



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **25th DAY OF SEPTEMBER, 2019** AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Karen Moynahan, Chief Deputy City Attorney; and Kirk Robinson and Tonia Kohlman, Sergeants at Arms.

On a Y-4 roll call, the Consent Agenda was adopted.

COMMUNICATIONS		
886	Request of Fyndi Jermamy to address Council regarding concerns for public safety alongside community action initiatives (Communication)	PLACED ON FILE
887	Request of Cecily Johns to address Council regarding danger of scooters on city sidewalks (Communication)	PLACED ON FILE
888	Request of Gary Kunz to address Council regarding community efforts to deal with the Oregon Air National Guard's continuous overhead descent landing approach (Communication)	PLACED ON FILE
889	Request of Andrew Pritchard to address Council regarding community efforts to deal with the Oregon Air National Guard's continuous overhead descent landing approach (Communication)	PLACED ON FILE
890	Request of Injured and Pissedoff to address Council regarding wanted honest attorney and American Civil Liberties Union, just-ice (Communication)	PLACED ON FILE
TIMES CERTAIN		
891	TIME CERTAIN: 9:45 AM – Partners of the Americas Oregon-Costa Rica Adult Cultural Exchange (Presentation introduced by Commissioner Eudaly) 5 minutes requested	PLACED ON FILE
*892	TIME CERTAIN: 10:00 AM – Amend the Property Maintenance Code to implement recommendations of the Quality Rental Housing Workgroup and to incorporate additional requirements per State statutes along with corrections for clarification (Ordinance introduced by Mayor Wheeler; amend Code Title 29) 30 minutes requested (Y-4)	189711

<p>*893</p>	<p>TIME CERTAIN: 10:30 AM – Authorize a contract with the lowest responsible bidder for the SW Naito Parkway I-405 to Jefferson project (Ordinance introduced by Commissioner Eudaly) 20 minutes requested (Y-4)</p>	<p>189712</p>
<p>894</p>	<p>TIME CERTAIN: 10:50 AM – Authorize a competitive solicitation and contract with the lowest responsible bidder and provide payment for construction of Tryon Creek at Boones Ferry Culvert Replacement Project No. E08682 for an estimated cost of \$5,360,000 (Ordinance introduced by Commissioner Fish) 20 minutes requested</p>	<p>PASSED TO SECOND READING OCTOBER 2, 2019 AT 9:30 AM</p>
<p>CONSENT AGENDA – NO DISCUSSION</p>		
<p>Mayor Ted Wheeler</p>		
<p>Portland Housing Bureau</p>		
<p>895</p>	<p>Approve limited tax exemptions for properties under the Homebuyer Opportunity Limited Tax Exemption Program (Resolution) (Y-4)</p>	<p>37448</p>
<p>896</p>	<p>Terminate limited tax exemptions for properties under the Homebuyer Opportunity Limited Tax Exemption Program (Resolution) (Y-4)</p>	<p>37449</p>
<p>Commissioner Chloe Eudaly</p>		
<p>Bureau of Transportation</p>		
<p>*897</p>	<p>Accept a grant in the amount of \$451,000 from the Oregon Department of Transportation, authorize Intergovernmental Agreement for Engineering Review and Coordination services for the Powell Blvd SE 99th Ave to East City Limits Project, and appropriate \$200,000 in FY 2019-20 (Ordinance) (Y-4)</p>	<p>189706</p>
<p>*898</p>	<p>Authorize contract with lowest responsible bidder for East Portland Access to Employment and Education Project (Ordinance) (Y-4)</p>	<p>189707</p>
<p>*899</p>	<p>Authorize contract with lowest responsible bidder for SE 136th Paving: Foster to Division Project (Ordinance) (Y-4)</p>	<p>189708</p>
<p>*900</p>	<p>Authorize Development Agreement with adidas America, Inc. for construction of the North Greeley Cycle Track for up to \$1 million in System Development Charge credit (Ordinance) (Y-4)</p>	<p>189709</p>
<p>*901</p>	<p>Authorize an Intergovernmental Agreement with State of Oregon, by and through the Oregon Department of Transportation, for a lease renewal on property for the Portland Streetcar facility at NW 16th, Lovejoy to Overton (Ordinance) (Y-4)</p>	<p>189710</p>

<p>Commissioner Nick Fish</p> <p>Bureau of Environmental Services</p>		
<p>902</p>	<p>Authorize the Bureau of Environmental Services to enter into an agreement with Metro to cooperate in the management of the McDuffie Property, the Goff Conservation Easement, Gray Easements, and the acquisitions of future property interests to protect watershed health and to accomplish projects including, but not limited to, the Tryon Creek at Boones Ferry Culvert Replacement Project No. E08682 (Ordinance)</p>	<p>PASSED TO SECOND READING OCTOBER 2, 2019 AT 9:30 AM</p>
<p>903</p>	<p>Authorize the Bureau of Environmental Services to enter into an agreement with Oregon Parks & Recreation Department to cooperate in the construction and maintenance of the Tryon Creek at Boones Ferry Culvert Replacement Project No. E08682 (Ordinance)</p>	<p>PASSED TO SECOND READING OCTOBER 2, 2019 AT 9:30 AM</p>
<p>REGULAR AGENDA MORNING</p> <p>Mayor Ted Wheeler</p>		
<p>904</p>	<p>Appoint Margot Black, Ian Davie, Laura Golino de Lovato, Jessica Greenlee, Allen Hines, Hannah Holloway, and Leah Sykes to the Rental Services Commission for terms to expire September 2021 (Report) 10 minutes requested Motion to accept the report: Moved by Fish and seconded by Eudaly.</p> <p>(Y-4)</p>	<p>CONFIRMED</p>
<p>905</p>	<p>Appoint Taylor Smiley Wolfe to the Portland Housing Advisory Commission for a term to expire September 25, 2021 (Report) 10 minutes requested Motion to accept the report: Moved by Fish and seconded by Hardesty.</p> <p>(Y-4)</p>	<p>CONFIRMED</p>
<p>City Budget Office</p>		
<p>*906</p>	<p>Authorize an Intergovernmental Agreement with Prosper Portland for FY 2019-20 economic development activities for \$7,609,120 (Ordinance) 20 minutes requested (Y-4)</p>	<p>189713</p>
<p>Office of Management and Finance</p>		
<p>907</p>	<p>Accept bid of Stellar J Corporation for the Dam 1 Needle Valve Replacement Project for \$1,499,000 (Procurement Report - Bid No. 00001274) 15 minutes requested Rescheduled to September 25, 2019 at 2:00 PM</p>	<p>CONTINUED TO OCTOBER 2, 2019 AT 9:30 AM</p>

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908	Accept bid of James W. Fowler Co. for the South Portland – Burlingame Phase 1 Sewer Rehabilitation Project for \$2,235,000 (Procurement Report – Bid No. 00001297) 10 minutes requested Rescheduled to September 25, 2019 at 2:00 PM Motion to accept the report: Moved by Fish and seconded by Eudaly. (Y-3; N-1 Hardesty)	ACCEPTED PREPARE CONTRACT
909	Authorize a lease extension with 2020 Portland Owner, LLC, for office space at Jacobs Center 2020 SW 4th Ave, expiring October 31, 2022 and October 31, 2024, at an average annual estimated cost of \$1.3 million (Ordinance) 20 minutes requested	PASSED TO SECOND READING OCTOBER 2, 2019 AT 9:30 AM
Portland Housing Bureau		
*910	Amend the effective date of Ordinance No. 189580 to allow Portland Housing Bureau to adopt administrative rules prior to the March 1, 2020 implementation date and make technical clarifications to 30.01.086 (Ordinance; amend Ordinance No. 189580) 20 minutes requested for items 910-912 (Y-4)	189714
*911	Amend the effective date of Ordinance No. 189581 to allow Portland Housing Bureau to adopt administrative rules prior to the March 1, 2020 implementation date and make technical clarifications to 30.01.087 (Ordinance; amend Ordinance No. 189581) (Y-4)	189715
912	Amend Portland Renter Additional Protections Code to add an accessory dwelling unit exemption to mandatory relocation assistance (Ordinance; amend Code Section 30.01.085)	PASSED TO SECOND READING OCTOBER 2, 2019 AT 9:30 AM

At 12:41 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **25th DAY OF SEPTEMBER, 2019** AT 2:00 P.M.

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

Commissioner Eudaly arrived at 2:05 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Karen Moynahan, Chief Deputy City Attorney; and Kirk Robinson and Tania Kohlman, Sergeants at Arms.

UPDATE: The 2:00 pm Time Certain has been canceled and will be rescheduled.

Regular Agenda Items 915, 916 and 917 will be heard at 2:00 pm.

Item 918 will be heard in the morning session with item 908.

Item 919 will be heard after the 3:30 pm Time Certain.

913	TIME CERTAIN: 2:00 PM – Adopt the Southwest in Motion plan and its recommendations (Resolution introduced by Commissioner Eudaly) 90 minutes requested	REFERRED TO COMMISSIONER OF PUBLIC SAFETY
914	TIME CERTAIN: 3:30 PM – Appoint Maria Gabrielle Sipin, Megan Horst, Michael David Edden Hill, Shanice Brittany Clarke, and Robin Wang to the Portland Clean Energy Community Benefits Fund Committee for terms to expire September 25, 2023 (Report introduced by Mayor Wheeler) 30 minutes requested Motion to accept the report: Moved by Fish and seconded by Hardesty. (Y-4)	CONFIRMED
REGULAR AGENDA AFTERNOON Mayor Ted Wheeler Portland Housing Bureau		PASSED TO SECOND READING OCTOBER 2, 2019 AT 9:30 AM
915	Extend subrecipient contract with Metropolitan Public Defenders by \$100,000 in Recreational Cannabis Tax funding to support the expungement pilot program to June 30, 2020 (Ordinance; amend Contract No. 32001866) 15 minutes requested	
Commissioner Chloe Eudaly Bureau of Transportation		

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*916	Authorize a construction contract with Cascade Bridge, LLC in the estimated amount of up to \$1 million for the stabilization and repair of the North Going Street Bridge under the auspices of a Declaration of an Emergency per ORS 279C.335 Competitive bidding; exceptions (Ordinance) (Y-4)	189718
Office of Community & Civic Life		
*917	Authorize an Intergovernmental Agreement with Portland State University to conduct disability engagement and equity research not to exceed \$75,000 (Previous Agenda 880) 15 minutes requested (Y-4)	189717
Commissioner Nick Fish		
Bureau of Environmental Services		
*918	Amend Ordinance to authorize a competitive solicitation, contract with the lowest responsible bidder and provide payment for construction of the South Portland – Burlingame Phase 1 Sewer Rehabilitation Project No. E10680 in the amount of \$2,235,000 (Ordinance; amend Ordinance No. 189490) 10 minutes requested Rescheduled to September 25, 2019 at 2:00 PM (Y-4)	189716
Parks & Recreation		
*919	Authorize the Director of Portland Parks and Recreation to execute the Second Amendment to the Grant Agreement between Portland Parks & Recreation and the Portland Parks Foundation for the Barbara Walker Crossing Project (Ordinance; amend Contract No. 32001732) 10 minutes requested (Y-4)	189719

At 4:30 p.m., Council adjourned.

THURSDAY, 2:00 PM, SEPTEMBER 26, 2019

**DUE TO LACK OF AGENDA THERE WAS
NO MEETING THURSDAY, SEPTEMBER 26, 2:00 PM**

MARY HULL CABALLERO
Auditor of the City of Portland

Karla
Moore-Love

Digitally signed by
Karla Moore-Love
Date: 2020.04.27
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By Karla Moore-Love
Clerk of the Council

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

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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 25, 2019 **9:30 a.m.**

[Roll taken]

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

Wheeler: first up, communications, Karla, the first individual, please.

Item 886.

Wheeler: Good morning.

Fyndi Jermamy: Okay. Good morning, everyone. My name is Fyndi Jermamy. I wanted to start off by saying why I am here, I am here to speak about the public safety, and [inaudible] in the community I grew up in. Sexual violence, what does public safety look like in relation to sexual violence? As a victim of sexual violence, and not the only victim in my community, I see many in my community that are victims of sexual violence, and as I began this trail of liberation for myself, in trying to investigate and uncover what, what liberation for sexual violence looks like, I realize that the judicial system and the system that is put in place for us to report these violences is not supporting us. In June of 2018 I attempted to report one of the abusers, what I came to find out is that one, the officer who took my report, the officer, who initially showed up when I tried to report did not take the report. Second, I had to file a complaint against this officer because I had to document this. What I was told to do is follow up again on my own to call an officer, and for me for -- I've been doing a lot of research, and for me to now see that the sexual crimes unions website says that it is the victim center, I don't believe it when we are encouraging our victims to then again reach out to officers who take the report. I believe that individuals who are trauma informed need to show up to individuals who want to, to report these violences. What has become very interesting for me, as I began this process, is realizing that as I

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said earlier, myself is not only a victim of sexual violence but many others that are going through this system to jail, that are, are having the effects of homelessness are entering into sex, prostitution, are engaging with law enforcement agencies, and for me, that's concerning when the oversight, I feel like the oversight is not really centered around victims. I feel like the oversight is entered around the agency and what the production looks like. Over the course of the last year when I initially began to enter this process, I left a letter in your office, ted wheeler, and expressed my concerns for the sexual violence that I felt at the time needed to be expressed or talked about. I received an email from your executive assistant, I believe, and mentioned how you wanted to know what, what I wanted to speak about, and in relation to my trauma, and trauma informed, I think that email, with the memo that I had left, I thought that it had explained what I wanted to speak about. My concerns over all are sexual violence in relation to public safety. What does that look like? How are we going to help people who are victims of sexual violence? So, thank you.

Wheeler: Thank you. I appreciate it, first of all, thank you for telling your story. Number two, thank you for having the courage to come forward, and number three, I want to help however I can. So, if there is a way, by way of follow-up that I can be supportive, will you please let me know? It was Aja Blair who reached out to you, and if I can be supportive and helpful, I want to be.

Jermamy: Okay, well, so should I just follow-up with her again or follow-up with her from that.

Wheeler: That's the easiest way.

Jermamy: Okay. Okay. The follow-up is going to look like, for me, I guess we will talk about that. Okay.

Wheeler: Commissioner hardesty.

Hardesty: Thank you very much for being here today. My question is, when you said the first officer who showed up, did not take the report? What happened?

Jermamy: Numerous things happened so I had went through a process, and it became an investigative process, and what originally happened to us -- this is private information but it's also public information because when I entered the sexual crimes investigation for the crimes that I was related to, they wanted me to sign my rights away prior to me even seeing the political reporter.

Fish: We are not the hearing body.

Jermamy: We have the chief of police and I think that these are some of the issues that needs to be discussed.

Hardesty: I want to respect your right to privacy but also want to know what happened when you called the police, so would you be kind enough, my office is right down the hall. Let's sit down and talk, and because I want to hear the whole story because in three minutes you can't --

Jermamy: And with trauma, right.

Hardesty: You can't tell me the whole story, and I want to hear the story so that I can figure out how I can be supportive of where you are trying to go.

Jermamy: Okay am you mentioned something, but it went over my head.

Hardesty: Thank you, I want to [inaudible]

Jermamy: More information, that's an interesting concept to think about when you think about community policing.

Hardesty: You had three minutes and I know that you did not say everything you wanted to say so let's create a forum so you can say what you need to say and figure out the next steps. Thank you.

Wheeler: We appreciate it. Next individual, please, carl.

Item 887.

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Wheeler: Good morning. Thank you for being here.

Cecily Johns: Good morning. Thank you for giving me this opportunity. I want to speak about the dangers of e-scooter riders on the sidewalks. I moved to Portland seven years ago. I love it here. I moved here because I saw that I could walk everywhere, and I feel very safe in my neighborhood and the -- in the pearl. But this all changed on June 11. I was walking home from the grocery store, carrying groceries, and an e scooter rider came around the corner, and knocked me to the ground. He stopped for one minute and said oh, I don't see what the problem is, and he went on. And three Good Samaritans stopped is, got me up off the sidewalk, got my groceries up, and I was in such a daze I almost walked into the street, and one of the ladies stopped me. Anyway, I am here to ask for effective enforcement of what I understand the rule e scooter riders are not supposed to be riding on the sidewalks. I am pleading with you; I almost was hit this morning when I was out walking my dog.

Fish: Ma'am, since you are here, I would like to ask the commissioner in charge of the Portland bureau of transportation, so I live and work downtown, and I have lots of interactions with people, particularly, out of towners who rent the scooters, and I have had many conversations with people about please stay off the sidewalks. Please wear a helmet. It's the law. We care deeply about your safety. I will tell you that the reaction that I get is mixed and not particularly constructive, but my goal is not to be a scold with people, my goal is to make sure people know we have a law, scooters have to be on the road, you have to have a them, and does the commissioner in charge have some advice for how we can expand and improve communication so people understand that it is not okay to be on the sidewalks and to operate them without -- and I could say it's not just a Portland thing. I was in los Angeles, and there are people on is the sidewalks all over the place, and so, it is a challenge but also part of our burden to educate people about our law, and does the commissioner have any advice for us?

Eudaly: Well, advice for you on how to --

Fish: Are we doing targeted enforcement to let people know what the law is?

Eudaly: First of all, thank you for coming and I am very sorry that happened to you. I have also had multiple near misses with people riding scooters on sidewalks, and I take every opportunity that I have to educate them on the laws. With the second pilot, we had a first pilot, took them off the streets. Brought them back. We had increased requirements for rider education, increased penalties for violating our rules, and increased enforcement, so we are seeing these incidences go down, but that's no consolation to someone who has been harmed.

Johns: But I don't see any evidence that the practice has changed. When I see an e-scooter rider, I don't say you should not be on the sidewalk. I just say please, please, I beg you, do not ride your scooter on the sidewalk.

Eudaly: Right. And so, we will continue with those enforcement efforts, we may need signage, we may need to increase the penalties this is the second pilot, so if we are not satisfied with compliance and enforcement, then there is a chance that we won't have e scooters.

Johns: I talked to the police, and they said they have no authority to enforce the rules.

Wheeler: No. No. And hopefully you got a badge number or name because that is not true. The police are to enforce the law. I don't doubt your voracity but if somebody told you that they are speaking out of turn. They are not telling you the truth.

Fish: Clearly, there is work to do.

Hardesty: Clearly, we have some additional work to do to make sure that if we adopt that technology, that it is safe for people using it, and those who encounter it. Thank you very much.

Johns: Thank you, miss hardesty.

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Wheeler: I want to thank you, and I am glad you are not more seriously injured.

Johns: I had a huge bump on my head that lasted for about a week.

Wheeler: I am sorry to hear that, and I want to emphasize. My concern with the e-scooter program, on one hand it is a great form of transportation, on the other hand, people just seem either -- well, I will just say it, unwilling to follow the rules, even though we have clearly stated the rules even though the e-scooter companies have stated the rules and even though they are on the e-scooters, people are insistent on riding on the sidewalk going in the wrong direction and without a helmet. At commissioner Eudaly said as the transportation commissioner, if we cannot address these issues, the e-scooters are not going to be allowed to operate in this community. There is a responsibility that comes with the right to be able to use these new tools in our community, and people, if people cannot abide by the basic rules of safety, and frankly, human decency, then it ultimately will not be worth it for us to continue this exercise. And other cities have made that decision.

Johns: I appreciate what you are saying, mayor. However, I am not sure that the e-scooter riders understand the rules or read the agreement that they sign.

Eudaly: We have done polling about the understanding of the rules, and they do. This is a decision that people are making to break the rules, and frankly, we see people breaking the rules behind the wheel of their car, on bicycles, as pedestrians, and traffic laws exist for a reason. People are flagrantly violating them, and in all forms or modes of transportation, and I hate to think that grown adults need people following them around telling them what to do, and enforcing common sense rules, but clearly, we do, we have people dying an average of something like one person dying on our streets every week in traffic collisions, so thank you.

Fish: Thank you for coming, and sorry for your experience.

Wheeler: Appreciate you being here. Next individual. I don't know if the next two want to come up together, yes, no? I noticed it's the same, why don't you call them one at a time. Thank you.

Items 888 and 889.

Wheeler: Welcome back, gentlemen.

Andrew Pritchard: Thank you. Thank you. We are going to share our time. Members of the Portland city council, thank you for your service as guardians of the public. You have the opportunity to improve the quality of life for thousands of Portlanders and it would not take a dime out of Portland's budget. I am Andrew Pritchard and I lived in the cully neighborhood for a dozen years, as a founder and spokesperson for not just Portland, I have worked with my colleague, Gary Kins, who in addition to volunteer service, chairs the east Columbia neighborhood association. With the support of over 1,000 Portlanders who signed petitions and backing from many neighborhood associations, coalitions, and elected officials we have sought to increase awareness about the issue of overhead continuous approaches, known as the OCDA for short, performed by Oregon international guard fighters. The PDAs and the issue of industrial noise pollution, a private property value issue and of community equity, it's a livability issue, the OCDA is intolerable and alters the sound-scape and psychological landscape of the city. Since we created city council last year Gary Kunz and I researched and wrote a dissertation letter to governor Brown when shows the complexities of the issue and -- and asks the governor to take action, dated June 17 of this year, and left with your staffers so today's presentation is working under the assumption you are familiar with the contents and therefore, will not rehash all the details. Nonetheless, the letter to the governor anticipates and addresses any potential arguments. The letter cites case law and rigorously documents the dismal track record of ignoring the public process and community feedback as well as the complicity of the port of Portland. The port of Portland, and this is crucial, is the proprietor and landlord of the [inaudible] PDX and legally obligated by FAA and [inaudible] protocols to prevent detrimental effects but for

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whatever reason has neglected its responsibilities without accountability. Furthermore, and [inaudible] commercial area to a noise sensitive area runs contrary to the aviation regulatory framework. You can see the highlighted words for more on this. Writing the letter is part of a larger plan to build support for this cause, multiple local organizations have written letters to the governor which officially endorsed the conclusions of the letter dated June 17 -- June 17, 2019. We aim to prove to the governor that many people, including all who sit on the council before us, care about this issue even if many misunderstand it or assume that nothing can be done when a fighter jet soars 400 feet above your head, Gary Kunz will speak about what happens when we let the guard compromise our peace and quality of life in the name of defending our peace and quality of life.

Gary Kunz: I am Gary Kunz, and I live in the east Columbia neighborhood where I serve as the neighborhood association chairman. In the past I served eight or nine years on the citizen noise advisory committee where I gained knowledge about airport regulations and operations. After college, I served for five years as the U.S. Naval officer and support a strong military and enjoy air shows. But not an airshow that runs close above my home. The f15s are passing only a few hundred feet above our homes, as they make multiple tight turns towards the runway. This is startling to say the least, it rattles your skull in your chest cavity, the OCDA is an industrial practice that's incompatible with residential settings and imagine if the Oregon national guard troops and jeeps routinely drilled through the streets of your residential neighborhood. No one would tolerate it because it would be considered an unacceptable industrial use for an area zoned residential. East Columbia is a neighborhood with a wide variety of housing. Including multiple trailer parks, and this noise pollution causes people to lose sleep or words and disproportionately affects marginalized communities no less deserving of a noise pollution, less quality of life. Like reducing the speeding on northeast marine drive, I have an eye towards the future, my motivation is to keep our place a community where my children will want to live.

Pritchard: I think you just took 20 seconds of our speaking time. Last week's Oregonians told the story of the residents of Whidbey island experiencing a surge in naval jess, there are many obvious parallels to Portland's situation and although the details are not identical the fact remains that [inaudible] currently reserves the right to escalate its use of the OCDA at any time and inflict harm on Portlanders. They could renege on the commitments or commanders without institutional knowledge of sentiments could expand it to use unless we bring it to a halt. The OCDA must be kept in check and since the port of Portland has neglected its responsibilities, we are asking the help of all community leaders to pressure governor brown to take action. This is not theoretical. The use of the OCDA during the testing period was so horrible that I had to get involved, not just for myself but for those who have less of a voice. Why can they establish a new flight path, but it's not okay for ODOT to build a home without consent. Just because the OCDA occurs hundreds of thousands of Pete above your head does not make it acceptable. We aim to prevent it from getting worse. The next generation of fighter jets will are objectively louder will someday replace the ones we deal with. Ten years ago, city council unanimously agreed to speak up on behalf of the citizens and oppose the use of those PDX, see appendix D, thank you, commissioners, Fish and Fritz, nice work. The facts surrounding the conclusions of City Council's letter from 2/19/09 regarding safety livability noise vibrations and populations has not changed yet ORANG has persisted in the use of and frequency of CDA. Thus, the city council's own historical record proves the point that they ignore this.

Fish: Let me ask you a question, how much more do you have?

Pritchard: Half a paragraph.

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Fish: I am going to ask you to finish the testimony. I want the mayor to give you an extra minute but I would ask you to slow down a bit so we can hear you. I know you are trying to race, and it's just a little easier to hear.

Eudaly: And move the mic from your face.

Fish: We want to hear what you have to say.

Pritchard: Thus, the city council's own historical record proves the point that ORANG consistently ignores the feedback -- thank you -- the city council's own historical record approves the point that ORANG consistently ignores the feedback of the community.

Although the ORANG and the OCDA do not fall under the jurisdictions of the Portland city council, its constituents do, and that is why today we are asking council to write a letter to governor brown which endorses the conclusions of June 17, 2019, and beseeches her to use the authority that she does have for the good of Portlanders for generations to come and commissioner Hardesty, since you were not here last year, first of all, welcome and congratulations. Second of all, I will let you know and all of you know and remind the rest of you we have a standing offer to meet with you or your staffers to answer questions you might have.

Wheeler: Thank you very much for your thoughtful testimony, again, and after the last time you came here, I did some inquiries, and I did come to the quarterbacks that you have stated today, which is this is the purview of the governor. But I would be interested, if you have some of the other letters that other jurisdictions have written, if I could get a copy of those so that I have a basis for a communication with the governor, I would be happy to do that.

Pritchard: I can get those to you. Okay. Excellent.

Fish: Thank you.

Wheeler: If you happen to have them, you can give it to Karla, otherwise you can send them to my office.

Pritchard: We don't have that but what we have is a sample letter of the Portland city council could write and that some of the other communities have written. We have copies of that.

Wheeler: Thank you.

Pritchard: I will send you letters to other -- that other jurisdictions have written.

Wheeler: Thank you for coming in. Next individual.

Item 890.

Injured and Pissedoff: My name is injured and pissed off. I spoke here, I believe, on August 7th, and spoke at the Multnomah county board meeting across the river August 8, I am pretty sure of, and I was surprised that this morning that I couldn't sign up for the next time until November. Even though four weeks or whatever the subject in November will be Portland, Oregon. Made it to the turd list. Anybody that wants to sign up, they can't sign up until November, and that's because of me. And August 8, I had spoken at the Multnomah county board meeting, and submitted this paper about canceling my Medicare insurance, and apparently, Chris Barker, injured police officer, August 29 of the Portland Tribune, didn't get the word at the hospital like I did. It's a catch 22 when you get injured. I am sure that.

Hardesty: Excuse me, sir, what would you like us to do?

Pissedoff: I was injured very severely, and in fact, I learned that there is 27 million people in the United States that have walkers and wheelchairs currently. That's like 68% -- 62.8% of the nation's population.

Hardesty: Please stop the clock, I want to know what is your ask of the city council? I have only been here --

Pissedoff: I have gotten no justice at all. It's just ice.

Hardesty: So, let me ask you again, if I could ask you again, do you have an ask for us? If you do, I would like to --

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Pissedoff: Within two weeks ago, and apparently, there was a rape at the Hamilton west apartment that went on, and luckily, the police showed up.

Hardesty: Never mind.

