



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **23RD DAY OF OCTOBER, 2019** AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Fritz, Presiding; Commissioners Eudaly, Fish and Hardesty, 4.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Naomi Sheffield, Deputy City Attorney; and Daniel Sipe and Dorothy Elmore, Sergeants at Arms.

Item No. 982 was pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

COMMUNICATIONS		
975	Request of Steve Trujillo to address Council regarding West Side Public Safety Action Coalition (Communication)	PLACED ON FILE
976	Request of Evelyne Moyo to address Council regarding safety issues in the City (Communication)	PLACED ON FILE
977	Request of Dee White to address Council regarding the failure of the Water Bureau to deliver safe drinking water to its customers (Communication)	PLACED ON FILE
978	Request of Rachel Davies to address Council regarding Code 3.96 (Communication)	PLACED ON FILE
979	Request of Gloria Bouchor Luzader to address Council regarding houseless pods on N Richmond St in St Johns (Communication)	PLACED ON FILE
TIMES CERTAIN		
980	TIME CERTAIN: 9:45 AM – Proclaim November 1-2, 2019 to be Day of Dead (Proclamation introduced by Mayor Wheeler and Commissioner Fritz) 30 minutes requested	PLACED ON FILE
*981	TIME CERTAIN: 10:15 AM – Authorize \$631,321 total in grant funds for the 2019 Cannabis Social Equity Grant Program in the Office of Community & Civic Life (Ordinance introduced by Commissioner Eudaly) 45 minutes requested (Y-4)	189742
CONSENT AGENDA – NO DISCUSSION		

October 23, 2019

Mayor Ted Wheeler

Office of Management and Finance

***982** Pay bodily injury lawsuit of Patricia Barger in the sum of \$10,000 involving the Portland Police Bureau (Ordinance)
(Y-4)

189743

Commissioner Chloe Eudaly

Bureau of Transportation

***983** Authorize Intergovernmental Agreement with Oregon Department of Transportation for the All Roads Transportation Safety Rumble Strips and Conflict Markings Project in the amount of \$415,082 (Ordinance)
(Y-4)

189738

Commissioner Amanda Fritz

Water Bureau

984 Authorize an agreement with Clark Regional Emergency Services Agency for the co-location of radio equipment in the amount of \$162,000 (Second Reading Agenda 961)
(Y-4)

189739

985 Authorize the Water Bureau to enter into an agreement with the Water Research Foundation, to participate in the Water Environment Research Foundation Project in an amount not to exceed \$65,000 (Second Reading Agenda 962)
(Y-4)

189740

Commissioner Nick Fish

Bureau of Environmental Services

***986** Authorize the Director of the Bureau of Environmental Services to sign a property deed for Property Line Adjustment 19-141810-PR at 9442 NE 13th Ave and 1313-1315 NE Gertz Rd to create a new parcel (Ordinance)
(Y-4)

189741

REGULAR AGENDA

Mayor Ted Wheeler

Office of Management and Finance

987 Accept Guaranteed Maximum Price of \$12,762,854 from HP Civil, Inc. for the construction of the Sullivan's Crossing Bicycle and Pedestrian Bridge Project (Procurement Report - RFP No. 00001037) 15 minutes requested
Motion to accept the report: Moved by Fish and seconded by Eudaly.
(Y-4)

**ACCEPTED
PREPARE
CONTRACT**

October 23, 2019

988	Authorize \$30 million of revenue bonds for North Macadam Urban Renewal Area (Second Reading Agenda 966) (Y-4)	189744
Commissioner Amanda Fritz Water Bureau		
989	Authorize the acquisition of 1.87 acres of real property at 35319 SE Carpenter Ln in the amount of \$800,000 to be used for the Bull Run Filtration Project (Ordinance) 10 minutes requested	PASSED TO SECOND READING OCTOBER 30, 2019 AT 9:30 AM
Commissioner Nick Fish Bureau of Environmental Services		
*990	Authorize the Director of the Bureau of Environmental Services to execute lease documents for space in Pioneer Tower necessary for bureau operations (Ordinance) (Y-4)	189745
991	Amend Public Improvements Code to make requesting and participating in Bureau of Environmental Services administrative reviews more customer-friendly (Previous Agenda 972; amend Code Chapters 17.32 through 17.39) 10 minutes requested	PASSED TO SECOND READING OCTOBER 30, 2019 AT 9:30 AM
*992	Authorize the Bureau of Environmental Services to acquire certain permanent and temporary property rights necessary for construction of the SW Capitol Hwy Stormwater Improvements Project No. E10939 through the exercise of the City's Eminent Domain Authority (Previous Agenda 973) 15 minutes requested Motion to add emergency clause because it is in the public interest to get this done as quickly as possible: Moved by Fish and seconded by Eudaly. (Y-4) (Y-4)	189746 AS AMENDED
Parks & Recreation		
993	Accept the Year Four Report on the \$68 million Parks 2014 General Obligation Bond (Report) 20 minutes requested	RESCHEDULED TO OCTOBER 30, 2019 AT 10:15 AM TIME CERTAIN

At 1:05 p.m., Council recessed.

October 23, 2019

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **23rd DAY OF OCTOBER, 2019** AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Fritz, Presiding; Commissioners Eudaly, Fish and Hardesty, 4.

Commissioner Fish left at 3:04 p.m.

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

<p>*994</p>	<p>TIME CERTAIN: 2:00 PM – Amend the Seismic Design Requirements for Existing Buildings Code related to required placarding and tenant notification for unreinforced masonry buildings and associated timeline and documentation of compliance (Ordinance introduced by Commissioner Hardesty; repeal Ordinance Nos. 189201, 189309, 189399, and 189479; amend Code Chapter 24.85) 30 minutes requested</p> <p>Motion to add emergency clause because delay would unduly postpone the resolution of pending litigation involving the placarding, notification, and reporting requirements codified in City Code Chapter 24.85, and the public and affected building owners should be provided immediate and definitive information about the repeal of those provisions: Moved by Hardesty and seconded by Fish. (Y-4)</p> <p>(Y-4)</p>	<p>189747 AS AMENDED</p>
<p>995</p>	<p>TIME CERTAIN: 2:30 PM – Create, appoint members, adopt bylaws and authorize the Bureaus of Emergency Management and Development Services to convene an Unreinforced Masonry Building Workgroup (Resolution introduced by Commissioner Hardesty) 30 minutes requested</p> <p>(Y-4)</p>	<p>37455</p>
<p>At 3:07 p.m., Council adjourned.</p>		
<p>DUE TO LACK OF AGENDA THERE WAS NO 2:00 PM MEETING THURSDAY, OCTOBER 24, 2019</p>		

MARY HULL CABALLERO
Auditor of the City of Portland

Karla Moore-Love
Digitally signed by Karla Moore-Love
Date: 2020.04.27 14:12:04 -07'00'

By Karla Moore-Love
Clerk of the Council

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

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

Key: *** means unidentified speaker.**

October 23, 2019 9:30 a.m.

Fritz: Karla, good morning.

Moore-Love: Good morning.

Fritz: Call the roll. [roll taken]

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

Fritz: thank you, the city attorney will read the rules of decorum.

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

Fritz: I should have mentioned mayor wheeler is out of the country representing our city in sapporo in japan. That's why I get to be the presiding officer. Please read 975, I believe we have a prearranged substitute to speak.

Item 975.

Fritz: Good morning. You have three minutes, please state your name for the record.

Steve Trujillo: My name is steve trujillo, I am here to introduce the west side public safety action coalition that we refer ourselves to as the west side peace act. As concerned about public safety as increasing across the city, a diverse group of stakeholders representing the west side of the city has come together to explore a collaborative way for improving safety, livability for everyone across Multnomah county. The peace act is a registered Oregon nonprofit, and within an established board officers and standing committees, the admission is a voice for the community to interact with residents, nonprofits, local businesses and in support of programs to reduce the crime and create a safe, clean, and welcoming Portland. Our goals include the following. To achieve increased funding for jail beds, to reduce the revolving door that puts repeat, often violent offenders immediately back on the streets. We aim to ensure that -- to have accountability and access to justice

October 23, 2019

for victims. To promote clear guidance and direction to enforce ordinances and laws deemed as a community priority. And to support effective efforts to establish a compassionate avenue to manage the rising drug epidemic and establish the support for more effective after-care and wrap-around services for those accessing Drug treatment. All these are multi-faceted challenges and we hope to build a partnership to coordinate efforts to manage public safety concerns and intend to focus on data and research to inform and support the best practices for affecting sustainability change. The west side peace act represents the neighborhoods and other communities working together to advance the agency and dignity for all. We hope to serve as a model for the county to make sure that things are safer, vibrant and more comfortable for everyone. Thank you for your time.

Fritz: Thank you very much. Next item, please.

Item 976.

Evelyne Moyo: Good morning, my name is evelyne moho. I would like to address what I feel is a deteriorating situation in Portland. I was born here. I lived here pretty much all my life. I teach public high school. And I would like to be able to at least walk on my street to and from my car in a safe manner. Portland used to be pristine, safe, friendly, and it's none of that any more. It's not good for business. It's not good for the residents, and it's not good for people.

Fish: Excuse me, Karla -- I think we are getting ahead of ourselves. I think that's a dee white.

Moyo: And it's not good for the people who are living on the streets. They are in a terrible situation. It's not kind to them, and it's not good for us, either. I think that the Portland police have been pretty much castrated of their power. I am, actually, one of the people with allen grass who conducted a lawsuit years ago. Against the Portland police but the pendulum has swung so far to the left that it is not working out for any of us, and I would like somebody, some people, something to happen so we can clean this up and make it safe for everyone, to street people and for us. Thank you.

Fish: Since you did not use all your time, jump one for one second. I had lunch yesterday with a downtown developer who said that he is often in social settings where people express concerns about the very things you mentioned, and his response is, okay, I will make you king or queen for a day. Tell us what we should be doing that we are not doing.

Moyo: I can tell you.

Fish: Since you have a minute and a half left I want you to have an opportunity to tell us what you recommend that we do differently.

Moyo: Thank you. I shall. So obviously, what we are doing is not working for anyone. What I would do is make it easy for people to get off drugs that want to, get off meth who want to. Give them work. Do something, education, something, don't just put them back on the streets. It's going to never stop if you Do that. There has to be something, either say you must get rehabilitated. You have to clean up, but you can't just go back on the streets. It's not okay for them. It's inhumane. There has to be some kind of program for people to get well again, or at least halfway -- something, putting them back on the streets is not working. Portland is not physically or fiscally capable of just setting up little houses everywhere, everywhere. It's not going to make people better by just handing out more and more things. They have to get help, real help.

Fish: If I can just let you know that there is a large community conversation going on right now about how we could generate quite a lot of money to provide services, and I think what you are talking about is making sure that someone addicted gets the treatment and gets a bed somewhere.

Moyo: And also who has mental illness.

Fish: Making sure that people get service that is they need. It's going to take a lot of resources, and we have -- we are not get, a lot of resources from the state or the federal

October 23, 2019

government to help with this, and we are also, as you probably know, we have some -- our ranking as a state in terms of access to services for people battling addiction is very poor. But the good news is, there is a broader conversation about Taking this moment and generating dollars so that people would have the choice of treatment if they chose. So if you would leave your contact information with my office down here, I will make sure that we keep you posted on that conversation. I think that, I think that you will be able to support it. We all have to dig a little deeper but I think that there is a bath forward that's humane and provides services that people need, and so I would like to --

Moyo: But Portland needs to be safe for everyone, not, you know.

Fritz: Commissioner Hardesty.

Hardesty: Thank you, madam president. I wanted to corrected a couple things, the Portland police bureau is lacking 100 positions.

Moyo: Would you want to be a police officer?

Hardesty: I am talking now, your time has been completed. Again, Portland police bureau is down over 100 officers. It has been challenging to find people who actually want to be police officers in the city of Portland. And that's for a variety of reasons. Just like the variety of people who find it hard to be able to work, find a place to live, and live a thriving life in Portland, the people who are on our streets run the gambit, and I am offended when people paint them all with one brush like they are all addicted. They are all this, they are all that. Every individual that you talk to has an individual story. And I can tell you that from where I have influence, I am creating what's called a Portland industries response that will be a more humane approach to engaging people but for grace, would be I living on the street. So it's important that we not assume, that we know what people's lived experience is. And that we, actually, talk to them.

Moyo: I do.

Hardesty: Your time is up.

Moyo: I had three minutes and I didn't have time to discuss it.

Hardesty: I just wanted to correct the record because the police commissioner is out of the country. And I think that it's not appropriate to leave on the record that some how the police have been, what did you call them, castrated, right, that is totally not true. The Portland police officers every day decide whether they are going to take a call or not. Right. I keep asking why do you do this instead of that, and they don't have a good answer. Right. So it is a much more complicated situation than what you are able to articulate in three minutes. And I just wanted to clear some of the record up. Thank you very much for being here.

Moyo: Thank you. Say hi to allen for me.

Hardesty: I will.

Fritz: Next item, please.

Item 977.

Fritz: Good morning.

Dee White: Good morning. My name is dee white. Even after the flint-led crisis in 2014, and even after newark, new jersey's recent-led crisis, Portland water bureau is still allowing a potent neurotoxin to leech into our drinking water, while they slow walk a risky fix that is three years away. It is well-known that even at low levels, lead is a potent, irreversible neurotoxin that is especially damaging to expectant mothers and developing brains. Ground-breaking research at ohsu found a link between lead exposure and adhd. Why does this matter here? The Portland water bureau is the only utility in the country granted permission 22 years ago by their regulator, the Oregon health authority to not follow the epa's lead and copper rule otherwise known as the lcr. Instead, the water bureau crafted their own regulation and called it the lhrp. Oha gave it their blessing, and it still stands today. This outdated Portland only regulation focuses on mitigating lead paint in

October 23, 2019

lieu of properly treating corrosive water and maintaining our pipes. Moreover, after decades of this unproven regulation, there is no data, no findings, nothing to show that the Portland water bureau has minimized the lead exposure in our homes, schools, parks, and businesses, nothing, and if the Portland water bureau had been following the federal law like the cities on the chart, Portland's lead levels would be significantly lower, so on this chart, Portland and Gresham are in the middle there, and they are the two tall ones, and Gresham is a water bureau Customer. Seattle got to work decades ago, Newark is handing out free water filters and replacing damaged pipes. Our water officials simply chat up the water at the same time they blame customers if they find lead at their taps. Is you claim transparency and yet no one knows about your Portland-only regulation that's broken and that continues to endanger the public health. The public also remains in the dark about buying an 800,000 job shack on today's agenda for the massive filtration plan being sold to us for crypto, but now, apparently, it's for wildfires. Project costs just went up an obscene 142% because of the water bureau's gross lack of transparency. How can we trust you are delivering safe, affordable, life sustaining drinking water when omissions and an opaque process is standard operating procedure. In other words, what else have we been misled about? [applause]

Fritz: Thumbs up or down. If anyone is concerned about lead in your water call 823-4000, and I always run my tap water for two minutes anyway. Thank you very much. Next item, please.

Item 978.

Fritz: Good morning.

Rachel Davies: Good morning. I am Rachael Davies, the chair of the Preston Kenilworth Association. We support the committee's 3.96's necessary work. The strength of our city lies in the diversity of voices coming together and work in harmony. We agree that the city code should provide equal access for all residents to be involved in shaping city affairs and have access to city bureaus regardless of the avenue they choose. This is one of the poorest parts of Southeast Portland. We have multiple low income housing complexes. Half our grade school kids qualify for free or reduced price lunches, and we have a high percentage of renters. We are also home to immigrants and refugees from all over the world. Our neighborhood is quiet and has low participation in the city affairs. Folks struggling to meet basic needs don't want to come to meetings about land use planning or new construction projects. But, when a contractor next door is swinging asbestos siding on the ground without abatement of an Airbnb causes issues people come to us for help and because we know who to call and we will advocate for them. The neighborhood associations are the only avenue that many poorer neighborhoods have to make their voices heard and the Kenilworth neighborhood association has gone defunct in the past. It was with the help of paid staff that it is active again and can advocate for our neighbors. We are concerned that removing the neighborhood association structures from city code will not create more equal representation as intended, but instead, make it easier for groups with more money and resources to dominate the city discourse while pushing poorer neighborhoods like mine further to the margins. To fulfill the mandate and make the city code match the values we ask for structural details. Roles and responsibilities of the office, and engagement needs of the community. Methods for community groups to gain recognition, and clearly defined funding opportunities with the achievable methodologies, and specific benefits available to recognize the funded groups, and clearly stated expectations of funded groups and avenues for the public to stay informed and have input on things like land use decisions. Providing these details in code 3.96 will do two things. First, create a sort of regulatory certainty where all community groups know exactly what is expected, and what they can gain from engaging with the city. Second, it will ensure that it outlives the current leadership. Relying on administrative rules is insufficient because

October 23, 2019

those can change without public notice or input and are vulnerable if future leaders hold different priorities. We fear that the current lack of structural detail will result in a less equitable distribution of resources and disproportionately benefit those already skilled in navigating the existing social and political power structures. Neighborhoods like mine could go defunct again and would be entirely. In order for an equitable system staying power, details and structures must be included in the city code chapter 3.96. We feel that this is the only way to ensure that Portland ends up with a civic engagement system that matches the values, and I want to thank you. I know you all have put a lot of time into this particular issue already.

Fritz: Thank you. Commissioner eudaly.

Eudaly: I want to thank you for coming today and giving helpful feedback, and although it is not -- although you have concerns, you haven't propagated any misinformation, which is what's been going on for months now. It's been really challenging. I want to invite you to the november 14th council meeting. It is at sei where we will be giving a presentation on the whole process, where it stands, how we are going to move forward, and I you the fears that you have are the absolute opposite of what we are trying to accomplish, but I know that there are a lot of questions, and we need to answer them moving forward, so thank you.

