support as testimony but as a long-term pledge to convene partners, to raise additional capital funding, and to program the site. We're very excited to partner with the city to accomplish those goals.

Fish: Thank you. Have to give you a grade for your maiden voyage at city council. A-minus, mayor?

Wheeler: Absolutely. He was concise, got his points across.

Fish: He gave back two minutes and 20 seconds. You're a hero.

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Linda Robinson: I'm linda robinson. I'm the former chair of friends of gateway green. I have a lot of things I could say. Tricky trying to figure out what to say. I want to thank a lot of people. The folks at odot, a whole number of them. The folks at the city, the people who worked with Oregon solutions, and getting this whole idea of who should own it, who should run it. Should it be purchased, leased, all those things that had to be decided working with getting the land transferred out of the right of way status so it could become a park. All kinds of things have gone on over the years. I also want to thank ted gilbert. He's the one who thought up the idea. I just agreed to help make it happen. So all of that stuff has happened. I want to address some of the questions that came up in terms of rest rooms. There is not one rest room on the 205 multiuse path. It's several miles long. This will be the first and only rest room that i'm aware of and i'm delighted as much as anyone else is. There are two or three on the springwater. This is the first. To my knowledge there's only one drinking fountain, that's in the city of maywood park and it isn't always working. So we will have a drinking fountain. These are things all users of the 205 multiuse path can benefit from. So that question. The other one in terms of air quality, we -- commissioner hardesty, we have tried several times to do some air quality studies. We have one concern. We don't want to do just an air quality study of the park. We want it to be in comparison to other activities in similar locations so you don't just say, look how awful the air quality is here when it's equally probably bad in other places. We did make one attempt with a student group from Portland state university. They put up some things for two weeks in august one year. The problem is that they didn't work if it rained and of course it rained three days during those two weeks. So the results could not be used. I continue to have conversations with vivac, with Portland state university. We're continuing to look for ways we might be able to get that kind of study. We did look at some data that was available, testing done on school grounds, in the city of Portland. Jason lee is very close. The data there was better than the data at lents elementary, better than the data of some of the schools that are in northeast Portland with industrial areas. It's not the worst air. It's not the best air, but it could be worse. We are hoping that with planting of additional trees and other things we will improve that air.

Fritz: Is there anything else you would like to say?

Robinson: The other thing is i'm just really excited about this project. I have been working on it about 12 years. This is really a good opportunity to provide -- take a natural area that's of poor quality and to include the recreation to try to combine the two without taking a chance on ruining a really good natural area. Anything we do to this area will improve it and we can make it even more enjoyable to ride in. This is a really good opportunity to combine those two things.

Fish: Thank you all very much. One more?

Moore-Love: Two more. Ted gilbert and andrew jensky.

Fish: Seems you've got some 'splainin' to do.

Ted Gilbert: I'm ted gilbert. Was going to spare you a minute to share but perhaps I can speak to commissioner hardesty's question. I don't want to go without saying the story of the 12 years it took to bring gateway green into being would not have happened without some major input at key times from two of your members. Commissioner Fish, commissioner Fritz, you guys were enormously important to us. While we're talking about the city of Portland, we have been absolutely pleased by our project manager at parks in the selection of ross swanson. He has been sensational. Regarding your question, commissioner hardesty, I will acknowledge right off the bat it's somewhat of a rationalization because when we started, when I took this idea, first place I took it to was Portland state's school of urban sites. A graduate program did a complete inventory and analysis on this property. They looked at wind and water and sunlight and hydrology and air quality but they didn't have the budget and the money to do an empirical study. I don't

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have pages of data to share with you, but the rationalization came eight or ten years ago. There was a study about air quality throughout the city. Particularly diesel emissions. What they found was the air quality at delta park was worse than this. The area around east bank esplanade, next to i-5, was as bad or worse than this. The rationalization that we were faced with, do we take advantage of the opportunities that may present with land unique pieces of land perhaps public ownership for recreation, for environmental restoration, and for equity because at the time we started east Portland was the most park and open space deficient part of the city of Portland. Because it's not perfect or even what we want. The further rationalization was ten years from now a significant portion of the traffic on 205 is going to be electric because it has to. We as a community have to do that. So not perfect. Hopefully --

Wheeler: Thank you.