Pissedoff: She inquired about my name, injured, and pissed off, and I had to repeat it to her. Anyway, maybe you had not seen this article about uninvited guests, I will be submitting that to the deal, and Medicare insurance that I canceled as well as the food stamps will probably get me kicked out of the Hamilton west apartments. But I don't need medical insurance. Next time when the Medicare has to pay like 150,000 plus dollars, the doctors and the hospital will know that they will be pissed off because they don't get no -- next time. I will give up the rest of my time. Thank you.

Wheeler: Thank you for coming in. Karla, have any items been pulled off the consent agenda?

Moore-Love We have had no requests.

Wheeler: Please call the roll.

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

Wheeler: Aye, consent agenda is adopted.

First time certain item please 891.

Item 891

Wheeler: Commissioner Eudaly.

Eudaly: Thank you, mayor. This is a presentation that comes to council every year. This year's will be introduced to us by Marilee, and this does not look like Karen graham. This is Luis angel of the Oregon partners adult cultural exchange.

Marilee Dea: Thank you very much, Chloe. I am Marilee day, and I live in the cully neighborhood, and I am a very active member there, and an active member in the partners of America. The partners were started about 52 years ago to improve relationships between the united states and Latin America. And so, they had states and countries in Latin America get together and form a pact to visit one another and stay on each other's homes. And we were so lucky to have Costa Rica. Costa Rica is very similar to Oregon but ahead of us in many things, one of them, they have no military in, and all that money goes into education. So, the Costa Ricans are very intelligent, muy intelligent. They are also trying to get to carbon neutral, and not only do they have education and free medical care, but they are now going to be carbon neutral probably faster than any of us are going to make it. And I just wanted to introduce Luis. He is a professor and he wrote something that will be handed into you about what they are doing to become carbon neutral. I will interpret that after he reads his first paragraph.

Wheeler: Very good. Thank you.

Luis Angel Valverde Morera: [speaking in another language]

Dea: [translating] Okay, so what he's saying is that Costa Rica now has a carbon neutral program that seeks to be a key tool to find out what are the greenhouse gases in Costa Rica and where are they coming from and how can they be decreased. They now have over 96 organizations who are now analyzing their, their greenhouse gases, and they have now decreased it by 20% just by the fact of finding out what they are. These 96 organizations are corporations are municipalities and are the use of cars. They are hoping to buy this method that they will be down, but they will be carbon neutral fairly soon. And right now, their electricity is their -- is down to almost all solar, wind, geothermal, and hydroelectricity. They use small as opposed to large ones; they don't need any fossil fuels to be able to be on the grid for electricity. They are also moving onto taking away all plastics so that we have trouble with the imported plastic containers. They are moving onto sacks and cardboard. They are also having electric cars, and the electric cars have a very much of a no taxes on them. You can get a -- go to the bank, the state banks will give you money to help buy that car easier than going to any other method of getting money to buy

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it. And of the electricity is free to them at the municipal parks, and the municipal buildings. At this point. So, I just wanted to share with you what they are doing, and they also, the most bio-diverse country in the world, more of their land is in national parks than it is in private hands. So, it's a wonderful place, and I hope that you all get to visit it. It's an inspiration.

Wheeler: I volunteer.

Eudaly: Me, three.

Dea: Maybe you can become one of the partners and see it for yourself. With them as your guides.

Eudaly: I think that you have a group, a delegation here, could we have them raise their hand or stand to be recognized.

Wheeler: We will suspend the rules. [applause]

Fish: If I could note for our visiting guests, the -- my kids are bilingual, and they are products of the Spanish immersion program at Portland public schools. One of the highlights of that program is a trip to Costa Rica. So they have both, I think it was in seventh or eighth grade, they both -- both of my kids had a chance to go to Costa Rica and learn about that great country and its culture, so it's amazing we are thinking back to a program that Kennedy initiated so many years ago about mutual understanding and building relationships. But anyway, they have benefited greatly from that program. And they are both bilingual and their Costa Rica trip was the highlight of the program, so we are so honored to have our guests from Costa Rica.

Dea: And he speaks English, but he did not think it was good enough for you all, but I am sure that it was.

Wheeler: I am sure that it was. Thank you.

Eudaly: Thank you.

Fish: Thank you.

Wheeler: Thank you all for being here.

Eudaly: Should we do a picture?

Wheeler: That would, great. Can we get a photograph up front? [picture taken]

Wheeler: 892.

Item 892

Wheeler: I am requesting council adopt an ordinance to adopt the mold, lead-based paint and other safety issues backing Portland's housing stock. This ordinance is the culmination of a project that began all the way back in 2008, when the quality rental housing work group recommended code and program changes to help ensure Portland's housing stock, especially rental units were safe and healthy. Bds, the bureau of development services, staff worked with the housing bureau, the city risk office, and the muggy health department, local license industrial hygienists and contractors certified in dealing with mold and led-based paint to develop a model approach that incorporates the best practices with the goal of insuring the new requirements are reasonable and provide a path for improving housing conditions which often have a direct impact on the health of our most vulnerable residents. Bds staff worked with the services commission and housing Oregon's property manage asset working group that included northwest housing alternatives, Cascadia behavioral healthcare, community partners for affordable housing, and human solutions, and reach community development, and innovative housing. I am very pleased to present these changes to our property maintenance code which includes a first of its kind regulations for addressing mold in rental units, as well as new and enhanced requirements to control lead-based paint. The ordinance also ensures requirements for carbon monoxide detectors are met and makes minor amendments for clarity. I would also like to thank all of the stakeholders who provided their input and expertise to bds staff on this project. With that, Beth Benton with the bureau of

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development services is going to introduce her presentation on this ordinance and she and Nancy are available answer any questions after the presentation. Could you pull the mic closer?

Wheeler: Perfect, thank you.

Beth Benton, Bureau of Development Services: I can actually speak up if I need to. I am Beth Benton, I am here with Nancy, our analyst for bds, the original purpose for the amendments to title 29 was to move forward the 2008 quality rental housing work group recommendations related to property compliance work. Because these recommendations were made ten years ago, I would like to provide a history and background for context and summarize some of the substantive amends and allow time for discussion. H. Everything began on September 22, 2008, that was when the quality rental housing work group presented recommendations including attempts to title 29 to council. Seven days later, the national housing market collapsed, and followed by an economic reinvestigation. Over the next four years, from 2008 to 2013, development and construction activities plummeted, and bds began layoffs, and in 2009 we were down to four code enforcement inspectors for the city. One positive note was in 2010, the staff was able to enact the enhanced rental inspections program as a targeted pilot. Which is one of the recommendations from the quality rental housing work group, and then from 2013 to 2018, the Portland economy and housing market began improving and bds began hiring multiple positions to meet the demand, and in 2017, Rebecca became the new director of bds and began a reorganization. Early in 2018, staff met with commissioner Eudaly and began reviewing the prior recommendations of the rental housing work group, as well as the researching of various technical aspects in order to begin drafting amendments to title 29. By the fall of 2018, a series of meetings were underway with industry professionals, subject matter experts and staff from the Multnomah county health department to discuss drafting amendments related to mold, lead-based paint, and pest management from a technical and a best practices point of view. In May and June of this year we shared our amendments with a variety of housing stakeholders, of whom are identified here on this side, they were extremely helpful. They provided feedback, perspective regarding potential impacts and effectiveness as well as recommendations for consideration regarding forthcoming administrative rules. In keeping with the purpose, our amendments are designed to provide a minimum requirement with regard to the potential lead-based paint hazards, mold, carbon monoxide detection, and as well as pest management and sanitation, all recommended by the quality rental housing work group. We intend for these amendments to have a positive impact ensuring that housing units are safe and healthy and improving the quality of life for all Portland residents. And finally, to ensure that there is clarity for code language. The most significant title 29 amendments, based on the recommendations of the quality rental housing work group, are pest management and sanitation, hazardous materials, specifically, lead-based paint, and interior dampness and mold and a required inspection section, which will enable our enhanced mental inspections program. Each of these presents an opportunity to affect a positive change, especially landlords and tenants, and most importantly for those members of the community, who often face real barriers to access affordable, safe, and healthy housing. So, to summarize, the pest management sanitation, there are amendments to several sections of title 29 regarding pest and sanitation, which will work together in tandem to provide further clarification for pest management and for reducing the accumulation of garbage as a harborage for pests and provide language for additional administrative rules. The goal is to reduce and prevent health related impacts from pest treatment methods, and other conditions resulting from an adequate sanitation. This will reduce the use of and occupant exposure to toxic chemicals especially in multiple family buildings. Furthermore, having a pest and sanitation specific administrative rule, we can ensure the application and use of

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integrated test management processes for rental properties. Number two, hazardous materials, this will define the lead hazards and provide a language to establish administrative rules for additional requirements related to the potential lead-based paint hazards, and there is a need to increase the awareness and provide health protections for tenants and property owners of pre-1978 housing. We are planning for the fourth coming rules to provide an opportunity for continued education for landlords and tenants, regarding the potential hazards of lead-based paint and provide for additional requirements to ensure that everyone working on pre-1978 residential dwellings or painted surfaces will be disturbed or train as a renovator in keeping with the state of Oregon's adopted requirements under EPA renovation and painting rule, rrp, to ensure safe work practices are followed and to reduce the exposure to lead paint hazards. The quality rental housing work group recommended that we define and eliminate the excessive moisture that creates conducive conditions for mold growth and require remediation, it is well proven that mold is a symptom of an underlying moisture problem, and the key to mold control is moisture control. For many, there can be direct health effects from increased exposure to mold exposure. Attempting to regulate mold activity is not an easy proposition. Because there are no scientifically measured standards and no determined safe levels, and this challenge has been playing out across our nation for the past 18 years. To quote the new jersey department of consumer affairs from 2015, the department will not promulgate regulations for mold because there has been no universally accepted technical contamination on cleanup levels," unquote. This is significant because four years later in 2019, still there are no national or scientific standards regarding mold spore levels related to the specific health impacts. In fact, the state of Oregon health authority through their public health division of environmental health does not regular nor test for mold. Not only will the city of Portland be one of only a few municipalities in the nation that cites mold as a violation condition in our local property maintenance code, but we are also going to try something slightly different. Because we know that mold is a symptom of a moisture problem, we will not be attempting to measure quantities of mold spores for which there are no standards. We do intend through this title amend and administrative rules to focus on moisture control as both a required correction and a preventative measure. And to also establish treatment criteria based on the presence of mold and specify who is, who is going to perform the work. I would also like to add that we were fortunate that staff from legal aid shared a copy of the presentation of our proposed amendments that we gave to the rental services commission, with dr. George Songas, a retired professor, emeritus of mechanical engineering with Portland state university and nationally recognized building scientist of 40 years of experience specializing in moisture and mold issues in housing. As a result, the doctor contacted our team and has offered his technical guidance on these amendments. He has also offered to work with us moving forward and provide additional training for our inspectors. Number four, required inspection section. The amendment of the required inspection section will enable the creation of an administrative rule to provide the framework for the enhanced rental inspection program, and also, allow us to make additional triggered inspections. They function this way. It is based on a tenant complaint or referral from police or other agencies. If the identified violations found during the inspection exceeds more than two, in either two of five categories, such as fire safety, no utilities, and electrical issues, for example, then we request to inspect the additional registration units. This program has been expanded citywide, and operating with requested inspections, is voluntary. It is value and applies to rental units and typically most cases involve older, multi-family units which represent a large number of the affordable housing units here in Portland whereby maintenance and upkeep throughout the building and individual units is critical. Finally -- we recognize the value of drafting regulations and we plan to engage the tenants and landlord and community groups as we draft administrative

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rules and as promised plan to return to present our drafts to the rental services commission, housing Oregon, and the housing development center's working group for their input, their support is, but most importantly, to ensure that all viewpoints and all concerns are considered from the equity perspective. Now, I will be glad to entertain any questions.

Wheeler: Commissioner Hardesty.

Hardesty: Thank you. I appreciate your presentation. You talked about mandated inspections, and then you talked about complaint driven inspections. So, what's the difference in the two, and what triggers one versus the other.

Benton: Excellent question. Currently, what triggers all our inspections, they are complaint generated. So, everything starts from a complaint or referred complaint. The mandatory inspections, what we are referring to is the secondary post-inspection that becomes an enhanced rental case, so if we receive a complaint at a rental unit, and we do that inspection, if there are enough violations present, based on our five categories, that triggers additional inspections of that landlord's rental units, so it may be all of the remaining units in that building, it may be a percentage of units in the complex. It depends on the size of the particular property.

Hardesty: Can a tenant file a complaint anonymously?

Benton: Anyone can file a complaint. We keep the complainant information anonymous.

Fish: To the extent the law allows it. It's anonymous to the extent that the law allows that. I am sure that will be challenged both by the media and in court, and I am not actually entirely confident that we can keep that information confidential.

Hardesty: I asked the question because clearly, I live in a community that has some poorly maintained affordable housing units. If you are a tenant, and you are living in a poorly maintained apartment complex, it's not to your advantage to turn in your landlord to tell someone how horribly bad your unit is, especially when you cannot afford to move. So, I -- so I do think that that's a critical issue through the administrative rules process we need to create a safe place to say this is the problem without them being negatively impacted, so I don't know if that means a whistleblower protection, I don't know what it means. I don't know what it looks like because I did not go to law school.

Fish: A no retaliation.

Hardesty: Yeah. There has to be something in there that makes it okay a tenant to turn in their building without them ending up on the street.

Wheeler: Commissioner Eudaly and Fish.

Eudaly: Thank you for the presentation first, is the bureau still on track to implement rental inspections for all units? So, getting away from the complaint driven system, to mandatory inspections?

Benton: That -- that has not been determined. We are bringing these amendments for these subjects.

Eudaly: And I have a scenario, a real life scenario for you that I would like to share. A friend of mine rents from a landlord in north Portland who owns multiple older properties. He is aware that there is mold in his buildings. He has his tenants sign a document when they move in acknowledging that they know that there is mold there. And taking responsibility to regulate it and also taking responsibility for any damage that's caused by the mold. Is this legal? I don't think it is. Will these amendments help us enforce landlords like that?

Benton: I believe that they will. I can't speak to whether or not that's legal or not. Ultimately, based on a title 29, it's the property owner's responsibility to Minneapolis/St. Paul their property at these minimum level thresholds. So, if we get a complaint for mold and we identify it, ultimately it will be the property owner's responsibility to correct that problem.

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Hardesty: Commissioner, you are right, my lease agreement says if mold shows up somehow, it's my responsibility because I failed as a tenant to make sure that moisture was cleared up in my apartment. So, and I asked about it. And the answer was, it's just standards language in the contract. So, I do think that there is a difference between what we want to do and what the current reality is that we need to take into account.

Eudaly: There is mold that can be caused by tenant behavior like if you are running a humidifier, if you have boxes stacked up against the wall. But in this instance, this is a landlord that knows he has a mold problem in the building, that is not related to tenant behavior. It's related to the condition of his building, and he is trying to move that responsibility off of himself and onto the tenants. As far as retaliation, one of the great side effects of relov, landlords are less likely to retaliate and one of the things we heard -- which was in bds, tenants felt they had some insurance against retaliation. Landlords can make your life miserable in other ways, so, that is why we need mandatory inspections and need to get away from a complaint driven process because the people who are, who complain are people who feel entitled to complain and know how to navigate the system and feel some security in their housing, and that is certainly does not describe many of our renters, especially if they are low income or people of color.

Benton: I totally agree, and we recognize that scan issue.

Fish: So, I was the housing commissioner in 2008, and that brought back a flood of memories, that was the recommendations. There were a lot of good ideas and then no way to pay for them, and then we hit the worst recession, and for the next three years the only construction that occurred in the city was affordable housing thanks to stimulus dollars and thanks to other tools that we had. The concern that I have on any of these programs is that we have the staffing and the resources to, actually, do the job because when we announce that we are going to start doing something like inspections and we are putting this into our code, we have to have the resources to make sure that we can deliver, so in connection with this code change, how many people will be assigned to this task and what is the budget ask?

Wheeler: Good news is there is no budget increase or ask. We are fully staffed currently. We have approximately, I am not sure how many housing inspectors, about 19, I believe that are -- will be handling all these inspections. We also have senior housing inspections. Inspectors in place.

Fish: 19 people whose job it is just to do rental inspections or who are housing inspectors who will also be doing this work.

Benton: Correct.

Fish: Which of the two?

Benton: They do housing inspections and rental inspections. They are all considered property, maintenance inspections.

Fish: Is that enough?

Benton: I believe so, yes.

Fish: For now. Now, and we will want to track that, and you say no budget ask because it's already funded within the bureau of very many services budget?

Benton: Correct.

Fish: Let me take you to another hypothetical -- an inspector guess into the apartment and is looking for things like mold and asbestos and other things we regular but determines there are life safety issues. How do we make sure that we are coordinating with the fire bureau and other professionals so that we are not fixing one problem but overlooking another? And I will give you some examples. Overloaded circuits. Newspapers stacked by a fireplace, all kinds of things, clutter, and other things. All of these are things that produce risks for homeowners and property owners and tenants, but technically don't fall within

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your purview. They are things that in the past we have talked about having fire bureau people do and go door-to-door, and maybe they do fall within your purview, they do?

Benton: Yes, sir.

Fish: If someone walks into an apartment to do an inspection based on a complaint around mold, and they see life safety issues, they can flag those, as well?

Benton: Absolutely, we do a complete full property maintenance inspection. We look for smoke detectors, and carbon monoxide detectors, and damaged flooring and peeling paint, and plumbing leaks, and we are looking for every violation that we can find. It's just - - whatever the complaint is, is what gives us the opportunity to enter for that.

Fish: Gets you in the door but whatever you find you document?

Benton: Correct.

Fish: And you put the landlord and the tenant on notice.

Benton: Correct.

Fish: Things like a non-functioning fire detector alarm, that's something that has to be remedied immediately.

Benton: Correct.

Fish: Other kinds of things are more subtle so good to know, so you have 19 people who will be responding to complaints. You do a full service inspection, so whatever you find while you are there, they are documented, and have you made some projections as to how many complaints you anticipate handling in the first year?

Benton: No. Not exactly. This kind of falls under the purview of the complains we are receiving now. It is the way that we are going to handle these violations, we are going to have extra tools in the toolbox.

Fish: Thank you very much.

Wheeler: Commissioner hardesty.

Hardesty: Thank you, mayor, and thank you, commissioner, and I want to close the loop, so you find these fire violations, and then are you in communication with the fire marshal? How do we close the loop? What happens after you write that stuff down?

Benton: We issue a formal notice of violation to the property owner, and they are given a certain amount of time to bring those repairs into correction and call for a reinspection. If they don't, they are fined.

Hardesty: So how does fire know that there is a more severe fire danger say here rather than somewhere else?

Fish: Like a sprinkler system deficiency or wholesale violation.

Benton: That would be more of a commercial setting. We would alert them at that time. We would alert fire at the time of the inspection. A lot of the sprinkler inspections are done through the chapter 13 program inspections, which is older, multi-family buildings.

Fish: I live in a rental apartment building and we have -- sprinklers. What is the trigger that -- the threshold that you have to meet in terms of an inspection that automatically requires a referral to the marshal so the marshal can do his or her own follow-up if necessary?

Benton: It would be the level of violations the inspector is viewing, which will vary from inspection to inspection. The trigger will be for the multi-family buildings. They have the authority, and the fire marshal I don't believe has the authority.

Hardesty: But we already know the multi-family apartment dwellings that don't have say a fire escape or don't have a sprinkler system in place, right. We already know that. So, if you are going into one of those places, due to a complaint-driven process, the question is whether or not the fire marshal is also engaged in that dialogue. And it does not sound like they are at this point.

Benton: Normally they are not because we are looking to make sure that each unit meets the building code requirements for smoke detectors. So, we are checking to make sure

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that the ones there are operational and also, if they are missing, they are flagged to be replaced.

Hardesty: So, this sounds like, as part of the administrative rule writing process, that we may want to engage the fire marshal and figure out a proactive way that we can, actually, get more impact for the limited resources that we have. It seems like unless the fire marshal is notified, that they have no impetus to, actually, prioritize that property as they are trying to decide where they are going to do inspections. Right. If your folks are doing it and you are meeting the fire marshal standards, they need to know that am they can take it off of their priority list, and so I just want to make sure that we are not duplicating efforts and all of us ending up in the same building on different days for the same kind of inspection.

Benton: Absolutely. Makes perfect sense, we are in communication with the fire marshal so we will make sure that we add this information to the conversations.

Hardesty: And have a formal process so we know who does what, when, and why. Thank you.

Wheeler: Very good. Any further questions? Public testimony on this item, Karla?

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

Wheeler: Thank you very much for your feedback. Good morning.

Diana Ogaz Gutman: Good morning, mayor and commissioners, my name is Diana, and I heard a lot of good stuff in regards to title 29 and amending that to make it more suitable for the citizens and people who reside here in Portland. There are a lot of good questions asked, and some of the questions that I have is in regards to the training. Who is going to be participating in this training? Will that are registered and known to be landlord owners, will they be mandated to participate in this training so that they can be educated on the updates that are coming down and the requirements they must fulfill? Other questions that I have is what happens to the families and the tenants that are identified in an unsuitable, unhealthy living situation? Where are they going to go? Is this going to cause displacement, or will we be setting up positions to take care of these families and tenants that need shelter? The last thing that we want to do is push someone on the streets, and however, safety is of the utmost importance and I don't feel that lack of shelter is an excuse. I really -- I think that needs to be at the forefront of everyone's minds because it does take a lot of courage to complain, especially because being a tenant and you are complaining about the property you are living at, there are ramifications and there are ways that landlords can bite at the tenant in a passive-aggressive way, so the other thing that I was wondering is bds would be allowing people to file complaints through a system so there could be that level of confidentiality maintained because it's not giving tenant information but a tracking number information saying these are the things that have been brought up to our attention, and we want to inspect these things. It also will produce data, so when this gets brought up again, there is something substantial that can be pulled and drawn on. Even if it's creating a hotline number and then with each hotline number there is a spreadsheet that goes generated and in that for complaints you have a, tracking number, so I think that this is a good thing but there are a lot of things to be figured out in the process.

Wheeler: I think that's an excellent idea, and I will ask staff at the end -- I think that we may be on track, but your point is extremely well taken. Great idea. Good morning.

Maggie: Good morning. Maggie, Portland, homeless town hall. And I know somebody who could be described as a Cascadia patient in that he's neurologically different from the rest of the population. And he was put in an sro, and I don't know if that is different from the shelters or the subsidized housing, but he left both due to the conditions of the and because of the noise factor probably thin walls and cheap housing, you know, he could hear the neighbors, and when you are neurologically different, being in a noisy atmosphere

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is not good when you are neurologically different, being exposed to toxins, is, you know, a much, a much more impactful thing on somebody who is disabled than somebody who is healthy and can do something, and he left and he's currently homeless, and he has been on the streets, I think, now for the last four or five years. He just left the unit. And so, you know, we have people who are disabled, who are leaving the units, that are awful. And they are sleeping, they are choosing to sleep out on the streets rather than sleep in units that are so awful. Are -- are these subject to the same conditions? I would like to make one recommendation regarding the moisture control and heat. When you are a low income tenant you cannot afford electricity, so just give people free electricity for the coldest six months out of the year, and that's pretty easy. All you need to do is put a solar panel up on the roof. Free electricity. Okay. So, the last thing that I have to say is about the noise complaint from the Columbia neighborhood. In the salvation army --

Wheeler: Maggie, that's off topic.

Maggie: It is totally on point.

Wheeler: You have one sentence to pull it in.

Maggie: We are talking about livability.

Eudaly: You are talking about the rentals inspections program

Wheeler: We have a busy agenda today, but thank you. Good Moring.

Lightning rep Lightning Super Commentomex: Good morning, I am lightning. One of the concerns I have on the complaint driven -- I do not want that to remain confidential, I think that should be open to the public. Now as far as retaliation, any judge is going to look at that if you are filing the complaints and they retaliated, that's a clear cut case. Issue number two is that if you do the inspection, and you find over five items that are wrong, I don't think that it should open up the whole building to be inspected. I think that that should be on a case-by-case analysis per ten assistants. In my experience is that when you own a building and you have maintenance that people can fill out and present that to you, the manager, they tend to get things done. Let's say that some people don't. What you run into is, when you bring in the city of Portland, the cost is going to go up tremendously. That's number one, you have to look at it from the owner's position and the manager's position because now you have a, kind of a third party in the middle of this telling you what you need to do, what needs to be done and we will come back and reinspect it and if you don't, we are going to hit you for fines, so what you end up doing is escalating the cost tremendously whereas opposed if the manager, direct communication to the manager in a reasonable manner and say assist me on this and see what you can do and if they are trying to help you, the last thing that you want to do is call them because all they are coming in to do is cost recovery, fines, how much money that they can make, and how they can support the people they are sending out to the properties. What happens, it can be passed onto rent increases, and it can be passed onto just keeping the unit empty. It's just too much problem anymore, and so that we need to be very cautious on that and again, I didn't see anything on fire extinguishers being mandatory in the units. I would like to see that mandatory and inspected because plain and simple, a small kitchen fire can be put out immediately if the extinguisher is close and ready to grab. That small kitchen fire can end up burning half of the building up if it's not there. And it's is a very fast response to make sure that it's put out immediately, and that's what needs to really be done from a safety issue in these apartments, and just again, from my position, ten assistants need to work with their managers in a responsible, respectful, manner and there does not have to be confidentiality, and let the manager and the landlord understand that your next move may be to go to them, which will increase the cost so why don't we work together, live here peacefully, and enjoy where we are living. Thank you.

Maggie: I would like the rest of my time back.

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Wheeler: No. Thank you very much. You made good points today. Okay, 20 seconds, please. Go ahead and make your point.

Maggie: Well, one thing in a lot of these older units is, you know, older wiring, and space, and what happens is it starts to rain, and somebody has got their appliance plugged in, and it could be a radio, it can be a refrigerator or an oven, and I have seen all three cause electrical fires. So, they need to go in and check these electrical wiring. Is.

Wheeler: Good point, thank you. Was this one other individual?

Jim Whittenburg: Jim signed up and we had a request from one other who did not get a chance to speak.

Fish: Jim, you are back.

Whittenburg: I know, I am on my way to a football game in Corvallis, the only chance that we have to win one, I think. We might beat Stanford in the conference win for a change. It hasn't happened for a long time.

Wheeler: Margot.

Margot Black, Cochair of Portland Tenants United: I can start. Good morning. Commissioners and mayor, I am Margot black, and I am the co-chair of Portland Tenants United a registered lobby organization with the city of Portland. I just wanted to offer a couple of comments in response to some of the other questions and things that have come up. One, the reality of retaliation is, as commissioner Eudaly pointed out changed after relocation and more under the senate bill 608, which makes it harder to terminate a tenancy. However, I guess a couple of items of clarification, one, retaliation is illegal at the state level, however, there is a but-for standard, so you know, lightning said it's a straightforward case, it's really not. The tenant has to show that the landlord's behavior wouldn't have occurred but for the report for the inspection, and most attorneys will agree that that is a very, very hard case to make and bring forward to court. Also, in terms of the confidentiality of reporting, often, unless a unit does make it to the enhanced inspection level, that complaint is tied to the unit, to the address. So even if the complainant, information, was, you know, kept confidential, the landlord knows who lives there and who called in the complaint. And that puts folks in single family homes and plexes at higher risk because it's harder to see those get en-- enhanced so I hope we move towards that model and I think that we should prioritize the single families and small plexes because those are the ones that are the hardest to call in on. Related to that I want to share a story about a tenant, a section 8 elderly tenant in the cully neighborhood who called the housing inspectors who were wonderful. Her landlord did retaliation intensely, and even explicitly. He told me on the phone and the inspectors that this is what she gets for calling the cops on him, and of course, by cops, I mean the housing inspectors, and who came in to see that he had an unpermitted bonus room and a couple of other violations that they required that he fix. He did not terminate her tenancy because he couldn't. We negotiated her exit out of there with relov because, you know, in exchange for not suing him for other things, but that negotiation happened as a result of him essentially bullying and harassing her. He made that very explicit to me. He said she should know that she is not wanted after calling the cops. He also told the bds inspectors that, and I think that in that case, bds should be obligated in some way to a, inform the landlord of their obligations to not retaliate, inform the tenant of their rights to not be retaliated against and in situations like that there should be someone that bds can report that to. Right now, it is no one's job. There is a landlord that can tell an inspector all the ways that they are breaking the law, and the inspector can't -- there is nowhere to give that information or to do with that, and I think that is a problem. We have a lot of folks in agencies representing vulnerable people, who see a lot of violations of landlord tenant law. And can't do anything about it.