Davies: Thank you for that invitation and I will try to do that.

Fritz: Thank you. Next item, please.

Item 979.

Fritz: Welcome.

Gloria Bouchor Luzador: My name is gloria bouchor luzader. I am a resident of st. John's. I was born in emanuel hospital, graduated from roosevelt high school and Portland state university. I talking journalism and women's studies in china for eight years and south korea for four years. I came home to st. John's in 2010. It is my forever home. Now I volunteer at Oregon public broadcasting, james john elementary school, and the st. John's neighborhood association. St. John's neighborhood association just had a brand new election. A whole new board ran and won hands-down. We have 15 brand new members. This is what we call the community organization. I came by bus and max, you I have a hop card to voice my concern, and the neighborhood association's concern of a homeless camp village on north richmond avenue. We are not against having a homeless camp village in st. John's. Just not on north side richmond. This site is a half a block from james john elementary school. A half a block from the st. John's public library. Next to a montessori preschool, and a two-year college called "wayfinding." plus, the 110-year-old st. John's bachelor's club, which relies on building rentals to continue in existence. These buildings are all on either north richmond, north charleston, north lombard, and north central. This is not a suitable location for homeless camp or village. From my understanding of the History of st. John's, the property in question was deeded to a church to be developed as a playground for local families. It has trees on it that are over 80 years old. Please reconsider this proposal. It is not good for the community. It is not good for our children. Thank you.

Fritz: Thank you for coming.

Luzador: You are welcome.

Fritz: Karla, have any items been pulled from the consent agenda?

Moore-Love: Yes, 981.

Fritz: We will vote on the remainder of the consent.

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

Fritz: Aye. It's after 9:45 so we can do the first time certain, please read that item.

Item 980.

October 23, 2019

Fritz: Thank you. On behalf of the city of Portland, the mayor and myself, I thank maria garcia, the invited speakers from the mayor's office, and from my office for their roles in producing this day of the dead proclamation. The first of its kind. I thank them for their collaboration on this item. This proclamation is a celebration of the culturally rich and diverse practices and traditions of the mexican community and latin x population at large here in the city of Portland. I truly appreciate the work done by the, those assembled here today and their willingness to share, education, and welcome us into the richness of their culture, which is a major distribution to the fabric and environment of our city. The day of the dead is a two-day holiday that reunites the living and dead. Families create offerings to honor their family members that have passed. These offerings, their family's prayers and the celebration of their life on earth are believed to encourage visits from the departed souls. Day of dead is a rare holiday for celebrating life and death. It is unlike any holiday where mourning is an exchange for a celebration. Day of dead is not mexican halloween as it is sometimes mistaken to be because of the timing of the year, and the mexican community members are not the only ones to celebrate day of dead. It is a widely celebrated holiday all over the world, in fact, many communities celebrate all souls day during day of dead. To learn about this tradition, I would like to introduce our speakers to come forward. Maria garcia, organizer of the mexican culture promoter. Martha nararro council in charge of the mexican consulate in Portland, Oregon, eduardo cruz, and hold by jose and the leader of the mayan community of Portland. Welcome.

Maria Garcia, Organizer Mexican Culture Promoter: Buenos diaz, good morning. I am maria garcia, and today I am here speaking as a cultural promoter, an organizer of the 2019 at the Portland Museum and other cultural institutions. The day of dead is a mexican celebration where we honor the memory of our ancestors and departure of our loved ones. I was born and raised in mexico city, a very cosmopolitan city where the only world of the empire resisted in the beautiful spanish architecture is a constant reminder of the walls that collide. As it is today, 2019, more than 500 years after the spanish conquest where the peoples were subjected to a new religion, government, and in which we suffer the devastation for the abuse of power, and white privileged disposition and justice in the workplace. I have witnessed imprisonment of my country for many times not knowing how to speak english or having the resources to defend themselves. Despite all these and many other difficulties, the mexican community continues producing, continues existing as well as the struggle to defend what is ours. Now, we fight against the government, social burden as criminals and harmful people. We want to be seen as people who contribute to their economy in the work area and the fields, and the food and beverage industry and the executive and professional arenas. But overall, culturally, for me, it has always been an order to recognize myself as a mexican woman and I have seen the need to organize and promote quality cultural events to speak highly of the culture. It is important for me that the local authorities of the city where I live recognize the day of dead as a local celebration because in doing so, it is recognizing the mexican community who are present in Oregon and are not planning on leaving. On the contrary, we are growing roots. Celebrating cultural events, dignifies the communities, elevates their narratives and lifts up the self-esteem socially damaged by the abuse of power that reflects in cultural ignorance. I invited mayor wheeler and the commissioners to learn about the celebration and participate, as well. Thank you.

Fritz: Thank you for your leadership.

Marta Beatriz Navarro Parada, Concul in Charge of the Mexican Consulate: Thank you very much. My name is navarro, the consulate of mexico here in Portland. We appreciate these -- this proclamation because as -- because as maria mentioned, this is the origin of people that lives in Portland, it's really important for us. We really appreciate the first proclamation for these traditions of our people, and the universe of tradition is part

October 23, 2019

now of the, of the whole humanity, and I just want to mention that everybody can visit our friends in muertos of the consulate. For two weeks from the 1st of november, and also they said, we are, we are going to organize in the children's museum. The children can visit that Especially for them at that museum. It is a time that we are collaborating with them. I congratulate maria to have this opportunity to do these activities, and thank you to the city and to the mayor for this proclamation.

Fritz: We are honored by your presence. Would you like to say where is the mexican consulate here in Portland?

Navarro Parada: Where is the mexican consulate? It is at 35 -- it's in 12th avenue, 3501.

Fritz: The cross street is jefferson?

Navarro Parada: At the corner of 12th avenue and jefferson street, the consulate. We have 20 years there. And everybody can walk and visit our friend for those two weeks.

Fritz: Thank you very much.

Navarro Parada: You are welcome.

Hardesty: And most of us don't know our address when we are put on the spot.

Eduardo Cruz: Hello, everybody, and thank you, maria and my wife and thank you to the city of Portland for allowing us to celebrate officially the "day of the dead" which is a celebration. So I am here to just point out some benefits of the celebration. The first benefit that I am going to point out about these beautiful celebrations is human use. It will offer a lot of ways so people can experience their culture, that is just right here, it's been here for a long time. But some people, you know, probably are too busy, and they have been ignoring it, so we are going to educate people with these types of celebrations, with not only the but also in places like ohf, right. The Oregon historical society, and the Portland art museum, and other places, and maria has been doing different activities here and they are educating people so this will bring a lot of values and principles to our community. And it will help out to good emotions and experiences, and in celebrating the day of the dead is not only bringing a bunch of candy, offering a bunch of candy to the children. We are going to offer real food. It's so hard to get real food these days, so maria has been doing a great job with that, also, it will bring something very important, the understanding of what life is, is going to be a lot easier if we understand what dying is, and our ancestors, they figure out that it is just a transformation. It is really just the end of the cycle and another one. We are like and once we go through that transformation, we will turn into light, you know, so it was a beautiful concept of honoring life because we know that there is something beautiful after that transformation, so a better understanding of dying will provide a better quality of life. For everybody. And then another benefit, I would like to point out, this is going to unite because this is Not a mexican celebration. As maria mentioned the celebration with different names, it's celebrated many places in the world. And there is a lot of similarities, and we always like to argue and point out the differences. But never -- or similarities, so it's time for us to change that, so everybody -- it does not matter if you are purple, green or red, everybody can celebrate the day of the dead. Everybody can honor their ancestors, so this will offer a better opportunity for understanding that and will unite us, so hopefully this starts here in the city of Portland, but hopefully this spreads all over. Thank you very much. As an artist, as a performer, as a musician I will just say that we will do our best to offer all these things that I just pointed out to our communities and to deliver this message of union. We need to unite so we can all move ahead together with the beautiful celebration of the day of the dead. It will be something beautiful that you don't want to miss. Thank you very much.

Fritz: Thank you very much. Commissioner eudaly.

Eudaly: I have a question. First of all, thank you for the invitation. I love this time of year and all the traditions surrounding it, and I love the day of the dead, but as someone who doesn't share your culture, your cultural heritage I am wondering if you can tell me how I

October 23, 2019

can respectfully honor and Participate without culturally appropriating or offending people in the culture.

Garcia: I appreciate for your question because that's a question that I encountered in several places. I am deeply grateful for the community to be respectful to our language and our celebration, and I believe that the first step is to participate, come to our events and ask, it is -- we want people to ask us what we are doing. Why we are doing it. That's why I am organizing this because they are not just fiestas. I am putting a cultural program together so our new generation of mexican, non-mexican, spanish speakers, can understand our origins, so that's why it is for everybody. Come, please, to the celebration so you can understand and talk about it, it's a great way to be part of our community. Thank you.

Fritz: Thank you very much, that was maria garcia, navarro paerada and eduardo cruz. And the next ones is miranda, a late substitute.

Eduardo Cruz: Good morning, I am an artist, and thanks for having us here, and thank you guys. The importance of the day of the dead is not only the 3,000 years before the conquest, the mix of the two cultures, two different worlds. It is so many things as a cultural respect, and as an artist, living in Portland, now that we have something for the humanity, like a few years ago, it was humanity. Not only for the mexican, but for columbia, and nicaragua, salvador, and so many other countries, they have been celebrating that for thousands of years. With the respect of the living but also the respect of the dead and the ancestors, we celebrate that to bring all of the memories not only for us, but not for everyone. As we've been seeing last year in the Portland embassy, hundreds of people getting in and out, celebrating, to learn, and to know, not only the faces of the katrina painting, the dead ones, but also to have something that we can share to the world and have communion and something that we can do together. And I am really happy to be here and to see the day of the dead as my favorite holiday. I love it. I love the food. I love all of the symbolic things, and we have the flowers, and the food, and everything is but the community getting together in a good way.

Eduardo Miranda: Hi, my name is eduardo, and I am from mexico. I am born in a small village called in the state of oaxaca, I am a mix -- I am a native spanish speaker. I am here to share with you a bit about our day of the dead celebration in my village. The day of the dead is one of the most important festivals for us. We take two days to honor those who have passed away from our families. We dedicate those days to offer them their favorite food and Drinks, and to pray for their souls is, but also, we dedicate that to spend time with family and remember those persons who are special. But most important, we think that we can dedicate that today to honor those first settlers from our cities, from our towns, and the first people who lived there. It is important to know where we are from in order to know where you are going to. All of us, our kids, our families, we are trying to let them know that we should preserve all the values from our ancestors in order to get, to have a good community and live in peace how they lived before. Why is it important for us to celebrate in Portland? Because we believe that no matter where are you living, you have family that is no longer with you. They are special for you. And that is the most respectful way for us to remember them with their favorite food, with their favorite drinks, but also with the family and remember that those people, they are no longer with you, are going to be with you all your lives. Thank you.

Fritz: Thank you very much. Maria.

Garcia: Should we read the proclamation?

Fritz: You want me to read it now? Wish me luck here, so I will read the proclamation and we will take a photograph with everybody. Whereas day of the dead is one of the most distinct celebrations in mexico that has Transcended time. It shares the ethnic and cultural plurality of mexico enriched through centuries with the contributions of more than 60

October 23, 2019

indigenous groups that resided across the Mexican nation. After the Spanish conquest, the indigenous communities continue to celebrate through their struggles of colonialization. European culture left a lasting imprint on the traditions and beliefs in Mexico, forever establishing Day of the Dead as a celebration of life and cultural fusion. And whereas Day of the Dead is a celebration of a return to earth of the loved ones, half friends and family that departed before us and brings the Mexican and non-Mexican communities to get closer together by celebrating being and creating a time to remember ancestors. The festivities begin the first week of October and continue through early November, which coincides with the season of the harvest dedicated to share with ancestors the benefits of first fruits. This celebration is an opportunity to share cultural values in a way that is educational and inclusive. These days are celebrated as a cultural presence across the United States and in Portland, Oregon. And whereas Day of the Dead was recognized in 2008 by the United Nations Education, Scientific, and Cultural Organization as a significant expression of the indigenous peoples and as a part of the master work of oral and intangible patrimony of humanity, and whereas 2017 days are from the Institute of Mexican Abroad states that the main groups of indigenous communities from Mexico and Oregon, now and whereas the representation concerning the dead have given way to a symbolic and ritual architecture expressed in an infinite amount of creative works, crafts, and ephemeral artwork, giving singular values such as the production of José Guadalupe [inaudible], popularized eventually by Diego Rivera's art, and whereas [inaudible] are built by family members and friends. Altars include a picture of the departed one, marigold flowers, also known as [inaudible], or flower of the dead, representing life and the candles of different colors. Yellow representing the strength of life, purple representing the Christian mourning, white representing the light, innocence, and purity, and black, referring to the pre-Hispanic religion of the place of darkness and [inaudible] the place of the dead ones. And another important element of the altar is the sweet tradition pastry that according to National Institute of Mexican Anthropology, this sweet bread has colonial roots inspired in three rituals. Its round shape representing a skull, the phalanges exclusive to the human bones, they are positioned as a cross representing the cardinal points honoring different gods. [inaudible], it refers to the Memories of the Deceased One, this serves as a time for reflection and remembrance, and whereas the Mexican community in Portland is alive and is here celebrating the community Day of the Dead is understood as a tradition rather than the ending of life. Now therefore I, Commissioner Amanda Fritz, on behalf of Ted Wheeler, Mayor of the City of Portland, Oregon, the City of Roses, do hereby proclaim November 1st and 2nd, 2019, to be Day of the Dead in Portland and encourage all residents to observe this day, and you are going to read it in Spanish now? Okay.

Garcia: Before I do that I want to invite everybody to come on November 1st from 5:00 to 9:00 and November 2nd from 2:00 to 9:00 p.m. At the Portland Art Museum, I am sorry. We have our Facebook page called Free Community Celebration. Day of the Dead. All the details are there.

Fritz: Thank you. [reading in Spanish]

Fritz: Gracias. Do any of the colleagues want to say anything? Commissioner Hardesty.

Hardesty: Thank you, Madam President. That does have a nice ring, Madam President. I say that quite a few times when possible. What a wonderful tradition when we honor our ancestors and center them and making sure that we don't forget the lessons that we have learned from them that our children actually remember that they have been influenced by the generations that have come before. I am so proud to be part of a city council that honors traditions that are not necessarily traditions that we have been familiar with as people born in the U.S. with one language. But I am proud that I live in a city, and I am on the city council where we honor a host of traditions, and happy to be supporting this tradition today. Thank you very much for being here. Appreciate you all.

October 23, 2019

Fritz: Thank you very much to all of our speakers, and to Mary Garcia for your leadership and on my staff and Jordan, and Maria has organized an event in the atrium from 2:00 to 5:00 p.m. This afternoon, and the public is welcome in city hall. Let's take a picture at the front, please.

Fritz: Thank you very much, please read the next time certain.

Item 981.

Fritz: Commissioner Eudaly.

Eudaly: Thank you, Madam President. I am pleased to introduce the next item. Today we will be voting towards 631, 321 for the cannabis equity grant program, we will hear from the staff, the cannabis office as well as some of our community partners who has been recommended to receive the funding. Before we begin, however, I would like to take a second to recognize this will be Brandon's last time before the council in his current capacity. He's accepted a position at Metro. Brandon, I want to thank you for your leadership over the past four years and congratulate you on your new adventure.

Cannabis policies largely uncharted territory for local government that you have risen to the challenge, and we appreciate all that you have contributed. With that I would like to welcome Brandon Goldner, Kimie Ueoka, and Jeanette Ward Horton to the table.

Hardesty: Madam President.

Fritz: Commissioner.