Fish: Thank you for your long standing advocacy of this project. Without you and linda we would not be here today.

Wheeler: Good afternoon.

Andrew Jansky: Good afternoon. Thank you. I'm andrew janski, northwest trail alliance advocacy director and I work for smiles. That's my pay. A bike changes a kid's life. They can go further than they can walk. They don't have to rely on their parents, transit, cars. They can explore nature. It's basically freedom. Someone invested me in the '70s when I was growing up a little 10-year-old I did bike rodeos at schools, I rode my bike and skidded on the grass and we made little things at the school then I dammed up the creek and played in the water and the mud and dirt. That shaped me to be the civil engineer now. I have designed, actually remedial designs that you saw today have been a part of those projects. I have done salmon restoration projects, water quality projects for the city and for some of the prps. So I have been involved in some of this because of how I grew up. Gateway green is changing kids' lives now. Kids on economical bikes, on hand me down bikes, on fancy bikes. Their neighbor kids, real Portlanders out there. I witnessed probably one of the more important changes recently where false perceptions and false information parroted for 25 years about the dangers of bikes and nature misrepresentation, stereotypes of cyclists perpetuated and fear-mongering of impacts to nature. That one day basically I saw someone's mind change. I saw the look in that person's eye. The information they were fed maybe had not been true. People who mountain bike don't all look the same. They are young, old, families, environmental stewards. That person was commissioner Fritz. The day was special to me because I saw all the happy kids and I saw the look on your face when you saw what this place was creating. Anyway, so thank you for your past support on this project and proposed funding. Also thank you to councilor chase for supporting off road cycling and inclusion of our community at metro. I hope we can find a champion within the city council to finish the off road cycling master plan. It's been languishing for a long time. So we can start in projects across the city to allow kids and families to access nature on bikes. We're a large community and we're looking for a leader. Thank you.

Fish: Thank you both very much. Is that it?

Moore-Love: That's all.

Fish: That concludes our presentation.

Wheeler: This is an emergency ordinance. Please call the roll.

Hardesty: I appreciate the decades it sounds like of work getting from point a to point b on this project. I vote aye and will be looking forward to seeing what comes out of this and asking more questions about air quality. Aye.

Fritz: Thank you for your work on this. I was particularly happy to hear some of the more steep inclines are going to be softened, I think you said. I remember linda and myself before I was elected pulling ivy on the steepest slope I have ever pulled ivy on. It was

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memorable. Andrew just alluded to everything about this project has been memorable. It came from the community but not through the traditional neighborhood associations. It was a partnership between many different areas. I remember signing when we purchased the property from odot and that in itself took a long time to get done. The grants, thank you, metro, for extending the time we had to make the match then making the match. The opening, oh, my goodness, 95 degrees. I was dripping just standing there and there was all these families bombing around on the slopes. It was amazing. We did the ribbon cutting with people riding through the ribbon rather than cutting it. It was really great. Then being able to allocate system development charge money to make sure we can get to this day then handing it back to commissioner Fish, who both started and now gets to finish this phase of the project. Thank you for all of your work. Thank you for creating this place and thank you, ted, for explaining why in 20, 30 years' time hopefully people won't be worrying about the pollution on 205. They will just be thankful the trees we planted now have grown up big and shady and make creating an even more beautiful space. Aye.