Wheeler: Thank you. And Jim, I am in receipt of your petition here. It's not directly related to what we are discussing to keep your testimony related. Thank you.

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Whittenburg: The reason that I am down here is because I am on my way to Corvallis because of the football game. We might be able to beat Stanford for the first time in many years and win a conference game. Secondly, I have turned 80 this year. I am 80, this has not been in a good year, I've been in the hospital 16 times, since January with a massive heart attack. And had pneumonia and almost died. One of the things that I list on the hospital form, are the allergies. The allergies are for a cough, but also for yeast and for mold. Those are the three things that I have trouble with. So the last two apartments that I have had on northeast Portland, one was -- I used to have a campaign, working in, I could not stay there because it had mold, the second one had mold in it, and they were selling drugs in the apartment, and that was [inaudible] Williams avenue. The problem with mold is that you can't get your breath, you can't get your air into it, and it's hard to prove to most people that it is as dangerous as it is. Dr. Richard bear, in 2004, I think, when I was running against you, nick.

Fish: Those are the good days.

Whittenburg: Those were the great days, but we had -- he helped support me and gave me money, 100 or something but a great guy, but he worked on lead, and his thing was to work on the lead in apartments because it was killing and making brain dead the little kids coming up. So, these are very important issues, or I would not have wasted your time here. The last thing, I put an initiative on the ballot in 1978, and I said that we should only pay 1.5% for property tax in Oregon, and we got 209,000 signatures, which is still a record, I believe, at Oregon. We paid no money to anybody, so I am experienced in doing that, that's 40 years ago, 41 years ago. The reason that I have this up here now is I made a mistake then, it should have been anybody over 60 shouldn't be paying property taxes. That would have included my dad, who is dead, never got to -- and my brother, who is dead. And many friends who are dead, also because they did not get that money to take care of their house, which they paid for 40, 50 years, and now they are falling apart, my lady friend's house up here, she contracted mold in her house, and didn't have the money to take care of it. That's rate there by where darcelle lives. She has a beautiful house, a beautiful house, but it's now mold infested. And I am trying to help her but it's very expensive. Anyway, thank you very much, I appreciate it.

Wheeler: Thank you both.

Whittenburg: Please vote for Oregon state, this is the one chance that they have this year, I think, to win a game.

Wheeler: We will take that to the bank. I want to make an acknowledgment, Virginia is here, the mayor of bologna, Italy, and thank you for being here and honoring us with your presence. [applause] we also have the Compton general of Italy based out of san Francisco, Lorenzo ortona, thank you for being here. We appreciate it, and some of us had an opportunity to meet with you yesterday and we feel very privileged to have you here and celebrating not only our sister city relationship, but some great events taking place at the art museum and other cultural issues, and we thank you again for honoring us.

Fish: Mayor, I have waited over 20 years to say this, or actually, 31 years, I want to thank our friends from Italy. My wife and I spent our honeymoon in Italy, and we started in Rome, went to Portofino, Florence, Venice, and Milan, so we somehow missed bologna, which was a grievous oversight. But we ate our way through Italy and had a wonderful time, and the people of Italy were so warm and generous. This relationship that we have with bologna is very special. As are many of our sister city relationships, but this runs deep, so we are honored to have the mayor and the delegation with us today.

Wheeler: Commissioner Eudaly.

Eudaly: Welcome, everyone. I just wanted to take this opportunity to acknowledge that this is the 15th anniversary of our sister city relationship with bologna and invite the public to the Portland art museum this evening at 5:00 for an incredible exhibit of Italian children's

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book illustrators. This is their gift to our city for this special occasion of the anniversary, and I cannot wait to see it.

Wheeler: Thank you. Thanks for being here. Could we get staff back up just to maybe react to some of the testimony, in particular, one of the questions was asked about creating maybe an anonymous web portal. There was a suggestion to maybe have an anonymous web portal with a tracking number, that struck me as a very common sense approach. Can you tell me what we have in place and maybe what your thinking is about that?

Eudaly: Well, we have an online portal where folks can submit a complaint through our web page. It creates a track it number so we can track it with a number. They do have to provide their name and phone number and contact information because we need to contact them to gain entry. But we, actually, encrypt that information when we start the file. So, it is part of the public record, and our inspection results are part of the public record but the complainant information and phone number -- we don't share that.

Fish: I have a hard time thinking about an exemption, and I think Margot black said something that was a common sense thing, which is once the complaint is made, a landlord has a pretty good idea who made it, particularly in a single family residence area, so I think -- I am not sure our focus should be on confidentiality because I don't know that we would win that fight. I think it should be on robust anti-retaliation provisions because that's you know, most civil rights cases people don't realize, are decided not so much on the affirmative case of discrimination but on the retaliation side for having complained about it. It's a much easier case, and I think that's where we might want staff lack at ways to beef that up, but I think we are going to go down the wrong path if we think about confidentiality. A, I don't think it's possible. And B, I'd be very surprised if there is an exemption that we could craft

Wheeler: Commissioner hardesty.

Hardesty: Thank you, mayor, commissioner Fish. Thinking out loud to me it just seems that you have a complaint in a multifamily unit apartment complex that you would want to inspect all the apartments in that complex. Therefore, you would in the, in fact, be singling out one individual property but you would say that that would trigger that you needed to do some minimum level of inspection of all the apartments in that complex. Otherwise why would you take one complaint and come back next year and go through the whole process again?

Benton: I totally agree with you. It allows us the opportunity to inspect all those units. That's impetus behind that program.

Hardesty: What is the threshold?

Benton: It's a complaint. Based on how many violations that we find. We have to have more than two violations in at least two of five categories, which on most inspections is not hard to meet. We will typically find enough violations to trigger an erip if it's a rental property.

Hardesty: Please don't use erip. That sounds like somebody is about to rip --

Benton: I'm sorry, Enhanced Rental Inspections Program.

Wheeler: Thank you for a great presentation. Please call the roll.

Hardesty: Aye.

Fish: Do we have --

Wheeler: It's an emergency.

Hardesty: I thought it was first reading.

Fish: Implement the recommendation.

Hardesty: All right. [audio not understandable] are we back on track?

Hardesty: I know where I am now. Thank you.

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Eudaly: I was excited that I might be towards the end again. I'm still in second. I want to thank the bureau and thank the mayor for continuing on this work. This is one of a handful of items that my office was really hoping to advance while we had bds, so I'm very pleased that this is happening. I want to just highlight the connection between housing quality and health and equity in this city. We know that we have a preponderance of low income renters living in unsafe substandard housing and that is impacting their health, the health of their families, and their very futures. It's completely unacceptable that landlords are allowed to continue to rent these substandard units. I have explored the possibility of presenting rent increases on substandard units. It didn't seem achievable, but I want to go on record saying I think it's outrageous that property owners are allowed to increase rents when they are offering substandard housing. I believe we need to have stiffer penalties for ongoing violations up to and including eminent domain. Taking the properties away if they continue to endanger tenants, and finally, Diana, I believe, brought up a really great point, which is not only do -- mayor, there's disruption going on in the chambers.

Wheeler: Listen. Everybody heard you. Now please listen to the commissioner. Sorry.

Eudaly: I'm not a property owner or a landlord. I'm someone that cares about the health and safety and basic human rights of people in the city. Finally, Diana mentioned the concern about not only to tenants have to fear retaliation they have to fear displacement and becoming homeless so I believe these landlords should be 100% responsible for the cost of rehousing tenants in the event their units are unlivable. Some are not fit for human habitation. I vote -- I want to thank Carrie Lyon, who so passionately pursued my staff to see this through. She once told my director of policy that if title 29 code change ever happened, she would be happy for the rest of her life. Carrie, you're welcome. [laughter] I expect to see you smiling for eternity. Yes. [laughter] I vote aye.

Fish: Aye.

Wheeler: Well, first of all I just want to say nobody should find this in any way onerous. What we're talking about here is regulations to prevent mold, which is damaging to public health, pests, which is also damaging to public health, lead paint and things that are common sense as far as I'm concerned. I want to thank commissioner Eudaly. I know that this is an issue that you put front and center when bds was in your portfolio. Thank you and your team. I want to thank the folks from the housing bureau, city office oift, Multnomah county health department. They worked with us on some of the public health aspects as well as the rental service commission and management asset working group. This is truly a community effort. This was also undertaken by many of the bureaus who are in the city of Portland. It's all I believe for the better and I want to thank everybody who helped. I also want to thank everybody who testified. I thought this was a very good dialogue and I appreciated it. I'm happy to vote aye. The ordinance is adopted. Next item, 893.

Item 893

Wheeler: Commissioner Eudaly.

Eudaly: Thank you, mayor. I muted myself. That doesn't happen very often. I believe commissioner Fish is president of the council.

Moore-Love: It goes back to whoever had it last. That would be you.

Wheeler: Congratulations:

Fish: That was quite a power grab: Passive aggressive. Grabbing that gavel.

Eudaly: I'm going to go on the record saying I feel it shouldn't be my turn again, but I would gladly receive the gavel.

Fish: The balance of power is shifted to that end.

Eudaly: You should feel lucky it wasn't your turn the first day you got here like it was mine. Let's get back on track. 893. This is a long awaited project that delivers improvements for all Portlanders regardless of how they get around. What began as a pavement

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maintenance project on Southwest Naito between 405 and the Hawthorne bridge has evolved, and I hope you will share my excitement. My excitement would be results. Through public engagement and coordination with other bureaus this project leverages opportunity presented by the reconstruction of Southwest Naito by including new crossings, safer connections, and better signals. Here to tell us more is Gabe Graff, project manager with PBOT. Welcome, Gabe.

Gabe Graff, Capital Project Manager of the Portland Bureau of Transportation: Thank you. Commissioner. Commissioners. I'm Gabe Graff, capital project manager at the Portland bureau of transportation, here to request permission to bid the Southwest Naito fixing our streets project. You can see the limits of the project here from 405 to the south to the Hawthorne bridge. Given this project scale and the coordination involved I'm just here to give a brief presentation. The commissioner touched on some of the key project elements. We'll be grinding and paving Naito between 405 and southwest Lincoln and fully constructing the roadway between southwest Harrison and Jefferson and installing new safe and accessible crossings including mid-block between Harrison and Market and a new pedestrian at southwest Jefferson which will help folks from the new county courthouse to the waterfront. We're installing a two-way bike facility where there are none today. Working to address task queuing that's impacting the Portland streetcar and many drivers northbound on Naito Parkway. A new signal at the Hawthorne ramp. The estimate that we have is \$8.9 million. The funding is a mix of fixing our streets, this project was included in our 10 cent gas tax with we brought it to voters. Transportation development charges, signal maintenance funding and also funding from ODOT when they transferred Harbor Drive to the city. We expect construction to begin in spring of 2020 and run through 2021. I just want to touch on the effort of a couple of other agencies to partner with us in this work. There's a lot of major infrastructure investments that are happening on this city. We worked with Portland General Electric on their work to provide an auxiliary powerline, so we coordinated with them. Their work is complete. They installed new underground power supply and do vault work in advance, so they didn't have to damage the pavement afterwards. I thank the folks at the Water Bureau for their coordination which will tie into the section of Naito. They are mobilizing now and we're coordinating with their staff to minimize construction impacts to the public, Multnomah County for their staff for coordinating work around the courthouse. The Hawthorne bridge. In particular park staff who worked with us and our sub consultant to design more accessible, fitting entrances for the Hawthorne Bowl and negate our tree impacts. Here are a couple of big projects. Illustration of work happening around the Hawthorne Bowl will be through this design planting Dutch Elm resistant elms and able to create accessible entrances to the park on either side. I would like to thank my colleague Scott Cohen who led the public engagement work on this process. We created 3-d fly-throughs of the project and also videos of traffic modeling and got a lot of feedback on the effort that informed the design. I am happy to show you those videos if anyone of you are interested at the ends. Here are a couple of before and afters to give you a sense of what the project will look like. This is Naito Parkway looking north at the Midlock Crossing we'll be improving. This is what the project will look like once constructed. Here are Southwest Naito and Clay Street existing conditions. Then here, this is --

Hardesty: Flying cars. Were those flying cars you had in the illustration?

Eudaly: That's our next project. We're going right past drivable vehicles to flying cars.

Hardesty: I see that.

Graff: This is Naito Parkway at Jefferson Street looking east, so you can see construction staging in the corner for the new central courthouse. This is an overhead view that shows the new pedestrian crossing that will allow folks to get into the park there with the push of a

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button. Sort of the reconfiguration to better separate people walking around the park from people cycling or e-scootering and driving.

Eudaly: Are we also going to turn the river more blue in real life?

Hardesty: Cleaned up:

Graff: It's amazing what 3-d technology can do.

Hardesty: Yes.

Graff: We worked quite hard on trying to figure out how we can use this project to solve multiple problems at once. One of the things that we were able to figure out is the ability to reduce queuing on naito south of the Hawthorne bridge. So, the tool that we have for this is a new signal at Jefferson and also at the top of the Hawthorne ramp. So, if you are driving northbound on naito and want to head east across the Hawthorne bridge, you will as a driver experience a traffic signal where today there's a stop sign. Rather than having platoons of cyclists waiting for a gap there will be a traffic signal.

Fish: That's a huge improvement. Obviously, the traffic gets backed up to i-5. It does seem one of the more dangerous intersections trying to sort of find an opening with cyclists going east on Hawthorne and then the other challenge of course is that some people insist on trying to get on to the inner lane of the bridge which causes havoc as well. I applaud that change. It's long overdue. I hope it both promotes safety as well as reduces the queue time from i-5.

Graff: Thank you. We expect it to.

Hardesty: I was going to ask what you meant by queue, but you've moved on into an explanation. So, thank you.

Eudaly: It's just a nice word for backed up traffic. [laughter]

Graff: Line of cars.

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

Moore-Love: No one signed up for this item.

Wheeler: Seriously? That's surprising. Call the roll.

Hardesty: Aye. **Eudaly:** Thank you again. I vote aye. **Fish:** Aye.

Wheeler: I have been looking forward to this for a long time. I vote aye. The ordinance is adopted. Next item is item 894.

Item 894.

Wheeler: Commissioner Fish.

Fish: This is a really exciting item and we have an all-star cast of people testifying today. The Tryon creek at Boone's ferry culvert replacement project will advance the city commitment to watershed health, water quality and Fish passage. It will also create safer connections for pedestrians crossing Boone's ferry road. Project will replace an under sized culvert that blocks Fish passage with a bridge over Boone's ferry road. It will allow Tryon creek to flow naturally, improving water flows and quality and allowing Fish to access upstream habitat. This new bridge will also allow pedestrians and wildlife to travel underneath it, completing a trail gap in the metro regional trail. This project has resulted from years long planning and collaboration between and among city bureaus, community members, and of course our partners at metro and the state. We have a number of special invited guests that are going to join us. Mike Jordan, director of the bureau of environmental services and Eric breneke will kick things off.

Michael Jordon, Director of the Bureau of Environmental Services: Thank you. I want to thank you for giving us time today on your agenda. We are very excited about this project and I think probably the thing that is most illustrative here is the collaboration that this project is taking and financial contributions from multiple entities. The collaboration on the scope of the project. We originally talked about simply replacing the culvert there. Once we determined that Fish passage was a real issue brought multiple groups to the table and as commissioner Fish noted it's been a fairly long in the making project, but the

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collaboration has been amazing and you'll hear from a number of both bureaus and other governmental agencies along that line. My job here is really just to introduce the person who knows what they are talking about, the project manager, to take you through some of the details of the project.

Eric Brennecke, Project Manager for the Bureau of Environmental Services: Thank you, director. The purpose of this project is to remove an existing undersized 60 inch culvert that carries Tryon Creek under southwest Boones Ferry Road and to replace it with a new single span steel girder bridge. The existing culvert restricts stream flow and is a barrier to Fish access, up to Tryon and Arnold creek. The Boone's ferry road culvert has been identified by the city as one of two major Fish passage barriers on the main stem of Tryon creek. The project area is within the middle reach of Tryon creek and Arnold creek confluence. There's low density residential use in the uplands of this watershed. A number of native Fish species can currently be found in these streams. The improvements to both Tryon and Arnold creek as a result of this project will expand upstream Fish habitat and provide significant benefits especially for steelhead trout. This project is a culmination of years of facilities planning, design, and community involvement in stormwater management, stream restoration and pedestrian and wildlife advocacy. Currently the culvert is undersized, poses flooding risk to Boone's ferry road and is a Fish passage barrier. The upstream end of this culvert seen on the left which includes a concrete trash rack impedes conveyance in high flows. The picture on the right will show the December 7, 2015 storms that led to debris clogs at the concrete trash rack causing flooding conditions and risk of flooding to local streams. I like to note the height of the water surface elevation is above 15 feet from the channel bottom and was observed that the 1996 flood events were higher than these conditions. Without overtopping Boone's ferry road. If I move my cursor, Boone's ferry road would be right up here. By removing the existing culvert and providing a larger stream channel, all flow events will be conveyed under the bridge structure. The bridge will be sized to meet specific design criteria for stream flow while also accommodating pedestrian and wildlife connectivity. Here are the project goals and objectives of the project. Below is a scheme at up indicating the depth and trail location underneath the bridge which is on the left. By removing the culvert and replacing it with a new bridge we will provide a larger stream channel reducing debris clogs. Staff, BES staff, have secured all permits required for this project. Staff have also conducted extensive public outreach as well. We have partnered with metro to secure property and easements downstream of Boone's ferry road and with Oregon parks and --

Hardesty: You know when I see projects like this the first thing I think of are kids in the community who should have an opportunity to learn about urban green spaces and Fish flow and so I look at this and I think, oh, this is going to be really cool. How do we connect it to native use? Or other young people who we want to get out into green spaces and get connected and understand, right? Maybe I'm just crazy but is there an opportunity to engage young people in a way that is unique to this project?

Fish: Before mike gives you the direct answer -- [laughter]

Hardesty: An indirect one?

Fish: No. I want to acknowledge -- that was only whether you're crazy or not. Michael talked about who were engaging. I want to do a shout-out to Laura John, our tribal liaison. This is one of two projects that we anticipate working on in Tryon creek over the next few years. She has done an exceptional job doing outreach to the tribes, getting their concurrence and consent to this work. So, I want -- it's not directly responsive to your question but there has been a unique outreach to the tribes since you mentioned native American youth. Mike, what are the opportunities for engaging young people?

Jordan: Both BES and parks have environmental education units where we interact with young people, elementary school kids primarily, across the entire city literally in the tens of

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thousands per year. I haven't talked with our educators about it, but we certainly can -- we often take kids on site to some of the projects, some of the opportunities to get if you will hands on with the open spaces and natural areas in the city.

Hardesty: I appreciate that, but I'm really thinking, we're headed to this new climate feature and we keep saying we're preparing to get young people really engaged and involved, and when I see projects like this, maybe this is just not an appropriate question, but when I see projects like this, I can connect climate change to the mitigation that we need to do and how we need to engage young people so they are already part of the solution. Right? Rather than continuing to exacerbate the problems.

Fish: Great idea. We'll take it under advisement and look for ways --

Hardesty: Is that saying we want to move on? I appreciate that but if we don't take these moments to talk about the interconnectedness of the work that we miss great opportunities.

Fish: The next thing we're doing on Tryon creek is more directly relevant to your concern. At the end of the day this is a bridge. Has certain technical specifications we have to get through. It's PBOT, metro and BES working together. No, no, I appreciate you reminding us. We will look for those opportunities and report back to you.

Wheeler: Commissioner Eudaly.

Eudaly: I wanted to add my strong interest in working with and better serving native youth. The native youth conference is December 7 and 8 in Portland. That would be a great opportunity. That's all. Yeah.

Hardesty: I would like to see some kids get paid for some of these projects. Showing it to them after we have already given some consultant a bucket load of money is not as effective as actually helping them learn how to do the restoration and the climate mitigation. So, thank you.

Fish: Good point. Thank you. To wrap things up --

Brennecke: Sure. Early in our design process we formed an advisory committee. Our advisory committee is made up of working partners. These partners are agencies, community groups, and property owners.

Hardesty: Is there a list?

Fish: It's on the screen.

Brennecke: The construction estimate is \$5.36 million. We plan to begin construction February 2020. End construction October 2020. I would like to show a short film.

Video: Tryon creek in southwest Portland is one of the city's healthiest streams running from Multnomah village for seven miles through a series of parks to the Willamette river. However, this small and aging culvert under Boone's ferry road has been a long-standing obstacle for healthy waterflow. From the point of Fish, wildlife and even pedestrians, the culvert may as well be a locked gate preventing safe passage. Now the city is about to remove this culvert and replace it with a bridge. Instead of a barrier the project will create connections for Fish, wildlife, and people. Here's how the existing culvert creates challenges and how the replacement will provide solutions. Rather than flow naturally Tryon creek is channeled into this narrow pipe, a dark tunnel that fish such as cutthroat trout can't swim through. During heavy rainstorms surging water from Tryon and Arnold creeks combine just upstream of the culvert at Boones Ferry Road. Floating debris piles up and along with the road base acts like a dam, flooding the surrounding areas. Below the culvert stormwater can flow so fast that it behaves like a hose, scouring the riverbed and increasing erosion. By removing the culvert, the creek can flow naturally rising and falling during storms without as much erosion occurring. Above the water the public can hike on trails on either side of Boones Ferry Road. But crossing the road is a safety challenge. Finally, the existing culvert and road not only blocks connections for fish and people, it also blocks wildlife from safely moving between the natural areas surrounding the creek. To

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design a solution, environmental services worked with an advisory committee of community groups, nearby landowners, and several public agencies. Their expertise and input led to the current steel bridge design, habitat restoration and connectivity in and around the creek. In addition to the new bridge road runoff will be treated to remove pollutants before entering Tryon creek. Rocks and large logs will be installed upstream both to protect an exposed sewer line crossing and also to provide a path for Fish to move through the area mimicking the native river environment. The Boones Ferry culvert is one of two large obstacles to fish passage on the creek. Replacing it helps Fish including cutthroat and rainbow trout move more freely through the area. Once the culvert, highway 43 is replaced, Tryon creek will be unlocked. Salmon and steelhead will once again be able to migrate from the west hills all the way to the Pacific Ocean. For pedestrians and wildlife, a path underneath the bridge will allow both to cross Boone's ferry safely. It also removes the most significant barrier to complete in the regional Hillsdale to Lake Oswego trail. Construction is scheduled to begin soon. When complete it will unlock Fish passage, improve water quality, and provide a safe stream side crossing for pedestrians and wildlife alike.

Fish: Now, that's what I call a video. Hire a helicopter to do that? Does that conclude your presentation?

Brennecke: Yes. I have a slide showing the guests.

Fish: We have a couple of invited panels which we're going to invite up. We're going to go back to the table. So, we're delighted today to welcome Christine Lewis, metro councilor, PBOT director Chris Warner. And is Mike Stuhr here?

Mike Stuart: Yes sir.

Fish: And water bureau Mike Stuhr. Thank you for being here. Councilor Lewis, you are an elected official and an honored guest. Would you kick it off?

Christine Lewis, Metro Councilor: Thank you, mayor, commissioners, for your time today. Deep review of this. I'm Kristin Lewis. I represent the community surrounding this culvert project and the rest of district 21 as well. I start with a hearty congratulations to the many partners across jurisdictions and governmental agencies and community groups who have brought this project to fruition. The roots predate my time on council. Here we are today celebrating a project that is serving the greatest good for Fish, wildlife, water and for people. This project reflects voter support for preserving healthy watersheds and access to nature. As approved in the 2006 natural areas bond measure an investment that metro is proud to steward. This is funding through metro's nature and neighborhoods capital grants. This grant system is designed to implement long term capital investments in projects throughout the developed areas of our region. Our grants have inspired community groups to launch new projects and for unusual partners to work together facilitating partnerships that may lead to jurisdictions working with community groups to seek creative solutions to challenges that otherwise don't surface. This project meets many of our goals as funders. It encourages partnership along public agencies and actively engaged community group to create the most optimal capital investment. This project also meets our parks and nature department's mission of protecting Fish and wildlife habitat, restoring air and water quality, and connecting people to nature close to home. We're most excited that it's another step on completing the southwest urban trails plan, which was set into place in 2000, so again, long before I got to metro, but that work is to connect Tryon creek to the other trail systems. This passage was the most major barrier to preventing a solid connection in this corridor. I just want to reiterate some of the important pieces. Funding and authority to replace the culvert with the bottomless culvert but couldn't afford the meaningful and safe passage. We're excited for metro to add that for the project. Trail users have to scurry up the bank. Crossing the road in scary traffic. So, no crosswalk and a blind curve. That's a major improvement. We commend BES staff for their willingness to explore alternatives

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and for taking time to apply for the grant. They persevered and will be able to construct a project that best reflects the community's value for wildlife and trail passage and their connection to nature. This cross jurisdictional collaboration is exactly what metro was created to inspire and implement. Congratulations to everyone at the city of Portland who brought these partnerships together. Boone's ferry, Tryon creek community along with generations of Fish, lamprey, and deer all in the future will have us to thank for their safe passage in this beautiful part of the region.

Fish: Thank you for joining us this morning. PBOT director Chris warner, a great partner in this project. Welcome.

Chris Warner, Director of the Portland Bureau of Transportation: Thank you. Chris warner, director of Portland bureau of transportation. Happy to express PBOT's support. Really thank BES and water for their continued partnership. We work on so many things together it's wonderful to have this opportunity to highlight this one. With this project we're really helping to help the health of the creek and natural areas of our city. That would be impressive enough but by working together it really achieves more. The bridge will have safer crossings for pedestrians and a better connection to trails for hikers. At PBOT we're committed to doing everything we can to protect safety of Portlanders as they get from place to place. We are also dedicated to supporting a more sustainable Portland by reducing our carbon footprint on the streams and improvements will help with that. Given these commitments and what this project does for the environment and the safety for Portlanders we're happy to be here to let you know that we will be taking on maintenance of this bridge, the shoulders and sidewalks and bike lanes in this area. This is clear evidence of what we can do by working together. I just want to again thank BES, commissioner Fish, for the work on this and happy to take any questions.

Fish: Thank you, Chris. We're joined by water bureau director mike stuhr. Take it away.

Mike Stuhr, Director of the Portland Water Bureau: Good afternoon, Mr. Mayor, commissioners. We too have participated in this project. It was both interesting and challenging. As with most of the streets in the city including the one that this culvert went over the top of, there are water pipes there. In this case they were two six inch old cast-iron mains that moved water from one side to the other. So, replacing this is a double resilience plus the pipes could have been washed out in a flood, and also could have been severely damaged in an earthquake. So what we have achieved here by working together and we really had to work closely or will have to because we have to keep water service in place while this construction project is going on results in our case in putting an eight inch what we call restrained joint ductile iron pipe that does well in a earthquake, across the bridge, hung on the bridge. I think we have done a good thing for our community; in our case we're investing about \$200,000 in this project. Not a great deal but I think it's added to the resilience of our neighborhood. We appreciate the opportunity to work with PBOT and BES. We do these kinds of smaller things all the time. Thank you.