Hardesty: We get mixed up all the time. I was going to say can't we pass a resolution to prevent Brandon from actually going to Metro? [laughter]

Brandon Goldner: I appreciate that. Thank you. I am excited and sad, this work has been incredible and super meaningful, and thank you all for your support, and for my colleagues, too. So as you know, my name is Brandon, I supervise the city of Portland's cannabis program. I am here to talk today just briefly before giving it over to our policy coordinator Kimie Ueoka to talk about the social equity grants program and give an overview of year one of that program. If we could begin with the first slide, the cannabis equity grant is a tool for restorative justice, community reinvestment and wealth creation and communities impacted by cannabis prohibition, and black and brown Americans from law enforcement to the judicial system, through the lives made, and the cannabis Prohibition, and the city has an obligation to do what it can to repair some of that harm and the equity grant is a step in that direction. The cannabis equity grant also alliance the city of Portland's comprehensive plan, and we talk about economic prosperity, and equity and resilience, and also alliance with the bureau's five-year equity plan and the citywide racial equity goals so again, the entire city of Portland, all of you commissioners, folks who live here, our staff and community understand the importance of this work. With that, talking a bit about the first year of the cannabis social equity grants and for some context, Portland voters passed a ballot measure in 2016 to authorize the 3% local tax on recreational cannabis sales. The authorized uses of that revenue were threefold as summarized in these bullets for drug and alcohol education and treatment, and for public safety investments, and for support for small businesses, especially women owned and minority owned businesses. That language in the ballot measure, and an economic opportunity and education to the communities disproportionately, and I want to thank Commissioner Fritz that the bullet point got into the ballot measure. We understand how important that is. Some background on year one of the grants. To be clear that the first year of those grants were facilitated by OMF's grant office and Prosper Portland, and now that we are going to be talking about year two in just a moment, that's being facilitated by Civic Life but the first year was not. There was a survey done for the reinvestment of the tax revenue as convened by Commissioner Fritz and Eudaly's office. And there is a steering committee that got together to decide okay, so that third bullet point of the reinvestment, social equity efforts, what specific types of programs and efforts should that tax revenue fund? So the

October 23, 2019

result of those processes on the next slide, oh, you have it there, thank you, were three priority areas. Expungement and record clearing, workforce development and small business development and technical support, and there again you see that a portion of that money was managed by the grants office and a portion managed by prosper Portland. The selection process for that portion of the money that was managed by the grants office, the 350k for the expungement and record clearing and workforce development, I am going to talk about that because it's that portion of the revenue that most closely reflects the -- what we're calling year two of the cannabis equity grants that we are here to discuss today, authorizing the process there. We had nine applicants in that first year. The selection committee recommended three projects for funding, and those were approved by council in august of 2018. The public defender for the expungement portion received 154,000, green hop is a cannabis retailer that has a green hop academy with cannabis specific workforce programs. They received 95,000, and then poic and rosemary anderson high school received 100,000 for their construction pre-apprenticeship program. Now all three of those organizations have representatives here today, and they are going to come up and speak a bit about their efforts. They will be up here in just a moment. For that first year, outcomes, all of those projects were on track to meet the outcomes that were identified in the grant agreements, and more than 800 Portlanders received services as a result of those cannabis social equity grants, and I do want to make mention in year two there is specific language that talks about aggregate data and analyzes of demographics information so that in year two, we know exactly who we are helping with this funding because that's critical. Yes, we want to do good, and we want to allocate funding for that purpose, but I believe that we really need to know exactly who it is that we are helping so in year two that is baked into the grant agreement and is a requirement. I just wanted to make that point as clear as I could. With that, that ends my portion on the first year of the grants, so now I will kick it over to my colleague kimie ueoka to talk about year two and one more brief thing, and she did not want me to do this, kimie ueoka has been doing heroic work with This. It is difficult. It's unprecedented. This stuff is new for our bureau. It's new for the city and new around the country, and she has a level of professionalism and patience and creativity that I wish that I had, and I really appreciate her work with this. So with that, I am giving it on her to talk about year two.

Kimie Ueoka: Thank you. Good morning, commissioners. My name is kimie ueoka, and I am the policy coordinator for the civic -- for the city's cannabis program. Forgive me, I am a little nervous. This is my first time here.

Hardesty: We are pretty scary looking.

Ueoka: Oh, man, I think it's the table, really. [laughter] so as brandon said, our bureau took over administering this grant fund this year for year two, and it has -- needless to say it has been exciting. Not only did we have a compressed time line that we were aiming for, but we also received three times the number of applications for the funding as they had in year one. It threw a wrench into our planned time line but we are here. Yeah. Upon the recommendation, we are here today to propose six projects to be funded by the city in year two. This graphic shows the activities of the year two grant-making on a time line. One thing to note that because -- it was really important for us in year two to get this grant aligned with the city's fiscal year. Therefore, it was decided that we would announce this grant have an eight to ten-month funding cycle in order to align with the city's overall fiscal year time line. With your approval today, we will be on track for a nine-month funding cycle for year two. So, we started off with a listening session in april. It was a great opportunity for us to introduce ourselves to some of the organizations that are doing the work of these priority funding areas. And begin to build some community and connections around this work. We, through a pretty broad net out in invitations and 20 individuals representing 15 different community organizations, participated in that listening session and helped us to

October 23, 2019

shape the funding announcement. The link to the summary of that listening session and the action items that resulted from that listening session is available on our website for this grant. It is at [www.Portlandoregon.gov/cannabis tax](http://www.Portlandoregon.gov/cannabis-tax). We also work closely with the office of equity and human rights on shaping the final product. The year two, priority funding areas, 490,000 was allocated in year two for expungement and record-clearing, workforce development is, those two were carried, carried over, excuse Me, from year one. And the additional funding priority area of re-entry housing was for year two. Prosper Portland received funds to continue the small business development and technical support. And Jeanette from Nuleaf is here to speak more about that piece of work in just a moment. So our selection process, we brought together a review panel of six community members and one city staff from the Portland housing bureau to participate in the review and the recommendation process on the grants this year. They were not prepared for the volume of the work, but we gave it to them with 32 applications, but they rose to the challenge and donated more than 230 hours of time to this process, so I would like to take a moment to thank them and acknowledge that gift. The review panel process included an independent scoring process, which was followed by an all-day, in-person collaborative scoring session. Of the 32 applications received, and the 3 million in need that were expressed by those applications, the review panel landed on a final recommendation of six projects for funding. And they also recommended that all year one projects receive funding for a second year. We are here today to request approval to fund these six projects at 631,321. We are requesting a retroactive start date of October 1, 2019, to allow for that nine-month grant cycle. The review panel recommended that the city utilize 141,321 of the currently available fiscal year 1920 funds to allow us to fund the top six applications, which did include a second year of funding for the first year grantees. This leaves 758,679 for the fiscal year 1920 cycle, which we will be calling year three. Projects proposed for continued fund anything year two are the year one grantees, Portland Opportunities, Industrialization Center, and aka Poic at Rosemary Anderson High School for their construction, pre-apprenticeship program, the Metropolitan Public Defender Services for their community coalition record-clearing clinics, and Green Hop for their Green Hop Academy. New projects for year two are Southeast Works with their Youth Works project, Voz for their Building Economic Power for Day Laborers project, and Constructing Hope for their Building Equity project. Summaries of the projects are in Exhibit B of the ordinance packet and will be posted on the grant web page after final approval. But even better yet, as Brandon mentioned, representatives from all of these organizations are here to speak to their work, and share the impact of their work directly with you themselves. Of note, one year two applicant requested a small scope modification after the review panel process, and it was primarily to increase the pay rate for the participants, a pay stipend for the participants in order to do that, they needed to make a reduction on their Internship program but there is no change to the overall requested amount. So most importantly what have we learned?

Hardesty: Could you go back to the last slide, please?

Fritz: Commissioner Hardesty.

Hardesty: Thank you, Madam President. Go through this, so we are reducing an intern leadership from 20 participants to ten?

Ueoka: Yes, so their request was to increase the rate for both their apprenticeship and internship program to get closer to a living wage for those participants. They are not requesting funds for anything beyond those stipend for participants. They are contributing the other program costs, and in order to make those changes, they increased the pay rate for the participants. They made a reduction in the number of the ten week internships from 20 to 10.

October 23, 2019

Hardesty: And is that still a good value for the money that we're investing in that program if we are getting half of the participants as compared to what was agreed to in the original contract?

Ueoka: I believe that is yet to be seen fully, only because we do not have the year one outcomes yet, and, and as we have all spoken to, this is a learning process, and we are working to even better define for ourselves what -- how best to support all of our grantees in meeting our expectations around building wealth and power for the communities that have been most impacted. That is part of our process to continue and refine and shape this grant. Along that line, what we have learned and what we still need to do, we have received all these points are based on feedback that we received directly from the grantees, applicants, and community members and also our review panelists. So we are continuing to increase our level of support for applicants, both before and after the application process. An example of that is everybody who did not -- was not recommended for funding this cycle received an offer of the 15-minute, one-on-one meeting to discuss the details of their specific application and how that might be strengthened in the next cycle, and we are also hosting a grant writing workshop as part of the prefunding announcement opportunities. We will continue to improve our grant-making process and there are lots of things that we can do to improve the support that we provided for both through the funding announcement and also to the review panelist. Some of the feedback that we have gotten and we are already working towards is continuing to seek out strategic opportunities to make upstream changes and investments to even broaden the impact of these funds, and increase the communication and collaboration across the bureaus as well as looking for a policy opportunity. Aligned with this work. And also to deepen the community relationships and engagement around this work. One of the big takeaways from the 50 plus conversations that I have had over the last seven months, I think can be summarized in a statement, not a statement, but a clear statement here that I am going to try and communicate. One thing that stood out in all of my conversations was this -- that work in reparative and restorative justice requires a thoughtful and strategic plan, and that our policy-making needs to be trauma informed, and we need to be using trauma informed policy stewardship in partnership with the communities that we intend to serve. Without these things in place, people, processes, power, all of the ps in all their forms, will default to what is familiar. That will work against us in our work. If this truly is our goal, with the use of these funds. So we have really taken that feedback to heart. We are -- we are working to identify some clear action items for year three. I will hand the microphone off to Jeanette to further discuss.

Jeanette Ward Horton, Executive Director Nu Leaf Project PDX: Thank you. Thank you, commissioners. Happy to be here, I'm Jeanette Ward Horton, the executive director of NuLeaf Project, and we are receiving funds from Prosper Portland and from the social equity grant, ultimately, to support the investment into minority and women owned businesses. Minor and women owned cannabis businesses. I will share information about why this is important and thoughts around how we can think about the future of these grants. So we will start with this fact because it's important to ground ourselves in this, and ensure that we are not coming at this from a stereotype, many studies have shown that adults across races use cannabis at similar rates. However, we can see in the next two slides, the arrest rates and the conviction rates in the state of Oregon, and you can see the disproportion that targeting a first African-American community, second, Native American communities, and I think it's really important to call out what communities we're talking about specifically, so that we can understand as Brandon says and we start to get visible into who we're impacting, that we're clear that we need to be impacting positively through these funds African-American communities and Native American communities first and second. Conviction rates, if you move forward, get interesting. You still have trends of African-

October 23, 2019

americans being convicted at higher rates, but native americans jump up here. So we have got to keep our lens on both those communities and insuring that these funds really impact positively those two groups. If you think liberal Portland is any different, it is not. We have arrest records from 2014 of Portland, and asking americans targeted the most, and the native americans are arrested at similar rates to Their population, but nobody else is for cannabis arrests.

Hardesty: Madam president. Thank you, I am very curious on this data because I think that most people know that hispanic is not a category where we are collecting data in a way that we can, actually, add to the demographic information, right. My work in criminal justice has taught me that a lot of times a hispanic individual is misidentified as being white. So I am curious as to -- when you look at the shot, you would think that latino community is not as egregiously impacted, but I would argue with that, if that was what we were telling people were so. Anybody?

Ueoka: I would also add to that, that if you think about cannabis criminalization over time, that there is also data there that we are actively searching for right now in advance of year three to have a sense of the generational, inter-generational impact, and given that the forefront of cannabis criminalization was driven in part by some --

Hardesty: You know, you can just say it, from unequal, racially-focused criminal justice activity, right. We should not be shy.

Ueoka: Yes.

Hardesty: We should not be shy about saying this is what it was, still is, and why we have got a lot of work to do.

Ueoka: Thank you. So that's why we are focused right now on taking a look at, over time, which -- what does this look like, not just for the past ten years, but what does it look like for the past 80 years.

Hardesty: Hispanic and latinos also get classified as white, so you are absolutely right, commissioner hardesty. So this says really important for understanding -- there is a term "compound deprivation" that a harvard researcher, robert samson coined that talks about how arrests and conviction impacts an entire family. The economic impact, impacts the mother, father, brothers, sisters, and the spouses, the children, and the children of the children. Unfortunately, data is telling us that african-americans are the one group where your children are likely to fare worse than you are economically. That's not what we want for our communities and for our families and for our cities. The reason for that, you can see here on this slide because the arrests and incarceration results in all of these other things. You can't get loans for businesses, and schools, and you are denied housing and better neighborhoods, etc., etc and all of those things lead to this web that then leaves you in a depressed socioeconomic situation that gets worse generationally. So what we do at nuleaf is --

Hardesty: I just wanted to correct the slide. I am sorry. If you will go back, in Oregon when people are incarcerated, they cannot vote but when they get out they are eligible to vote. And I think that there is only one state in the united states That people don't have the right to vote after a conviction, so I don't know how you would want to change that, but for the sake of accuracy, I know many people just believe that once you have been incarcerated you can never vote, so we are trying to undo that myth around who can vote and who can't. Thank you.

Ward Horton: Thank you. So what we do at nuleaf is understanding these interconnected webs that leads to the compound deprivation is we focus specifically on entrepreneurship. It has been shown to be the best way to improve household wealth. 37% of the wealth in the united states is held by entrepreneurs. African-americans, specifically, are in the worst positions of entrepreneurship rates. We own the least businesses and our businesses tend to be the least successful. It gets worse with cannabis businesses very hard to fund and

October 23, 2019

that you can't get traditional funding for. We see a great opportunity to take the funding available through these cannabis taxes and use it to impact directly the best [inaudible] from improving household wealth. If it is entrepreneurship, how can we take that money and create entrepreneurs who are funded to levels that allow them to be successful. So, these couple of stats are to further shore up that instant for. Various studies, and there is one from mit here and one for the center for global policy studies that point out that Lower levels of success rates, or lower levels of start-up capital are the number one impact on entrepreneurship success rates. And we can make a direct impact on that, and we are making a direct impact on that with our new leaf grants. Here's an example of that in terms of giving you some year one information about success rates. We have granted several businesses, two of which received our quote/unquote large grant of \$30,000. This is an example from one business, how they were able to improve other business with that grant. We measure what they do with the money and how that money impacts the business, and they have been able to hire employees. They have been able to improve their sales, and all of which is good for cities. This is the right thing to do as brandon said but also good for the city's bottom line. The last thing that I want to say is I really want to leave here thinking about year three and four. Kimie ueoka talked about year three, 741,000 and some change, commiserate with the percentages that are being given across the three places that brandon brought up before. Money going to police, essentially. The city audit has pointed out that the public safety amount is, essentially, going to police. We have money going to drug rehabilitation, and then we have money going to these communities That have been impacted by the war on drugs, and 80% of the funds are going to police. So I do want to, before I stop, speaking leave with the commission that imbalance is not what the voters intend and not going to address the issue we're trying to address of 80% of funds to police, really can only compound the arrests and the situation that we are trying to reverse. So I would love to leave in front of the city thinking about the future, rebalancing the distributions.

Fritz: Thank you. The mayor has said that we are going to have a work session in the springtime to discuss that very issue. We are very well aware of it. Thank you.

Ueoka: So we would like to invite some of the year one grantees up to speak to their work. I would like to invite poic, metropolitan public defenders, mpd, and green hop up, please. Anyone can start.

Eudaly: Anyone can start, just state your name for the record.

Charles Manigo, POIC: Oh, man, it is on me. Hopefully everybody can hear me. Thank you guys for having me. I am charles manigo. I am here on behalf of poic. I am the coordinator. I run the pre-apprenticeship trades program that we have going on there, and just real briefly, I don't know if you guys are familiar with poic. We have been a fixture in the community for over 50 years, primarily, in the northeast and north part of Portland. Where we specialize in primarily Getting african-americans and low-income, other low-income minorities job placement, education, things of that nature. The reason I am here is to talk about the cannabis grant and how important it is to our program. One of the biggest things that it's been able to do for us is help us with the support services, which helps for our retention purposes, for our program. Our program is 12 weeks long, and once completion is done from our program, our graduates go into state accredited apprenticeship opportunities. We served 52 people, approximately. Out of those 52 people, excuse me, I have to look at this, 31 have been african-american males. Nine have been hispanic males. Six have been african-american females, one has been a native american female. Three have been hispanic females. Two have been caucasian males. [inaudible] are enrolled in accredited state apprenticeship opportunities, and of the 43, 34 are making \$31 an hour or more, and the other nine are making \$23 an hour or more. The reason that is important is because with this cannabis grant we've been able to help seven

October 23, 2019

of our folks get driver's licenses because that's a huge barrier and a huge obstacle that we face. If our folks don't have driver's licenses, they may be on -- on a work list longer than folks who do have driver's licenses. We have helped four people with Childcare, which is really, really, really huge. We pay our folks by the hour, but it's not enough to cover things like childcare and driver's license and we have paid for four of our folks auto insurance because of grant, as well. We pretty much have been able to do anything associated with getting our folks to work, and that is huge because we have a lot of other barriers and obstacles that we have to face from some of the youth that we serve. The demographic that we primarily target, it's no secret that, you know, they have been marginally affected by the cannabis laws. One young lady, as a matter of fact, was recently -- not recently, but she was released from prison at the end of last year. She came to us, wanted to be in our program, but she had a lot of barriers. She had recently lost custody of her son because she was in prison. You know, her family trajectory was really kind of all over the place, but we were able to reassure her that, you know, that we would be able to help her as long as she was helping herself. Because of the cannabis grant, we were able to get her childcare, got her a driver's license, set up with a bank account. We got her set up with financial literacy classes, as well, which is something that we just simply wouldn't be able to take care of if we didn't have access to this Money. So, I don't want to be too long winded, and I actually feel like this is kind of a big deal -- I feel like I am on cnn, you know.

Hardesty: You are, not quite cnn.

Manigo: This is huge. Yeah. But we are really appreciative of the cannabis grant, and we hope dearly for the life of our program that this is something that will continue.

Eudaly: Charles, I wanted to thank you for being here today. You did great.

Manigo: Oh, thank you.

Eudaly: Thank you for kind of illuminating the kind of support services that you are providing because we know that not addressing these barriers is a huge pit fall to a lot of these programs, and it's why we see such poor retention rates. If you truly are aiming to serve marginalized communities or underserved communities, it's not enough to just say, come and get the knowledge. As you described, they are -- there are a lot of barriers to simply showing up.

Manigo: Yes, ma'am.

Eudaly: So very supportive and thrilled to hear about those 43.

Manigo: Yes, 43.

Eudaly: That's more money an hour I made before I got this job.

Manigo: Oh, man, if I was making that amount of money -- we serve ages 17 to 24. If I was 23 years old and I made \$30 an hour or more -- I don't even know. [laughter]

Fritz: You're going to keep working at that profession, right?

Manigo: Yes, ma'am.