Fish: I had a chance to meet with a doctor over lunch. We were going over my health issues. Sometimes the doctors I deal with wonder what makes someone tick when they are faced with a challenge. I said that my secret weapon is I love my day job and I feel honored every day to come to work and to do it. I'm not going to let a little cancer get in the way of that. The truth is that this is a privilege to have these jobs because every single day we get to make a difference or participate in something that marks progress, or honor someone or celebrate, and we don't always convince people to report our work in that spirit, but that's sort of the nature of the times we live in. But this morning I joined commissioner Hardesty at an event, very somber event, 18th anniversary of 9/11. We honored first responders and firefighters, those who have died and those who continue to serve. It was a beautiful event. It was only Portland fire and rescue can pull together an event like that. You just feel so proud of the people who wear the uniform and serve the city. Within the last 24 hours we finalized an agreement with Sellwood Community Center in Fulton where community partners are going to be operating those facilities, the best of public-private partnerships and community uses will continue unabated. That's the best you can get in a year in which parks took some tough cuts. This afternoon we marked the second and third phases of three really terrific projects moving Superfund forward and one, the trust agreement, is a national model. The other two just evidence that we can work together. Across government and with citizens and community members, that we can work together to make progress. Today commissioner Fritz and I get to celebrate with you, Linda and Ted and Ross and Sam and Northwest Trails Alliance and others, we get to celebrate with you something we have been working on for a long time. I worked on the community solutions piece. We bought the land from odot for a scandalous amount of money, although at the time I think they still thought they got the better of the deal because of all the uncertainty about environmental issues. Commissioner Fritz had the good fortune to provide over parks when there were a lot of developer fees and true to her commitment she made sure east Portland got to play catchup with a record amount of developer fees funding these projects. Today we get to sort of move the ball forward again. It's days like this that reminds me again how lucky we are to live in the city, what an honor it is to serve on this council and how grateful I am for the people in the community that we do our best work with. Aye.

Wheeler: Happy to support this vision. Thank you, commissioner Fish, thank you, commissioner Fritz, and everybody who was involved in this. Ted, Linda, Ross, Sam. Thank you, everybody working on this. I look forward to seeing it come to fruition. Aye. The ordinance is adopted. 868.

Item 868.

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Fish: Colleagues, this is an emergency item. Sherri patterson who is the supervisor of the revenue presidential candidate will present. If you could come forward, you should have a memo or everyone on council who asked for one has gotten a briefing. It's the city's policy to reimburse property owners for sewer fees when the city discovers that a property has not in fact been connected to the city's sewer system. In other words someone is paying charges for which they are receiving no services. Now, previously environmental services reimbursed the property owner in this case for the last three years of fees. Administratively the bureau can only reimburse a constituent for up to three years. In order to go beyond three years we have to seek council approval, which is what we're doing today. Today's ordinance, if approved, will authorize the bureau of environmental services to reimburse Mrs. Rutherford for prior years going back to 1993. The total amount of reimbursed fees is just shy of \$6,000. Here to give us a brief overview is Sherri Peterson, revenue program supervisor for the bureau of environmental services.

Sherri Peterson, Revenue Program Manager Environmental Services: Thank you. Thank you for inviting me to provide a brief overview of our sewer billing and refund policy. I want to acknowledge the ordinance before you is in response to being making a billing error. We recognize the trouble this has caused Mrs. Rutherford and we're sorry. Our prompt issuance of a refund is our effort to correct this billing error. Besides sewer connections and user charges. The bureau does not have code authority to waive connection charges or user charges and has limited authority to refund user charges. We will refund sewer user charges that pay for the city to collect, treat and dispose of sewage when we discover or are informed that the property is not physically connected to the public sewer. Staff has code authority to refund the most recent three years of user charges. We must seek council approval to refund user charge and why the most recent three years. We do not extend user charge refunds beyond 1993 because prior to 1993 the city charged every property in Portland regardless of whether or not they were physically connected to the public sewer a flat charge. In this case we previously refunded \$1519 in sewer user charges. That's the most recent three years of sewer user charges. We now ask council to approve an additional refund of \$4322 in sewer user charges. The 4322 is the amount she paid for sewer user charges going beyond the most recent three years extending back to 1993. The total refund then is \$5841. Our bureau requires property owners near public sewer systems to connect to protect public health and environment. We collect user charges upon connection. When we identify a billing error we corrected by way of a refund.

Fish: I know Charlotte Rutherford has graciously agreed to come and testify today. Let me first say that obviously when any city bureau determines that we are billing a property owner for a service they are not receiving that's a mistake and so on behalf of the bureau of environmental services, we apologize for that error. We apologize that you received a bill and did not receive the services. I hope that Mrs. Rutherford, that you understand that in bringing the action today, which is limited to the question of the additional reimbursement rate, that's the only matter before the council today, we are seeking the additional funds in recognition of the fact that you are a unique case, and that you paid the bill for more than three years. So we are asking for it. We do not have the authority under code to waive sdc's for subsequently connecting your property without council action, so we have a bit of a catch 22. Thanks to the property owner's vigilance we caught the mistake and reimbursed the fees. But to comply with our law we must now connect her to the sanitary sewer system. That requires she be charged a systems development charge as with every other property owner for that service. There's no matter before us today to waive that sdc. It's the city attorney's advice strongly that we not set the precedent of individual waivers of sdc's because we could have a flood of people that have either similar equities or concerns or disputes who could seek on a case-by-case basis a waiver. We think that -- the city