Fish: Thank you all. Colleagues, any question? We have one more panel.

Wheeler: So far, so good. Thank you.

Fish: Now I'm honored to invite the following individuals up to the dais. Iris Benson from Oregon parks and recreation. Hans Deutsche from southwest trails, Katherine daily from the Arnold creek Neighborhood association and Sharon Keast from the Tryon creek watershed council. We're delighted to have all four of you. If I botched any names I apologize. That's on me. Who would like to start?

Iris Benson, Park Manager for Tryon Creek State and Natural Area: I can start. Thank you for the opportunity to speak in support of this project today. I'm iris Benson, park manager for Tryon creek state natural area. I am in support of this project. My agency is as well. The Oregon parks and recreation department (OPDR) has a long history of working collaboratively with the city of Portland, BES and other community partners on strategic

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restoration and trail projects in Tryon street natural area. We're located 15 minutes from downtown Portland and we're the only state park located in a major metropolitan area. We have almost 15 miles of trails within the state park, 658 acres, there's a nature center, extensive programs for youth, guided hikes, interpretation, and registration projects going on within the park. The Boone's ferry project is adjacent to the park and in an area of regional significance due to increased recreation trail connectivity and registration of riparian ecosystem function. OPDR is a long standing partner in relation to this project starting in 2005 with our participation in the planning process. In 2008 OPDR's director wrote a letter to BES in support of an underpass in the project design. The project and multiple partnerships are documented in OPDR's 2013 comprehensive plan. OPDR formally recommended to BES in 2014 selection of the bridge alternative to provide significantly higher standards for riparian quality and diversity, enhanced Fish passage, greater wildlife connectivity and safer trail passage. In 2019 OPDR continues to support the project and we're working to finalize an intergovernmental agreement in regards to the project with BES. The completion of this project will prompt OPDR to add additional recreation trail connections, regional significance. In closing, the ability to connect our communities to healthy eco-systems through trails and interpretation lends to greater environmental empathy and well-being. OPDR is in strong support of the project and to the many positive benefits it will provide to both the environment and our community. To speak a little bit to commissioner hardesty, to your point, our partners from the Tryon creek are reaching out to a number of indigenous communities including partnerships with NAYA and working on cultural ecology within the park. I think there would be some opportunities to work in partnership with OPDR.

Fish: Thank you for joining us today.

Katherine Daly, President of the Arnold Creek Neighborhood Association: Good morning. I'm Katherine Daly, president of the Arnold creek neighborhood association. It is in that capacity that I'm before you today. The Arnold creek neighborhood is the southernmost neighborhood in Portland. Our eastern boundary lies along southwest Boone's ferry road and abuts the Tryon creek natural area. With no city park within armed creek neighborhood Tryon is one of the closest open spaces for our 3,000 residents in our neighborhood. We support and greatly appreciate any improvements that make the state park more accessible including improved trail connectivity and safe crossings across southwest Boone's ferry road. That little video that showed the cars coming around the corner I have been on that road and had people pass me on blind corners traveling 50 miles an hour. It's awful. That's me. During the phases of culvert construction southwest Boone's ferry road will be closed and proposed detour route for 12,000 vehicles per day is along southwest Stevenson past the Stevenson elementary school through our neighborhood. To address our neighborhood's concerns for pedestrian and student safety, BES and PBOT worked closely with our neighborhood association and as a direct result of this engagement PBOT's Stevenson pedestrian safety project began in 2018 with an anticipated completion at the year-end 2019. We support the culvert project for its core work to restore Fish passage, improve habitat for Fish and wildlife and improve safety by eliminating the backup water at southwest Boone's ferry road and Arnold. At our most recent neighborhood association meeting this month we held a straw poll and then passed unanimously a board motion in support of the Boone's ferry culvert replacement project. Thank you.

Fish: Thank you for joining us. Sir?

Hans Steuch, Volunteer with Southwest Trails: Mr. Mayor, commissioners, I'm Hans dike, a volunteer with southwest trails. We work on trails in southwest Portland including southwest trail number 6 and 9 Hillsdale to lake Oswego trail mentioned a moment ago. Southwest trails has been active on the Boone's ferry advisory committee and in

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advocating for this project particularly the steel girder bridge solution. We are delighted that walking under the bridge will be much safer than crossing over Boone's ferry road. Once the bridge is in place, next year this time, we look forward to continue working with city and state agencies on trail connections to the bridge so that the other parts of the Hillsdale to lake Oswego trail can be completed. Thank you.

Wheeler: Thank you.

Fish: Thank you very much sir, and finally Sharon Keast, welcome.

Sharon Keast, Member of the Tryon Creek Watershed Council Board of Directors:

Thank you. I'm Sharon Keast. I serve on the Tryon creek watershed council board of directors. This project will result in significant watershed, infrastructure improvement, and community enhancement. The council has been advocating for the replacement of the culvert on southwest Boone's ferry road for a long time. We were active in participating in the advisory committee during the design of this project. This project improves Fish and wildlife habitat and connectivity in our unique urban watershed. This project removes one of two most significant passage barriers on Tryon creek. The second being at highway 43. We look forward to a time when Fish are able to move through the area freely. Tryon creek watershed council appreciates your yes vote to move this project forward. Thank you.

Fish: We're enormously grateful you took the time to be with us today. Thank you for your great partnership. And for joining us. Mayor, that concludes our presentation other than I would -- this is not an emergency item, but I would like to thank Asena Lawrence on my team who helped organize and script this and did such a great job. Again, Laura John is here. I thank Laura for all the work she does in helping coordinate with the tribes in our work on Tryon creek.

Wheeler: Thank you, commissioner Fish. Any questions?

Eudaly: I just want to note that working together seems to be the theme of the week and say that I love the interagency coordination. Saves time and money and resources and saves community members the inconvenience and hassles that come with these kinds of projects. Also, the partnerships with metro and all the community members. I'm really excited to see this project through.

Wheeler: Very good. Thanks to you and the other panel. Public testimony?

Moore-Love: No one else signed up.

Wheeler: Very good. This is a first reading of a nonemergency ordinance. Thank you. Moves to second reading. And now we will move to the regular agenda item 904, please.

Item 904.

Wheeler: The rental services commission is the primary public forum for the discussion of rental housing law and regulation. Rendering programs and services for the city of Portland. Members provide valuable perspective and expertise as we work to address the rental housing crisis in our city. Appointment and reappointments today allow the commission to continue its good work and continue advising the housing bureau and council on the most relevant housing topics. I want to thank all of you for either being will to serve or being willing to continue to serve on this important commission. I look forward to your guidance as one of the commissioners. With that I will turn it over to matt. Good morning.

Matthew Tschabold, Policy and Communication for the Portland Housing Bureau:

Matthew Tschabold with the housing bureau. I'm here just to answer questions. We very much value our volunteers on the rental services commission. The time they have committed. And their willingness to continue serving. I would like to note we would also like to welcome Hannah Holloway from the urban league who will replace a commissioner who resigned midterm.

Wheeler: Very good. We have a couple of commissioners here. I see Margo Black is here. Are any of the others here?

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Tschabold: Ian and I believe Leah are also here.

Wheeler: Thank you for being here. Did they want to say anything?

Margo Black: I would love to. [audio not understandable]

Wheeler: Very good. Commissioner Hardesty.

Hardesty: Thank you, mayor. I want to thank commissioner Eudaly and this body for really moving this work forward. I know that there's hard work ahead. There's been hard work behind us but the willingness of people to continue to do the hard work is really vital to us coming up with really good systems that support folks living a healthy life in our community. Just wanted to appreciate the moment in time we're in. I suspect when it was first put together the room was filled and not everybody thought this was the best thing that should be done. Just want to appreciate how far we have come and how far we still have to go in this process.

Wheeler: It's a report, I'll entertain a motion.

Fish: So, moved.

Eudaly: Second.

Wheeler: Motion from Commissioner Fish, second from Commissioner Eudaly: Any further discussion? Please call the roll.

Hardesty: Aye.

Eudaly: I want to thank all of the appointees for their service to the city. For their work on the rental services commission. I know it's hard and sometimes grueling. I know that you are taking time out of your busy lives to make this city better for everyone but especially for renters. Margot, I want to say, who knew? Who knew when we first met that we would be sitting here today I don't think I had ever stepped foot in these chambers back in 2015 when I think it all began? Here we are. Thank you. I know it's been a hard fight, but we are making progress and we're making changes. The city is better for it. I vote aye.

Fish: Yeah, I want to add my thanks for your service and willingness to step up and this is really important work. We look forward to your recommendations. Aye.

Wheeler: Likewise, I want to thank everybody particularly those of you who have decided to reapply. Thank you for that. I know this is hard work and you're the nexus of very complex and often controversial issues in the city and I thank you for helping us as a council see the path forward. Thank you. I vote aye. Appointments are approved.

Eudaly: We forgot to thank matt.

Wheeler: You're right. I want to thank the housing bureau and matt. This is a complex issue and it does take a lot of time and energy to administer this properly. Thank you. I want to thank my staff as well. It spends a considerable amount of time, the backstop, Tia in particular, thank you for your work and effort. Thank you. I vote aye. The appointments are approved. 905.

Item 905.

Wheeler: The Portland housing advisory commission (PHAC) is the primary forum for the discussion that's related to broader housing policy strategy and resources for the city of Portland. PHAC as its otherwise known, members rise above their individual interests and affiliations to take a comprehensive approach to housing policy and strategy to support the unmet housing needs of Portlanders. The appointment today fills a vacancy on the commission with an individual who is committed to addressing the pressing housing issues and needs of the residents of Portland. I want to thank Tyler for her willingness to serve on this important Portland housing advisory commission role. She comes with tremendous experience and I look forward to your guidance, Taylor, and the hard work that I know you'll be engaged in. Thank you for agreeing to serve. I'll make the same offer to you. We would love to hear from you.

Taylor Smiley Wolf: Hi. I'm Taylor smiley wolf. I just want to come up and thank you very much for your consideration, I know you're busy.

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Wheeler: Thank you. Any further questions? I'll entertain a motion.

Fish: So, moved.

Hardesty: Second.

Wheeler: We have a motion from commissioner fish, a second from commissioner hardesty. All in favor? Wrong meeting. Karla, please call the roll.

Hardesty: Welcome. I'm looking forward to you adding value to the hard work that's already taking place. Thank you for your willingness to serve. Aye.

Eudaly: It's great it see you in these chambers. I know you've been working hard on behalf of our community members for a long time. Now we get to have you here in Portland. So, thank you. I vote aye.

Fish: I want to acknowledge how impressive our appointee's bio is including stints as policy director for house speaker Tina kotek, policy analyst for Robert Reich and working at the delhams institute for social justice with a Master of Public Policy from U.C. Berkeley. We're fortunate to have you. Aye.

Wheeler: Thank you. She brings a ton of experience. I vote aye. Appointment approved. Thank you. Thanks, matt. Next, 906.

Item 906.

Wheeler: This is the city's annual agreement with prosper Portland that codifies decisions made previously as part of the 2019-'20 adopted budget. It authorizes the budget director to make amendments following council decisions typically made either in the fall or the spring supplemental budget process. In addition to budget decisions it highlights performance metrics and outcomes expected to be achieved as a result programs funded within the agreement. Joining us is Kimberly branam and director tori Campbell. Thanks for being here.

Kimberly Branham, Executive Director of Prosper Portland: Good morning. Kimberly branam, executive director of prosper Portland, joined by tori Campbell, our new economic development director, and tony Barnes, our finance manager. We appreciate the opportunity to discuss the 2019/'20 intergovernmental agreement for economic development activities. This IGA has been updated to reflect the city general fund budget allocation. Tony oversees the IGA with the city budget office and can help answer any questions that arise. I'm going to just briefly touch on our strategic priorities and roll of the general fund resources. Then I'll turn it over to tori to discuss the programs and anticipated outcomes. As you know our 2020 strategic plan guides our work towards building a more equitable economy in Portland. The IGA and our general fund supported programs largely focus -- technical difficulties. So, there's a visual. Imagine the visual that has our strategic plan.

Fish: Karla, do you know why it keeps popping back?

Moore-Love: Laptop? Is it showing on the laptop?

Fish: No.

Branham: Council is familiar with our strategic plan but the IGA focuses on our business development, technical assistance, community capacity building and work force training efforts with the goal of increasing access to quality employment, fostering equitable welt creation and supporting the capacity of our partners in this work. More specifically our economic development programs include four major business lines. This graph shows those programs from top to bottom inclusive business resource neck works. [audio not understandable] neighborhood prosperity network and venture Portland. Traded sector business development as well as nontax increment funded community development programs. You'll see the associated prosper Portland staffing levels and the composition of program funding including city general funds, cannabis funds, federal community development block grant funding and enterprise zone community contributions. The IGA covers the general fund and cannabis fund portion for a total of \$7.6 million in funding.

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Hardesty: Can I ask a question? Thank you, Kimberly. My question has to do with the work force development. We have in your IGA a contract that would be for adult work force development with the participants having incomes 50% below area median. How does that support or differ from what work systems, Inc., does.

Branham: Great question. We administer these funds actually through a partnership with work systems. So, we -- tori can talk in more detail, but we have an agreement with work systems. They put out the request for proposals, they report to us on what is happening within each of those contracts and how many providers?

Tory Campbell, Director of Economic Development for Prosper Portland: There's 12 providers.

Branham: 12 providers. We make sure we're collaborating on things like the work force navigators which ensures there's particular navigation work force navigation happening within the neighborhood prosperity initiative network. But largely this is a program that is administered by work systems.

Hardesty: Did you want to add anything?

Campbell: That's it. Good for now.

Hardesty: What's your pleasure? Would you like me to hold my questions until you're done?

Branham: I think so. Tori will probably answer some of the questions that I anticipate.

Hardesty: Go ahead.

Fish: At the moment the question was asked, Kimberly, you told us how much general fund dollars were being invested. Could you say that again?

Branham: How much general fund dollars were being invested within Workforce?

Fish: No, No, Just in terms of the economic development program.

Branham: \$7.6 million.

Fish: \$7.6 million of general fund.

Branham: And cannabis funds. Yes. I want to recognize before I turn it over to tori that these are precious resources not restricted to the 15% of the city within a tax increment finance district or to the capital development that tif has as a requirement. We are extremely appreciative of your allocation of these resources to prosper Portland and with that I will turn it over to tori. Thank you.

Campbell: Thank you, council. Mayor. I'm just going to take a few moments to go through some of the high level elements of each of the programs. I'm going to start with the inclusive business resource network. Within that network we have 16 partners that deploy over 65 practitioners throughout the city that are providing both culturally specific and culturally responsive small business technical support. Last fiscal year they served almost 1,000 clients with 70% being entrepreneurs of color throughout the city. Also, within that work there's a particular highlight we want to note within our cannabis pilot program. We're now entering our second year. The first year taught us a lot. I believe there were unique successes with two businesses provided \$30,000 each. They saw notable stabilization of their business as well as sales. One increased their sales by 143% within four months after receiving these grant dollars and-ing their first employee. The other was able to increase their sales 13% over the span of the year. We recognize this is still a necessary program for an industry that is in its early beginnings and we want to ensure entrepreneurs of color have an opportunity to take advantage of this emerging industry and market. The next program is our

Hardesty: Excuse me, I'm sorry. I was going to hold my question. Which particular program?

Campbell: This is with new leaf.

Hardesty: No, no. I'm sorry, what particular one of your economic development programs actually supported these two businesses?

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Campbell: It was within our inclusive business resource network, the overarching program. The provider was the new leaf project.

Hardesty: Thank you.

Campbell: The next program is our neighborhood prosperity network and it's comprised of seven community organizations with full-time staff. They are charged to really drive community development with respect to both planning and implementation of localized economic development opportunities within those respective communities. Also, within our neighborhood prosperity network there are additional dollars that have gone to the old town Chinatown neighborhood association to support that ongoing work in terms of their action plan and building capacity within their organization. The next areas are work force which we touched on a little bit but there are 12 providers that we fund through work systems to provide support and help navigation of underemployed or unemployed citizens within our city with attention on providing opportunities for young adults in terms of developing skills to enter into a career path. Last year we served over 2415 through that program through the initiative and working with work systems, Inc. The next and last area within our entrepreneurship and community economic development is venture Portland. Venture Portland serves a complementary role within our network. They are strong and necessary and essential role to support the volunteer run business associations throughout the city. Want to transition over to talk about the other side of the shop, our traded sector. Before I jump into the specifics around a cluster business development, we are excited to get to a place where we have revised our action plan for clusters that weave in equities. In many respects the first throughout the country. The mantra is the goal within this action plan is to help businesses become more inclusive and to help inclusive businesses grow in the city. The work that is happening within our cluster industry as an example is over 350 businesses are served on an annual basis. Those businesses 80% comprised what we call small businesses, which is 50 employees or less. I think that's important to note that small businesses truly are the engine of our city. Also, some of the signature programs as well as individual supports that are provided within our four clusters which are athletic and outdoor, technology and digital media, green cities, and manufacturing. Supply chain diversification, helping businesses learn to connect locally with one another in terms of growing their business and keeping those dollars in our city as well as strengthening their foothold in their respective industries. We have peer to peer mentoring which allows business and owners to learn from one another to help them scale and grow. Lastly working with trying to diversify companies such as tech town in work around diversifying the tech industry won our city. Other programs is our Portland means progress, signature initiative of the mayor, helping to call businesses into this place of active engagement to solve thornier challenges and unique opportunities for a stronger business to business opportunities for our entrepreneurs of color as well as creating opportunities for companies to work on and really strengthen make their culture healthier so it's a focus on diversity, equity and inclusion. Lastly creating really important experiences for youth whether through internships and other ways to help them have a better sense of direction they want to take in terms of their career path. The next program I'll focus on is greater Portland, Inc., gpi, really is the entity that helps with recruiting businesses to the city of Portland, telling unique story why Portland is a great place to do business and have a community minded approach of how you consider that work. Last but not least is the Portland film office, which is currently housed in prosper Portland. Again, both delivering on helping just the permitting process but also to nurture the vibrant and growing and emerging community of creatives within our city interested in engaging the film community. The next area is our community development so there are several programs and initiatives that we are currently charged to oversee and support. The first is the hill block. That's actually been renamed to the Russell and Williams project, but when

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we ran through our budgeting process this past year, we had it presented as the hill block. I wanted to state that change. It's been awarded \$100,000 to help with the working group in community planning and development of its work. These resources have been matched by the Meyer Moore Trust, also supporting community engagement. Next we have the cully tax increment finance district. \$50,000 was given to support the cully community on a community driven tax increment financing district expiration. This is a new model where we really want the community to help lead and drive both prioritization of resources and consideration of them. Responding to their request, which is unique and important. The next is the Albina vision. Dollars were provided of \$75,000 to help the trust really begin to do the community engagement that they feel is necessary in this phase of the overall vision. The next was the \$100,000 that was given to the James beard project. It's a one-time general fund discretionary to helps the James beard market do program design and determine some of the pre-development designs for a location. It also was given to help refine the business model of the market ensure that the market remains sustainable. Last but not least, want to highlight there's a brown fields administration. This is a carryover.

Fish: Can you hold this slide for a second? I want to make a couple of comments if I could. We're going to lose the slide and I don't want to interrupt your flow. Colleagues, I continue to be very impressed with the Albina vision, but I don't think it's going to get traction over time unless we create a new legal structure for it. Mayor, perhaps in your second term we can approach that. I think redevelopment of this kind looking at how other cities have done similar things; I think requires a different legal structure and I'm going to continue to press prosper Portland in that conversation. The James beard public market during my ten years has probably had a dozen or so different homes that have been, and they used to have a champion named Ron Paul. I don't know where it will end up. It's a vision that a lot of people support. But the next I guess they are now looking at the innovation quadrant as a possible home. There's an enormous gap in terms of their ability to fund their vision. At some point we have to call the question on this and what our role is. Finally, on brownfield administration I'm very proud that we have invested in some work there. Our comprehensive plan assumes that we're going to focus on remediating over 800 acres of brownfields as part of our industrial land strategy. The legislature in two sessions has given us new tools. I will flag for you that I am learning it will be a very heavy lift to get the county to agree to use those tools. So, if we can't get concurrence on using those tax abatements, we'll have to look for some other tools to jump-start brownfields remediation because we have a lot. It's a big equity play. Senator Lew Frederick has been a champion here. We have the team to move forward on this but unfortunately, we don't have the tool in place, and without the tax abatement I'm afraid we'll have to look for another way of creating some incentives for people to take essentially dead land and turn into a public benefit. Just want to make those comments.

Wheeler: Commissioner Hardesty.

Hardesty: Thank you so much for that presentation. I appreciate the words of my colleague. If you'll leave that slide up, I actually hope that before we start talking about next year's budget that we do an assessment about whether the hill block project is working. I still finds it absolutely -- the outcomes not conducive to what the resources are that we're spending there. So, at some point we got to either say it's working or it's not. If it's not working, please tell us what we need to do. The tif district, I don't know anything about that. I trust the right people are engaged in that project. Albina vision is three or four people's vision and I'm concerned we're moving this along as if it's a real thought out, thoughtful community engaged process when in fact it's only been a few people at the table and they have not been able to articulate to me yet what their plan is. James beard you've already spoken eloquently about that and again, I just think that if these are -- if people have these visions and they can't figure out how to pay for them I don't know why

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we get stuck with trying to help them figure out what the vision is and how to implement it. I think at some point we have to say after a couple of years, hill block is a great example, I'm done with that project because I see no outcomes. If there are maybe I have totally missed them. The handful of people who benefited I feel when we come back and start talking budget, there's got to be some movement, or I don't see how you're going to get support for it.

Branham: Thank you. I can speak to the cully tif district (tax increment financing). It's really an exploration. There are seven community organizations who came forward with a proposal to prosper Portland staff which includes two of the neighborhood prosperity initiative districts. Cully boulevard alliance as well as r42nd as well as NAYA and Hacienda and Verde. I'm sure I'm forgetting folks. There's a consortium, who are proposing to have a conversation with the community about a community centered tif district that would focus on anti-displacement and this is not a rhetorical conversation where prosper is coming forward saying would you like to have a tif district but really we know that it's going to happen already. This is really a community driven approach where the community is talking to the community about whether this is a tool they want to see in their neighborhood. So, we are playing a supportive role. Metro recently allocated \$150,000 to help with this as well. The \$50,000 that you see here will help with some of prosper Portland's staffing and administration, but it really is an open question as to whether this is something that comes back as a recommendation to city council. More to come.

Wheeler: I'll speak to the hill block. That's something I have been personally engaged in. There is a group of maybe 30 people from the community, what we're paying for is facilitation. I agree the process has been -- well, it has in a sense been challenging. There's a lot of history, obviously, wrapped up in this particular block. It's more than just a development project. It's also a statement about the community. It's a trust building exercise in some regards. And having attended a hill block meeting a few weeks ago I feel like there is forward momentum. I agree with you I don't think it's an endless process that we want to engage in, but I do believe that there is that trust being built, and I do believe there's a vision formulating in the community. I do believe that they are at a way point in their development process and they agreed to meet in November and call a very specific question. I look forward to being able to show this council in the spring as we do engage in the budget process that these dollars have been well spent. I'll vouch for it as of today. The people around that table.

Wheeler: Commissioner Fish

Fish: Thank you for your forbearance. Is that the end of your presentation?

Branham: We just have a slide that summarizes at a very high level in the IGA there are a lot of metrics that we'll be reporting on and you'll see those metrics as part of the budget process. I think tori wanted to highlight a few.

Campbell: There's a couple of important ones. They are all necessary but just the time we have which is short. An example some of the things we're aiming towards wanting to hit that 900 unique business service points which continue to focus on 75% whom are identified as entrepreneurs of color. We also the goal is to create a 1,000 middle age jobs through traded sector business development, which requires public benefit agreements that increase the likelihood of diverse hiring. One more, just for this interest, all these metrics really are critical to the overall goal. Really wanting to have 2,000 youth and adults receive assistance with job training and career support with 60 percent of adults advancing into employment over a year period and 65% the youth advance not guilty employment or postsecondary training within that same period. These are the metrics that are guiding us.

Hardesty: Thank you very much. That was going to be my question. I think you have some lofty goals for this year. It's always great to stretch. But I also wondered, in some cases, how realistic it was. For example, when you talk inclusive business resource

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network and you say that we're going to have a thousand strong and stable businesses in five years, but you have 16 partners today, but the plan is to get to 400 before the end of the year, right? That to me seems like that's like very optimistic. I don't know your business as well as you do, so that's just a question that I'm putting out there. The other one is the cannabis fund grants. Who gets that money and for what?

Campbell: The first one they are definitely lofty goals. Over five years they are ramping up each year. The first year the numbers weren't where we wanted and each year we're growing in terms of overall marks of stable businesses. You're right, we're monitoring that as aspirational but at the same time shooting for that in the years to come, we'll have a better sense of how close we are. The second question around the grant dollars, new leaf is the one that administers the grant program and they have identified in particular making sure because of cannabis dollars were intended for particularly entrepreneurs of color, even more explicitly that they be really targeted or focused on I should say African American entrepreneurs within the cannabis industry. Last year, our pilot program, in terms of those grants the two businesses were African American business owners within the cannabis industry.

Hardesty: They got 60,000 as compared to the amount of money that was accessible. Is this intended to support African American owned cannabis shops or people who want to open shops that have been negatively impacted by prior cannabis policy?

Campbell: It is. Yes.

Hardesty: All right. I'll be asking very specific questions when you come back each year about who benefited from those dollars and what have been the outcomes of those dollars. I think what I saw last year was there was money distributed but the percentage that actually wept out the door to those businesses was significantly smaller than the resources that you had.

Campbell: Correct. I think it was 150 last year and of that number I think -- 160. 100,000 went towards support of administration of the program, which was new leaf project.

Hardesty: 100,000 went to support administration when it was 160,000 total?

Campbell: And to develop the program. There was a variety of things within it. Some of it did include supporting staff.

Hardesty: Thank you.

Wheeler: Do we have public testimony on this item?

Moore-Love: Are they done with the PowerPoint yet?

Moore-Love: Yes, Diana.

Wheeler: One person. Thank you for your presentation.

Wheeler: While Diana is coming up, I'm going to move items 907 and 908 to the beginning of this afternoon's schedule because we had an item canceled on the afternoon schedule. Hopefully this will help us catch up with a bit. Good afternoon.

Diana Ogaz Gutman: Good afternoon, mayor, commissioners. I'm a little -- my name is Diana. I'm a little perplexed with this item regarding prosper Portland. There's a lot of -- there's a lot of questions. I'm sitting here listening to the presentation and although there were a lot of words thrown out there were not enough clarifications for myself. I wonder for those who are watching online or listening at home who have never heard this before, what are they learning for the first time hearing this presentation? There seems like there's good -- there's good in it. It's supposed help prosper Portland. That's in the title itself. But there was a lot of things. I do thank you for the clarity for the [audio not understandable] I think that having focus with anti-displacement in communities that's very important. That was something specific that gave me a general idea of what this is about. That is a great thing. But there are a lot of things said today that did not give enough specifics. There were also a lot of things that presented concerns for me as a resident here in the city of Portland because these are monies and resources being allocated that if there is not a

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traffic flow, if there's not a proper explanation of where this money is going it makes me wonder, this could be going to other resources. This could be going to helping provide the bridge that is going to be --

Fish: Let me just clarify something. Maybe we need to do a better job of labeling things. This was all discussed and agreed to during the public budget process.

Gutman: Okay.

Fish: There were extensive hearings. There were presentations. There were debates among colleagues about budget. This came out of our last budget. All we're doing today is authorizing an intergovernmental agreement which allows prosper Portland to spend the money. Today is not the day they were called to justify the spending. Council already did that through the budget process and maybe we, this is not clear, authorize an intergovernmental agreement. The public process and the debate has already occurred. The questions we had off the slides are not actually directly related to the presentation today but since we had an opportunity to put some markers down around the next budget cycle we did.