Hardesty: I think the message i'm getting from your presentation, charles, is having a pot of flexible resources that you can use to address specifically directly the barriers that people are encountering. It's vital to the success of getting people pre-apprenticeship to a good family wage, union wage employment opportunity.

Manigo: Yes, ma'am.

Hardesty: One question I had for you is that if someone was going to try to do this themselves, there's an \$80 fee that's paid to state police. There's a \$265 application fee. Do these funds allow you to assist people in expunging their record?

Manigo: We have other services within the organization that would allow that to happen. Yes. Not particularly pre-apprenticeship but under the umbrella of poic, absolutely.

Hardesty: I ask that because clearly there's some professions that with some of these things on your record you would never be able to get into. Clearly the answer is for the state legislature to pass a law expunging people's records across the board. We're not

October 23, 2019

there yet, but until we do that it's important we provide all the assistance we can directly to folks. \$345 is a lot of money to most people, right?

Manigo: Yes, ma'am.

Hardesty: If you're trying to choose between feeding your family or getting expungement you're going to feed your family first. I just want to say the work you're doing and the intentionality around really providing those wrap-around supports that help people to just focus on getting the training they need for a living wage employment opportunity. Thank you.

Manigo: Thank you.

Eudaly: Who is next.

Michael Zhang, Metropolitan Public Defender: I'm michael zang. I work as a metropolitan public defender. On that last comment, commissioner, the fees are as you stated enormous. They are actually in most cases much more. The \$265 filing fee is just per conviction. The median number of convictions that I would estimate is three or four, at least. Even you see people with many more than that convictions. In order to expunge someone's whole record, the figure would be like astronomical if there wasn't a fee-waiving process in place. In any case i'm michael zang. I work with the metropolitan public defender's office, its community law division. The goal of this division was to establish holistic defense, which is where we would address someone's all of their needs rather than just their need for criminal defense. Our goal is to provide a wrap-around civil legal services to people who are or have been involved previously in the criminal justice system. We believe that by doing so we can lower barriers to people's reentry into the community and into the work force. In 2018 we received funding from the city of Portland to establish legal clinics to help people in expungements. The past criminal conviction can be a person's biggest barrier to getting employment or housing. And even higher education. For many a prior cannabis related conviction may be their most significant barrier as well. As we reform our cannabis laws we're glad to see that there's also funding to help people who had been impacted in the past. This year community law division through the marijuana grant and just through the the cannabis grant, screened 1031 individuals including 351 black identifying individuals, for expungement eligibility. The criteria for expungement is very complex and so people are barely able to understand the law on their own. So when we're talking about cost it's not just the cost of the filing fees but in fact usually people would hire a lawyer to do this and a lawyer in the Portland area would charge at least \$1,000 to \$3,000 to handle anyone's particular case. It's due to the extreme complexity of the law that that's what the market rate is set to. So we have established clinics throughout local communities within the city of Portland that have historically experienced the greatest effects of mass incarceration. We have partnered with urban league and miracles club to host monthly clinics. We have also partnered with black lives matter, emanuel temple church to host individual clinics. We have also participated in community events like juneteenth and good in the 'hood. We also have monthly clinics with the Portland allano club and bridges to change and held clinics with pacific northwest council of water protectors at its medicine gathering at oxbow park as well as Portland community college. The demand for our clinics is immense and the people I mete with on a daily basis are very grateful for the help that we can provide them. In the next year with continued funding from the city we hope to build on our existing relationships that we cultivated. Also, it's noteworthy that senate bill 420 will expedite the process for people with low level cannabis possession convictions and we're looking forward to providing relief to these people who are -- who will have a more expedited process for their expungements. As we look forward to continuing this work we hope that the community will see the metropolitan public defender as a stable and reliable partner for providing this kind of service.

Fritz: Commissioner eudaly.

October 23, 2019

Eudaly: Michael, can you tell us roughly how many people you have been able to assist with completing the expungement?

Zhang: Those numbers are in our report that we send quarterly. I have our numbers right now for screening, but we're currently working on our final report. We did our third quarter report. But it's about -- I would estimate the number of people that we screen tend to be about 30% eligible, which is higher than if you were to just find people and randomly sample people for eligibility.

Eudaly: How many have been screened?

Zhang: 1031.

Eudaly: Thank you.

Karanja Crews, Green Hop the Hip Hop Dispensary: I'm caraja cruz, the co-owner of green hop, the first hip-hop dispensary. I just want to give you a little bit of context because everything we're talking about is kinds of like reflects or impacts what I experience. Being black in america is hard. First of all green hop was created through a sense of bootstrapping. No capital, just two single parents from Portland, Oregon. I want to emphasize being from Portland, Oregon, because the cannabis industry is people not from Portland. I want to emphasize us being born and raised in Portland, Oregon, also being educators, being in the educational system and this pretty much bootstrapping, not able to access capital, not able to access loans to be able to start the business. We started with nothing. And we were able toll build it up by ourselves working it, working the business. Saving every penny so we could hire our next employee, the next person. So literally we started from zero and still are building up with no capital. It's scary in a sense. We don't have any type of safety net. We just have to keep going to be able to continue to build. The way the grant is set up, it's set up through an invoice system, so it's hard to be able to answer your question with the 20 to 10. It's hard to have the capacity to be able to bring on ten people or 20 people right away because we don't have the capital to be able to invoice that after the fact, if that makes sense. However, I was told to talk about community reinvestment so I wrote a whole speech. So i'm just going to read it and then we can dialogue if you have any questions from there. Green hops we honor the history of communities of color particularly african-american cultivating a pipeline to provide a stake in the multi billion cannabis industry as entrepreneurs, investors, consumers, advocates and employees. What the city of Portland is doing with the cannabis social equity program is a model for the nation to see. The purpose of the social equity grants is to address the lasting impact of cannabis enforcement and provide economic countries, increasing access to housing, reducing barriers for housing, employment and education. It's slated to go nearly 21 billion in 2020 the program will lay the foundation of an economic shift of low income families of color while offering black and brown individuals a unique opportunity to shake off the decades of historical. [audio not understandable] greenhouse programming would specifically help repair harm caused by disproportionate -- being a licensed educator i'm still noticing a school system is not preparing us for today's work force. Now being on the other side, being a teacher on the other side of providing jobs, we still have a system that is -- a school system preparing us for the industrial system, where we are literally in the digital and technology revolution, beginning of it. Schools have not transitioned and I can literally see the reflection of schooling and how it affects the work force today. So it's quite interesting being on both sides but we have a lot of work to do and having programs like this literally helps organizations like green hop who literally started from the ground up, who is bootstrapping everything and literally needs help to provide services for people.

Eudaly: Thank you. If there are no questions i'll call up our next panel. We're running a little behind, so tighten up their testimony that would be great.

Chris Kendrix, Youth Coordinator SE Works: Okay. Good morning. City councilors, i'm chris kendricks, youth coordinator of southeast works. Thank you for this opportunity to

October 23, 2019

speaking about the cannabis social equity youth program. Southeast works history dates back to 1997 in southeast Portland. We have served thousands of residents with job employment, education and training. In 2018-19 we served 8600 customers with 23,000 served of which 25% had prior justice involvement. It will provide education, certification, work experience, occupational training, mentoring and employment placement services to 40 low risk youth who are 18 to 24 charged with drug or property crimes living in the city of Portland, neighborhood prosperity initiatives. This includes lance, rose wood, colleague and jay division midway. We will deliver services through a positive youth development framework drawing upon resource based practice of the department of education, Oregon youth development division including this 2016 position paper and crime prevention guidelines. Rebuilding skills appeared attitudes for youth resiliency capitalizing on individual strengths and assets. A trauma informed approach will be utilized given 80% of youth are involved with that. Tapping their internal motivation. [audio not understandable] can lead to improved retention, enhance motivation and change and reduce offending. Research on justice involved youth show lack of employment is one of the biggest predictors of justice system involvement an unsuccessful reentry and access to job training can help avoid a lifetime of negative justice related consequences. Southeast works hands on relational program model that will result in positive outcomes youth. On behalf of the southeast works board of directors, staff and youth I would like to thank you, city commissioners, for your support in this very important work. Thank you.

Eudaly: Thank you.

Hardesty: Madam president, i'm curious, you connected drug and property crime, folks with that background. Why the property crime connection?

Kendrix: Because I felt like there's a variety of crimes that are out there. I feel like we are covering all bases of the crimes. Any crime any time that we'll help with.

Hardesty: As it relates to the cannabis fund, right, we're really focused on making sure that the people who have been impacted -- when you talk you said drug and property crimes. So the organization will work with anyone with a criminal background?

Kendrix: Yes. Anybody.

Hardesty: This particular program, however --

Kendrix: And drugs. Yes. And drugs and property. That's what we do.

Hardesty: So is there a different demographic that has been overcriminalized in property crimes rather than folks with marijuana convictions and how marijuana laws have played out?

Kendrix: We focus on african-americans, yes.

Osmani Alcaraz-Ochoa Voz: Good morning, commissioners. I'm asmano ochoa, executive director of worker rights education project. 15 workers went to legacy emanuel to plant trees with the bureau of environmental services. This also brought together friends of trees and tree coming. There were two plantings. One of the workers that participated said every time I go to that hospital I will think of those trees that I planted there. The cannabis grant will extend opportunities like this for low income houseless and immigrant workers to work together with city government on meaningful community projects that deepen workers' skills and allow them to be seen and respected for the contributions that they make. We believe we are building a practical training model that will be replicable as a Portland clean energy fund trains workers of color to rebuild the city in more sustainable ways. Secondly, the work force development program came out of a request of the workers to sharpen their skills and there's a full range of skills, development opportunities on site at the martin luther king, jr., worker center. From work related language classes to safety training including osha card opportunities to workshops including gardening, restoration, construction, salvage, sanitorial and recycling plastic for 3-d printing. We're working with the Oregon food bank, northwest carpenters institute. Oregon trades women,

October 23, 2019

master gardeners, east Multnomah soil and water conservation district, metro, people, places things, cascadia clusters. The cannabis grant allows us to continue to bring training partners to the martin luther king, jr., worker center and provide on-site hands on and popular education based workshops and develop the intracultural skills of those organizations as well. Third, a key element of the model we offer is that we're not just training unskilled workers. We have a model to identify the skills that are already within the worker community. Many of the workers at the worker center come to us can skills and for whatever reason are unable to put the capacities to work in the way that they want to. By using our models we can identify those who have skills and are ready to lead others and help prepare them to whatever their next level is, whether that's matching with more skilled opportunities to getting their contractor's license. This model is flexible and highly customized and can be used by other organizations to track capacity and progress among marginalized groups. At our site that includes latinos, african-americans and african immigrants as well as poor whites, people living with mental health and/or addiction and those formerly incarcerated. To conclude, the grant was designed to rectify increases because of racially biased enforcement of cannabis laws. Members of our community are among those impacted and the model has a potential to reach beyond the communities we serve on the corner. On behalf of -- we thank the city for the continued opportunity and your commitment to right historic wrongs.

Eudaly: Thank you.

Simon Collins, Constructing Hope: I'm simon collins from constructing hope in northeast Portland. We're a ten week pre-apprenticeship training program that takes people who have no experience working in the construction trades and gives them enough experience to join an apprenticeship so they can move on to lasting career that makes a living wage. We primarily work with people coming out of incarceration focusing on black and brown men in the Portland area, and we provide a lot of wrap-around services for our students. We provide with partnership with other organizations referrals for housing, for daycare, for clothing, for tools, for boots. We provide boots. We have a food pantry on site. Because what we find is when people are coming out of incarceration they come out with almost nothing. I think that the best way I think to show kind of what we do is to tell the story of one of our students. We had a student named robert. He had spent eight years in prison for various drug and property crimes. When he was released from prison within two weeks he was given custody of his seven-year-old daughter that was born when he went into prison and he had barely developed a relationship with her and suddenly he was her full-time care-giver. He had no job, no money, no driver's license, many thousands of dollars in fines as well as time that he needed to do in community service, and he was overwhelmed. He came into our program. Our program is ten weeks, unpaid so you have to devote yourself to being there three days a week for ten hours a day. We start at 6:30 a.m. Because that's when construction starts. We want people to get the experience of actually having to be at a job site at 6:30 a.m. He showed up every day, had perfect attendance, became a leader in the class, he was amazing but still homeless living on somebody's couch with his seven-year-old daughter, really struggling. With our partners we reached out through human solutions and he found an apartment through pre-apprenticeship, child care initiative he got child care for the time that he was in the program. He was then able to extend that child care through dhs to have child care for a year. He got into an apartment, got his boots, tools, job. The day he graduated from our program he got a call from the ironworkers and he started work later making 22.31 an hour. He's been working steadily since then and is getting custody of his second child soon because he's actually become something he thought he never would be, which is a stable living environment. He comes back into our office and asks what he can do to continue to promote our program in the community. What he's done is he's then we have had three other students that have

October 23, 2019

come through the program since him that he has caught literally two days after they get out of prison, moved them into his house if it's okay with their probation department, he follows the rules. He moves them into his house, gives them a place to stay so they can start the program because he so believes in what we're doing that we can move that forward in the community. We're very proud to be here in Portland and doing the work that we can. Last year we had 65 previously unemployed Oregonians that we helped get into full-time work, working in a trade where they can make an actual career. We thank the council for considering this grant because it will just continue to help our program grow and it will continue to do the good work in Portland that we're doing now. Thank you very much.

Fritz: Thank you.

Eudaly: You're all doing amazing work. Thank you. Now i'm going to call brandon and timmy back up in case council has any questions.

Fritz: How many are signed up to testify?

Moore-Love: We have three people.

Hardesty: I do have one question. Thank you, madam president. So my question is I know this is new, and I know that we're putting systems in place. What we have heard today is really encouraging about how community based organizations are using these funds to really invest in people in a very holistic way. If you could wave a magic wand and say if I could do x, we could expedite the process or we could actually help more people. What would the "x" be if you could improve the outcomes of these investments?

Goldner: I will briefly say funding and staffing are critical. For so many of these services, the more the city can put the onus on itself on its budget on its staff to help people navigate these processes so it's not complicated, it doesn't take all day to do I think the city has an obligation to do that. I would say those two things.

Ueoka: I would add to that anything that you as city council can do to encourage increased collaboration between bureaus. Oftentimes I have found myself reaching out to appear and then asking for support upward whether it's gathering data or finding out what another bureau is doing. So just kind of anything that you as council think that you can do to support that increase in strengthening the communication and collaboration between bureaus with this grant outcome in mind would be helpful.

Hardesty: I look forward to the work session that we're going to have because I think that's when we can talk about really whether or not the investments are being made in the right place. Somebody mentioned 80% of the dollars going to the police. That certainly was not what voters had intended. Certainly not what the city council plans to support. I believe moving forward based on our conversations. Brandon, good luck. The great thing about being at metro is that we partner with metro too, so might be able to help each other. Thank you both for the work that you've done.

Eudaly: Thank you.

Moore-Love: Three signed up to speak.

Fritz: We're going to go to two minutes since we're running a little late.

Lightning: Yes, my name is lightning. I represent lightning superdata. I'm probably the only one in here since it's been legalized I do not smoke marijuana so i'm not your customer but I did stand alongside of you when you were denied the waterfront permit to legalize cannabis and made sure you had that right to do that. My position is the policy makers have missed it. We're in a saturated market. I'm asking reduction from the 3% tax down to 1% to make sure the growers are subsidized at this time because you have miscalculated over all on this market. Issue number 2 is that I agree on the grants. Everybody get your money. I do have a problem with the first go round on ongoing past that point. I think there were 32 applicants. There's a need for 3.8 million. I think other people should be involved and rotated. My main issue is on these grants I would like to see more health related grants given to people that understand the effects of marijuana,

October 23, 2019

can educate the people. It should be your choice even though it's legalized just like alcohol. I would like to see more of the neuroscience approach to understanding how that affects your neuropathways and understand how that affects the gray matter and understand that neuroscientists are doing studies on this and they do have some concerns. I want to see that data brought forward again, not to stop the legalization or your business but to have an informed, educated way of making your final decision. If you want it use these products or not, just like alcohol. Again, from the city hall your number one concern should be the health and safety of the public. I did not hear you mention that once on any of these studies. I point the finger at commissioner Fritz and I would like you to review some of these studies and I would like you to get back to the committees and go over this.

Fritz: Thank you.

Lightning: Thank you very much.

Charles Bridgecrane Johnson: Good morning, commissioners. Charles "bridge crane" johnson. It was great to see the city working hard on this program. I would like to encourage people that spoke to keep engaging with the city and pushing as commissioner hardesty mentioned this possibility that up to 80% of cannabis tax revenue is funding things in the police department at a time when the city of Portland is closing community centers, is problematic. Hopefully we'll have exact facts about where the whole cannabis tax revenue breakdown comes out. The thing that I think would also be helpful for these entrepreneurs is to the extent that the city is allowed is more public information out there. It's not really in my opinion the best government practices when we sit up here and quietly say an anonymous unnamed place has decided that there's so many barriers and challenges that they should half the size of their pool to ten so those people can be adequately served instead of going crazy to serve 20 people. That business could be named and supported. The reason it's important to name the business, the only one was green hip-hop -- they know who they are. Thanks very much, commissioner. Off killingsworth. That leaves me not knowing, having to dig deeper to find where is the black women owned dispensary that I can go to. I don't want my money going -- People need jobs but some cannabis dispensaries are multi state major corporations. We need to talk about that and we need to as a city live our values and support local cannabis even if the local dealer has to buy from a big multi state farm, is not positioned to deal with -- we fired nathan howard out of the mayor's office, let's get the real data out there so we can patronize these businesses. Thank you.