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attorney's office believes that's ill-advised. The most important thing is we apologize for the mistake we caught belatedly. We're strongly in support of this action which makes right in terms of returning all the fees most of the fees incurred. It is our responsibility to make sure we bill people for actual services. We dropped the ball and we apologize. Thanks for your presentation.

Wheeler: Thank you for that statement. I appreciate both the acknowledgment by the bureau and the contrition for the error, the billing error. I have a separate question. This sounds like a billing error. I'm wondering why it's coming to the city council. It sounds like the answer is because you only have code authority for three years. Reimbursements.

Peterson: Correct.

Wheeler: I would be very open to a change in code allowing you to handle this through administrative process so you don't have to delay the reimbursement. You could do it, work with our customers, you could resolve these issues without having to wait to come to the city council to resolve it. If there's nervousness about what the potential liability to the city might be, i'm always happy to see a cap on it. You could say that we can reimburse for however many years we want up to a certain cap and beyond that cap it has to come to the city council. But I see no reason why this can't be resolved administratively by the bureau. Commissioner Hardesty.

Hardesty: Thank you, mayor. I absolutely agree with you. I actually was sitting here trying to calculate what the interest would be on 26 years if this money had been in a bank rather than being paid for services that weren't rendered.

Fish: Did we apply an interest rate as we went back?

Peterson: No. We did not.

Fish: We did not. Okay. That's because the code doesn't provide -- I think the code should provide for a reasonable amount of interest and if the charter doesn't prohibit us from doing so because some things the charter says with utilities only council action is allowed, I think an administrative procedure with the option of providing interest under the right circumstances is worth exploring.

Hardesty: I think 26 years is a long time to be paying something that you're not getting. Right? So I don't know that i'm recommending that we just do this across the board, but I do think in extraordinary circumstances we should be extraordinary in trying to make the customer whole. I would love to talk to you about the next steps after we have completed this council action because -

Fish: Happy to. The constraints that we operate under and maybe some options that we can discuss.

Fritz: I also was interested in that question. I would like to hear from ms. Rutherford and we should approve this today but it might be that there's a second ordinance to then pay the interest if that is allowed by charter. If it was a billing error or an overdue payment that the customer owed us we would certainly be charging interest.

Fish: All I will say is because I had both utilities for a number of years and have survived lawsuits and ballot measures, i'm always going to err on the side of saying I want a lawyer to scrub this so we make sure we're operating within our discretion. Not that I don't think that there's merit to the discussion, but I have just learned to be a little more conservative in how we approach these questions.

Fritz: That's what I just said. I'm suggesting that you will I know you will do that due diligence, but the expeditious thing to do is get in money out of the door.

Wheeler: Does that complete your presentation?

Fish: This is an emergency ordinance.

Peterson: Does for me.

Wheeler: I know mrs. Rutherford would like to come up. Are there others signed up?

Moore-Love: Just charlotte signed up.

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Fish: May be our last testifier this afternoon. We'll suspend the rules. Please take as long as you want. We have no other obligations until 6:00.

Charlotte Rutherford: I don't have a lot to say. I provided a copy of my statement.

Wheeler: Thank you for being here.