Gutman: Okay.

Fish: I want you to know that that's where this was debated and discussed. Whatever confusion you have about this limited amount of general fund dollars that drive economic development, we welcome your full participation during the budget process where we decide what is the allocation and for what purpose.

Gutman: Okay. Thank you.

Wheeler: Commissioner Hardesty

Hardesty: Thank you, mayor. Thank you, commissioner Fish. I was going to jump in, but commissioner Fish beat me to it. For me I guess I'm just affirming that we have a vision about where we're headed. Right? So, my questions are really based on what we know today what are we going to do as we come and start the process again for next year's budget. Right? Because some of these projects have positives and negatives as you have heard today. Some of us have different perspectives about who is really leading the charge, whether it's really a community driven effort or whether it's something that government is just like putting resources into because a couple of people think it's a good idea. I appreciate your questions but just know this is really about making sure that for me personally that I have the marker down so I can hold people accountable for what they say the outcomes are they are looking for.

Gutman: Okay. Thank you for the clarity. I really do appreciate that. I don't think I have anything left to say.

Fish: Thank you for being here.

Wheeler: Karla, call the roll.

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

Wheeler: The ordinance is adopted. 909, please.

Item 909

Wheeler: BDS's offices are generally located at the 1900 building. This is property that is co-owned with PSU, Portland state university. Over the past decade the bureau of development services experienced unprecedented growth in workload and staffing needs and since the 1900 building was at full capacity bds so the approval from council to execute agreements for office space at the building known as the Jacobs center. In 2016, 2017 and 2018 the council authorized the bureau of development services to lease office space at the Jacobs center. Today they expect demand for services to continue to remain high and requires space sufficient to maintain existing staffing levels. The bureau of development services wishes to continue leasing office space at the Jacobs center. The office of management and finance and the bureau of development services have assessed the bureau of development services space needs against the availability of space already

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existing in city owned facilities. There are no viable options within the city owned facilities to provide sufficient space to accommodate the needs of bds, so they are here today asking for us to approve this extension of office space. Good morning. Good afternoon.

Pauline Goble, Property Manager for the Office of Management and Finance: Good afternoon; mayor, councilors I'm Pauline Goble, property manager in the office of management and finance. I'm joined today by Elshad Hajiyev, with the bureau of development services, the business operations and financial services manager and I'm a property manager in the office of management and budget. We're here to request authorization to execute a lease amendment with 2020 Portland Oregon LLC for the office space at the Jacobs center. Currently the bureau of development services occupies almost 40,000 square feet at the center on three different floors under two different agreements. The first agreement is a lease with the building owner, 2020 Portland owner LLC. That expires in October of 2022. That portion of the first floor and a portion of the 6th floor at the center. Bds also occupies under a sublease with Premera blue cross the 10th floor of the center.

Wheeler: I don't mean to interrupt you, but my guess is all council members have been briefed on this. Maybe it would be best to answer any questions people have. Is there any public testimony on this item? Commissioner Hardesty.

Hardesty: Thank you Mayor, I just have one question, why are we extending the lease to 2024 when it doesn't expire until 2022. Aren't we anticipating economic downturn which means that you would need significantly less space than you have today?

Goble: So, I believe that the answer to the question is that for extending the first floor, so part of the negotiations with the building owners is they didn't want all of the City leased space which is almost 40,000 square feet expiring at the same time. So in order for us to extend the 10th floor space that they are at, which they needed, for a short term, we agreed to extend only the first floor of the space for an additional two years, and I think BDS determined that that space was the most viable to be needed for the next two years. What it houses is the Portland Online Permitting System, POPS, and it has bureau training. So that is my understanding.

Elshad Hajiyev, Business Operations & Finance Service Deputy Director for the Bureau of Development Services: Correct. The first floor is most valuable to us. It really has the large conference room that the entire city is using. So that's why we are extending it for another two years.

Hardesty: The first floor space but you're also increasing the cost for the other suites.

Hajiyev: That is correct.

Hardesty: 3% a year.

Hajiyev: That is right.

Goble: 3% is a normal and customary increase every year for rental space so that would be something that would happen no matter what.

Hardesty: Thank you.

Wheeler: Any public testimony on this item?

Moore-Love: Maggie left.

Wheeler: This is a nonemergency ordinance, moves to second reading. Thank you. 910.
Item 910

Wheeler: Could you also read 911 and 912.

Wheeler: Very good. Colleagues, thank you. First of all, to the housing bureau and to the community and industry stakeholders who assisted in identifying technical clarifications, which were needed, with these changes, the housing bureau is prepared to begin its rulemaking process and work with community groups to create training, opportunities for renters, landlords and case managers to learn about Portland's tenant protections. Thank

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you all for your continued work. We have Matthew Tschabold here. Good afternoon, Matthew.

Matthew Tschabold, Policy and Communication for the Portland Housing Bureau:

Good afternoon. Matthew Tschabold for the record. Briefly, there are three areas of local law around landlord/tenant, owning rentals with regard to register, leasing regarding application and screening rules and security deposit rules, and the mandatory relocation assistance at -- when modifying or ending a tenancy. So, the changes -- tenancy. So, the changes today are technical in nature primarily so with regard to the application and screening code, there are a number of clarifications in terms of terms and definitions around what the language use described regulated affordable housing and regulated rents. And I think the one substantive change was a request that came from council members when this ordinance was originally discussed, which had to do with the ADU Extension where an -- there's an ADU. Extension for the landlord living in the main home and renting out the ADU or living in the ADU. And renting out the main home. On security deposits, again, some more language alignment with ORS 90 and the rest of local landlord tenant law in title 30 as well as providing clarity around using the terms fixture as appliances, equipment, or personal property consistently through the entire code section. And then getting the bureau rulemaking authority. What we have in the ordinance, the best practice from the city attorney's recommendation is to actually have it in the code itself is so we've added that provision as well. And then finally for both ordinances, the effective date is March 1st but that would effectively prevent the bureau from establishing administrative rules until March 1st. And so to ensure that there's clarity in the marketplace for landlords and tenants, we are requesting a change to give the bureau rulemaking authority immediately so we can begin our rulemaking process and that we will make the -- go through a 90-day process to make administrative rules so that the actor in the market and renters can be fully aware of what the supplemental rules will be. And then finally, for mandatory relocation assistance, this is a request we've had at a number of hearings that we've had with city council around local landlord/tenant law. It has to do with the current language in the a.d.u. Exemption. Would only exempt a landlord if they live in the main home and rent out the a.d.u. But not the reverse. So, this is a modification to allow the landlord to either live in the main home and rent in the a.d.u. Or rent out the a.d.u. -- live in the a.d.u. And rent out the main structure.

Wheeler: We as a council directed you to is list input both from industry groups as well as community stakeholders. Can you describe that process for us, please?

Tschabold: Sure. So, we -- over the summer and formally engaged with renter organizations as well as property management industry associations, individual property managers, the rental services commission, housing Oregon, which represents the city's affordable housing providers, and other interested stakeholders.

Wheeler: And so, these are a compilation of -- this is a compilation of the feedback that you received during that community outreach?

Tschabold: That's correct. So, we categorized the feedback into a few different buckets, one the bucket where the technical changes needed to occur in the code and in the second, the -- where the bureau could make the clarifications in administrative rule. So this is the first bucket in the clarifications and code to better clarify language for either landlords or renters, and then once we get the rulemaking authority officially, we can start the rulemaking process and some of the other feedback we have gotten for clarifications would be in our administrative rules. So, one tangible example of that, we were asked by both renter and landlord organizations to clarify some of the leasing and screening when a building a doing initial lease-up. So, they're not just advertising one unit but perhaps they're advertising 50. So that is not in this, because that is a clarification we can make in administrative rule.

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Wheeler: Very good. Commissioner Hardesty.

Hardesty: Thank you, mayor. I just have one question which is the definition of affordable housing, because what I see is that it says federal, state, or local government -- affordable housing by a federal, state, or local government is exempt. And I just think the clearer we are about what we mean when we say affordable housing, right, because we know people are paying extraordinary amount of money for rooms in people's houses. And so, I -- it would be great as we continue to move forward that we put a definition attached to it. Is it 60%, 80% of MFI? Are we talking federal poverty level? Are we talking, you know, Portland metro area? It would be really helpful if all these policies started having a definition attached to them.

Tschabold: We can certainly do that. We would define it as 80% and below and having a regulatory agreement with the city, the state, or the federal government, and we can make sure that language is consistent.

Fish: That's the part that is most responsive to her question, because I read that as federal, state, local that is social housing subject to a regulatory agreement operated or funded by government. And we've exempted that as a class. The -- and it's not with -- I mean, they each have different standards for what's affordable under what circumstances, but we have just said as a group they're not -- they're not covered. So -- but I agree that the term "affordable housing" is elusive and needs clarification, but I read this as exempting the government-sponsored housing. Am I right?

Tschabold: Correct.

Hardesty: Yeah, I did that too, but it was to my other point, which is -- we have to be clear about --

Tschabold: We can certainly maintain that clarity across all of these regulations and programs.

Hardesty: Absolutely. Thank you. Great.

Wheeler: Very good. Any further questions? Is there any public testimony on this item, Karla?

Moore-Love: She left.

Wheeler: Very good. Call the roll on 910, please.

Hardesty: Aye.

Eudaly: Since passing fair back in June, the housing bureau has been working diligently to wrap their minds around this ambitious new code that handed over to them. I'm grateful for the ways in which the housing bureau and the mayor's staff have kept communication with our office open and have incorporated our feedback into these technical changes that strengthen the original intent of the code and provides needed clarity and consistency. We look forward to continuing the collaboration as the housing bureau works on the administrative rules and ramps up towards implementation. Thank you to Andreas Oswell, Matt Tschabold, director Callahan and Tia Williams for all your work on this item. I vote aye.

Fish: I also wanted to just acknowledge for Matt Tschabold that that was a very helpful and useful PowerPoint, and I appreciate the fact that it told the story comprehensively and then went into each of the various components. I think sometimes we struggle with understanding how things fit into an overall pattern. We hear that also from people testifying. So, a PowerPoint that lays the groundwork for sort of the whole big picture and then zeroes in on each of the components really walks us through things in a very effective way. So, I appreciate that. And I'm pleased to vote aye.

Wheeler: Thank you. Matt, thanks to everybody at the housing bureau for their hard work and TIC Over there. Thank you for your work on behalf of our staff. I vote aye. Please call the roll on 911.

Hardesty: Aye.

Eudaly: Aye.

Fish: Aye.

Wheeler: Aye

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Wheeler: 912 is the first reading of the non-emergency ordinance, moves to second reading. And we are adjourned till 2:00 p.m.

Council recessed at 12:41 p.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.

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2:00 PM

Wheeler: Good afternoon, Karla. This is the september 25th, 2019 afternoon session of the Portland city council. Karla, please call the roll.

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

Wheeler: Here. Now we'll hear the rules of order and decorum.

Karen Moynahan, Chief Deputy City Attorney: Good afternoon, mayor. Thank you. 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 during city council meetings so everyone can feel welcome, comfortable, respected and safe. To participate in council meetings, you may sign up in advance with the council clerk's office for communications to briefly speak about any subject.

Wheeler: [whisper] Sorry.

Moynahan: You may also sign up for public testimony --

Wheeler: [whisper] Sorry.

Moynahan: On resolutions or the first readings of ordinances. Your testimony should address the matter being considered at the time. If it does not you may be ruled out of order. When testifying please state your name for the record. Your address is not necessary. Please disclose if you're a lobbyist. If representing an organization please identify it. The presiding officer determines the length of test. Individuals generally have three minutes to testify unless otherwise stated. When you have 30 seconds left a yellow light goes on. When your time is done a red light goes on. If you are in the audience and would like to show your support for something that is said, please feel free to do a thumbs up. If you want to express that you do not support something, please feel free to do a thumbs down. Please remain seated in council chambers unless exiting or entering. If you're filming proceedings please do not use bright lights or disrupt the meeting. Disruptive conduct such as shouting or interrupting testimony or council deliberations will not be allowed. If there are disruptions a warning will be given that further disruption may result in the person being ejected for the remainder of the meeting. After being ejected a person who fails to leave is subject to arrest for trespass. Thank you for helping your fellow Portlanders feel welcome, comfortable, respected and safe.

Wheeler: All right. Very good. So, just for the record item 913 that been pulled back. That's the southwest in motion plan. Commissioner eudaly requested that be pulled back. We had two items that we did not complete this morning, 907 and 908, and Karla, we're going to read 907 and 908, and it is my understanding 918 should be read with that as well. Would you like them separately or together?

Lester Spitler, Bureau of Revenue and Financial Services: Together, please.

Wheeler: if you could read all three together, than 907, 908, and 918, please Karla.

Item 907

Item 908

Item 918

Wheeler: Very good. Go ahead, lester.

Spitler: Mayor wheeler, commissioners, I'm lester spitler, the city's chief procurement officer. The first item, 907, is for the dam one needle valve replacement project. The water bureau sought an authorizing ordinance on may 1, 2019. That ordinance was 189478. The

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engineer's estimate at the time was \$2 million and the level of confidence was moderate. We issued an invitation to bid on June 12th, 2019. Bids were due July 30th and the city received four responses. Stellar J corporation was the apparent low bidder and is the recommended awardee in the amount of \$1,049,000. The city's 20% aspirational goal of certified subcontractor and supplier utilization applied to this project. Stellar J committed to the following utilization. They are going to self-perform 87.4% of the work. They have identified certified subcontractors to perform 2.19% and they have identified noncertified subcontractors to perform 10.41%. It's important to note that Stellar J is self-performing 87% of the work, so their ability to meet our 20% aspirational goal, there's a conflict there. We did review the effort made by Stellar J to engage certified subcontractors. They reached out to approximately 62 certified subs in the areas of work they are not going to self-perform. The majority of the responses they got back were subcontractors rejecting the opportunity, either they were too busy or they couldn't perform the specialty nature of the work for this project. We did also talk to the city project manager and the project manager from Stellar J, and they did confirm that this work is inherently difficult to find certified subcontractors to perform. They also made a comment about our low bid solicitation method so when we issue a low bid solicitation, the contractors obviously have to submit the lowest bid to get the contract. So when they're trying to engage subcontractors, they are also requesting bids from those subcontractors and they are compelled to accept the lowest. From Stellar J's perspective, you know it's a difficult goal to meet knowing that we have issued a low bid solicitation and that they're compelled to accept the lowest bid from their subs as well.

Wheeler: Commissioner Hardesty.

Hardesty: Thank you, Mayor. Lester, was that not clear in the RFP that they responded to that we had this aspiration?

Spitler: No, it was clear.

Hardesty: So, I mean, I find it kind of ironic that at the end of the day they are like, oh, that was just too hard for us to do so we're going to do most of the work ourselves. That doesn't, that's not going to ever get us to the goals that we have if that's the response. Because everybody can say that's the response.

Fish: Well, Commissioner Fritz is not here to speak to this. Mayor, if I could.

Wheeler: Commissioner Fish.

Fish: There is actually, I did a dam one project when I had the water bureau, and this is in water work highly specialized. It's very similar to the work that's going to be done under the Willamette River with replacement pipe. Commissioner, what we learned then and what I know now is that working in the Bull Run watershed in water is highly regulated work because of the nature of the work, and I'm going to give you a preview because you're going to, you're going to have the same questions when you see numbers on the Willamette River crossing. Because of the technology, because of the work conditions, because of the regulatory environment, because of many things it turns out there are certain projects water bureau does where the contractor self-performs. Self-performing, I want to be clear here, is not because they found it inconvenient to do subcontracting. The bulk of the self-performing is that it is highly specialized and technical work that they are doing. That doesn't excuse them from trying to find other pieces that we do like trucking and what have you, although I will tell you there's less of that good work in the Bull Run watershed because we don't allow people up there. We heavily regulate the Bull Run watershed and so if I was a contractor, that would not be a piece of work that I would be angling for. It's hard to get to, it's heavily regulated and the like. But I just want to make, draw a distinction between self-performing because it is highly technical work and self-performing because you're giving a shrug to the city's aspirational goals. If it were the latter I would be very concerned.

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Spitler: Yeah, and I would also, you know ditto to that comment and also you know self-performing the work allows your company to be more competitive with its bid because you're in direct control over that amount of labor and the work that's being performed.

Hardesty: I just want to reiterate, if we have a goal of 20% and you come to me with one that's 2.1%, and then you say to me the reason for that is because we're going to self-perform most of the work, I would love to hear a plan about how either the company is going to diversify and actually provide training opportunities so that there's not just a couple of companies that do the work. Or whether or not we just changed our mind and decided 2% is fine and we're just going to accept that. I mean, I just don't think you can tell us you have this goal and then come and say 2% was the best we could do, because we're never going to get where we want to go if we accept that, and is this a company we done business within the past?

Spitler: Yes.

Hardesty: And have they achieved the goals in the past?

Spitler: I have a list of other projects that they performed and these have been pump station work for bes and some work out at the columbia boulevard wastewater treatment plant, and for those four projects they were low on the percentage as well.

Hardesty: So when are we going to make that –

Fish: Although –

Hardesty: Let me finish my question and then you can ask.

Fish: Well he said, you asked him a question. He said low. I would just like to know the percentages are.

Spitler: So for a project on the columbia boulevard wastewater treatment plant they only obtained 3% subcontractor utilization. On the alder pump station upgrade they obtained about 10%. On the airport way pump station improvements project they obtained less than five, and the safeway pump station upgrade project they obtained less than five as well.

Fish: That's very concerning. What was the company we talked about a couple weeks ago?

Eudaly: Moore --

Spitler: Moore excavation.

Fish: Moore. I mean, with all due respect, given that those are projects that don't require, that don't have the same argument around specialized work in a restricted area, how do we explain the low numbers there? Again, I'm not the one, this is not my item, I'm not speaking for the water bureau. I will tell you that they do do some specialized work where there's a lot of self-performing because of the nature of the work. But how do we justify to commissioner hardesty's point dismal numbers, a pattern of dismal numbers like that on projects which I would have thought would have had lots of opportunities?

Spitler: I hate to reiterate the point. I do know that pump station work again is highly specialized and it's difficult to get, to get subcontractors to perform the work. Another one of the pieces of feedback that stellar j heard from some subcontractors that working on a long duration city project is not very lucrative for them, and I'll just say what, you know, with a busy market there's lots of work to go around and if you can pick a private job or less risky job or a less administratively burdensome, you're likely to do that versus taking an opportunity to work on a city project where you take a lot of risk because of the work is so highly specialized.

Hardesty: So what happens if we just reject this proposal and go back to the table and actually set some clear expectations?

Spitler: That's a good question. I would have to talk to the water bureau to see. I know that, I don't know if this would cause a delay in their project. If it's in water work window it may need to something that waits until next year, which would affect the budget of the estimate for the job. I mean, I think the city, the city should, needs to take a little bit of

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ownership in this situation too. We know that these opportunities are coming in advance and if we take a proactive approach and market these opportunities and engage firms that we want to work on our projects we might have more success than just you know putting out our solicitation with our 20% aspirational program and then just expecting contractors to magically be able to meet those numbers.

Fish: May I read something from the impact statement?

Wheeler: Then Commissioner Eudaly.

Fish: I'm sorry. I'll defer.

Wheeler: Commissioner Eudaly.

Eudaly: So thank you, lester. I think you do excellent work in this arena and I know that you share – well, I assume you share our frustrations and I can't speak for my absent colleague but I know that commissioner Fritz almost always has questions and concerns about low utilization rates. I asked a question last week or the week before about moore. I hesitantly voted yes on a contract with very low utilization rates because I did not understand the kind of legal liability I might have been putting the city in by rejecting a bid from the lowest responsible bidder. But I now have a different understanding in that it's not just the lowest responsible bidder but it's the lowest responsive bidder. So if we have bidders who are not responsive either to our 20% aspirational goal of mwesb, or even more of a concern for me is what i'm hearing is something I heard yesterday from out of my bureau, where we accepted the lowest responsible bidder who doesn't want to comply with the requirements around our cep and/or cba agreement. That's, that's substantively different. Today we have an aspiration. In this situation we have an actual policy. And so I really need your help and the help of those city attorneys to understand you know, what is our obligation, what is our responsibility and what is our power in these situations because obviously not everyone shares our aspirations.

Fish: So, mayor, I have a proposal.

Wheeler: Commissioner Fish.

Fish: Let me first read the impact statement, and again i'm not -- the commissioner in charge is not here, the director is not here. We're hamstrung really in getting to the bottom of something although you've heard different variations of this from council before so you're not surprised. Quote, the existing valves which is on a dam are antiquated, leak and are difficult to open and close. The valves in their current configuration requires staff to stand on top of them while physically opening and closing the valves. These valves in other installations have catastrophically failed while operating causing significant life safety risk to staff.

Eudaly: [whisper] Wow.

Fish: The bureau will install three new fixed cones, blah, blah, blah. So here's my recommendation. I move that we set this over a week, that we ask the bureau and the commissioner in charge to report back to council on why we should accept this, and what additional steps we can take with stellar j. But I would be loath to reject it outright without hearing from the bureau as to whether there is a window of opportunity to do this work and the impact statement suggests that there's some life safety issues. By setting it over a week we still get to make the decision but we get to bring the bureau in to help us understand that situation. So, mayor, that would be my --

Wheeler: Commissioner Fish, could I make an alternative proposal?

Fish: Yeah.

Wheeler: Could I propose that we hold the hearing on 907, 908, 918, take public testimony because if we're going to get it, people are going to be here to make, give that testimony. If it's okay with lester, we can hold off on the final vote on the, two of these reports and one of these is an emergency ordinance. Assuming that that time frame works with the bureau, I would suggest we do everything except take the vote then we could reopen the

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conversation amongst ourselves with staff present, with the commissioner in charge present. Would that be an acceptable alternative?

Fish: So really what you're saying is on all three items we set them over. We have the hearing --

Wheeler: Yeah, but I'd like to have the hearing, I'd like to have the hearing today.

Fish: That's acceptable to me.

Wheeler: I don't want to ask people to come back. And Lester, would that timeframe work for you? I know you've got one of these as an emergency ordinance.

Spitler: Yes, I have the project manager from bes that could speak to the burlingham the second cpo report, 908.

Fish: And here's the --

Wheeler: Right now, I'm just merely asking --

Spitler: 907 --

Fish: And we wait a week.

Wheeler: Accept the proposal, I mean we'll hear the presentation but I want to know in terms of the timing if it's okay if we set it over for a week.

Fish: The question to bes is can we hold off a week taking a vote on an emergency ordinance on the Burlingame? Does that affect your timeline?

******:** I don't think it does but I think the outcome of the vote might be different. The aspirational goals identified by g.w. Fowler on our project are just under 21%.

Fish: Well, the council has the right to take the vote if we want. But --

******:** Okay.

Fish: If we choose to set it over does it create any problem?

******:** No.

Fish: That's all we need to know for now. We'll hold the hearing and then decide.

Wheeler: Okay, so we'll continue but won't take the vote today. Commissioner hardesty.

Hardesty: Thank you, mayor. I just want to be clear that for me just telling me that you have an aspiration that's woefully underperforming is not going to gain my support. So I don't know what has to happen with the negotiating process so that when you come in front of city council that you are as close to your aspirations as you can possibly be because it looks like we have a pattern of behavior that allows primary contractors to just disregard what our goals are and that we continue to contract with them regardless of whether or not they are close to the goals, and for me that's just not acceptable.

Fish: And that means that it's going to be, the window for passing these is going to close because you're hearing from one colleague that she has a nonnegotiable bar for reviewing this. So I think at a minimum for me, stellar j goes on the list of that other company that we're taking a look at to find out what's really going on. Mayor, asena lawrence just reminded me with all due respect, the bes matter is completely distinct from this one. Now we can hear them together but 908 and 9 -- excuse me,

Wheeler: 7, 8 and 18.

Fish: Yeah, they are completely different. They are bes items. We are above the aspirational goals, and I at least want to keep the door open for council deciding to act on those.

Wheeler: Okay, so just to be clear, so I understand, are you saying --

Fish: Set over 907 for a week.

Wheeler: Set 907, but 908 and 918 you believe you're prepared to act today?

Fish: Yes, and I think the council will, based on the numbers which we're going to be hearing from, I think the council may be inclined to act.

Wheeler: Okay, good, and just so people who may be watching this are not completely confused, 907 is very specific to the water bureau whereas 908 and 918 are the bureau of

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environmental services. It's a different set of systems but we called them together because the same staff folks and procurement are working on all the items.

*****: Correct, correct.

Wheeler: Just to clarify that for people who may be confused. Commissioner eudaly.

Eudaly: So, lester, you didn't have a chance to respond to me and i'm happy to take this up with you outside of council setting, but I do want to ask one specific question for today. There were four bids received so clearly there are other contractors that can do this work. This contractor is not responsive to our aspirational goals. Therefore, why wouldn't we look at the next lowest bid?

Spitler: You may not like this answer but they were responsive to our aspirational program, so, within our admin rules for the subcontractor equity program we define what we consider as a good faith effort. So when we assessed stellar j's engagement of certified firms we believed that they did make a good faith effort and that's why their bid was found to be responsive. With an aspirational program we can only go off of a good faith effort.

Eudaly: And did we look at the good faith effort of the three other applicants?

Spitler: We start with the lowest.

Eudaly: Okay.

Spitler: Assess their effort and then if they, we can find them nonresponsive in that regard and then we go to the second lowest bidder and the third lowest bidder and go from there.

Eudaly: It just seems like some kind of recalibration of the process is in order if we're ending up with – I mean a good faith effort is a good faith effort, but we want real action.

Spitler: So if we want to have a required program we would need to undertake a disparity study that would give us hard goals and then we would able to hold contractors accountable for meeting those goals.

Fish: That's a very polite way of saying –

Eudaly: Thank you.

Fish: Under our current disparity study, it would be illegal for us go from an aspirational goal to a fixed goal.

Spitler: That's correct.

Hardesty: Well, but –

Wheeler: Commissioner Hardesty.

Hardesty: If we're not getting anything in our aspirations then I would suspect that we'd have to do something different. So, you know, I mean you gave – so there are at least five contracts with this company that never met an aspirational goal. And so there has to be a breakdown in the system that people keep getting contracts where they never, ever meet - - why do we have an aspirational goal if people don't actually have to meet it? And I'm not, I'm not, you're the messenger, lester. You know I love you. You know I know you're trying to do good work, right? But this is, this is the bane of my existence in this building because we say one thing, and then the outcomes look different and then we say well there's nothing we can do because legally, we can't make people do stuff. Well, yes, we can. We got a lot of money that we give people so we can aspire to be better and then hold people accountable for that aspiration, I believe. But thank you. This is not, this is not personally directed at you, lester. I know how hard you work. I know what you're trying to accomplish. But I, but it's just unacceptable that we continue to take these really horrible outcomes and then say that's the best we can do.

Fish: So mayor, we're going to set 907 aside, over to next week and then take up 908.

Wheeler: Correct.

Hardesty: Hi, welcome.

*****: Hi.

Fish: Welcome lester.

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Wheeler: So I, let me just add one thing to what commissioner hardesty said. Something is definitely out of whack. Either the aspirational goals are wrong and we need an honest conversation about why that's the case, or there's something wrong on the delivery end and it may be a combination of the two. I don't know. But there is an opportunity for a reset here. Commissioner eudaly.

Eudaly: And I mean, I think we may need more nuance in these goals because it is true for some of this work there are very few contractors to choose from. It's also true the market is still very competitive, and as lester said, these projects aren't always the most lucrative so I think there's some areas we know there's plenty of contractors but there's others where there's not and we maybe need to be able to account for that.