Maggie: Hi. Maggie, Portland homeless town hall. I agree on stop giving the revenue to the police, and I also agree on the health related grants that lightning talked about. Also supporting small local cannabis business owners is a great idea. Also I want to talk about the intersection of housing discrimination and cannabis use. In 2019, the jail the government accountability office court decision said hud contractors were not increasing their social equity in housing as they were mandated to do in 2013. A while back the johs is the local hud entity, and they need to be more proactive about getting people into housing who use cannabis for health related reasons who are disabled because it's not just minorities, it's poor people who are disabled. I was able to help one woman, a white woman who uses a walker and wheelchair and had been using cannabis for eight years and had never had any trouble with the law. She was in a shelter because she used cannabis to manager had condition. So helped one person get housing. The johs helped one person. We need to have the johs go to the contractors and say you cannot discriminate against people who are disabled who are using cannabis as their medicine because as we know nancy pelosi, the pharmaceutical companies, they want to keep medicine expensive. It's out of reach to people who are poor. A way to help people who

October 23, 2019

are poor afford their cannabis is charge people more for recreational use and discount it or give it free to people who are low income and stop discriminating against them in housing.

Fritz: Thank you. This is an emergency ordinance. Please call the roll.

Eudaly: Well, first I want to thank all of our presenters today and staff, of course, for their work on this program. And for their service to our community. Our work on cannabis policy and civic life demonstrates that the way to create a just future for all requires recognizing and repairing past harms. The grant program is an important component of the restorative justice work. I will continue to advocate for a larger share of the cannabis tax dollars as I have been doing for the last three budget cycles. I agree that too much of it is going to the police bureau. I have gone on record more than once expressing my extreme frustration that that money is going to traffic enforcement and hasn't bought us one minute more of enforcement on the roads, which is really the only area that I could remotely justify investing these dollars in. But unfortunately these dollars have supplanted money in their budget and have not increased their budget and have therefore not increased enforcement and I find that unacceptable. I also have repeatedly called on the state to take action on expungement. I don't think it's reasonable that the city and local nonprofits and individuals bear this burden to correct laws we have now decided to overturn, and I appreciate bill 420 but I would like to see more action at the state level. I want to ensure Portland continues to make meaningful investments in communities disproportionately harmed by our racist drug laws. I thank the civic life team for your efforts. It's encouraging to see an increased number of applicants and I expect this will continue to grow over time. I also want to thank the many Portlanders who continue to debt indicate their volunteer time to provide invaluable input through community listening sessions and serving on our grant review committees. I want to give a special thank you to Jeanette, who has been a tireless advocate for the equitable cannabis policies and to my appointee on the committee Raiko Hiller for her work on justice for all. I thank my staff, my colleagues and their staff, for their ongoing support of this work. I'm pleased to vote aye.

Fish: Commissioner Eudaly hit all the bases. I'll add thank you, commissioner, for your leadership as well. Aye.

Hardesty: Thank you. I also want to add my appreciation of the hard work of civic life and actually really fleshing out this program. Brandon and his team have just been remarkably visionary. I think we can do better. I think with the work plan -- work session, with us making sure that we're really investing in the right things and making sure that we're supporting the whole person to get their records clean and opportunities quite frankly I adopt want us limited to just construction. There are a lot of living wage employment opportunities that we should be helping people have a path forwards. Great work so far. We have a lot more work to do. But it seems like we have a lot more -- a lot of intentionality about who should benefit and how we make sure to hold people accountable for that benefit. I vote aye.

Fritz: Thank you for a very interesting presentation. When I led the campaign to pass the tax in 2016 the city budget office said put it in the general fund. Do earmark it. It will pass. That's what most jurisdictions around us that passed this local option tax did. We working with the office of neighborhood involvement at that time decided that we wanted to be specific that this tax should benefit people who have been disproportionately impacted and public safety and transportation safety. I actually question that 80% going to police because half goes to vision zero for physical safety improvements. I'm glad -- I'm glad that we're going to have the work session in the spring to discuss this. Thank you, Brandon, for your work on this program over four years. It was really interesting to catch up with you and your predecessor. It's a new thing. Great when government can do something from the beginning and be really intentional about it. Rioka, you seem like you're ready to continue great work on this program so thank you. Thank you for your presentation. Thank

October 23, 2019

you to jessica rojas, my representative on the committee. To claire adamsic, my staff who helped set it up five years ago when we were thinking how to do this. It's been challenging, interesting at times very frustrating and at times really hilarious. So thank you very much. I'm really pleased that what we were hoping to have happen as we heard from all of the people who testified about the good that's happened in the first year funding, that was why we passed this tax. Thank you. Aye. I would like to go to the report from consent. We have somebody from risk to talk about that. 982, please.

Item 982.

Becky Chiao, Risk Management: Good morning. I'm becky chow with risk management. I also have someone from the city attorney's office here if we have questions. This ordinance settles a lawsuit filed against the city of Portland by patricia barger for an injury to her arm and emotional distress resulting from an encounter with a police officer during a protest outside city hall on october 12, 2016. Ms. Berger was standing on a max platform at southwest 5th and jefferson when police officers were clearing protesters so that the max trains could resume operations. She claims that an officer struck her arm without warning. The officer reported at the time that ms. Berger grabbed his baton as he approached her and he used a push pull technique to get her to let go. The city disagrees with her allegation she was subject to unreasonable force but in order to avoid further litigation costs and possible adverse jury award risk management and the city attorney's office recommended payment of \$10,000 which includes medical bills, pain and suffering and attorney's fees and costs.

Fritz: Any questions for ms. Chow?

Moore-Love: We do have a sign up sheet.

Fritz: We'll go with two minutes. If you need longer you can have it.

Dan Handelman: Thank you. I'm dan handelman with Portland cop watch. I'm not here to argue about the settlement want to urge the council to go back to the policy of putting misconduct settlements on the agenda and discuss the underlying issues. The fact that ms. Barger's case is being settled after she filed a claim is rare only in that many people who are harmed by the police at protest actions don't make it as far as filing a claim. In this case we're talking about protest where police -- we're doing things we have seen many times at Portland cop watch. They told people to move on to the sidewalk then got angry with people even though they were actually following the original orders. Recognize this action took place over two years after the ppb began implementing the doj agreement and where they are supposed to deescalate and use less force. Also of course the context is this incident happened after city council evacuated this chambers leaving some of us locked in, went upstairs and voted on the police association contract in the heavily guarded rose room. After the vote was over and people stayed in the building to protest the contract the police violently pushed them down the stairs, across the breeze way into the street where they continued to use violence against the protesters. We do not want to see a repeat of that kind of action after the council votes on the contract this time. We appreciate the council's efforts to be transparent about new contract negotiations. I also just want to raise the point we read the police review board reports and there's no report about this officer being held accountable for the incident that happened. I heard the risk management person say the city doesn't believe they did anything wrong but that doesn't necessarily mean they didn't violate policies.

Fritz: Thank you.

Robert West: I'm robert west. I wanted to bring up the fact that the police continuously are being violent toward people. I see it every once in a while but I see it a lot more in protests. I was there at city hall when that happened, in fact I was pushed down the stairs. To me, you know, police do things they are not supposed to do is common place. Police units

October 23, 2019

change their names like the gang squad to the gun violence reduction team. And then they are out there doing the same thing anyway. It's really bothersome to me --

Fish: Mr. West, do you support or oppose this settlement?

West: I support the settlement. The city should pay the lady for her injuries and stuff like that. And any other stuff that she went through. I'm just saying these other things are things that the city police do, and lead up to that kind of stuff. The police don't decide all of a sudden we're going to be violent today. It escalates from one and as they see things happen that's when it gets worse and worse and worse. You know. City council has a duty to rein in their police officers. On that day they did not rein in their police officers.

Fritz: Thank you.

Johnson: Good morning, commissioners. Charles "bridge crane" johnson for the record. This \$10,000 that is rightfully being disbursed and that you need to quickly pay out is important but it's also important that you should consider if there are other persons besides myself and ms. Barger and a long list of people. Some of these people won't be filing complaints because they are dead. Sean kelleher, yaka, lewis. Now dead. In a picture near the area where ms. Barger is taking another unconscious person off the back steps of city hall. In light of the violence that happened there and is now costing at least \$10,000 why at least 10,000 because on this agenda item we're not talking about whether there are any other open complaints or pending litigation from the police violence that happened --

Fritz: That's right. We're not talking about that. This is on this item.

Johnson: Yes. This item but we can continually isolate the expense of mistakes or intentional misconduct of police. If the city was really diligent to the people, if you on the council were diligent to the people that elected you you would have a running clock and every time a police settlement comes up you would say this \$10,000 brings the bottom line of litigation against Portland police bureau up to \$1,725,000 or whatever it is. Don't be afraid of transparency in facts. I understand this is an individual business item, but people were severely injured, knocked unconscious, removed from the back steps of this building under the regime of the prior mayor during that weird lame duck time from when ted wheeler was elected in may and mayor hales lame ducked it until 2017 when the mayor was burdened with the contract approved by a lame duck mayor. That's the context of you having to pay out this \$10,000 to this unfortunate woman.

Moore-Love: Two more.

Fritz: Please address this contract, whether or not we should pay this claim.

Maggie: I'm maggie, Portland homeless town hall. I believe I was in jo ann hardesty's office telling a receptionist about a couple of mentally ill people that I have seen around the tourist areas that the police come and take them away in handcuffs appeared they are unarmed. All they were doing was --

Fritz: Anything you talked about with commissioner hardesty --

Maggie: I support paying the money out because you need to be accountable when you do bad things.

Fritz: Thank you.

Maggie: All right.

Diana Ogaz Gutman: Good morning. I'm diana. I'm in support of this. I think that this is a very, very unfortunate situation. I just -- there's really not much to be said in regards to how this came about. One of my questions in regards to with this payout is is there going to be counseling that will be provided for patricia to be able to process what's happened to her? I think that when you go through something traumatic and you're passionate about something and you're making yourself vulnerable by protesting regardless of what the topic is, you know, it's difficult when you feel that your voice has been silenced then for this event to have happened in 2016 and we're now in 2019, many years later, I wonder if counseling has been offered to her in order to just process this traumatic event. To be in a

October 23, 2019

crowd, to be injured, and to have to fight to get to this point today, that takes a lot of strength. I think that she should be able to have the opportunity to speak with someone about this in a counseling session if she chooses.

Fritz: Thank you.

Maggie: I would like to say one more thing.

Fritz: Maggie, your time is done. Thank you. This is an emergency ordinance. Please call the roll.

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

Fritz: Aye. We now move to the regular agenda. Item 987, please.

Item 987.

Fritz: We have an hour and 20 minutes left on our regular agenda. If you can be briefer than 15 minutes we would appreciate it.

Lester Spitler, Chief Procurement Officer: I can do that. I'm lester spitler, chief procurement officer. I have invited testimony from a guest, the executive director of the Oregon tradeswomen incorporated. We're here for the cpo report for the sullivan's crossing bicycle and pedestrian bridge. The authorizing ordinance was presented to council on august 29, 2018, and approved. The estimate for construction costs at that time was \$11 million. The confidence in the estimate from the Portland bureau of transportation was low. We issued the rfp on september 14, 2018. We received three proposals in october. One from h.p. Civil, one from stacy and beck, one from hamilton. There was a mandatory pre-proposal conference and we had ten prime firms attend and we had one certified subcontractor attend as well. Solicitations were due october 17. The evaluation committee consisted of four representatives from the Portland bureau of transportation and a volunteer evaluator from our minority evaluator program. H.p. Civil was selected as the highest scoring proposer. We awarded pre-construction services contract in the amount of \$187,780 on august 19, two 19. We amended that to include an amount to allow them to purchase the steel so that we could lock in pricing due to the tariffs and the volume tilt in the market as well as to make sure that we had the steel in time for the project to meet the critical path. This project is subject to the city community equity and inclusion plan which applies to projects between 10 and 25 million. Within that plan the city has set very specific goals. 20% of the labor hours in each trade need to be worked by certified apprentices state or federal approved program. We have an aspirational goal for minority and women at 31% of the total labor hours. Of the 31%, 22% need to be employed by minority workers and 9% by women workers. We also have an aspirational goal of 28% for journey workers for all of the trades that are working on the project and within that 28%, 22% should be employed by minorities and 6% by women. Also in the community equity inclusion program we have our traditional aspirational goal 22% for subcontractor and supplier utilization broken down by 12% going to disadvantaged business enterprises and minorities, 5% to women and the remaining can be made up a combination of any certified firms. You have in your report the proposed utilization from our prime contractor h.p. Civil. You can see that they have engaged seven certified firms in various areas of work including trucking, saw cutting, sign, flagging, paving, structural seal and curb and sidewalk. The total utilization at this point is 32.99% of the over all construction cost which exceeds our goal of 22 %. We have established a committee to oversee and provide advice, recommendations and from until shoot the contractor and constituent on this project. Kelly cupjack as I mentioned is a volunteer on the committee. We have had a couple meetings so far and we feel like things are going well. We feel like we'll be able to meet the goals on this project. We have some solutions that kelly and others on the committee are working on on our behalf, so we do have a path forward where we think we'll be able to meet the goals on the project for the work force side. For the subcontract utilization we're confident in the 33% utilization and possibly higher. Sorry. Lester spitler, chief procurement officer.

October 23, 2019

Kelly Cupchack: Good morning. Thank you, council president and esteemed commissioners, for the opportunity to talk with you this morning about Sullivan's crossing and the community inclusion plan and the committee that is currently -- unfortunately we just met once but we have our second meeting planned. I'm Kelly Cupchack, we are a 30-year-old nonprofit that provides pre-apprenticeship training and construction readiness for women in our region as well as advocacy to help folks in the industry meet and exceed equity goals and economic inclusion goals. I wanted to say thank you to our chief procurement officer Larry Spittler for his leadership and guidance. I also serve on the fair contracting forum and New City of Portland staff Cathy Scherk who brought us together to support these goals. It's really critical that as a community and as a city we don't simply talk about the phrase diversity, equity and inclusion but that we actually implement ways to make it happen for shared prosperity model. I would say that while there's still more work to be done, these are very complex issues, there's not a magic wand to wave to ensure that firms have the opportunity to grow and that women and people of color have the opportunity to access these jobs, but that in working together and finding solutions in the city, working with community and industry collaboratively can lead us to meet and exceed those goals. I'm happy to be part of the committee and looking forward to continuing to report good outcomes. Thank you.

Fritz: Thank you. Commissioner Hardesty?

Hardesty: Thank you. Am I reading this correctly, Lester, that West Side Iron Incorporated will get the bulk of the resources from this contract?

Spittler: Yes, you are. They are the subcontractor that will do all of the steel work.

Hardesty: I want to say this is actually the best representation of intentionality around ensuring that minorities and women are actually in a position to benefit from the city contracts. I just want to put on the record it's rare for a majority contractor to subcontract out the bulk of the resources. I would sure like to see that a lot more often if we're talking about building those small businesses owned by communities of color and women. I just want to thank you, Kelly, for the work that Oregon Tradeswomen continues to do. It's been a model that I have a lot of respect for. So thank you both.

Fritz: Thank you. Report. Please call the roll.

Moore-Love: Move and second?

Fish: So moved.

Eudaly: Second.

Fritz: Now call the roll.

Eudaly: Well, even though this came under OMF, the Mayor's Bureau, this is a PBOT project which was my Bureau. This was a really challenging situation we found ourselves in. First I want to thank Kelly Cupchack from Oregon Tradeswomen, Inc., and Steve Sims, Director of the Apprenticeship and Training Division of the Oregon Bureau of Labor and Industry for helping our teamwork through how to meet our apprenticeship goals on this project. Utilization rates were not something I was aware of until I ran for office, and have just become one of my burning issues, and an ongoing frustration at the city. Unfortunately the community equity and inclusion plan committee that Council directed to be formed to advise and oversee projects that meet the CEIP standards, those the costs between 10 and 25 million, was not up and running when this project went through procurement project. I hope in the future we'll have that committee and we can avoid pitfalls like this although the solution is really wonderful. Kelly and Steve's commitment to helping the city reach its equity outcomes went above and beyond the normal call of duty in this case. As has been mentioned PBOT is naming this bridge after former Prescription Commissioner now member of Congress Earl Blumenauer in honor of his commitment to make the city safer for pedestrians and bicyclists. I'm hoping the design involves a giant bow tie. [laughter] or a small one on the bridge. A bow tie. I also want to thank the team that has made this project

October 23, 2019

possible. Millicent williams, dan layden, craig totten, kpff city engineering staff, ryan webb, andy sullivan, stefan busey, mario de la rosa, cameron glasgow, and jamey jeffrey. I vote aye.

Fish: Aye.

Hardesty: Lester, most of the time you come in front of me you're sweating bullets because you know the kinds of questions i'm going to be asking you. Today I want to compliment you. I want to compliment the majority contractor h.p. Civic, inc. I think when we're trying to ensure that we're holding people accountable to the standards that we envision it's always important to have models of people who understand what the goals are and not just exceed it but are very intentional about making those long term partnerships. I'm very pleased and very happy to be a strong aye and support this particular contract. Lester is smiling at me. He rarely smiles at me when we're here. Aye.

Fritz: Thank you for being here both of you. This is a long awaited project and it's great to know that it's going to be done in a manner which the community can be proud of as well. Aye. 988, please. Do we have staff for this?

Fish: Second reading.

Fritz: Please call the roll.

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

Fritz: Aye. 989, please.

Item 989.

Fritz: Thank you. Colleagues, this property purchase is one of many steps towards construction and completion of the filtration project. We're buying the property for the land and not for the house although we do not have a full design for the plant we know we will need this piece of property for pipe alignment regardless of what length or number of pipes we select in the process which will be coming back to council over the next several months. We will be bringing both the design contract which will allow us to pay for design services and resolution which will provide direction for the design of the plant on november 13. Here to go over the purchase isben gossett, right of way manager, and dale peaches from the water bureau to answer any questions.