Rutherford: Thank you. Good afternoon, mr. Mayor, commissioners, i'm charlotte rutherford. Thank you for allowing me time on your agenda. I'm here to request that you waive system development charges with regard to my recent sewer connection. All things considered, I think waiver of the fee would be a fair and equitable solution to my situation. Let me explain. I moved into my house on vancouver avenue in albina in the fall of 1972. After graduating from Portland state university and working as a civil rights investigator and compliance officer for boley I moved to Washington d.c. To go to law school at howard university school of law in 1980. I stayed east for a decade while getting an advanced law degree from georgetown university law center, passing the d.c. Bar and working for the naacp legal defense and educational fund in new york city. I maintained ownership of the house and leased it to the housing authority of Portland while I was gone. I returned to Portland at the end of 1992 to assist my aging parents. My house was built in 1919. In october 2017 I had sewage in my basement. The repairman told me that city records showed I had a cesspool in my driveway but that the house had been put on the city sewer system in 1921. I thought my problem was resolved until january 2018 when I had sewage in my basement again. At that time I found out that I was host to a party line with my neighbor for both the cesspool and the sewer line. The city would not allow me to repair my sewer line until my neighbor party got off the party line. After much discussion the city allowed me to fix the pipe break from my house to the cesspool on a temporary basis because it's illegal to have a cesspool. This temporary repair cost me \$3500. I could never understand how the cesspool and the sewer line were connected and explanations by the city employees did not help. Throughout this time, I was being charged sewer rates. I contacted the city ombudsman during the process and as a result of I received an administrative ruling granting me one quarter's sewer refund and contended that my problem was fixed. I appealed, contending that nothing was fixed, that I was still paying sewer fees that I wanted refunded. My appeal was denied because I was considered a user and ratepayer who was connecting to the city system. I'm sorry, the sewer system. My neighbor used his two 180 day periods before he made repairs and got off my sewer line december of 2018, a full year after this headache started. Once my driveway was -- it took me until july 2019 to get the work done on my sewer line. Once my driveway was opened it was clear that I had never been connected to the sewer line. I paid almost \$9,000 to decommission my cesspool and complete the work that was evidently started in 1921. I requested of commissioner Fish a refund of sewer fees paid since 1972 and reimbursement of the \$3500 temporary repair to the cesspool that had nothing to do with the sewer line repair that I needed to make. I received a partial refund of \$1519 for the sewer rates I have paid in the last three years. I understand that you are to vote on the balance of my refund of 4300, which is what I have paid since 1992. I really appreciate that. However, I have had the house since 1972, and I note that my refund did not include any interest on the money that is being refunded. I'm being charged \$6446 for the sewer connection. I contend whatever fees were required were paid at the time of initial hookup and that I should not be required to pay again. I'm a second generation native Portlander, retired from public employment as a state of Oregon administrative law judge, and I live on a fixed income. I would appreciate any assistance that you can give me to make an equitable situation for us both. If there are any questions, I would be pleased to respond.

Fish: I have a proposal to make. First I have a disclosure. Charlotte rutherford and my family has a long history. My dear wife patricia archived her family papers. It does not create an actual conflict but I want to establish we have a preexisting relationship. Number

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2, your excellent testimony, very lawyerly in the way you make the case, raises a number of different issues. We are not an administrative tribunal. We're not composed as a hearing panel. We have an action today which is to expedite payment of one reimbursement. We can hold off on the sdc for a little while. I recommend we act on the matter before us, that you delegate to me the responsibility for reviewing with legal counsel what options we have. Not what options are preferable but what options we do have. We would then confer with your offices to see if there's an approach which has a sponsor then bring that back. With your approval we would take the lead in that piece and if there's a champion on the council they would then bring that to council and I think we can do that within the next month if that is your will. I think to engage charlotte rutherford in her excellent presentation doesn't serve a purpose today because I need to sit down with my bureau and with legal counsel to find out what our legal options are and then I will confer with each of my colleagues if that's acceptable.

Hardesty: Thank you, mayor. Thank you, charlotte, greatly appreciate your testimony. I want to add my apology to you. That sounds like an absolute nightmare that you have been experiencing.

Rutherford: I appreciate that.

Hardesty: Since 1972. I'm happy to work with commissioner Fish and assist in any way I can to come to I think a responsible result from the situation. I applaud your very calm manner in presenting to us.

Fish: Very lawyerly.

Rutherford: All that education helped.

Hardesty: All that work with your parents and the naacp and I also want to put on the public record that our relationship goes back a lot of years. However, that has no impact on my looking at someone paying a bill since 1972 and not getting the benefit of what they are paying for. Thank you for being here and thank you for making such a clear case for us needing to do something.

Rutherford: Thank you.