Wheeler: So one other thing on this and then I'm going to go to commissioner hardesty on this and then we'll move on. But it, it is, but it's a great conversation. If we are repeatedly either aspiring too high, and I don't think 21% strikes me as being aspiring particularly high, to be honest with you, and we're not hitting the target repeatedly, if the reasoning is what commissioner eudaly says it is, and I believe she's probably right just based on anecdotal information, then the right answer is really about capacity building. In these areas where we continually repeatedly fall below our expectations in terms of women and minority contractors, then we should be using the resources we have in prosper or elsewhere to build up the capacity and I realize that's a longer term play, but ultimately that may be where we really need to put some of the work in here, and I think we need to answer that question. Why are either the aspirations too high, the performance too low, and what are the options that are available to this council to address it over the long term? Because I feel what commissioner Fish said is correct that while this seems like a really arcane issue, a dam one needle valve replacement, my concern is for other larger project areas like superfund. We're going to run into the same issue, and if we're going to run into that issue, I would like to know it now and be able to plan for it and make targeted investments, and focus policies to address it. So, Commissioner hardesty, you had a final comment.

Hardesty: Thank you, mayor. My final statement was just I know if you came to me and said I had a \$1.5 million contract and I want to contract with you for 5,000 I wouldn't be that interested either in doing any paperwork to put it in with your application, so I mean it's about are we really creating opportunities? Or are we just going to people that we know are already busy so we can check a box and say we talked to x number of people of color, right? You said they reached out to 60 companies? I don't know what that means. Did they sent an email? Did they have phone conversations? Did they have a meeting in their office? Because if I look at the breakdown, it just, I wouldn't bother to do the paperwork because it's not worth it for me. If you're getting \$1.5 million and you're going to give me 5,000 why would I want to do that? So, that's my last statement on this. We can move forward.

Wheeler: All right, thank you, lester. Appreciate it. 908 please.

Item 908

Fish: Good afternoon, lester.

Lester Spitler, Bureau of Revenue and Financial Services: Good afternoon. [laughter] Thank you. Lester spitler, the chief procurement officer. So we have two items. We have a cpo report and an emergency ordinance.

Hardesty: [laughter]

Wheeler: You're describing 908 and 918 together, then.

Spitler: Correct.

Fish: Yes.

Wheeler: Okay thank you.

Spitler: 908 is the cpo report and 918 is the emergency ordinance.

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Wheeler: All right. Thank you.

Spitler: When the bureau of environmental services filed its original authorizing ordinance, it, they used a legacy template that limited their ability to execute a contract if the bid came in over the estimate. So that's one of the reasons why we're here with an emergency ordinance is to correct that authorizing ordinance to allow for that flexibility. So that authorizing ordinance was approved may 8, 2019. The engineer's estimate at the time was \$2,112,000, and the confidence level was high. We issued an invitation to bid on July 29th and bids were due on August 20th. We had a mandatory pre-bid conference and we had 11 contractors attend. Seven of those were primes. Two of those were subcontractors and two were suppliers. On August 20th we received four bids. James W. Fowler is the apparent low bidder and is the recommended awardee with a bid amount of \$2,235,000, which is 5.8% over the estimate. The city's 20% aspirational program applied to the solicitation and James W. Fowler has committed to self-performing approximately 69% of the work. They've identified 20, almost 21% of the work that they will engage certified subcontractors on and almost 11% of the work will go to noncertified subcontractors. I have a table in the CPO report that shows each of the certified subcontractors, what their certification is, the area of work and what their ownership is, and I also have a table in the report to council that shows the noncertified contractors and subcontractors and what they'll perform work in. So I have the project manager from BES here to answer any project related questions, but if there are no questions we recommend that you accept this report and authorize execution of the contract.

Fish: I move the report.

Eudaly: Second.

Wheeler: We have a motion and second. Any further discussion? Are we prepared to take the vote today? Commissioner Fish, you're good with it, obviously.

Fish: Yep.

Wheeler: Very good. Any opposition?

Hardesty: Is this an emergency?

Fish: It's a report.

Wheeler: It's a report so we're just accepting the report. Call the roll.

Hardesty: I appreciate the work that's gone into this report. I feel like I'm a broken record because I keep asking the same question every time we have procurement conversations. I will not be voting for any procurement packages that come through that aren't clearly making the case for why there are no communities of color or women that are available to do the work. It will not be acceptable to say to me that, you know, they did a good faith effort and they didn't find anybody so I vote No.

Eudaly: Aye.

Fish: Let's be clear. They've exceeded all the goals we set on this project.

Hardesty: Uh, not --

Fish: 21% exceeds our goal, so just to be --

Hardesty: Where do you see 21, oh --

Fish: So just to be clear.

Eudaly: We're on 908.

Hardesty: I'm sorry. This is --

Fish: I'm not questioning your vote, I'm just saying that on this one --

Spitler: That's correct.

Fish: We hit our mark and so I'll vote Aye.

Wheeler: Aye. The report is adopted. To 918. Have you completed your presentation?

Item 918

Spitler: We've completed it, thank you.

Wheeler: Then we need to take public testimony if there is any on 918, it's an ordinance.

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Moore-Love: I don't think Maggie came back.

Wheeler: She did not come back. Last chance. Any further discussion? Call the roll.

Hardesty: No.

Fish: This is an emergency.

Eudaly: On 918?

Wheeler: 918 --

Fish: If you vote no, it forces us to come back next week, wait an extra month, and we have met the guy. We have met, Lester has already reported that we met, we exceeded the aspirational goals.

Wheeler: [whisper] It's an emergency.

Spitler: Correct.

Fish: There's no opposition and there's no complaint filed to the, so a no vote allows, it means that we defeat the emergency clause.

Hardesty: For my esteemed colleagues I will be happy to change my vote on this particular piece of legislation today because as you said we have exceeded the goals on this. However, comma, I won't be forced to vote for something just because you need an emergency. But today I will make an exception and I will change my vote to vote Aye for this particular piece of legislation. Aye.

Eudaly: Aye.

Fish: Thank you, my colleague. Aye.

Wheeler: Aye. The ordinance is adopted.

Spitler: Thank you.

Wheeler: We will now move to -- we cannot go to the 3:30 time certain yet, so we'll move into the regular agenda 915, please.

Item 915

Wheeler: Colleagues, nationally as many as 100 million or nearly one-third of the entire United States population have criminal records. We know that criminal background checks are used by employers, landlords, colleges and others to make important decisions. This means anyone with a criminal record can potentially face barriers to accessing jobs, housing, educational opportunity and other important elements. Barriers created by having a criminal record disproportionately impact people of color. In line with this reality people of color and people in recovery are the two most impacted groups prior to the legalization of cannabis. Since expungement, expungement, which is the sealing of criminal records can reduce barriers for impacted individuals and families, the city council directed the Portland housing bureau to develop an expungement pilot program in May of 2019. Following this directive the Portland housing bureau has contracted with the metropolitan public defender to run an expungement pilot program. The project is funded through the city general funds for \$50,000. The city council was able to make a special allocation for expungement services from the cannabis recreational tax resources. We're going to start by watching video created by my staff videographer on the life-changing impact that expungement can have. Here comes Adam in person.

*****: [whisper] Thank you.

[video]

Erika: I was going through hard times growing up so I had a lot of anger and hurt built up. A friend asked me if I wanted to go to a party and a situation happened where she was supposed to be fighting someone and she had a knife and I had took the knife from her. I tried walking away. I tried getting in a car. It's like 15 to 20 people were following me, jumping on the car. I ended up being at this store and my back ended up being against the wall of the building next door to the store and I blacked out and I assaulted the closest person to me with the knife. I was sentenced to five years of attempted, assault two. I went to the boot camp program and I did one month shy from two years. It was so discouraging.

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I cried all the time just trying everything possible to get past it. Actually getting a job, a good-paying job, it's hard with a criminal background. They see me bouncing around from job to job. There was no, no serious stability for us.

*****: If you have a felony on your record, it is extremely impactful when it comes to getting a job or getting an apartment. An expungement is essentially the sealing of someone's criminal record. That case comes off of our court system completely so it's effectively erased and so if someone were to run a background check on that person, they wouldn't be able to find that case anymore. For an attorney who is trained on expungements they could do an analysis within a few minutes. The way the expungement statute works, if you have one conviction, you have to wait three years until you can expunge it. If you have more than one conviction, in the last ten years, you have to wait until that conviction is ten years old. While you're waiting, once you're done with probation, if you've successfully completed it, you can ask the court to reduce that felony to a misdemeanor. We've partnered on doing six expungement clinics. We will partner with various organizations throughout the city to do these clinics, be able to their expungement analysis and then show up the day of and be able to essentially expunge people's records that day and then have them file in court and then PHB will follow up with them some months later and find out, you know, is this affecting you in a positive way, particularly around housing.

Erika: To me it was now or never because I needed to stay focused on what's best for myself and my children. Now I have my record expunged, I have a nice home for my children, I actually have a good paying job now.

*****: I want someone to be able to move forward and achieve whatever goal they have for themselves, whatever their dream is for themselves, and be able to reenter their community fully.

Erika: I even started crying when I got my record expunged because it felt so good to just feel like, "Okay, now that is finally behind me."

*****: It would be great to see the program expand throughout the city, reach as many people as possible. It definitely seems, at least from our experience in the office that there's a real need for this service.

Erika: It doesn't take very long pick up the phone and call to see if your record's eligible to be expunged. It only takes a couple of seconds. It was so much weight lifted off my shoulders. I felt like I can fly. **[end video]**

Wheeler: Very good. Thank you. I believe i'm turning this over to uma krishman at this point from the Portland housing bureau. Good afternoon.

Uma Krishman, Portland Housing Bureau: Good afternoon, for the record i'm uma krishman, staff lead for the expungement pilot. I have here with me sonya Stefani. She's the staff lead from mpd and andres Oswald. If you have questions on how the pilot fits in the larger policy goals of the phb. So essentially we are here to answer your questions around the pilot and if you have any questions around the connections between the pilot, which is ongoing, and its nexus to today's request, which is to request the council to authorize the additional 100,000 funding, so.

Wheeler: Commissioner Hardesty.

Hardesty: Thank you mayor and thank so much, Metropolitan public defenders is who would be getting the 100,000. I try not to use acronyms because a, the public doesn't know what we're talking about, and b, it makes it clearer to the public what we're attempting to do. I am curious as to the types of expungements that metropolitan public defenders has done so far with the pilot project dollars. Because again, this fund comes from a marijuana tax. I guess we call it cannabis tax around here because some people get a little freaked out when you call it marijuana, but be that as it may can you give me information about just who has had their records expunged and are there community members that you want to highlight, types of community members who are being helped by these resources?

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Krishman: So i'm going to let sonya answer your specific question, but I do want to add here that the ongoing pilot which was just about expungement, with this additional cannabis money because of the objectives tied to the cannabis we have added scope that the expungement be provided in locations or agencies that specifically serve people of color and people in recovery so that the object of the funding is kept in mind.

Hardesty: Thank you.

Sonya Good Stefani: For the record my name is sonya good stefani, and I'm a staff attorney in the community law division, which is a division within the metropolitan public defender's office. So with the original general funds, the first \$50,000, we held six clinics. The clinics were held at street roots, which is an organization. I mean you probably know they sell the newspapers downtown. We held street clinics at libraries, so we held it at the midland library, the gresham library and the rockwood library. We held one clinic at healthy birth initiatives, which is a county organization actually designed to provide african-american mothers and their families with supportive services during pregnancy and when they have a newborn. And then the last clinic was at impact northwest out by their shelter. The general pilot didn't necessarily focus on any specific population besides folks who were in poverty. So we had a requirement, we have a requirement that you have to be below 80% median income level in order to participate in the expungement clinic for those. We met with about -- the contract was designed so that we had to screen at least 100 people and we screened about 175 with those six clinics. Going forward, again, as uma said we're focusing on site locations that will be specific for people of color and women in particular so we have a clinic scheduled for two days from now on friday at project nurture, which is a center for new moms who have been experiencing addiction. As far as your question goes as to what has been expunged in particular, so we expunge everything that can be under the law. That includes expungement statute is specific, it's most class c felonies and misdemeanors. Everything marijuana related that the legislature has approved expungement. So anything marijuana related except for there are five marijan -- cannabis related conditions --

Hardesty: [laughter] See you did it too. [laughter]

Stefani: I know. Cannabis related convictions that are ineligible for expungement so we can't expunge those. But otherwise we expunge everything else. Coming, we're really excited because starting in january there are some new laws that got passed by the legislature that will allow us to expunge cannabis related convictions outside of the regular expungement statute. So as my colleague in the video said, you have to wait a certain amount of time regardless of what your convictions or arrests were, but the new laws coming into effect will allow us to essentially pluck some of the marijuana convictions out and expunge those convictions.

Hardesty: So, I appreciate that explanation. I just will share my concern. We know that the people that were most impacted by poor cannabis law were african-american. So when we say people of color, it's a very generic term, right? But if we look at based on conviction rates of marijuana across the board there's no surprises who has been most impacted. So what would your strategy be to ensure that based on conviction rates that your demographics would reflect your help of the people who have been most impacted by poor cannabis public policy?

Krishman: I can attempt to answer your question. Our strategy is that the model, the way the pilot works is to kind of take -- for short of a better phrase, it's like taking expungement services on the road. So, and given how we have seen things work in the past, we are hoping to partner with culturally specific organizations, in this case the African -- the agencies that provide specific services to african-american population and we could hold a clinic there. So, I think that's the strength of the pilot. We are planning on holding eight separate --

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Hardesty: Workshops, right --

Krishman: Legal workshops --

Hardesty: Right.

Krishman: And we will make sure that, you know, it perhaps makes -- we can make sure that it serves african-american people who may have been -- who have been disproportionately impacted.

Hardesty: Thank you.

Wheeler: Commissioner Eudaly.

Eudaly: I'm going to sound like a total nerd here.

Hardesty: [laughter] It's okay.

Eudaly: But commissioner hardesty brought up a good point. I also referred to it as marijuana when I first got here, and then the term was switched to cannabis and I didn't understand why. But I can, I now know and I can share with you it's the proper term. It's the more accurate term. And the history of the word marijuana is related to the federal bureau of narcotics making it illegal in the '30s and calling it something other than cannabis or hemp, which were commonly understood terms, and may have garnered more opposition if they tried to make cannabis and hemp illegal and it was also, you know, there was also a racist agenda mostly towards mexican americans at that time. So, I love to nerd out on words.

Hardesty: Yes, as do I sometimes. Thank you, I appreciate that.

Eudaly: [laughter] But it is awkward and I still --

Hardesty: I will always call it --

Eudaly: Mix the two.

Hardesty: Marijuana so you know, just for public policy purposes, I use the term cannabis but hey --

Eudaly: As the commissioner in charge of the cannabis office I grant you that authority.

Hardesty: Authority, right. [laughter]

Eudaly: We know what you're talking about.

Hardesty: Thank you so much. I appreciate your work and I look forward to seeing the results of the additional resources that you've receive.

Krishman: Thank you.

Eudaly: So we're not taking a vote. We're just moving on, or ?

Wheeler: Yeah, we'll take public testimony. But I, I want to make sure. Are you completed with your presentation? Is there more you would like to say?

Krishman: No, we are -- just thank you so much for this additional authorization.

Wheeler: We appreciate your leadership on this, thank you, and your partnership is very important, obviously.

Eudaly: Before they leave --

Hardesty: I, sorry, I was just going to ask the gentleman if he wanted to introduce himself. I feel like we just brought you here to look good at.

Andres Oswald, Portland Housing Bureau: I'm just here to answer questions. My name is Andres Oswald from the Portland housing bureau. I think Uma covered everything very well. In the time since the bureau has been allocated funding from the cannabis fund the housing bureau has been taking time to recalibrate the program, and made contract amendments that you can see in exhibit a, on how we'll be working with the office of civic life and the cannabis grant fund to make sure we're targeting the outreach and program design to reach the population these funds are intended to serve.

Eudaly: Mayor.

Hardesty: Thank you very much.

Wheeler: Great. Commissioner Eudaly.

*****: [inaudible]

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Eudaly: I just want to give what would have been my closing remarks since we have –
Hardesty: People here.

Eudaly: Speakers here today. First I want to thank everyone for the beautiful video and just say that i'm really pleased and supportive of seeing the cannabis tax dollars used towards expungement which I consider one of the most vital services that we can provide. I also want to take a moment to thank our state legislators for the steps they took in the last session to reduce the barriers to expungement but i'm going to go on record for the umpteenth time to say that I still don't think it's fair that the burden is on the individual, and that the state should adopt an automatic system for record clearing but that is a conversation for another day. Today I just want to reaffirm how important it is that we provide pathways for formerly incarcerated people to reintegrate into our communities. I don't understand the punitive attitudes towards people who have paid their dues. I hope, I feel like if people understood that they are not just punishing that individual but their punishing their families, punishing their communities and ultimately punishing our whole society because we are doing harm to everyone when we don't support people reentering community. It's especially true in housing which continues to be a major barrier even when criminal record is not necessarily an indicator for successful tenancy. The health and safety of our communities depends on a commitment to this work and I just want to thank you all and to thank the mayor for supporting it.

Wheeler: Very good. Public testimony.

Moore-Love: No one else signed up.

Wheeler: Very good. Then before we pull away, adam is our amazing video director. Videographer. Thanks –

Adam Thompson, Office of Mayor Ted Wheeler: You're welcome

Wheeler: Adam for your hard work on that. Thanks to all of you for the great partnership and I'll just say this, I'll say it again when we actually take the final vote that as the housing commissioner i'll make sure that we continue to work diligently on this, that we continue to make the partnership effective. We will report back to the city council on what the progress is of the expungement pilot and also bring back plans for a potential expansion assuming we like the results that we see in the community. So thank you for that. This is a first reading of a nonemergency ordinance. It moves to second reading. Thank you.

Hardesty: Thank you.

Krishman/Stefani: [simultaneously] Thank you.

Item 916

Wheeler: Next item is 916. Bureau of transportation. Commissioner eudaly.

Eudaly: Thank you, mayor. On sunday, september 8th a union pacific train collided with and caused significant damage to pbot's north going street bridge. Coincidentally, I was in vancouver, b.c., at the rail-volution conference. [laughter] I hate to think this is a bad omen. North going street bridge is the only connection to and from swan island. The six lane bridge is currently limited to one lane in each direction due to the extent of the damage. Pbot engineering staff is working round the clock to assess the damage and move forward with repairs. This bridge is a critical lifeline for shipping, manufacturing, jobs and local community interests on swan island who are strongly in support of expedited action to the make necessary repairs. Oo, I don't have, I don't get to do this every day. Therefore I have declared an emergency exception to the competitive bidding process so repairs can occur as soon as possible. Here to provide more details and answer any questions is cameron glasgow, engineering supervisor with pbot.

Cameron Glasgow, Portland Bureau of Transportation: Thank you, commissioner eudaly. And steve --

Eudaly: And somebody else.

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Steve Townsen, Portland Bureau of Transportation: My name is Steve Townsen. I'm chief engineer for transportation. We actually have been able to get a second lane open into swan island.

Eudaly: Yay.

Townsen: And it's one lane out but normally there are three lanes in and out. I'm just here to help Cameron out with any questions.

Glasgow: Thank you. Good afternoon. My name is cameron glasgow, bureau of transportation's engineering supervisor for bridges and structures. I would be happy to take you through what we have been experiencing out there after the collision. That is the scene as it looked when we first arrived –

Eudaly: Ahh –

Hardesty: Ooo –

Glasgow: This was the morning of september 7th when we got the call about a train colliding with our bridge. What we know is bridge b, number 12, we knew it was the old part of the bridge that was hit, which was concerning and I'll explain that in a moment. So when we arrived, due to the damage that we saw, we had to close all travel lanes on the bridge, especially during the removal of the train that was resting on the bridge. Then traffic was rerouted onto river road at the time. We wanted to follow up with another inspection before we opened up travel lanes on the bridge so we mobilized high-lift inspection equipment to get to the top of the column to further evaluate the damage. We also brought on board a consultant that day to assist us with the evaluation and they had some technology that's not available to us that we needed. At that point on sunday we were able to do get out to do our inspection of the columns and the deck and determined it was safe to open two lanes of travel across the bridge, one inbound, one outbound. The reasoning why we were able to do that, even though the bridge did sustain significant damage, it's really three bridges built at three separate times. The middle structure was built in 1930. The two adjacent parallel structures were built in 1976. The bridges are somewhat independent but they were tied together in 2010 by seismic retrofit that we did which actually I think benefited the bridge in this case to resist the impact but does make repairs a little more challenging because the bridges do share loads from the heavy vehicles. Here's another view looking like you're standing on the ground looking down the line of the bridge. That shows two lanes on the left side of the structure, the northern most lanes that were opened up.

Eudaly: How many more bridges can we add? I just --

Glasgow: Yeah, we could probably fit another two in there. [laughter]

Eudaly: Okay. Good to know.

Glasgow: Yeah, it's got quite a history. There's been a lot of modifications over time on this one. The damage columns you can see with the red arrows and the right column, the 1930 bridge, sustained the most damage. Here's some photos that we took up on the lift. The photo on the left shows damage all the way up the column where the beams frame in and that was due to of the vertical bars actually buckling and popping the concrete out. And we even noticed damage in the top of the deck or on the surface that the vehicles drive. The photo on the right is near the impact zone but that crack is showing over three-quarters of an inch and there are several of those. So the following week we used ground penetrating radar from the consultant to evaluate the bridge deck. We reached out to a contractor to get them on board to know what materials they had available for us to start our designs for the repair and shoring of the bridge, and had them on site by the 10th to take a look. We started demolishing the damaged portions of bridge deck and repairing that in an effort to attempt to open an additional lane of traffic. We got on this right away because there's 35,000 vehicles per day that cross this bridge and a lot of heavy freight that relies on it. We also arranged a time to close the railroad for foundation excavation to

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determine the damage in the foundation below ground. After that we were able to open a third travel lane and there's just some of the work we have done so far.

Eudaly: Oh, wow.

Glasgow: This is the current configuration of the travel lanes that are open. Those two lanes on the north side are westbound onto the island and they are open 24 hours. The eastbound, the only lane off the island is now the southernmost lane.

Eudaly: And colleagues, I just want to underscore part of the urgency besides this being such a huge center of jobs is that ups and fed-ex are both sited on swan island and we are quickly rolling into the holiday season. So this could actually be like economically disastrous for businesses across the city if we don't act really quickly.

Wheeler: I would like this presentation to include some of the commentary that was made the other day. We didn't damage this bridge. This bridge was damaged by the railroad. And it was an oil train. We have discussed in here previously what this could have been versus what it actually was. How responsive has the railroad been? First of all, who is the railroad?

Glasgow: The railroad is union pacific.

Wheeler: And how responsive have they been?

Glasgow: Initially they were very responsive allowing us to access the site to evaluate the damage and they've connected us with their home office in omaha in an effort to review our repair concepts. Since, they agree in principle I think to where we're headed. The issue that we're running into with them is the amount of time they are going to allow us to be on site for them to stop, or halt their operations so we can perform the work and we're negotiating that with them right now.

Wheeler: And so why is this a negotiation? There's a life safety issue here.

Eudaly: Huge economic impact.

Wheeler: The photos speak for themselves. The commissioner in charge is in agreement. What's to negotiate? We need time to be able to shore up and repair these bridges that are a vital piece of infrastructure for swan island and a lot of people cross it every day. So why is it a negotiation?

Glasgow: I believe the --

Eudaly: And it could crush their trains and --

Glasgow: Pardon me?

Eudaly: Crush their, it could crush their trains and keep them from moving cars through the city. You know, they are not really doing us a favor, but.

Glasgow: The part of it is that it's their property, underlying property, so they're a property owner in principle.

Wheeler: And so I asked you a question the other day and you may not have the answer to that question, which is what are our rights? I know as mayor I have certain rights around declaring emergencies when there's a life safety risk.

Glasgow: They don't --

Wheeler: That may supersede other potential existing arrangements. Do we have any leverage here?

Glasgow: I believe the attorneys are looking into that right now. I don't have the answer.

Townsen: Yeah, so we got the right of way reports from our right of way group and they have been sent over to ken mcGair and scott moede, who are taking a look at that.

Wheeler: So they may maintain the tracks as well, so it may be that the train was doing what the train was supposed to be doing. The engineer, and by the way, I'm told nobody on the train was injured --

Townsen: Correct.

Wheeler: Which is a good thing. We're glad to hear that, but it may be that the tracks themselves failed or the substructure under the tracks failed. That is their responsibility to

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maintain that, is it not? So there should be no disagreement about who's going to pay for the repairs.

Glasgow: Correct.

Wheeler: Have they agreed to that?

Townsen: From, with this, when we've talked to them, they have said they are going to make this their insurance claim, but with this, they haven't raised any concerns about, or fighting -- I mean I think it's one of the things they realize they damaged the bridge they are going to pay to fix it.

Wheeler: Okay. Commissioner Hardesty.

Townsen: And going back to kind of the negotiation, it's one of the things of trying to come up with a reasonable solution for both us so that we're able to get the bridge done in the right time frame to get things down.

Wheeler: I just want to put on the record --

Townsen: Yeah, no, I understand.

Wheeler: They damaged this bridge. This is their responsibility and it is my expectation that they will work with us and provide whatever flexibility they can to ensure that we're able to do this work quickly.

Hardesty: Right.

Townsen: And if we can't get that we will definitely be asking for assistance.

Wheeler: And I'm putting that on the record that I will use whatever options are available to me as mayor and I'm sure that I speak for this council when I say that. Commissioner Hardesty.

Hardesty: Thank you. On the same note I think the mayor was looking over my shoulder reading my questions on my little note pad here, because he asked most of my questions. The only one he didn't ask that I know was next, had he not saw me try to get in, is the question of how soon are they going to reimburse us for the cost of repair of this bridge?

Townsen: So that's something we don't have an answer to. I'll tell you how it works on fellow projects and actually, maybe we have a -- Randy, do you want to come up here?

Randy Stenquist, Bureau of Revenue & Financial Services, Risk Management: Yeah.

Hardesty: So we're getting ready to spend a million bucks with the hope that the people who actually damaged the bridge are going to give it back?

Stenquist: So risk management is --

Fish: Put your name in the record.

Stenquist: Handling the --

Hardesty: What's your name?

Fish: Put your name in the record.

Stenquist: I'm sorry, Randy Stenquist, liability claims manager, risk manager.

Hardesty: Thank you.

Stenquist: So my office has been working with the railroad beginning a week after the incident. We put out a couple of communications to them via email to their local representative about our intentions. I can share with you the statement that I provided Pbot's public information officer because citizens were asking questions not unlike what you all are asking and the statement was, "Risk management will seek to recover from Union Pacific and any other responsible parties all reasonable and necessary costs associated with the damage to the city's transportation infrastructure on September 7th, 2019, as well as other costs related to the incident and the resulting disruptions." So that has been our intention. That remains our intention. The reality of how the subrogation collection process works is that the work has to be completed. It's essentially a reimbursement that we would be seeking from them. And we are doing everything we can to process, move through the process of having a dialogue with them. On the engineering front things seem to be going very well to move the repairs along. On the financial side,

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they are less communicative. That's not a surprise to any of us who have worked with the railroads over the years but we have sent formal notification to the railroad, both to their headquarters in omaha as well as to the local risk management representative here in town. Everyone is aware that we are seek -- going to be seeking recovery of our damages. That would happen at the end of the process once all of the bills have been tallied up, risk management will be putting together a demand package that we would submit formally to the railroad.

Hardesty: And just one last question. In your experience, and it sounds like you've been doing this for a little while, is there normally a smooth process or is this a process that will require us to use political muscle either from our congressional delegation or others who can assure that we get reimbursed?