Dave Peters, PE Program Director, Portland Water Bureau: Thank you, commissioner Fritz. Commissioners. I'm david peters. I'm program director for the bull run filtration program. I would like to acknowledge in the audience today we have a number of neighbors from around the property, around the bull run filtration property, want to thank them for being here to participate in this process. The legislation before you today is related to the purchase of the property near the bull run filtration project site related to the development of the filtration plant. Today we have ben gossett here, bureau right of way manager, to explain the details of the proposed purchase.

Ben Gossett, Right of Way Manager, Portland Water Bureau: Good morning, commissioners. I'm ben gossett, right of way manager at the Portland water bureau. Item 989 would authorize the water bureau to purchase parcel of property in gresham, Oregon. You can see --

Fritz: Do we have that to put it on the screen for people to see? Do we have a slide that people can see it?

Gossett: I do not have an electronic version.

Fritz: Could somebody from my office bring in the graphic that I have in my office?

Gossett: Sorry about that. This ordinance would authorize the water bureau to purchase the subject property. It is located across carpenter lane from property already owned by the water bureau for the purpose of planning and constructing a filtration facility. The property consists of 1.7 acres. There is a three bedroom three bathroom house located on the property. There are also several other outbuildings including a separate garage and two bedroom one bathroom apartment and a barn. Several other smaller outbuildings. The

October 23, 2019

purpose of the water bureau has for purchasing the property primarily is that it is a pipeline connection to southeast dodge park boulevard. The water bureau contract outlines a purchase price of \$800,000.

Fritz: Could I ask for folks to please focus in on this? So this doesn't transfer very well but this green is where the filtration plant is. This is where the property is. This green is where the filtration plant will be built. This is donald park boulevard. The pipes will need to come off the property and get to dodge park boulevard then they go west to the city.

Gossett: That's correct.

Fritz: Essentially this is absolutely the place where the picture is worth a thousand words and I apologize that we did not have it.

Gossett: I agree. The orange square you were pointing to is a strategic opportunity to connect to dodge park boulevard. We have a contract currently to purchase the property for \$800,000. A six-month term in which to do that expires december 20.

Fritz: I'll add that this property, the broker's estimate for it was \$814,000 and we are proposing to purchase it for 800.

Fish: Couple of questions for dave peters. First of all, I think it's worthwhile every time we take up a piece of this to remind the public that we're currently under federal mandate to treat our water for cryptosporidium.

Gossett: That's correct.

Fish: We're not here today to have a hearing on whether the ruling is wise or not or whether we think we agree with the science or not. Today we're talking about the acquisition of a piece of property for the pipes. The question I have for you, though, in light of the revised cost estimates of filtration is as follows: If the council chooses to revisit alternative technologies as a way of bringing the cost down, and i'm not forecasting what that would look like, just saying as part of the conversations were having if the council chooses to look at alternative technologies rather than revise the estimates upward as is one proposal, would we still need to acquire this piece of land and if so why?

Peters: That's a wide ranging question in terms of what the technologies might be looking forward. You may recall that in 2012 we were looking at a u.v. Facility that would be at headworks if that was an option that that would not require this particular piece of property to construct. There's other options that could be available that could go on this site.

Fish: Other kinds of filtration options?

Peters: Well, any filtration option that would be on the site, anything that would be on this site would require use of this property for pipelines. Yes.

Fish: Even if there was a proposal for a different kind of filtration technology because there are alternatives, we would need this property for the pipes?

Peters: If this site, any filtration type technology, yes, if we built at this site that would require pipeline through this piece of property.

Fish: I appreciate commissioner Fritz pulling up the visual. It tells the story. But can you explain just very simply why the pipes can't make a connection to any of the areas where the current -- our property is contiguous with the road?

Peters: In terms of the -- on the dodge park boulevard?

Fish: Yes.

Peters: Yes. On that particular property dodge park boulevard starts going downhill and drops nearly 300 feet as it goes down to the hill. This terrain through there is very steep, and it would be much more costly construction.

Fish: I see. Okay. Thank you very much.

Fritz: Thank you. Commissioner hardesty?

Hardesty: Thank you, madame president. The public may only read the headline and find out that we're buying a mansion. Would you put on the public record why we are buying

October 23, 2019

this particular piece of property and why it's vital to the project that you will be undertaking?

Peters: Well, this particular property came available for sale here at the beginning of the project that we had a sell they're was moving out of town. We're looking they were looking to sell their property. It was an opportunity we looked at and said that's an opportunity where we're looking at pipelines to go out to dodge park boulevard to purchase that property without having to go through processes in the future such as eminent domain to obtain property.

Hardesty: And is there any other way to complete the pipeline without going through this particular property?

Peters: Likely there would be other ways to go that would require going across other properties. Yes.

Hardesty: Maybe my question should have been is there a more cost effective way for us to put the pipes in that we have to put in and is this property the most financially sound way that you would recommend we move forward?

Peters: I guess my answer to that was we believe, yes, this would be the most financially appropriate way to move forward.

Fritz: I believe we have 12 people signed up. So we'll keep it at two minutes.

Ian Courter: Good morning. Thank you. I'm ian corder, a property owner near the carpenter lane site where the filtration plant has been proposed. With respect to this purchase of this home, couple points I want to make. Just first off, we don't as a community support the purchase of a private residence for this project and converting it into really we're taking a private property and converting it to commercial. We're not comfortable with that land use change. The main point I want to make is with respect to how this decision, the sequence of decisions being made here. You learned about a huge cost increase associated with this project. At this particular site. The cost increase has to do with the site location at the carpenter lane property and the type of treatment option that's been chosen. Filtration. That decision that's coming later concerning a massive budget increase, two to threefold increase in costs because again of where it's being located and the type of treatment option chosen, that decision still has to be made. I would ask the council to delay the decision on a purchase like this for -- I know I can see maybe the strategic thinking behind why this could be an advantageous property to own but this is in the public perception an \$800,000 luxury home, and after hearing the testimony on the previous subjects that you just covered it's difficult for me to see how this would be palatable to the public to purchase this home at this early stage in the process you may in the even build this treatment facility here, and to your question, commissioner Fish, it may be that you choose u.v. At headworks, one 12th of the cost of building at this particular location. My request to the council is to lay delay this decision until you know this is definitely the site where you intend to build this facility.

Hardesty: A quick question. If we did that, then the property would be sold to somebody else, then we would have to come back with another alternative plan if in fact we decided to move forward with the construction. So which means if we really needed to go through that spot we would have to actually use our power of eminent domain and it would cost us i'm sure more than \$800,000 that we would pay today. How would you respond to that?

Courter: Well, that could be. I'm not a city planner. This is not what I do professionally, but I think that in fact our property is currently on the proposed pipeline coming up the hill, right? I don't think that the city intends to take our entire property if it's decided it has to come up that way which obviously we don't support that decision either. Purchasing this \$800,000 -- what you're paying for mostly is the cost of this home, not for the land itself. 1.8 acres is not worth \$800,000. I think that there are other options. I didn't personally find the water bureau's response to your questions about other alternatives very satisfying. I

October 23, 2019

think there are other ways that would cost certainly no more than the cost of this property to go to that pipeline constructed.

Hardesty: Thank you.

Fish: In fairness, sir, we have been throwing numbers around here pretty loosely and I think we have to be careful. There's no proposal currently for three times the original estimate for this particular project as you suggested. Let's go to your point. Tell us a more cost effective alternative. This is your chance. You're before council, this is the item before us. You think there's a more cost effective example, tell us.

Courter: U.v. --

Fish: At this site for the pipes other than this particular piece of property where the water bureau is proposing the pipes go through, have you identified a more cost effective way to put the pipes in and out of this site?

Courter: Isn't that the job of the water bureau to provide options for you? [speaking simultaneously] I'm here to tell you I don't support the purchase of the property.

Fish: The water bureau testified this is the most cost effective approach. What I'm asking is do you have an alternative.

Courter: Are you offering me the opportunity to develop an alternative? If so I did do that if you delay this decision. We can work together as a community to find another option. [speaking simultaneously]

Fish: I was giving you the courtesy of asking if you have an alternative and you don't. Let's move on.

Lauren Courter: I am the wife of Lauren Corder. I live on Dodge Park. The pipes are proposed to go through our property. I just want to reiterate that we are opposed as a community to this. You will be ruining our community. We have a neighborhood. You are running your pipes through our neighborhood. You are buying a home for an industrial purpose. You are ruining our community here. You're going to ruin our property and I want you guys also you know this doesn't come up in the discussions but you guys still have to go through the land use process. You are not permitted yet to build this facility here yet here we are talking about the purchase of a home to run the pipes through for something that has not been approved yet. Thank you.

Fritz: Thank you.

Robert West: Yes, I'm opposed to it. I'm Robert West. I'm opposed to this. I'll tell you why. The city has a lot of buildings. I call them eyesores. You are going to put an eyesore out in an outer area, a smaller community area, and you're going to, you know, just -- build a building. I can't go out and just decide, hey, I'm going to build a store in a residential neighborhood. I got to make sure I got the proper permits and stuff like that. Seems like you guys are rushing it. Also seems like the water bureau has a lot of property that they could put the building on their property instead of going out and buying property in Gresham. It just seems like it would be better off that we build our stuff in the city of Portland. That way if something happens, an emergency or something like that, we got Portland -- our people, Portland police, fire, whatever, responding to it instead of Gresham. You know. We should be responsible for our own stuff. This filtration system should be in the city of Portland, not in the city of Gresham, not in the county or any place like that. You're talking about putting those pipes in. You can pipe the water right over to the city of Portland and have filtration system here. You don't have to destroy a neighborhood or a community because you want to put a water filtration system out there. What's it going to do to the environment? To the animals and stuff out there? Did anyone ever decide was there anything, what if there's a leak? What kind of damage can that cause to the community around you guys?

Fritz: Thank you. Just so you know the water bureau purchased that property in 1975. So the water bureau has owned that property since 1975. Next three, please. Welcome.

October 23, 2019

Thank you for sitting through a whole morning of other stuff. Would you like to start, please?

Carol Bartha: I'm Karla bartha. I live in the community where the proposed filtration plant is being talked about. I oppose the purchase of the \$800,000 mansion as it's been called. You can run pipes through that property with easements. This are running pipes through my property with easements. It's not necessary to purchase the land. You asked what happens if somebody buys that property before you make your decision. No one is going to buy that property. It's right across the street from a proposed water filtration plant. Trust me if you buy it you'll never be able to resell it. Nobody wants to live there. There's other reasons i'm against it. The road is unsafe. Dodge park boulevard is a narrow country road. One of the reasons they said they wanted to purchase that was to have a road coming from dodge park up to the proposed site. It's a curvey, narrow road wooded in the fall, slippery from all the leaves. In the winter it's icy because sun doesn't hit the pavement. Cars are coming around curves. They are going to be coming around that curve and trust me they drive fast and there's going to be a construction vehicle pulling out or heaven for bid a chemical truck. It's just not a good road. It's in a slide area. Trees are falling on the road all the time. A gentleman was killed when a tree hit his truck. What happens if a tree hits a chemical truck that's coming into the plant? I just don't think this property is necessary for a road. I don't think it's necessary for the pipes because you can use easements. I don't think it's a good choice. I would like to invite all of you to come visit our area. We have beautiful views of mount hood. It's a peaceful rural community where an industrial water plant does not fit and I really question whether you're going to get your land use permit unless, you know -- I don't know. It doesn't fit the community.

Fritz: Thank you.

Brent Leathers: My name is brent leathers. I'm also a property owner in this same neighborhood. I have hired counsel supporting the group and we will contest you every step of the way if we happen to lose at the county conditional use hearing I want to make sure you hear me again. I said this to you folks before. We will appeal it to luba if we happen to lose there we will take you to the Oregon court of appeals. I don't say that as a threat, I just want you to really understand the house of cards that you're building this billion dollar water treatment facility on. I also kind of morphed my presentation to you today as I have listened to where you're headed. I have provided you copies. If you would like to get out of the group think of the water bureau and consider other objectives including the history that your body has made decisions upon, the cost, some articles that were written about your own statements I presented you a nice document that we presented to the public utility board that I would really encourage you to consider reading and finally, commissioner Fish, I would like to address the point you just raised with mr. Corder. I want to quote from a up on article from Oregon public broadcasting. These are quotes that i'm about to read you. Seattle and san francisco have built ultraviolet plants to comply with the epa's rule and five years ago the Portland city council directed the water bureau to develop plans for u.v. System as a hedge in case the city didn't receive its waiver. These are the specifications for a u.v. Plant, water bureau director mike stir told the council this pile of papers were 16 million. You have a u.v. Design on the shelf. He said thanks to those existing plans stir said the city could complete construction on a uv plant at the bull run headworks facility within five years at an estimated cost of \$105 million. So sir, you have that in your hands currently. I just wanted to make sure you knew that.

Fish: Thank you.

Dee White: I'm dee white. I'm totally against this purchase as well. I'm going to show to the audience, I know they can't see it since you didn't provide a picture of the mansion you want to tear down to put pipes. There's proposals out for two short pipes, one long pipe, one short pipe. You don't know where you're running them so you bought this house back

October 23, 2019

in June when you put down your 30,000 earnest money, you had no idea where the pipes were going to go. This is just popped up, Amanda, when originally you told the broker, was told it was going to be a job headquarters. Construction headquarters for the engineers. A job shack if you will. When that hit the press all of a sudden, oh, you get this fancy map drawn and you say we're going to run a pipe through it now. Well, it's so disingenuous and not transparent. Not fair to the public. I'm going to read just from the public letter that is very, very factual that Brent was just talking about that I would encourage you all to read. It's really, really good. One of the things I wanted to read is Portland city council approved a budget in the range of 350 to 500 million in 2018. From the testimony on the work session a couple weeks ago the water can do it, the pipe improvement costs were not included. Now cost estimates are up to 850 up to 1.2 billion. These are figures from the work session. If the decision makers had known the cost would be double or potentially triple the original estimates would they have made these decisions? This is a quote from the Cascade Policy Institute that came out with a report on this last month. Again, if the decision makers had known the cost would be double or potentially triple would they have made the right -- this different decision?

Fritz: Your time is up. Thank you.

White: One more quote.

Fish: Your time is up.

White: Intentional malfeasance by bureaucracy.

Fish: I have a question for you. You're a very active participant in these kinds of issues. I want to give you an opportunity to pose one very simple question. We are discussing whether we need to have access to pipes. We'll be discussing alternatives to the technology. We're going to be having a robust conversation about this. Do you acknowledge that we are required to treat our water for cryptosporidium?

White: Yes.

Fish: Thank you.

White: Can I answer the question you asked earlier?

Fritz: No. The next three, please. Thank you for your patience. Would you like to start?

Jeff Knapp: I'm Jeff Knapp. I live in the general area out there. I'm opposed to the purchase of this property, the \$800,000 house. I must say I'm sadly astonished that a bureau with a tarnished reputation for inappropriate expenditures and a wild cost overrun would think that paying 800,000 for a mansion is an appropriate job site office, would be a swell idea. It's no wonder the price of the filtration fiasco, they are pushing at the city council and rate payers has already doubled. As the water bureau forgotten about the debacle that cost 900,000 or the settlement from 2017? The city council has a responsibility to the rate payers to stop this sale and revisit the doubled cost of the filtration fiasco in light of astounding changes in the cost. The facts do not support this filtration effort, and at the moment, the purchase of this property, which is still subject to the land use approval, seems to develop its own need for entry ad hoc, and I stand ardently opposed. And there is several fact that I am wondering if the city council is aware of. They have issued the mandated treatment of cryptosporidium has grown off into a Trojan horse of sorts for the water bureau to get a list of wants that they want out of this. The water bureau has listed well, filtration is going to help us to solve landslides but the forest service did a mapping Study of the watershed, and found that less than 2% of the watershed is highly susceptible to landslides. And I am not sure if the commission is aware of its own -- of the Portland water bureau's geo technical engineer who is, who has reported that the, that the people lines between the headwaters and Powell Butte are one of the more resilient parts of the system, but it is one of the more resilient parts of the system. The big infrastructure problem is in the city.

Fritz: Thank you.

October 23, 2019

Linda Leathers: Hi, I am Linda Leathers, and I have a couple quotes on the paper, but I want to state them. This is from the water bureau memo August 31, 2018 with a title, "filtration plant key decisions and processes." I quote, "the developed capital and operating costs so that decision-makers could evaluate the alternatives," unquote, and cost the top three community values are cost, public health water quality and resilience," unquote, and that is from the water bureau consultant fdr, February 21, 2018.

Fritz: Thank you.

Fish: That was very succinct testimony, thank you.

Pat Meyer: Hello, I am Pat Meier, and I am a landowner on the -- on the property on Carpenter Lane. I want to thank you for listening to our testimony, I am disappointed to say the least that Mayor Wheeler is not here. I have three items that I would like to address. You have the paper there, so I am not great at public speaking, so I am going to read if you don't mind. One is the location. I am on record as saying that I oppose the purchase of this property. Due to the bigger picture of placing this plant on the property when. The location, it is no surprise that the rural landowners and residents of Carpenter Lane would oppose the placement of a mega-industrial plant on farmed property. It is currently what the property is used for. I will make no pretense for our concern for the perpetual negative impacts that will be on the community. The agricultural land, it takes, it tends to get lost in the discussion that is the real value of the land there is agriculturally zoned and operated as such. Currently in the U.S., we lose three acres of agricultural land a minute. That's farmland, to commercial and industrial uses. That's 1.5 million acres a year. That precious loss is not only affects the landscape and the lifestyles of those in the area, but of the natural habitats of the wildlife, as agricultural land it is an immensely valuable and natural storing and purification of the water and sequencing of the carbon and the greenhouse gases through plant farming. As Oregonians, we have a rich history of understanding the need and value of our natural landscape, and I urge you to consider the cost, ramifications, allowing this site to become an industrial Mega-plant.