Fritz: Thank you for being here today. I learned something today about before 1993 everybody paid a fixed fee whether they were on the system or not. Which -- we have made some progress over the last 25 years. I will add my voice to my colleagues. It does seem to me if the charter allows us to pay you interest hopefully that will cover at least some of the system development charge money. I'm confident commissioner Fish will look at the options and hopefully come to some agreement on the way forward.

Fish: I would call the question.

Wheeler: It does.

Fish: Does it meet with your approval?

Rutherford: I appreciate you taking more time on the issue. You all asked for the payment by the end of this month.

Fish: There will be no payment solicited from you.

Rutherford: No late charges if you decide not --

Fish: Until council has resolved whether they will bring forward the matter to further address the situation.

Rutherford: Thank you for giving me the time.

Wheeler: Did anyone else sign up?

Moore-Love: No one else.

Wheeler: Please call the roll.

Hardesty:

Fritz: Hopefully we'll get to some resolution. Aye.

Fish: I'll try to find a way to explain this in plain English to my 15-year-old son over dinner tonight.

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Rutherford: Give him my statement.

Fish: Aye.

Wheeler: Aye. Now we're finished. The ordinance is adopted. We had one item pulled from the consent agenda. 866.

Item 866.

Wheeler: Very good.

Fish: I have to leave in five minutes.

Wheeler: Was there a particular issue you wanted to cover?

Hardesty: I had the opportunity to spend time talking to Shannon and for me it's the 15 million over 15 years. So I wanted to get some sense or if we were actually making progress in that area and where are we as far as these tax breaks. We're going to have a deeper conversation but hopefully Director Shannon will answer some basic questions for me for the record. Thank you.

Wheeler: Very good.

Shanon Callahan, Director Portland Housing Bureau: Thank you, Mayor, Commissioners. Shannon Callahan joined by Dory Van Bockel.

Wheeler: Director Callahan since we're going to lose Commissioner Fish maybe we can get right to the questions because I need four people to vote on this.

Callahan: Got it. Commissioner Hardesty, I have a piece of paper we didn't have a chance to do a presentation but I think you were particularly asking about the limited tax exemption rolling cap average. We had set a rolling cap and we have still 10,817 -- I'm sorry, 10 -- will you do that for me? I'm trying to read small print.

Hardesty: You're making my brain hurt. [laughter]

Dory Van Bockel, Portland Housing Bureau: With each application we have this rolling cap that triggers goes along and we're currently considering this application at 10,817,615 remaining.

Hardesty: Oh, remaining. We're not even close to actually exceeding that goal yet.

Van Bockel: No.

Hardesty: Excellent. I think the other questions -- did you have something to add?

Wheeler: Did that cover your question?

Hardesty: I have like 20 more. What I noticed on the applications in front of us today is the units are one studio and one one bedroom. Do we have any data on what the mix of housing has been as it relates to the tax exemption status and is that what you just gave me?

Callahan: On the next page over is a running tally that we produced for the planning and sustainability commission. This data is about a month and a half -- I think we're a month and a half, couple months old. We so far in the pipeline have 508 units of inclusionary housing and as you can see, 287 of those are programmed at 60% of area median income, 207 are at 80%, then you can see the mix of studios, one, two, three and four bedroom. What the program requires is not that they reconfigure their building but that they provide us with the inclusionary program units comparable to the unit mix. But there is an option for developers to reconfigure their units and provide us with the same equivalent in bedrooms. This developer chose to provide us one studio and one one bedroom, which is basically the same type of units that they are currently offering in their development in general.

Hardesty: Out of the -- I noticed -- thank you for that. There are going to be 28 units in this property and .8% will be low-income housing units or 60% or 80%.

Callahan: These will be at 60%.

Hardesty: Area median income? I don't want to use acronyms in this building. It grows on you. Thank you very much. I think that that answers my basic questions for today. I appreciate you making time to come and give me a more detailed briefing.

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Callahan: Thank you. I look forward to spending more time with you about the program next month.

Wheeler: Any public testimony?

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

Wheeler: Call the roll.

Hardesty: Aye.

Fritz: Thank you for your work. Aye.

Fish: Aye.

Wheeler: Aye. The ordinance is adopted. We're adjourned.

Council adjourned at 4:07 p.m.