Stenquist: Are you referring to specifically with a relationship with the railroad?

Hardesty: Yes.

Stenquist: Historically I have been 18 years doing this work, and I have had a number of railroad claims in that time. If I had to characterize the relationship it is challenging, and it has always been. We recognize that going in. I think, you know, that's just how they portray themselves. It's a huge conglomerate. It's very bureaucratic, not unlike the city of Portland [laughter]. But you know, we all have a process in place to seek recovery of monies that we believe are owed to us. There's clearly a legal liability on their piece.

Wheeler: Commissioner Eudaly then -- I'm sorry go ahead.

Hardesty: Yeah, let me just finish. I just want to thank commissioner eudaly because this is the very first time in my experience here that this is a real emergency. We're talking about people's lives potentially being lost if we don't do this repair in a timely manner. And so though I don't like emergencies I am very appreciative to know that we have a mechanism in place when there's a real emergency that we can step up and actually do what needs to be done and then put pressure on at the back end. So thank you.

Wheeler: Commissioner Eudaly.

Eudaly: Because we have other train related concerns in the city, I just wanted to explicitly say on the record the reason we're having this kind of back and forth and challenges with this project is that this property is outside of our jurisdiction. It's under the us dot and federal railroad -- or it's under federal railroad transportation under us dot, correct? And there are a number of federal laws that preempt state and local ability to control what happens on that property. It's obviously really problematic when a train cuts through a city and potentially impacts lives and jobs. So thanks for your hard work on this. I'm not an engineer but those photos were terrifying to me, and I can't believe it's only going to cost a million dollars. Yeah.

*****: [inaudible]

Wheeler: Commissioner Fish.

Fish: Randy, has the railroad denied liability?

Stenquist: For this incident?

Fish: Yes.

Stenquist: They have been silent on liability.

Fish: They neither accepted nor denied liability.

Stenquist: Correct, sir.

Fish: Do we have a working hypothesis as to how this happened?

Stenquist: According to media reports, the railroad acknowledged that it was a broken rail that led to the derailment. So --

Fish: So, that sounds like negligence.

Stenquist: It sounds like what?

Fish: That sounds like common law negligence.

Stenquist: One could make that argument.

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Fish: They are responsible for maintaining the tracks –

Stenquist: Right.

Fish: In a certain order and if –

Stenquist: Their equipment –

Fish: If it's foreseeable that if there's a broken track, there would be a derailment and it could damage other property.

Stenquist: Correct.

Fish: Do we have confidence this will not happen again at the same location?

Stenquist: That I can't speak to. I'll defer to pbot and their current relationship with the railroad.

Glasgow: Yeah, I don't think we could make a comment on that. It would be speculative at this point.

Fish: Well, it could be less than speculative if the railroad makes an affirmative commitment to do an analysis to make sure that this doesn't happen again or that the equipment is not in substandard condition or whatever. So are we pursuing that?

Townsen: We hadn't been. It's been our assumption that the railroad's going to make every effort not only in this case but in every location to make sure that their tracks are – because it's in their own best interests to make sure they have things fully, well maintained, but that's not something we would ask the railroad.

Fish: Okay. Thank you.

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

Moore-Love: No one signed up.

Wheeler: Very good. I sort of hate to take the vote without commissioner hardesty here.

Fish: But we need her because it's an emergency. Do we need four?

Eudaly: Mustafa's on it.

Karen Moynahan, Chief Deputy City Attorney: Yes, we do.

Fish: Mayor, why don't we just take up 917 and when she arrives we can take a vote.

Wheeler: Do you mind starting 917, Commissioner?

Eudaly: Well that is fine with me.

Wheeler: Very good. 917. Thank you gentleman, thank you. Great presentation. Thank you. And thanks to the good work of pbot and procurement and legal on this.

Item 917

Wheeler: Very good and I'll turn this over to commissioner eudaly in a moment, but just sort of an administrative heads up, at some point I'll do a brief interruption just so we can close out the prior item with a vote. Commissioner eudaly.

Eudaly: Thank you, mayor. Colleagues, this ordinance will allow us to release funds for an iga with Portland state university to conduct disability engagement and equity research. The results of this research will be used to inform civic life's efforts and will be shared with city-wide partners. Joanne johnson from the disability program coordinator in civic life and nico serra and Leila haile from real choice initiative are here for a brief presentation.

Joanne Johnson, Office of Community and Civic Life: Yes.

Eudaly: Welcome. And please state your, well you know. Everyone please state your name for the record.

Johnson: Of course. Good afternoon, commissioners and mayor. I'm joanne johnson. Disability program coordinator with the office of community and civic life. Thank you for your ongoing support in having us here today. I'm here along with nico serra and Leila haile from real choice initiative to ask you to authorize the intergovernmental agreement with Portland state university so we can begin work on the disability engagement and equity study. We'll share an overview of the study and why it's so important for our city and

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communities as well as how we got to this point and what our next steps are. Do you need to pause to take –

Wheeler: No, we'll wait until you finish your presentation.

Johnson: The disability data project was funded in fiscal year 2017-2018 in the amount of \$55,000 to collect data on Portland's diverse disability communities. Civic life added \$20,000 to the agreement through the fiscal year '18-19 spring bump from disability program funds to support a more meaningful study. The disability engagement equity study will provide information that supports the city's efforts to understand how people access civic engagement and other city services and identify how diverse disabled Portlanders want to engage. It will also inform civic life program development and citywide equity efforts. Leila haile and nico serra will share more about this study design soon. I want to take a moment to underscore the deep need for this work. Data on Portlanders with disabilities, especially as it relates to civic engagement and experiences accessing city services, is extremely limited. Moreover, the data that does exist at county, state and federal levels is outdated or cannot be disaggregated by disability, race, gender, et cetera. While the 2019 Portland community insight survey is a great start, we need a more specific disability focused effort to understand how diverse disabled Portlanders do and want to engage with the city and what's getting in the way. We continue to need a more complete picture of how Portlanders with disabilities from many communities experience city engagement and city services. As you can see in front of you community and government partners have already worked incredibly hard to get us to this point. In the summer of 2018 staff met with data analysts and impacted community members. The rfp was opened in fall 2018 with the first deadline falling just before thanksgiving. The deadline was extended to get more applicants. The rfp was closed in winter 2018 and a selection process left us with two fantastic applicants with very complementary and equally necessary skill sets, so we asked them to collaborate. In spring of 2019 a draft collaborative contract was created and went through legal review. This summer we sent the contract to Portland state university for review and negotiation. Now we're here ready for your authorization to begin work. Please allow me to introduce the teams who will be working on this study. I would like to share a statement from dr. masami nishishiba and then I will hand it off to nico serra and Leila haile to introduce themselves and show more about their team. Dr. masami nishishiba is a professor and department chair of the department of public administration, hatfield school of government, Portland state university. She couldn't be here today but wanted to share this with you. "I'm excited to be part of this important project working in collaboration with the office of community and civic life and the team from real choice initiative. Real choice in Portland state university collaboratively discussed the approach to this study. While there are a variety of ways to collect information about and from disability communities, we decided to focus our effort on using a standardized online questionnaire. We are aware, however, that just sending online surveys from an electronic forum will not reach the broader disability community. Therefore, we will employ multiple modalities in administering this survey. Once the survey data is collected we will organize a townhall style information sharing session. Portland state university will be providing expertise and research methods, survey software resources and we will be engaging students and providing students opportunities to learn more about the disability communities and the research approach." I would now invite nico serra from real choice initiative to present their roles and their team members.

Hardesty: Thanks.

Johnson: Of course.

Wheeler: Thanks, Joanne.

Nico Serra, Real Choice Initiative: Hi. My name is nico serra. I'm a white-passing mixed race queer and transgender person with disabilities and I use they pronouns. As joanne

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stated, i'm with real choice initiative. Allen Hines, our director and the project manager couldn't be here today, and we prepared a statement for you all. Our team of organizers and service providers have deep and lasting connections in the disability community. Together we have a broad reach and can engage underrepresented populations such as people of color, queer and transgender people, people living in group settings and those struggling to survive out on the streets. Through the connections we developed while in the field, we've learned that many disabled people are eager to have comprehensive data that will better inform the decisions of local policy makers and ultimately improve our lives. In the past, many researchers studying the disability community have turned to nonprobability sampling, often in the form of focus groups and convenient samples. Focused groups often require a community presence of someone to identify, a level of health to be present and participating for an extended period of time, easily remedied excess needs and transportation. The result is a small pool of relatively privileged people representing a diverse and expansive disability community to the exclusion of the most oppressed among us. Our team hypothesizes that the fulfillment of basic needs is a predictor of individuals' civic engagement. That is when people with disabilities fare well in addressing social determinants of health, they have a greater capacity to engage with the policies that affect their lives. Our study is designed to gather demographic information data on six categories of basic needs, a respondent's current level of civic engagement and the recommendations to better support them to participate in the political process. We hope to survey at least 350 to 450 people and we believe that engaging a diverse group of people with disabilities is key for this study and beyond, and I'll pass it on to Leila.

Leila Haile, Real Choice Initiative: I'll echo everything else that my colleagues here said. It was all very well put. Also, my name is Leila haile for the record. I'm most passionate about this project because we know that in government if there's no data, then there's no problem and we know that with no data collection we don't exist and that is a form of very quiet bureaucratic eugenics we want to push against. And also pushing the fact that we are the only community that anyone can become a part of at any moment so I feel like we're also the most important that the folks need, that folks in power need to pay attention to when we're talking allocating resources and creating a sustainable city that serves folks in the long term. Yeah, I feel like that's all I have to say.

Serra: Cool, great.

Haile: That this work is really important and if we're thinking of truly serving everyone who's involved in most of the systems that serve our people we need to look at the folks who are most oppressed and who are at the forefront of that. We're basically your canary in the coal mine when it comes to evaluating how our systems are serving the greater public. Thank you.

Wheeler: Thank you.

Hardesty: Thank you.

Johnson: As you can see this process and this study are rooted in collaborations between governments and communities. This is no less true within the city of Portland and our partners in the county and community. This study was funded in response to communities and government partners' calls for this kind of data. As we have been moving through the process to begin work on a study and shared our anticipation, we have heard nothing but enthusiastic support from our colleagues in the office of equity and human rights, as well as other bureaus like the Portland bureau of transportation, the Portland housing bureau, friends at Multnomah county and respected community leaders within disability community organizations. There's a lot of excitement for the many ways this data can support engagement and equity efforts across the city and in our communities. Because the data from this study will be a leap forward in informing our race and disability equity efforts in the city we want to underscore that the office of equity and human rights has long

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recognized the need for this kind of data. They have been deeply supportive of the project and will be consulted throughout our data collection efforts. We plan to share our results with the office of equity and human rights and all other bureaus and partners to support our collective equity work. I would like to read a statement from Nickole cheron, ADA title ii and disability equity manager with the office of equity and human rights who couldn't be here today but wanted to share her thoughts. "Distinguished council members, i'm sorry I couldn't be here today but I wanted to share my thoughts all the same. When the coalition for communities of color put their report on the state of black Portland I was in awe. It made such a statement and impact to see in such clear numbers the inequity faced by people of color living in Portland. I have known for a long time that if we were able to do such a report in regards to people with disabilities living in Portland we would see similar numbers. Unemployment, access to housing and living on a fixed, low income will paint a dire picture but we don't have these numbers and we don't get much assistance from the federal government in collecting that information either. The census bureau only collects data on disability through the american community survey, acs, beginning in 1999 with a focus on social services, and the survey of income and program participation starting in 2014. The current data available around disability statistics is further compromised by the social stigmas associated with identifying as a person with a disability. Older americans, for example, are 35% more likely to experience a disability over age 65 and they rarely identify themselves as having a disability. Without good data we cannot draw a clear picture of the gaps and inequities people are facing. These are only a few reasons why joanne's project is so important. I wanted to let you know how excited and supportive of this I am. Oehr will be available to joanne and civic life to make sure this process is a success. I truly believe joanne's work will set a model and direction other cities will hopefully follow. Nickole, ada title ii and disability equity manager."

Wheeler: Commissioner hardesty.

Johnson: Our –

Wheeler: Oh I'm sorry.

Hardesty: Oh, I'm worry. Were you done?

Johnson: Not quite.

Hardesty: Okay.

Wheeler: Sorry.

Johnson: Our next step is getting to work. Finalizing the study design and data collection timeline officially kicking off engagement of the city and community partners and formally reaching out to Portlanders so they know how to get involved. We'll be back here in may to share what we have learned and how we'll inform our work going forward. We're looking forward to it already. I'm happy to respond to any questions you might have now. Thank you for your time and kind attention. We urge you to approve this iga so we can get to work.

Wheeler: Commissioner Hardesty.

Hardesty: Thank you, mayor. Thank you all for your compelling testimony. Let me just say we need you. We need you to conduct this survey. We need you to get this information incorporated into the city's work. And I am thrilled and I am channeling my colleague, commissioner Fritz, who isn't here today, but I know this is near and dear to her heart. So I just want you to know that i'm giddy and I know she is giddy. She can't say it on the record but i'll say it for her that we're moving this process forward. It's taken a long, long time but hopefully we're doing it in a thoughtful way so that the information we get will be useful for the work we have ahead. So, thank you very much. Appreciate it.

Serra: Thank you.

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Wheeler: I want to add my thanks, and joanne, could you, you probably said this. Could you tell me what the next step is? Do you have a time frame for coming back to city council with your learning?

Johnson: We'll be back in may.

Wheeler: In may, thank you.

Johnson: Yes.

Wheeler: And that'll, early or later, do we have date set?

Johnson: Mid-may.

Wheeler: Okay, good.

Johnson: And I just want to acknowledge our timing has changed several times just because of the bureaucracies of getting all the pieces done so that we could start working.

Wheeler: Good. I just want to make sure i'm here, because –

Johnson: Yeah.

Wheeler: I'm really excited about this and I look forward to the results. Thank you.

Johnson: Yes, yes.

Eudaly: We need Commissioner Fish now –

Wheeler: Commissioner Eudaly.

Hardesty: And this is an emergency so we need to go grab –

Eudaly: We have two emergencies.

Wheeler: We need him for both, in fact.

Eudaly: Is Mustafa on it?

Hardesty: I could go grab him, then I'd be gone. [laughter]

Wheeler: No, because I know what's going to happen. Don't you dare. [laughter]

Eudaly: You sit right there.

Wheeler: Don't you dare.

Eudaly: I'll tie you to that chair.

Johnson: It's already in [inaudible] [laughter]

Hardesty: We've been here before, haven't we?

Wheeler: Indeed we have. [laughter]

Eudaly: Commissioner Fish, you're wanted in chambers.

Hardesty: [laughter] I'm sure that's him now.

Eudaly: I don't now how he gets through that exit door, no

Hardesty: No.

*****: I'm not as strong as you.

Hardesty: Okay, he'll be back. Any other questions for us? Well, thank you very much. We're going to vote on this. We just have to –

Wheeler: Yeah, we, we -- the good news is we can stall because we need to take testimony. Karla, was there any public testimony on 917?

Moore-Love: No one signed up.

Eudaly: Okay.

Wheeler: Of course not.

Eudaly: I can share some --

Wheeler: Commissioner eudaly.

Eudaly: Reflections –

Wheeler: Please.

Eudaly: And appreciations. I want to thank nickole cheron of course, and thank joanne, especially for advancing this item. I want to kind of expand on something that Leila said, which is that people with disabilities are the largest minority group in this country and it is true that anyone can join at any moment, unlike most other minority groups, despite what some people might think --

Hardesty: [laughter]

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Eudaly: Some people have visible disabilities, some people have invisible disabilities, but the lack of data that we have, the lack of access, inclusion and opportunity of people with various disabilities does lead to this disappearing where people think they don't exist, therefore there's no need or demand, and it's just this vicious cycle of people not being served and not being recognized. So i'm very, very excited about the study. It's a perfect example of a significant community in our city that is underrepresented and underserved and for a variety of reasons may be unable to engage in the very prescribed ways that we have historically and currently allowed people to engage. And the really good news is when we center disability and serve people with disabilities, it benefits everyone. So, now we can take the vote.

Serra: Thank you.

Wheeler: Very good. So, any further business on number 917? Seeing none, please call the roll, Karla.

Hardesty: Great work. I look forward to you coming back in may of next year and telling us what the results are and helping us figure out a way to make sure that that work is implemented throughout the city of portland. I vote Aye.

Eudaly: Well, obviously I'm looking forward to working closely with civic life, psu and real choice initiative on this study. I love that this is a partnership across community, academia and government and know that we'll end up with a better outcome because of this collaboration. This study is one important step forward to helping us get a more complete picture of who is here in our city, what their needs and priorities are, and how the city can best serve people of all abilities. This is especially important in the context of civic engagement. So thank you, again, to our presenters, Joanne, Nico and Leila for being here today. I'm looking forward to our work together. I vote Aye.

Johnson: Thank you.

Fish: Thank you very much. Aye.

Wheeler: Great presentation. I'll look forward to seeing the results. Joanne, thank you for all your hard work on this. I vote Aye. The ordinance is adopted.

Hardesty: Thank you.

Wheeler: Congratulations.

Serra: Thanks so much.

Wheeler: Next item, karla. Can we go back to the vote please on 916.

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

Wheeler: I want to thank Commissioner Eudaly, the transportation bureau for their diligent and very quick work, particularly over a weekend, particularly given that they had to work all night. I want to thank the crews that were out there working to shore up north going street down to swan island. I want to thank our legal staff and risk management for their diligence on this as well and I want to thank them in particular for hearing the words of the council today about both our sense of urgency and our sense of where the responsibility ultimately lies for this. I vote Aye. The ordinance is adopted. We will next go back to our –

Eudaly: Time certain?

Item 914

Wheeler: Time certain item, which is 914, please. Colleagues, this an important way point in the Portland clean energy fund process today. Collectively as a city council we're going to announce the first five members of the Portland clean energy community benefits funds, otherwise known as the pcef committee. Before we meet the first five, I want to thank all of those who supported and voted for the Portland clean energy community benefits funds initiative, there are many of the coalition members here in the council chamber today. Thank you for being here. It is good to see all of you. Happy to support, sport green today as a small token of my appreciation. I don't typically wear green. It clashes, but today I wore a green tie in honor of you –

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Eudaly: Clashes with what?

Wheeler: In honor of the hard work that you did. So thank you for that. The initiative, part of the city's continuing commitment to be a climate leader nationally and globally shows that Portlanders will come together to make our city both a greener place as well as making sure that we also have a more diverse workforce. November 2018 showed us that Portlanders can support, lead, and vote for climate justice. We can both build our communities and address our climate without sacrificing one ideal for the other. I'm proud that we take yet another step to implement this important initiative today. Sam Baraso from the bureau of planning and sustainability is here to help introduce our first five appointments. Thank you to Sam, pcef team and the office of community and civic life for working together on such an important recruitment process. Good afternoon.

Sam Baraso, Bureau of Planning and Sustainability: Good afternoon, Mayor Wheeler, Commissioners. For the record, my name is Sam Baraso. I'm incredibly fortunate to be the program manager for the Portland Clean Energy Fund. Before we get started today, I want to go ahead and bring up the first three folks that we're going to be chatting with just to make sure that folks get familiar with these faces, but I want to go ahead and bring up Maria Sipin, Megan Horst and Michael Edden Hill. And I'm going to pull up one more chair.

Wheeler: Good afternoon.

*******:** Good afternoon, Mayor, Commissioners.

Baraso: So, I and the pcef team are excited to be here today as this marks an important next step in implementation in voters' vision. Ten months since the voters passed the Portland Clean Energy Initiative, the first of its kind nationally, we are here to take this huge step. But before I do that, I want to acknowledge that in that time, we have recruited a phenomenal startup team at the city to make this happen, and as you'll, and you'll see some of those folks in front of you in the months to come. But that's not why we are here today. A key part of the vision that was supported by voters last November is the pcef committee. The pcef committee is central to assuring that the Portland Clean Energy Fund is accountable to the voters' vision. And before we get into what some of that vision is, I want to intro – I want to talk you through some of the recruitment process because this was probably one of the most, I would say it was probably one of the best recruitment processes I certainly was involved in. So the Bureau of Planning and Sustainability worked in close collaboration with the office of – oh, we have a presentation I would love to cue up. [inaudible] Ah, we got it over there. I probably, I'm going to, so one thing I'll say. I have been in this role for three months, so this is the first time in front of you all and I'm happy to be in front of you all but I will learn, I will know next time to sit over that way, and so --

Hardesty: Can you switch?

Baraso: What was that?

Hardesty: Do you need to switch?

Baraso: Maybe that might be helpful, let's do that.

Hardesty: We'll wait.

[laughter]

Wheeler: And Sam you can just slide that microphone wherever is convenient for you.

Baraso: Great.

Wheeler: This is your first presentation?

Baraso: This is, this is.

Wheeler: Well, congratulations.

Baraso: Thank you, thank.

Wheeler: It's important way point, absolutely.

Baraso: Great, great. I appreciate it. Okay. So what I want to start with is give you an overview of how we brought forth this phenomenal committee and got to this phenomenal

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bunch of folks in front of you all. We worked in close collaboration with the office of community and civic life, specifically Ashley Tjaden who I want to give a huge thank you to in supporting us through this process, in running an incredibly successful recruitment. We recruited over 100 applicants for the Portland clean energy fund initiative. I was happy that mayor, you, Commissioner Hardesty and several others on the commission put a wide reach out to your networks to make sure folks applied and that was really evident. What was also evident in the recruitment is that panel of 100 folks we had was incredibly diverse and represents the wide swath of the city bringing a phenomenal representation of skill sets to the table. In order to get from the 100 individuals that applied to be on the committee, we worked with a selection advisory committee composed of three folks, both community members as well as city employees, in order to help narrow that list. We used what you -- this diagram in front of you to help narrow this list. You don't need to focus too much on it, but the broad gist is we wanted to make sure we stuck and honored the language within the initiative. The key points is any individual that would serve on the committee has to have demonstrated a commitment towards the climate action plan as well as demonstrated commitment towards empowering communities of color, low income folks, folks with disabilities and those historically unemployed. Then there is a range of specific skill sets that were sought after and needed to be brought together within the final panel, the final committee. Now, we use this to get to a list of about a top 18 list. And we were able to work with your phenomenal staff in helping bring forward the great candidates you have in front of us today. Don't need to go too far into those details but I want to speak to a little bit of what this committee is charged and tasked to do with the next six months as well as next four years of their term. So, the role of the grant committee. They are going to be adopting methodologies to measure, track and report to various stakeholders the effectiveness of the program in implementing its goals. There are going to be adopting a workforce and contractor equity plan. Making recommendations to you all, the city council, on changes to the law that are necessary to ensure its effectiveness of the initiative in achieving its stated goals. They are going to develop grant criteria, they're going to review proposals and ensure accountability and lastly, they are going to send these funding recommendations to the Portland city council for approval. This body is an incredibly important group of folks. This is the inaugural five. This body will tasked in time with bringing and nominating the next four in order to make for the full body of nine that will ultimately be doing this work. Before I introduce them, i'm going to jump to the process and go back and introduce them so you all have a sense for what is to play out in terms of program implementation. We are here with one of the initial and major important steps in terms of bringing forth our committee, and this is a key step to -- they are going to function as our board, designing the program. But over the next several months we will do a whole host of public engagement, input workshops and capacity building so we get folks ready to apply for the funds. What you'll see is in summer of 2020 we will go out with our first round of grant funding with roughly \$7 million and subsequent to that you'll see additional rounds of funding coming out as the fund populates. With that, I want to go ahead and introduce our folks you have in front of you. First I want to start to my left here, Miss Maria sipin. Miss Sipin is a transportation planner and community health advocate whose work emphasizes the importance of investing in bicycle, pedestrian and transit infrastructure, and addressing displacement, safety and accessibility for communities of color. She has experience working with people experiencing homelessness, and lgbtq youth in health care settings and continues to push for mobility justice and participatory budgeting through her grassroots nonprofit involvement. I'm excited to have maria here as part of this inaugural committee. To maria's left is megan horst. Megan is doctor. I need to make sure I do that. Dr. Horst is an assistant professor at the school of urban studies and planning at Portland state. She bring substantial urban agriculture and local food systems expertise that is

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recognized both locally and nationally, and miss horst also brings a strong equity lens and experience in the food justice work. To my right I have michael david edden hill. Mr. Hill is a journeyman electrician who in addition to experience of wind power design and deployment, also brings experience in construction management on one of the largest solar pv systems in the u.s. Mr. Edden hill has a solid understanding of the informal support ecosystems that are necessary to support folks through the pass of preapprenticeship and apprenticeship programs. So I want to start with those folks and I think, I'm trying to think about how to do this. I'm learning about how I need to do this next time, but I'm going to go ahead and pull a couple more chairs up and actually have our next two folks, shanice as well as robin come up, so that's what I think we are going to do. All right. Over there right beside, to the right of megan, we also have shanice brittany Clarke. Shanice is the director of community engagement at Portland public schools. Shanice brings a deep community engagement experience to the committee, having worked directly with 75 to 100 community organizations annually that serve portland's diverse communities. In addition ms. Clarke is a national delegate on the climate justice alliance and is also a proud member of the sunrise movement, supporting their four-year plan to make climate action an urgent priority in every corner. Last but not least we have robin wang to the right of shanice. Mr. Wang is a business, nonprofit and community leader who is passionate about deploying capital and harnessing business for the benefit of the greater good. As a former owner of a sustainable lifestyle business, mr. wang brings a wealth of experience in both sustainability and business operations. Mr. Wang is the executive director of a local community development financial institution that serves under banked entrepreneurs and serves on Portland prosper's council for economic and racial equity. This is an exciting group. If what I just read didn't excite you all, I –

Wheeler: Impressive, yeah –

Baraso: So with that I want to turn it back over to you mayor and the council for [inaudible]

Wheeler: Commissioner hardesty.

Hardesty: I just want to applaud the current members of the oversight committee for pcef. If all committees the city put together looked like this committee, we would not be so stressed out about the equity work that we have ahead of us. Right? This was intentional and that is why it looks the way it looks and I am so excited about the work that you have ahead of you and how we can support you in that work. But I just had to comment on, you know, if every committee looked like this we would be head and shoulders ahead of where we are today. So thank you for stepping up and being willing to do this hard work. Because it is going to be hard. I don't know if he told you, but it is going to be really hard.

Baraso: Several phone calls. [laughter]

*****: Are you sure?

Wheeler: Very good. I want to first of all say this was an embarrassment of riches when it came to the depth of experience that people had who wanted to serve. And first of all, to those of you who have been selected for this important position, this is one of the most impressive panels, I think we have empaneled in the time I have been here. Just in terms of the breadth of experience, the depth of experience, the perspectives, the lived experience. The people bring to the table. I believe the council will be extremely well served by this. I also just want to reiterate, this didn't come from the city of Portland. This came from the community and so what I have pledged since the day that this was voted on by the public and passed overwhelmingly, that my role would be to make sure we implement this as well as we possibly can along with all of my colleagues here on the city council. Because I think it suffices to say, not to put pressure on you, but the whole country really is watching. [laughter] And we know for a fact there are a number of large cities looking to this model as a potential strategy for inclusive transition. Just transition to clean energy. So it is really important that we make a full faith effort to do absolutely the best that

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we possibly can. And in order to do that, it requires top-notch people being willing to step forward and serve. And you all have. You all did. You all have really long resumes. You are all very busy people. I feel really lucky to sit here in front of such an esteemed group of people. My hat is off to you, but I want to make a pledge –

Fish: Mayor.

Wheeler: One moment, commissioner Fish. On behalf of all of us, I also don't want you to feel that you are being cast adrift when things do get difficult. Because they will get difficult and you should rely on us. If there are ways we can be helpful to your efforts. I'm going to make a public pledge right here and now we will provide whatever time, talent, energy, resource you need in order to be successful in your role, so thank you. Commissioner Fish.