Fritz: Thank you for your testimony. I have good news on the cost, for the rate payers, as well. Yesterday we were invited to apply for a water infrastructure finance and innovation ac loan. It's called the [inaudible] loan. The environmental protection agency manages it. So we hope -- we've been invited to apply, if we get the loan, it would be a low-interest loan that would significantly reduce the cost to the rate payers. We won't know whether we get that until next year.

Meyer: May I reply to that?

Fritz: Sure.

Meyer: A loan is still a loan.

Fritz: Right.

Meyer: You still have to pay it back.

Fritz: It's a low-interest loan that gets paid back over a longer period.

Meyer: Most people have budgets, still have to qualify and have to figure out a way to pay it back. It is the middle class that will be burdened with this.

Fritz: Next three. It looks like you have the last word.

Floyd Jones: Floyd Jones, and as those here know, I am a you understand forking member of Friends of the Reservoir, and I am also on the board of directors of Water Accountability and Trust and Reform. I am speaking for myself today. I, of course, oppose this but I wrote to you back in July, prior to the August decision, and I said then how can a rush risk probability and cost analysis be trusted? We see, it cannot, and that was the problem then and now is we rushed through this. There was outrage at your last work session over the water bureau and failing to tell you about these big pipe costs. Well, why wasn't there outrage, as well, over their slipping in there -- we're not going to be building the chemical adding filtration plant to treat non-infectious cryptosporidium but they said we will also

October 23, 2019

audio zone, that was one of the alternatives back in 2017. U.v. Radiation, ozone, chlorine dioxide, or chemical filtration so now they have you building two plants. We have conduits running to [inaudible] hill. We don't support building any treatment plant at all because we don't have infectious cryptosporidium. We would not have it barring growth malfeasance on the part of the water bureau because we will not let humans or domesticated animals into the watershed. We do need to revisit this entire decision, and other folks have made some of the other points that, you know, that these costs are unaffordable right now for the middle class. Yes. It's a great low income program. We have had that all along. We had the best low income program. That does not help the middle class pay for these water bills. And you know, if we had a choice of saying how were we going to comply with this I think we should go back and seek a waiver But nonetheless, chlorine dioxide, the cheapest option, no unwanted chemicals, and thank you.

Fritz: Thank you. Is that all who signed up? So thank you to everybody who has come today, and I am sorry about the impact on our community. I have to keep in mind that this project is designed to provide safe and abundant water for a million people from many generations to come. And that, that is what is at stake here. So this is the first reading of a non-emergency ordinance and moves to second reading. Next person, please, Karla.

Item 990.

Fish: Thank you, madam president. We are past the lunch hour so we are going to try to be economical in our final presentations. Eli, would you just give us a brief presentation and answer council questions?

Fritz: Yes, sir.

Fish: This is the property manager for the bureau of environmental services.

Eli Callison, Property Manager, Bureau of Environmental Services: Thank you. As commissioner Fish said I am the property manager for the bureau of environmental services. This will allow the environmental services to continue a lease. The environmental services currently has two spaces downtown. The Portland building offices where the staff have been relocated to the 400 building, and pioneer tower. We are 95 staff that did not fit in the Portland building are located at. And our current lease -- at pioneer tower expires next month. Bes has been working with a broker. We visited eight buildings downtown. Of those buildings we requested a bid for the five and received offers from four. Of the four offers we found pioneer tower to be the most feasible for the bureau over the five-year lease. Sorry I convinced -- I condensed everything quickly. Any questions I am happy to answer.

Fritz: Any questions? Commissioner Hardesty?

Hardesty: Thank you, madam president and so much for being very responsive to the questions that i've been giving you all week long. And I think that my question probably is just for the record because I think that there is a broader city conversation about how many buildings does the city of Portland actually own, how much rental space are we taking up. And is there a better approach other than that's just leasing from the private market? I don't want -- I am not going to put you on the spot to anticipates those questions. I think that that's is a timeline, a hot conversation to be had. But, for me, I am concerned that we have all these pocket contracts with private companies, and I don't see a big picture about how are we doing Space management as the city so again, not a question that I expect you to be able to answer, but I feel better because I said it out loud rather than just in my head.

Fish: Can I also just make a comment? I think this predates your service. When we did some of the original planning over the Portland building and we, actually, did a comprehensive look at space, and with specifically the goal that you enumerated, which is to shrink our footprint in the private factor and maximize the use of the public space, I think that now that the Portland building is nearing completion, I would welcome and join with

October 23, 2019

you in asking the cao to give us an update on space, see how we are doing. I think that it's a, a very important conversation, and we should be maximizing the use of the public space. And I concur with you wholeheartedly.

Fritz: Thank you, did anyone sign up for this?

Moore-Love: I believe that they both left. Charles and Maggie.

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

Eudaly: Aye.

Fish: Well, eli, thank you very much. We had a team of ten answering questions from commissioner Hardesty's office this week. They have not slept or bathed since then. But we appreciate the thoughtful questions and the give and take, and as I said earlier, I join with my friend and colleague in this larger question of maximizing our space utilization, so I think it's a very good point. And on that note I will vote aye.

Hardesty: Aye.

Fritz: Thank you for your work and for explaining very quickly how you went through a process to come to this. Aye. The ordinance is adopted, and 991, please.

Item 991.

Fritz: Commissioner Fish.

Fish: Thank you, madam president. Colleagues, the proposed code changes before you will make the bureau of environmental services administrative review more user friendly and add greater transparency. Who can argue with that? Here today to give you a brief presentation on a fairly comprehensive piece of work is Rachele Altman, the policy analyst from the bureau of environmental services. Thanks for staying with us and welcome.

Rachele Altman, Bureau of Environmental Services: Thank you. Again for the record, I am Rachele Altman from the bureau of environmental services, and as commissioner Fish mentioned, I am going to briefly walk you through code changes regarding BES's administrative review process, and for the public who might not be familiar, this is -- is a name for a process where customers can ask for reconsideration of a bureau decision or action affecting them, and BES has a variety of programs that use the administrative reviews, and with an eye to making these processes more customer friendly we took a look at our code and rules and looked at a variety of changes to make to achieve three goals. The first goal was to enhance the customer service by making -- requesting and participating in administrative review more predictable and consistent, particularly across the programs. We had different levels of detail in our rules and processes so we wanted to achieve a basic level of consistency and predictability for customers. Second, we want to expand the access to administrative review by making eligibility for review the default and simply having a short list of items not eligible for review rather than having incomplete lists of what is eligible and not eligible for review in rule and also sometimes code. And then third, these efforts would facilitate consistency and administration by BES staff. So the most substantive and numerous changes we identified were to administrative rules where the details regarding administrative review processes either lived or we felt most appropriately would live. And however, we also identified changes to code, which we bring to you today, the changes to the rule were adopted under existing authority and revised existing rules, and those took effect earlier this summer with commissioner Fish's support. To briefly summarize the most significant code changes we are proposing to you, they would make eligibility for review the default, and would highlight that any exceptions to eligibility will be specified in administrative rule. They removed lists of items regarding eligibility from code so that they are located in one place for customers, and that would be in the rule. This also helps avoid confusion when lists and codes don't match up to lists and rules. In addition we are proposing to delete the language regarding appeals to the code hearings officer where those provisions are out of date -- the provisions are inconsistencies with more recently adopted city code hearings, code in title II 2 of Portland's city code, and finally, we

October 23, 2019

are proposing to changes to make language, gender neutral. I really wanted to emphasize the changes that we are proposing don't make any changes to what is eligible for review, so if something prior to the code and rule changes was treated by the bureau as either eligible review, for review, or not those items are not changing. There were a few instances in the rule-making where something previously was on neither list and that had created confusion and frustration for all parties, and so we clarified whether that item was or was not eligible for review. Janice thompson from the citizens utility board along with members of the development review advisory committee and the Portland utility board were all given an opportunity to review and we listed input from them, and janice thompson actively engaged in the review And informed the public comment draft, and no public comments were received. But janice, who is not here today, she did share with me what she believes are the positive impacts for our rate payers and customers she said, "cub supported the code changes adjusted by the city ombudsmen. Clarifications for the best provisions seemed needed and I was pleased they planned a review of code and rules to enhance the clarity. I let them know of my interest in this review, and appreciated the opportunity to make comments and suggestions at key steps in their process. There is now more consistency and transparency in bes rules and code, which should be helpful to both the wro but also to customers," end quote. The proposed changes on the combination with the recently adopted rule revision will benefit the rate payers and customers by making requesting and participating in our administrative review processes more customer friendly and by insuring consistency in the way that our staff administer, administrative reviews. With that, I would be happy to answer any questions, and I hope that you will support our proposed item.

Fish: I am hopelessly bias because you work for one of my bureaus but may I say that even at this late hour that was an a plus presentation and thank you very much. It was comprehensive. It was sus extinct and you gave us all the information that we Needed, and you set a high bar and thank you very much.

Hardesty: And you smiled at us the whole time. It is rare.

Fish: They smile at me.

Hardesty: Do they? Oh, she was smiling at you.

Fish: There you go.

Altman: Thank you.

Fritz: Do we have anyone who signed up?

Moore-Love: No one else signed up.

Fritz: Thank you. This is the first reading of non-emergency ordinance. Second reading. You have two items left, and it's unfortunate you were the end of the rotation for your items. It is listed for 35 minutes.

Fish: Who is here for 992? Could you come forward? I have a question just to ask you. Does this have to, addressed today for any particular reason? If the presiding officer set this over to next week, does that create any kind of logjam for you?

Ruben Gonzalez, Bureau of Environmental Services: Commissioner, mr. Gonzales, bureau of environmental services, it is our preference to present today if at all possible. We were on the agenda for last week and we are bumped to this week. We do have a time line with respect to this acquisition. We secured our cmgc contractor.

Fish: So commissioner Fritz, madam president, we can potentially take 993 and set that over. That's not time sensitive if we do this quickly.

Fritz: I realize your park Staff has been here but that will be my preference because we always seem to rush the reports on the parks and I would rather have enough time.

Fish: Is the team okay? It is not our preference but could we set this over and find a special time next week to, to have this presentation?

October 23, 2019

Robin Laughlin: I am robyn, the bond program manager, and we would be completely happy to come back to you with more time next week. Do know that we are presenting the report to our oversight committee tomorrow at our regular meeting with them. So as long as you are okay with that I am happy to move.

Fish: I am anticipating, given all the good news that we are going to accept it, but I do agree with commissioner Fritz that the default would be, we would rush through it and not take a chance. Take the time to actually acknowledge the work that's gone into this. So.

Fritz: You have a hard out this afternoon at 3:00.

Fish: Yes, I would suggest we set 993 over to next week and work with the clerk's office to get a time. Just do 992.

Fritz: We could do the 10:15, that, month, next wednesday.

Fish: How about that. We just got upgraded.

Fritz: Those are important. We are going to set over 993 to next week. 10:15 time certain. Thank you. Now, let's read 992, last item of the morning.

Item 992.

Fritz: Commissioner Fish.

Fish: Did you want to say something?

Hardesty: Thank you.

Hardesty: I want to appreciate you sat here all morning and are willing to come back next week.

Fish: Thank you for that. They not only prepared a presentation, but we did a dress rehearsal yesterday, and sent out a press release so they were fired up to go but I do think that having a time certain gives us a little more freedom to present next week. So thank you very much. Colleagues, our final matter this morning is a multi-bureau project involving bes, pbob and the water bureau to improve southwest capitol highway. This project includes storm water management, new walkways and bikeways and an upgraded water system. In order to build the green infrastructure necessary, bes will need to acquire certain property rights. We have bes staff here today to discuss the project, joe, the engineering manager, and ruben gonzales, project manager, and lisa, environmental specialist, and thank you all for being here. We set aside about 15 minuting to extra credit, if you can do it in five.

Joe Dvorak, Bureau of Environmental Services: Thank you, commissioners. I am joe dvorak with bes. So we will talk a bit about the project background and show slides of the property in question and happy to answer any questions you have at this point. I will turn it over to lisa.

Lisa Moscinski: For the record, I am lisa with the bureau of environmental services. Portland's bureau of -- sorry, slides here, Portland's bureau of transportation, bureau of environmental services, and water bureau working in coordination on the street, stormwater, water main and fire suppression improvements on capitol highway, this project will improve the safety and livability for all modes of travel while improving storm water management, protecting water quality and updating water supply infrastructure, to meet the modern demands. The projects is focused on a stretch of southwest capitol highway from Multnomah village. It has an estimated construction value of 18 million, and environmental services has committed 10.5 million to the project. On the background. Bes has been engaged with residents in this neighborhood for several years due to the public and private stormwater issues that exist in this area. Unlike older parts of the city that developed with curbs and storm drains in the late 19 and 20th century, this area was a semi-rural landscape annexed part of the city in the 1950s, 1960s, and 1970s with no formalized stormwater infrastructure. This combined with the steep slopes and the low infiltrating soils makes stormwater manage challenging. There is an opportunity to collect and manage the run-off from the improvements, and as well as incorporating surrounded

October 23, 2019

drainage areas as part of a Residential strategy to maximize the impact of the project in total, the stormwater system improvements will manage and treat an area of 50 acres which includes the project footprint of six acres. This has been a long community priority for the transportation stormwater improvements. The design of the project has had a robust public involvement process that began in 2016 and continues today. The capitol highway subcommittee, a subset of the volunteer neighborhood association has served as a sounding board for the construction impacts. Pbot and bes staff performed 55 property visits or consultations to provide adjacent property owners information, and on the project impacts and to hear concerns. Three project newsletters were sent to 688 physical addresses. 10e-bulletins were sent to a distribution list, and that includes now more than 1,000 people. A large open house with detailed project information were held, office hour events and staff tabling at other open houses and a construction focused open house is planned for later this fall. We did specific outreach, including letters, emails, phone calls and site visits to the properties affected by the acquisition of the rates and having ongoing communication over the last year, so I will turn it over to ruben who will cover a bit more on the project specifics.

Ruben Gonzalez, Bureau of Environmental Services: Good afternoon, madam President and commissioners. Ruben gonzales with the bureau of environmental services, design services division. Environmental services completed a stormwater concept design analysis in 2016 that identified opportunities for neighborhood scale or regional stormwater facilities to treat and slow the stormwater, and we did subsequent planning to identify the suitable locations, the concepts and initial design also included 24 distributed stormwater facilities or drain streets which were to be lined through the geo technical concerns to prevent infiltration, and would have been placed within the multi-modal transportation improvements integrated into the proposed pbot improvements. At the 30% design stage, bes's system management tested the effectiveness. Scope with a series of alternatives. This resulted in the removal of 24 distributed stormwater facilities, and the retention of the four regional facilities, which will result in a capital and life cycle savings of 1.4 million, and 2.5 million respectively. The best project scope now includes a new stormwater collection and conveyance system in the roadway totaling 7,000 linear feet. Flow from the collection system will be routed to the stormwater treatment and detention facilities, which will improve water quality and protect downstream infrastructure and natural assets, and in the three local streams to which they Discharge woods, tryon and vermont creeks, as mentioned collectively the regional facilities will treat and manage stormwater from within the six-acre project area as well as additional areas totaling 50 acres and the system as a designed with future development and systemic expansion in mind. As can be seen from the graphic, two of the facilities will be west of 40th avenue one on the court east of capitol highway and one at the end of 42nd avenue near woods memorial natural area. And two of the four regional stormwater facilities north and south side Multnomah boulevard facilities were temporary rights as described in the proposed legislation, and a rendering of the south Multnomah stormwater facility is shown here. And two vacant tax lots adjacent to the south, the southwest Multnomah boulevard right-of-way between 45 and 40th avenues are required for the south Multnomah regional facility. In addition, the temporary construction easements and permanent easements are necessary at the properties adjacent to the south Multnomah facility, and for construction staging and to construct a maintenance access driveway and retaining walls.

Fritz: Just to be clear that major pond area, is that property that the environmental services owns?

Gonzalez: No. Those two properties, those are the tax lots that will be working to acquire.

Fritz: Vacant?

Gonzalez: yes.

October 23, 2019

Fritz: Thank you.

Gonzalez: A rendering of the north stormwater regional stormwater is shown here, a temporary access and construction easement at -- at an adjacent property is requested to construct this facility. The costs incurred in connection with the acquisition authorized shall be charged to the sewer operating fund, and fiscal year 2019 to 2020 budget, bes project number se 10939.165. To accomplish the project's goals and construct the project as designed the city must acquire the property interest rights described and depicted in a-d by march of 2020. So construction of the schedule -- construction can begin on schedule and will -- thank you for your time and be happy to answer any questions.

Fritz: Could you go back to the slide showing the post office, the map? The one before that? So does it require taking the parking area as well as the grassy area?

Gonzalez: Yes. As you can see, a portion of the post office parking lot will be reserved for construction, construction staging and storage easement area, and then the northern portion, on the northeast corner there, will be an access easement where we'll redirect the traffic through the post office to reconnect it to the exit on southwest 40th avenue.

Moncinski: Just to clarify these are temporary, for the post office, temporary property rights.

Fritz: That was my Question. Yeah. And then the -- the golf court site, that has houses on it. So is that -- are you tending to acquire -- your intending to acquire houses.

Gonzalez: That graphic is perhaps a bit inaccurate with the depiction of the oval there. It is on a vacant land that bes acquired, and I believe that was in 2016.