Fish: So, I wanted to just add a couple of things. I have been on the council for over ten years. And so during that time I have had a chance to nominate or appoint lots of people to oversight bodies that perform unique and essential functions of the city. What I want to call out in this process is that we did things a little differently. Even though each member of the council retained the authority to make an appointment, we agreed that we wanted to find a good mix and a balance of skills and backgrounds, geography, life experiences, other things. And so we undertook a different process where there was some screening and ranking and then a collaborative process among the council of trying to put together the first five, the group of five that then selects the next four that is broadly representative of our community and has different and complementary skill sets. I think in some ways the way we have done this could be a model for how we select other committees. The default is each of us appointing someone and finding out it is woefully under representative of the community or over representative of certain skill set or what have you. Here we've tried something different and I think it has worked. You are charged with an incredibly important role of oversight and accountability over what is going to be a substantial amount of money. I think the last number commissioner Hardesty shared with me was something in the mid-40s to high 50s.

Hardesty: 37 to 42 I think is --

Fish: 37 to 42, so we are talking a lot of money, millions of dollars. You will not only be charged with being the community's eyes and ears on oversight and accountability, but you will also be charged with making sure that decisions are made free of conflicts of interest. That decisions are made on the merits in a transparent way with everyone given a fair shake but not with conflicts of interests that are buried or somehow disguised. Then you will make recommendations to the council that has the ultimate authority to make decisions. I'm very encouraged by how far we have come so far. Mr. Edden Hill, I want to thank you for being my nominee –

Edden Hill: Thank you very much.

Fish: And I'm just delighted. And I don't remember the last time, echoing what my colleagues have said, when I've read bios that were so impressive across the board. I think you are going to bring a richness of your own life experience, professional work, community service, values to this, and I think if this is the first five and we're then looking to you to fill out the committee with the next four, I think we are in good hands. Thank you very much for stepping up and taking on this assignment.

Wheeler: Thank you. Sam, I understand you have another panel, is that correct?

Baraso: Yes. Yes. So I think at that point I'd say thank you all and I would just give a big round of applause for the phenomenal work you all will be doing. [applause, cheers]

Hardesty: Sam before you bring –

Wheeler: Commissioner Hardesty.

Hardesty: Thank you, mayor. Sam, before you bring the next panel up, I just want to applaud the fact that you've only been here three months and we gave you an

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unreasonable deadline. And you have not missed a beat. I just want you to know how much I cherish the work that you've done to get us on this path and you have been just totally focused on making that happen. It is unusual for someone who has never worked at the city of Portland to be able to come in and galvanize people in the way you have. I want you to know how much I greatly appreciate the work you have done to get us here.

Baraso: Thank you. You will meet the staff soon. This amazing staff. [applause] With that, i'm going to release you all and we'll invite a few speakers up to speak to this.

Wheeler: Thank you.

Baraso: I want to start off with inviting paul Lumley from naya, nate mccoey, from national association of minority contractors of Oregon, as well as willy myers from the building, oh, we'll start with those two first. So we'll start with Paul lumley and nate mccoey.

Wheeler: Good afternoon.

Paul Lumley, NAYA: Good afternoon. It is a great pleasure to be here again and good to see you all. My name is paul Lumley, I am a citizen of the yakama nation and executive director of the native American youth and family center. I am so pleased to be here after the great citizens of this city voted overwhelmingly to support this ballot measure last year and I'm extremely excited about the candidates you selected so far. Those five candidates are wonderful. We look forward to their service in the Portland clean energy benefits fund committee. And I also want to commend you on your attention to diversity, equity and inclusion. These are very worthy goals in context and I think you are off to a fantastic start. It is probably not possible to reach every corner of those three goals with just five candidates, but you have done a great job so far. And the next four candidates that they select are interested in building out that continued diversity with somebody that represents the native american community, the latino community and more work with the minority contracting. We are, of course, very keen on the implementation of how this fund gets not only started, but fully implemented. Your authoritative positions as elected officials, we might continue to lean on you to make sure we don't get distracted along the way from those who might be seeking to undermine the will of the voters or to seek unnecessary waivers from paying into this important fund. So once again, thank you so much for your dedication to not only clean energy in this committee, but also to the citizens of this incredible city. There are going to be incredible benefits here, not just in Portland but even well beyond. Thank you, again.

Wheeler: Thanks, paul. Good afternoon.

Nate McCoy, National Association of Minority Contractors: Good afternoon you guys, mayor, commissioners. Thank you for having me. For the record, my name is nate mccoey, executive director of the Oregon chapter of the national association of minority contractors. I don't have anything prescribed and provocative today other than to say that it takes a village to raise a child, and in this case it takes a village to raise a program of this magnitude. As we echoed today, it has taken us a while to get here but we've gotten here and I think the voters have spoken. What i'm looking forward to is really getting into the details of how this program works and ensuring that this diversity, equity and inclusion is real and not just another buzz word we've heard many times in our communities. I think given your guys' leadership as well as all the people in the audience, this makes me feel like we are taking this serious and intentional. I'm looking forward to the workforce diversity this has the opportunity to afford these disenfranchised communities. I want to echo something that was just mentioned because it is important for us to make sure that in this last four we ensure we have a minority contractor representative as good and qualified as the first five are. We still do lack somebody who has knowledge in the construction arena, in particular. I know we will get there. But I just want to thank everybody here today including you guys for all of the hard work and trusting us as a community to kind of bring

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people to the table that we think can really stand this program up and make sure these funds go to the right communities. So thank you.

Wheeler: Thanks.

Baraso: Thank you.

Wheeler: Appreciate it. Thank you.

McCoy: Okay.

Wheeler: Commissioner Hardesty.

Hardesty: Thank you. Before this panel leaves, mayor, I just didn't want to leave Paul's statement out there unresponded to. As you know, there have been efforts to try to make some minor changes to the Portland clean energy fund initiative. And we've had a committee, a community committee with PCEF members and Portland Business Alliance trying to reach some consensus. Ultimately, I want to be clear about this, ultimately it is the city council's responsibility to implement this measure in a way that makes sense. There are some funding mechanisms that were not anticipated when we started this, like for example, retirement accounts. I didn't think we were going to be taxing retirement accounts. So we will be looking at some minor changes that will be coming down the pike. So I don't want people to leave today and think that no change will take place. Because there will be some minor changes coming back to the city council you will have an opportunity to weigh in. But, ultimately, it is our responsibility as elected leaders to make sure we are doing our due diligence to implement it in a way that respects the vote of the voters, but also respects the integrity of the process. So, didn't want you to be surprised.

Lumley: Well, thank you very much for your support. I'm very convinced you will be making the correct decisions. I just don't want those requests to undermine the intent of the will of the people. Let's make sure this fund actually takes place and makes it to the people who need it the most.

Hardesty: And you know me so you know there's no chance of that happening. Thank you very much. [laughter]

Lumley: Thank you very much.

Wheeler: Thanks you both, we appreciate it. Thanks, Paul. Thanks, Nate.

Baraso: Next up, if I can Mayor Wheeler.

Wheeler: Yeah, please.

Baraso: Next up, I will call up Willy Myers from the Columbia Building Trades Council as well as Tony DeFalco from Verde.

Wheeler: Good afternoon.

William Myers, Columbia Building Trades Council: Good afternoon. Do you want me to go ahead and start?

Wheeler: Go ahead, Willy, thank you.

Myers: Thank you for allowing me to speak before you Mr. Mayor and Commissioners Eudaly, Hardesty and Commissioner Fish. All commissioners, thank you. Thank you very much. We were excited to see the city undertake the process that you did in selecting the committee members and doing a broad recruitment and outreach process to solicit the interest that we received for folks that were going to serve on the committee from the full spectrum of Portland's diverse communities. The PCEF community coalition that campaigned successfully to bring the measure to the ballot with over 65% voter approval has also worked very hard to spread the word and promote the opportunity to serve on the grant committee. We are very thrilled with the five that were selected. We do see that there are some gaps still left, as you heard from the previous two speakers. I believe that the minority contracting community needs to have a representative that understands the pitfalls and things that minority contractors run into in the construction industry and be able to help navigate those. We are excited to see what is next and how this rolls out. And I'll leave it at that.

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Wheeler: Commissioner hardesty.

Hardesty: Thank you, mayor. Thank you, willy. So you know, we really struggled with how to engage minority contractors on the committee. Assuming that many of them will want to actually apply for funding. And so any help you can give us because we want to be very clear no one who is serving on the committee is going to be eligible to be applying for grants.

Myers: Correct.

Hardesty: So if there is a way to have that minority contractor voice on the committee without limiting opportunities for those same minority contractors, we are open. We want to figure out how to make that work. So if there are ideas, please bring those forward.

Myers: I believe we can thread that conflict of interest needle very carefully and we will.

Hardesty: Well we want to be, we want to squeak when we walk, so we don't want it to look like there is no conflict. We want to make sure there is no conflict.

Myers: Absolutely. [laughter]

Wheeler: Thanks, willy, appreciate it. Good afternoon, tony. How are you today?

Tony DeFalco, Verde: Good afternoon mr. Mayor, good to see you all. Great to be here. My name is tony defalco and I'm the executive director at verde. It is always an honor and privilege to come before you and represent verde. I want to start with sharing a little bit of what is going on in our communities and how important this process is for us. Communities of color, as you know, continue to be under attack from all sides, white supremacists, anti-immigrant activities, economic forces and the climate crisis. We know that the climate crisis impacts communities of color first and worst, often due to the lack of economic strength to withstand those impacts. Our communities are resilient in the face of these onslaughts. We are working to not just survive, but to thrive. We are growing our businesses, organizing our communities, and leading public policy to deliver solutions that are grounded in our communities and work for our communities. Which is why I am here today joining so many of our community members, thank you community members for coming out today, to celebrate the Portland clean energy fund as the only climate initiative to pass in any jurisdiction nationally in november of 2018. This continues Portland's leadership in taking strong action on climate and now in a very significant way on equity. We fully support the slate of candidates being proposed today. And acknowledge the extremely hard work of all the partners at the table in working to implement the clean energy fund and get us moving forward. Labor, minority women contracting community, environmental groups, good government groups, the progressive business community, community of color serving in organizations, the list goes on and on for the broad support for this measure. We'd also like to acknowledge the hard work of michelle crim and her team, welcome new director andrea durbin and express our enthusiasm for working closely with her in the coming months. So I ask this council to express urgency today, not just in appointing the slate of candidates, because that is a critical step in our process, but in accelerating the pace of the implementation of this important program because the climate crisis is not slowing down. Our communities continue to suffer from the impacts of economic insecurity and of the climate crisis. Therefore, as you have heard, we need to bring these climate resources into low-income and people of color communities in Portland now more than ever. So I ask you to act with urgency today and accelerate the pace of how we implement this program. Adelante. Thank you.

Wheeler: Thank you. Appreciate it. Thanks, willy. Thanks, tony.

DeFalco: Thank you.

Fish: Is that it?

Baraso: I have two more.

Wheeler: All right. Go for it sam.

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Baraso: All right. Thank you. I would like to call up the final two. We're going to call up, I'm going to pull their names up. I would like to call up pastor e.d. mondaine from the NAACP as well as Lena Westland from the sunrise movement.

Wheeler: Good afternoon. Welcome.

Pastor E.D. Mondaine, NAACP: Good afternoon.

Lena Westland, Sunrise Movement: Hello.

Hardesty: Hi.

Westland: Would you like to begin?

Pr Mondaine: I would like you to begin. [laughter]

Westland: Well, thank you, commissioners hardesty, eudaly, Fish and mayor ted wheeler for the opportunity to testify. My name is lena westland, I'm 16 years old and a junior at st. Mary's academy. Since march, I have been an activist with sunrise pdx, a local hub of broad, grassroots youth-led climate justice movement. Our movement's mission is to mobilize youth across the country to make the green new deal a reality. I am joined by several of my hub members today and I'm delivering a single testimony for all of us. We are here to show our active support for the Portland clean energy fund and for the five people being appointed to pcef's grants committee, including shanice clarke, a fellow sunrise pdx member. I joined sunrise because I got to the point where I could no longer overlook the obvious signs of climate change I was seeing around me every day. In the past I made up excuses such as i'm too young or I don't have enough experience or knowledge. But it was because I was scared that there was nothing I could do to prevent our planet from a climate catastrophe. Sunrise was a breath of relief for me because I found a movement of young people who felt exactly as I did and were committed to doing something about it. The Portland clean energy fund is incredibly important and symbolic to sunrise, because it is a green new deal for Portland. Pcef was created and led by frontline communities and reflects a robust mechanism for achieving a just transition on a local level. In many ways we see pcef as a blueprint for the green new deal for which we are passionately organizing. For this reason it is vitally important us that pcef succeed and that it match the intent of the frontline led organizations that came together to create it. It is our understanding that the five committee candidates being appointed today reflect the diversity, integrity and expertise required to make pcef a success. We thank you for conducting the thorough and broad outreach process that has led to these committee member selections. Mayor and commissioners, it is now your job to protect pcef from billion dollar corporations who will take any opportunity to weaken this groundbreaking policy. We are entrusting you to continue the following – to continue following the leadership of the community coalition that championed pcef and to defend the program from any attempt to be weakened. Thank you very much.

Wheeler: Thank you for being here. We appreciate it. [applause] Good afternoon.

Pr Mondaine: Good afternoon. It is good to see you mr. Mayor, all the commissioners.

Wheeler: It's good to see you, too.

Hardesty: How come everybody calls him mr. Mayor and just calls us commissioners? [laughter]

Pr Mondaine: Well, I guess because he is the mayor and you all are commissioners. [laughter]

Eudaly: I don't want to be called Mr. Commissioner. [laughter]

Hardesty: He's just the mayor. He's just the mayor. [laughter]

Fish: That's not going to, that's not going to help your cause.

Pr Mondaine: How you doing, Ted? How you doing? [laughter]

Wheeler: Always living the dream. Good to see you. Thank you for being here.

Pr Mondaine: It is always good to see you as well.

Wheeler: Thank you.

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Pr Mondaine: I wasn't prepared to speak, but i'm happy to be able to do that as the first petitioner for this initiative. I'm grateful for the architect of this initiative being a past president of the naacp. I'm very proud of her work. And i'm glad that she garnered the strength to see it through and then to find me and push me into the deep end of the pool. That's okay. Living the life that I've lived, my lived experience has been the partnership with climate injustice. And until I began my work at the naacp, I didn't understand exactly what that meant. But as I am becoming more familiar with its work and the critical nature of it, I am very, very much in partnership with doing all that I can and giving all the energy I can to make it happen in a better way for red lined and marginalized communities. It is imperative that we had to go through the processes we have gone through and I applaud your efforts. I think that they were wise. I believe the choices are just and i'm waiting for the hard work now to begin. I wish all the people that were represented here today had been here at the beginning when all the work and going out into the streets, and thank God for the coalition that stood there in the streets and stood on corners and fought city hall and was thrown out of the pba. I mean it was a wild ride, but we got there.

Hardesty: [laughter] Right.

Pr Mondaine: And we're here today. I want you to know I am going to be carefully watching and be involved as we created a special committee and a whole cutout in the naacp to be involved in this work moving forward. It is my intention to be a wise watchman on the wall, that our community, especially not just the people of color, but african-american people, black people, were not included often in that poc pot, or represented. So in my closing to you today, i'm proud to be a part of this initiative as the first petitioner. I'm proud of its architect being the past president of the naacp. And i'm proud of the work that we're going to do moving forward and i'm looking forward to your careful guidance. Thank you.

Wheeler: Thank you. Appreciate it.

Hardesty: Thank you. Thank you both.

Wheeler: Thank you.

Westland: Thank you.

Fish: Mayor, I move the report.

Hardesty: I second.

Wheeler: We have a motion from Commissioner Fish, a second from commissioner hardesty. Any further discussion? Karla, please call the roll.

Hardesty: If I was any giddier, I would not be able to stay in my seat. It is amazing when you an idea's being percolated in the brain that actually ends up then on paper that then ends up garnering widespread community support, then ends up becoming public policy, then ends up becoming a standard that people around the world are watching and wanting to duplicate in their own communities. We've done excellent work to get to this point, but I don't want anybody to be under the illusion that the hard work isn't worth the work that is ahead of us, because there will be forces trying to divide us. There will be brand new people who will all of a sudden be experts in clean energy and climate mitigation. I have had lots of conversations with those brand new people myself already. But I hope that the committee and the leadership will stay focused on what the vision was of this measure. Which was and is, to ensure that those left out of the economic engine, those who have not benefitted from the riches that are taking place in this city are front and center and they are benefiting, and they are not just benefiting with living wage employment opportunities, but they have the ability to build companies and organizations that will take us into the climate future we envision. And so these are lofty goals we have set for this program and I have every confidence we have the right people in the right positions at the right time to make this happen. I wholeheartedly vote Aye.

Eudaly: Whew, I just finished my remarks. [laughter]

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Hardesty: I was trying to, you know, give you time.

Eudaly: Thank you, commissioner. I appreciate that. Well, this is an exciting moment. Our community owes a deep debt of gratitude to the incredible coalition of groups and individuals that came together to make this moment possible. Since sam is new here and doesn't know the rule against applause, and I am the current madam president of the council, i'm going to roll with it and waive the rules. I want everyone to give yourself a huge round of applause. [applause, cheers]

Wheeler: Thank you council president. That is without objection from the presiding officer.

Eudaly: Thank you. I was going to say every once in a while you have to ask for forgiveness, not permission.

Wheeler: Break the rules, ask for permission later. The approval -- [laughter]

Hardesty: Later, right.

Eudaly: While other communities struggle to identify resources to do the work necessary for a just transition to a carbon free future, Portland will be taking the next step, funding and implementing the work. Oo, I'm getting chills. I nominated robin wang to serve on the committee because he has directly relevant experience and a life-long commitment to social and environmental justice. To accomplish the goals set out in the measure passed by over 200,000 Portlanders making up over 65% of the people who voted in the november 2019 election, businesses owned by people of color and women will need assistance to scale up to meet the demand of clean energy services. Maybe that will help us in our –

Hardesty: In our aspirations --

Eudaly: Procurement challenges down the line as well.

Hardesty: Don't make us go back there.

Eudaly: Robin is an expert at helping small businesses owned by women and color to succeed. I'm proud to nominate him and grateful for his willingness to serve on the community. I first heard about this campaign while I was campaigning for city council in 2016. I was happy to lend my support and resources in the early days before the measure qualified for the ballot. I enthusiastically supported and endorsed the campaign in 2018. Some of my favorite moments were sitting with some of you in judge souede's chambers trying to suppress laughter and high fives as we listened to the weak arguments from the opposition and the very patient responses of the judge. We prevailed, of course. I also have a confession. My very first experience of canvassing that involved actually knocking and talking on doors was in east Portland for pcef. I didn't even do that for myself. I'm afraid i'm going to have to change that rule, but, yes. It was amazing. It was really an amazing experience. Not everyone hates people that knock, strangers that knock on their door. Important life lesson. And then finally, of course, election night was pretty fantastic. Between commissioner hardesty's win and the measure passing. I'm thrilled that we are taking this step today. I can't wait to get the first round of funding out the door next year. Thanks again to everyone who participated in making this historic milestone possible. Thank you sam for your leadership. And now thank you to the charter members of the committee for your willingness to serve and help us forge unknown territory. I really want everyone to pause. Every once in a while at council we realize we are making decisions that will impact the city for decades. 100 years from now that people forget any of us ever existed, hopefully we don't go down in infamy, but they will be for better for worse impacted by the decisions we make today. Your efforts are going to help not only change the future of our city, but the world. I vote Aye.

Fish: Tough act to follow. Thank you to all of the nominees for your willingness to serve. Thank you to michael edden hill, my nominee, for taking on this assignment. We are very excited about watching this thing unfold, creating the infrastructure for what is going to be a very challenging process, but a very dynamic one between the committee and the

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council. We appoint people all the time. I'm hard pressed to remember a time we've appointed such a diverse and accomplished group of people in one council hearing. Congratulations. Thank you for your willingness to serve and we look forward to serving with you. Aye.

Wheeler: This is a very exciting day and again, I want to thank the community. Many individuals who helped support this from the very beginning are here in this chamber today. I want to thank you for your hard work, your passion, your commitment to this effort. Thank you for bringing it to this point here today. I'm honored to nominate maria sipin to the inaugural committee. I believe that she demonstrated a very clear commitment to working with people to advance sustainable priorities for people in this community but with a real focus on populations that have historically been left out of important decisions. And she understands that the priorities that we set around the environment, that we set around workforce development, that we set around procurement, they have to be centered on communities of color and others who have been historically excluded from the benefits of both investment and planning. She is a professional transportation planner. She is a public health professional. She is a community health advocate and I believe she will bring both a level of experience as well as a perspective that is critically important to the success of this committee. I can't think of anybody better for this role and I can't think of any time when we've had five people appointed at the same time with such strength towards the purpose for which we are all organized here today. I want to make a couple of personal commitments to you here and now. Number one, I want you to know that I personally will remain highly committed to this effort to make sure that it is the most successful effort it can possibly be. That is a personal commitment. Number two, I want you to know I'm making that commitment on behalf of every member of my administration. Up to this point sam diaz has been my point on this. He will continue to be. We will continue to make it front and center. We will continue to stay engaged with the committee, to make sure that if there are any needs from that committee in order to be successful, we will fulfill those needs. The bureau of planning and sustainability, of which I'm the commissioner in charge under the leadership of andrea durbin is very highly motivated to make sure this is a successful effort. I will make that commitment on behalf of all of us. Again, thank you for your willingness to serve. The five of you that are being appointed today. Sam, you did a great job for your first stint in front of city council. We have people who have done it 20 years who can't get the power point to work, so you've done an exceptional job. Thank you for organizing a very, very good report today. I vote Aye happily. The report is accepted. Congratulations to those of you who have now been appointed. [applause, cheers]

Hardesty: So would we like to commemorate this experience by having a picture with our newest committee members.

Wheeler: That is a great idea. Why don't we just gather right down here in front. We'll stop for a photo. And then I believe after this, we have parks and recreation 919.

Hardesty: Oh, goody. We got something else.

Fish: Yeah, we have one more.

[photos]

Item 919

Wheeler: Our final item for today. Commissioner Fish.

Fish: Colleagues, this is a very straight forward matter. We should be able to do this in five minutes. The barbara walker crossing project is an exciting public-private partnership and brings together three things that Portlanders are passionate about, parks, safe streets and new bridges. The Barbara walker crossing will make it easier and safer to connect popular destinations in forest park, hoyt arboretum and Washington park, and it represents really the hallmark of our productive relationship with the Portland parks foundation. Here to briefly explain the second amendment to the agreement is claudio campuzano, public

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finance property and technology manager for parks, and our friend randy gragg, who is the executive director of the Portland parks foundation. Gentleman welcome. Claudio?

Claudio Campuzano, Portland Parks and Recreation: Good afternoon. I'll introduce myself again. For the record, Claudio campuzano, finance property and technology manager for Portland parks and recreation. Very briefly, the amendment before you, it's the second amendment to the grant agreement. The grant agreement was the city granting resources to the Portland parks foundation to construct this bridge. And this amendment does several things. It memorializes an additional \$100,000 that the foundation has committed to fund operations and maintenance for the bridge as well as work during the warranty period of the bridge. Second, it transfers ownership of the bridge to the city after substantial completion. Third, it clarifies responsibilities during that period between substantial completion and final completion during the warranty period. And finally, it officially names the bridge barbara walker crossing. So that's what you have before you today. And now I'll let randy tell you a little bit about the project overall. I'm sure that you have heard it before but just to give you some context.

Randy Gragg, Portland Parks Foundation: I will be quick. I don't want to keep you from happy hour. [laughter] It's really nice to be here. I'm usually here asking you for something and this time I'm giving you something. That is a nice change of pace. This is basically a bridge connecting our beloved wildwood trail over that rather awful dangerous crossing at burnside, and when the crossing is completed next month, it will separate 80,000 yearly users of the wildwood trail from the 20,000 daily drivers of west burnside. Here it is, all 178 feet of it being assembled –

Eudaly: Wow –

Gragg: At supreme steel in northeast Portland. It'll be cut into three parts and then reassembled on site beginning october 7th and if all goes according to plan, the installation will be completed on october 14th. When it is done, of course, it will look like this to drivers, but to those on the trail it will look like something like this. We are going to open it with a sunday morning street party on october 27th right in the middle of burnside underneath the bridge. Thank you, commissioner eudaly, for making that happen. The Portland parks foundation made the bridge happen over the course of about four years, but with all of our efforts we are only the vessel for other people's generosity. That really begins with these two characters. Ed carpenter who conceived of the bridge. Ed is a life-long runner of the bridge for 40 years. He came up with the design, lobbied dozens of groups to gain political support and through many tests of will and budget kept his vision for a bridge that is an integral beautiful expression of the trail. On the right, Charlie swindells raised a whole lot of money for this bridge. Ultimately, over 900 individual donors who gave as little as \$5 and as much as \$150,000, foundations like Murdoch and ocf kicked in as well. And then there's the firms for a total of \$217 million, sorry, \$2.7 million in individual donors and foundations including 600 who gave \$184,000 during a 33 day crowd funding campaign, so it's really a people's bridge. I also want to call out the firms on the design and construction team, because together, and this is what they counted, I can tell you they put in way more than this, \$385,000 in pro bono services, which is really substantial. Public funding of course comes from many different pots, totaled is \$1.5 million, most of it from sdc's and ultimately the bridge -- oops, I forgot to change the number, it's \$4.085 million and that's 37% public, 63% privately funded bridge. So really, it is Portland's first crowd funded bridge. Just a quick word about barbara walker. Most of you all I think know who she is, but she's really the mother of the trail system in the city. She began as a nimby housewife and transitioned to an incredible activist who really believed that the system was made from the connections. This bridge is a beautiful expression of that. So just to remind you the grand opening is 8:30 to noon on sunday, october 27th. We are going to Siletz and Grand Ronde tribes participating. We're going to have all you can eat pancakes, bodyvox and the great

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theatrical designer michael curry are going to choreograph an event. It should be really, really fun, and so I hope to see you all there.

Fish: Randy, thank you very much and congratulations to the foundation for bringing this home.

Gragg: Yeah, you bet.

Fish: That concludes our presentation, mayor.

Wheeler: Very good. Looks excellent. Any further discussion. Any public testimony, Karla?

Moore-Love: No one signed up.

Hardesty: Would you like a motion?

Wheeler: This is actually an ordinance so we'll just call the roll.

Hardesty: All right.

Hardesty: Aye.

Eudaly: Thanks for the presentation. Can't wait for the pancakes. Better to eat a pancake than to become a pancake. [laughter] Sorry, I had to.

Hardesty: Oooo –

Wheeler: She's here all night, folks. All night.

Eudaly: Talking to him for me.

Wheeler: Fortunately, the rest of us aren't.

Fish: Long day.

Eudaly: I vote aye.

Fish: Thank you both. Congratulations again. I vote Aye

Gragg: Okay, awesome. Thank you.

Wheeler: I'm disappointed I will not be here for the pancake breakfast.

Gragg: Oh, bummer.

Wheeler: And so I'm going to say right now in front of you what I would have said there, I have chased across this road I don't know how many times to get from one side to the other. And when I had a small child it was particularly frightening. And I am really glad that this project not only came to fruition, but it's done so with style and it has done so as a partnership with the community. And I think it just, the, architecturally I think is stunning. It's fantastic. So this, to me, just looks like a solid win for the community. I'm proud to vote Aye. The ordinance is adopted. Thank you very much for your hard work. And guess what, we are adjourned. [gavel]

At 4:30 p.m., Council adjourned.