Fritz: That's what I thought. That's so close to where I used to live. Are we planning to acquire any buildings?

Gonzalez: No.

Fritz: Does anybody else have any questions? Thank you very much for your presentation. You got us done at 1:00, and anyone signed up to testify, Karla?

Moore-Love: Lightning left.

Fritz: All right.

Fish: Is this time sensitive?

Moore-Love: Yes.

Fish: I move to put an emergency clause on this.

Hardesty: Second.

Fritz: For the purpose it's in the public interest to get this done as quickly as possible.

Fish: A second?

Fish: Commissioner eudaly seconded it.

Hardesty: Oh, I did, too.

Eudaly: I did it before you. My voice is a little hoarse.

Fritz: The e-coli on the amendment.

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

Fritz: Aye. Now, call the roll on the final ordinance, which is now an emergency.

Eudaly: Great project. Happy about the collaboration between three bureaus and the three commissioners offices. Love to see more of this moving forward, and I vote aye.

Fish: Commissioner eudaly, thank you for highlighting that because I think that in the last few years we have really made great strides, particularly in the way in which the infrastructure bureaus worked together, planned together, do community engagement and the like, and the fact that actually that an item of this significance that's been in the pipeline for so long, has not generated any public testimony today, even though someone could come and object or express a concern, just tells you how effective the outreach has been and the community conversations so thanks to the team for their good work, and I am pleased to vote aye.

Hardesty: Aye.

October 23, 2019

Fritz: Well, on behalf of my neighbor this is southwest, I am going to say thank you very much. I am sure that they would love to have been here but there is such gratitude that this project is getting done. I walked the entire section last night. I am going to be so happy to be able to walk on a sidewalk from barbur boulevard to Multnomah village and I am happy that you did purchase the property opposite where I used to live because I am sure that my aging Cat is in there somewhere. She went missing at the end of her life so I will be thinking of that property's name, Lucy's pond, and I am really happy that you are going to be able to do it. Aye. With that, our agenda is completed and we are adjourned until 2:00.

Council recessed at 1:05 p.m.

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

Key: *** means unidentified speaker.**

October 23, 2019 2:00 p.m.

Fritz: October 23, 2019. Please call the roll. [roll call taken]

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

Fritz: The mayor is in japan representing our city with our sister city. Could we have a shortened version of the rules, please?

Lauren King, Deputy City Attorney: I'll read it as quickly as I can. I don't have an abbreviated version.

Fritz: We should have one.

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

Fritz: Everybody behave like normal adults. If you don't you'll get tossed out.

Fish: I ask that we suspend the rules.

Fritz: Yes, indeed.

Fish: I would like to request the bureau of environmental services director mike jordan and annie von burg come forward to the table.

Fritz: A brief agenda item before we get to the regular agenda.

Fish: The annual betsy ames leadership award which honors betsy's memory and her efforts for our community. I had the great honor of working with betsy in a number of capacities. On one of my campaigns as a city employee, as a bureau leader, and as my chief of staff. I know from firsthand experience she was an incredible asset to our city. This leadership award is presented to a city employees who exemplifies the depth of betsy's great work and annie von burg from bureau of environmental services is this year's recipient. Tracy reid, city attorney and summer erickson from the bureau of emergency management were also nominated. She works compassionately and tirelessly and

October 23, 2019

effectively with a wide variety of public and private stakeholders involved in this \$1 billion cleanup. She is a highly respected leader and mentor to many employees at the city. We are collectively grateful for her service. So congratulations, amy. I would like to introduce mike jordan, who nominated her, to tell us about her.

Mike Jordan, Director Bureau of Environmental Services: Thank you, commissioner, city councilors. Probably the best way to say why I nominated annie is to recall some of betsy's characteristics. She was an unmatched professional. She was politically astute. She understood that persistence pays in this business. She was warm and personable, and she had an inner strength in what are often tumultuous times in our business and she was steady as a rock. All those things an any exhibits, but one other that's kind of closer at least for me, i'm a fan of the dao. The dao has a saying about leaders. The worst are those that are despised. The next best are those that are feared. The next, praised and loved, but the very best leaders are the ones at the end of the day when the work is done the people say they did it themselves. Annie exemplifies that in spades. She's never the one who takes credit. She's always the one bolstering her team. I'm -- I don't mean to sound paternalistic but i'm very, very proud of her. Thank you for giving me opportunity, commissioner.

Fish: Thank you very much. Annie, I can't tell you how proud I am that you were selected for this award in a very competitive field. Betsy was a special person. I can't think of someone more deserving of the award. Would you care to say something?

Annie Von Burg, Bureau of Environmental Services: Well, thank you so much. The kinds words, they mean so much. I just think thank the leadership for creating this award and tradition. It's such an honor to be with the other women nominated. Betsy's life and legacy is somebody I truly admire. And aspire to work towards. So this has been a humbling experience and my team that i'm such a privilege to be a part of is nine strong women. We have accomplished a lot this year and it's the support of this commission and director jordan that's made that possible. Thank you so much for the opportunity to work hard for you and do this work.

Fritz: Thank you.

Eudaly: I'm going to say women must be really good leaders because we are used to people taking credit for our work. [laughter] I think that highlights the necessity to give credit where it's due and it's certainly due here. Congratulations. I also like the dao.

Jordan: That's the nicest needle I have ever had.

Fish: There's small print in the award we have to acknowledge. Any recipient cannot consider any other career opportunities. So we're grateful that we'll have a chance to work with annie through the next big chapter of superfund. Congratulations and we're all very proud of you.

Von Burg: Thank you so much.

Fritz: Thank you, commissioner Fish. That was nice. [applause]

Fritz: Please read item 994.

Item 994.

Fritz: Commissioner hardesty.

Hardesty: Thank you, madame president. I would like to make a motion to add an emergency clause to this.

Fish: Second.

Fritz: For purposes of --

Hardesty: For the purposes of it's in the public interest to ensure we do this as promptly as possible.

Fish: Second.

Fritz: Call the roll on the amendment.

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

October 23, 2019

Fritz: Aye. Commissioner hardesty.

Hardesty: Thank you, colleagues are, for allowing this to become an emergency ordinance. As you know, when I took office on January 2nd there were several pieces of work that were on my desk. One was the implementation of the ordinance around the unenforced masonry buildings. I want to be really clear, the action that we take today in no way backs the city away from our commitment to ensuring that we have a city that is resilient from any of the big things that fall upon us. It is our goal to work with community, business owners, nonprofits, with faith institutions to ensure that we identify as many opportunities as possible to assist people in making their buildings earth earthquake safe. The action we're taking today is because quite frankly we need more time. We need a better process and we need to be able to make sure that we are bringing the community along with us in this process. For people who don't know, unreinforced masonry buildings pose a terrible threat to life and safety. FEMA considers them the most dangerous buildings when the ground shakes. After today's actions, two actions, we will be appointing a work group to develop solutions to the urgent problems that exist in the city of Portland. In the meantime, the city of Portland buildings black carding rules have become a distraction from the primary purpose. We have spent -- I spent a lot of time my first couple of months talking about pro or con putting plaques on the building. The work has to happen with or without those on the buildings. I have asked Portland bureau of emergency management to bring forth an ordinance repealing the ordinance. I would also like to move -- I already did that. We're going to take up the main one and I want to invite Janna -- I always am horrible trying to pronounce your name so I'm going to give you the opportunity to do it for me. I will promise to try to repeat it appropriately.

Fritz: Took me about a year to practice to do it.

Hardesty: Thank you so much, commissioner Fritz. Papa-mes-ti-u. Thank you so much. Before you present I want to tell you what an incredible experience it's been working with you through this process, Jonah. I want you to know how valued you are and how visionary you are, actually never taking no for an answer. Thank you for being here and we look forward to your presentation.

Jonna Papaefthimiou, Bureau of Management Services: Thank you very much. I'm Janna, the planning policy and community programs management at the city bureau of emergency management. The first item is repeal of the rules all the code changes we adopted at the same time. As commissioner Hardesty has already said, I regret that this had to become a distraction from the main work of our bureau and of the city, which is to build a physically resilient city, and to work in partnership with the community to make everyone safer. At this point it just seems the time and resources required to make this work -- repealing is a much more practical option. So as some of you will recall last October we were here adopting the ordinance. The main ideas in original North Dakota ordinance was it required a warning sign on unreinforced buildings and also required building owners to notify prospective tenants had when they applied for a lease that the building was a urn. Made smaller changes to the code to create definition and a way to enforce the rules. At the same time we also adopted several other changes. The main one was we strengthened triggers for seismic retrofits when an owner does voluntarily upgrades to the building. We changed the timeline. Previously we looked back on two years' worth of improvements to see if they hit the triggers make upgrades. When we changed the rules last year we changed it to a five-year look back period. Now we'll put it back to two years because we're putting the code back exactly how it was previous. We also did some very bureaucratic code cleanup. We removed outdated references, moved punctuation around and all the changes will need to go back. After we adopted the original ordinance we made efforts to be more clear about its application and in the hopes that we could design something that would work better for property owners. We made the three amendments

October 23, 2019

listed there. The first one clarified the application of the rules. The second one gave a longer timeline for most building owners, and it also removed the requirement that it be recorded with the county on the title, which many building owners did not like. Then finally we added some language to the sign that clarified it was a sign that was required by city code. So for the building owner didn't feel they were compelled to make the speech but could attribute it to the city. Despite those efforts to improve the code, our notification requirement met with a legal challenge and this summer we were prevented from enforcing it due to a potential first amendment concern. We're obviously disappointed with this outcome and the case has not gone to trial so we could continue to pursue it but as we said it seems at this time it's consuming resources that are better spent on making retrofits happen. Therefore, the repeal before you now is to repeal all the ordinances, the four listed, related to plaquarding, the look back, the code cleanups and have the same code we had in september of 2018. That's my entire presentation. I would be happy to answer questions.

Hardesty: There don't appear to be any questions. Are there people signed up maybe?

Moore-Love: We have three people signed up.

Jim Atwood: I'm jim at wood.

Hardesty: You have been testifying here for a while. Just your name is perfectly fine.

Atwood: Thank you.

Hardesty: You're welcome.

Atwood: I notice the young lady that won the award this afternoon was commended for being politically astute. Unfortunately, I don't share that quality. [laughter] I more call it like it is and the council basically infringed on our constitutional rights. You know, you're our neighbors. We're supposed to be working together. We pointed that out. I in particular did to council before they adopted the ordinances. I don't necessarily lay all the blame on the council. I put the blame somewhat at the feet of staff. I think that you were grossly misinformed during their presentations and conduct of the previous committee.

Fish: Can I just say something on that point? I have been on this council now 11 years. I'm just going to offer an insight. You are on the verge of getting something that you want. That you fought hard for. Now, you can take the time and disparage people who have been part of the process up to this moment or you can give us a reason why we should support this particular change. But I would remind you that when the battle has been won, there are often extra points for being gracious.

Eudaly: He already told us he wasn't politically astute.

Fish: Speaking for myself I have never found any testimony it disparages staff to be particularly helpful in reaching a conclusion on the merits. In fact, we tend to be very protective of our staff because they have very hard jobs and they often -- most often work at our direction, so when there are problems with the staff level really we should be charged with whatever the deficiency is. I just offer that as a perspective. You're on the verge of getting something you want. You may want to filter that as you think about whatever your comments are.

Atwood: Thank you, commissioner. I'll take that under advisement and do away with a lot of the emails I was going to quote from this afternoon. But there's one in particular that is not an email. It's a letter from the city attorney to our attorney dated last november 30th. And it says in part as to your allegation that the law is unconstitutional, I respectfully disagree. I'm happy to review any cases you have have to support your perspective. This letter was sent to mayor wheeler, all the commissioners and the city attorney tracy reeve. We did present those cases to the city attorney, and you forged ahead, not only did you forge ahead, you went to the mat. We went every hearing and deposition that I attended we had one attorney and the city had two or three attorneys and bureau heads in

October 23, 2019

attendance. We spent over a half million bucks on this deal and I think you must have spent two or three times that much fighting us.

Hardesty: Sir, if I may, I wasn't here when the original vote took place. But the day I took office on January 2nd I started working to make sure that I was listening to the voices of all the letters and emails and people that came into my office. You might know that I believe it was March or April that we actually pushed out the deadline, right, because again, as the new kid on the block it was my job to educate myself about the issue, to listen to all the people who were going to be impacted by this city council vote, and my office has been working tirelessly, especially the bureau of emergency management, to be respectful of the diversity of opinions around what's the right approach to take. We are here today because quite frankly I think today we're in a place where we're going to ultimately have a better outcome. We're going to have a better outcome because we have taken into account all the voices. So let me just say attorneys do what attorneys do, which is provide advice. The buck stops with us. The five people that you elected to serve you. Right? If you agree with what we're doing today, it would warm my heart for you to say something nice about what we're doing today. I can't control what happened in October but I can control what happens from today moving forward.

Atwood: Thank you very much, commissioner. I appreciate the fact that you're repealing the three ordinances and I think it's the right thing to do.

Hardesty: Hallelujah. Thank you very much. Who is next?

Angie Even: Hi. I'm Angie Even. Today I came because I have been elected over the last three years to be somewhat of a spokesman for the mom and pop building owners. I do want to --

Fish: I have learned a few things about social media by watching you very closely. [laughter] you're very effective.

Even: Thank you. I like facts. So I'm here to thank you for your leadership, commissioner Hardesty, and for the commissioners that came out publicly and came out against the placards. I have been a resident of Portland for almost 60 years. I'll have my 60th birthday next month. It was so disappointing to go to that trial that we're talking about and hear commissioner -- ex commissioner Saltzman under oath say that the reason for the placards was to put economic pressure on the building owners. I think we have had a complete breakdown through this process that I am encouraged that we could turn around. Lawsuits are never going to be the answer, but when the community feels they are not listened to there's a place people turn to the law. There's no winners or losers but I think the whole city loses when communication breaks down. The building owners have spent the last two or three years just trying to be heard. I do fear that we could return to legal action, and only because there are many facets of the lawsuit that proved flawed within the system as far as the list and the other buildings deleted out of the project. It's my intent and has always been my intent to force the city to work with us and do this with us and not to us. So I'm hoping with that that we can have a good relationship going forward and again, the building owners appreciate that you are repealing the placard ordinance. We didn't think that it was right thing to do. Thank you.

Tim Even: I'm Tim Even. I would like to thank you too. I'm very glad you're repealing the placards. Going forward I would like you all to be more transparent. You and your staff. Like even this morning when you started into this you didn't mention that you lost the court case. You didn't. You made it sound like you guys were repealing this out of your own good hearts but all the different testimony that went forward through all this process, all these last four years, was mostly by the public and it was all saying it was the wrong process appeared no one up here listened to any of that. No one.

October 23, 2019

Hardesty: Let me just say, sir, you will have your time, but I disagree. The reason I didn't mention the lawsuit is because the work I have done since January 2nd had absolutely nothing to do with the lawsuit. So I just want to be clear about that.

Even: I understand that's your position and I thank you for coming to the council and making this go forward. I really appreciate that. But I have been involved with it longer than that and I have seen what I have seen and there's been a lot of process here --

Hardesty: I don't take anything away from your lived experience but I don't want to be misconstrued as somehow I'm trying to slip this in because of a lawsuit. Had nothing to do with the lawsuit. You know the lawsuit is the lawsuit for me it was I'm in charge of the bureau that has the responsibility for implementing this. Can I do it in a way that is just, that is fair? And that actually really listens to the community members who were involved and impacted? That's why where we're headed is where we're headed. I want to be clear about that.

Even: I thank you very much for that. Going forward I want you all to be transparent and I want you all to know what you're voting on because some of you it was clear didn't know a lot of the different processes in this, and maybe your staff was running it for you but I don't know who made the mistake. I appreciate you saying that not to gloat. I'm not gloating but going forward with this and the next process it needs to all be transparent and part of that transparency is that your list is inaccurate. That was brought up in the court case. Also your report that this was based on was based on vulnerable buildings. If you look in the table of contents that report shows there's other vulnerable buildings but if you look at that page those were removed and it came out in court that the list is -- that those other vulnerable buildings were removed because it wouldn't be palatable for the council to vote on. In transparency, that should not happen in any processes going forward in the future. But I'm so proud of you all for repealing this placard case. I commend you on it.

Hardesty: Thank you.

Fritz: That concludes public testimony. Any discussion? Karla, please call the roll.

Eudaly: Well, an extremely challenging and urgent issue. Few jurisdictions in the country and around the world have figured out what to do with these buildings, and as a council we have to place public safety and human life before all other considerations. This was one of the most frustrating issues I had to deal with while I had bds, and I inherited the permitting system if that tells you anything. Although I ultimately didn't support this item, I did and do still feel strongly about the right of people who live and work in these buildings to get to make an informed decision as to whether they want to take that risk. We know we are overdue for a major earthquake. We know that urms present increased hazard and we must revisit this issue sooner than later. Everyone has to figure out how we're going to pay for this. The city owns a number of these buildings. Nonprofits own a number of these buildings and private property owners own them. The solutions are going to look different for everyone, but I'm sure you're all well aware this conversation isn't over. I support this action and I vote aye.

Fish: First, let me thank our newest colleague commissioner Hardesty for taking this on. Leading this issue. Taking a fresh look and getting us to this point. Second, I want to thank all the staff who after all get their marching orders from the council, for their work. Third, I appreciate the admonitions from a number of people today about how we can do our work better. I have been doing this for 11 years and I get up every morning sincerely thinking about how I can do my job better and to be more effective in what I do. I will tell you that on this issue I too did not support the underlying ordinance. On this issue I have spent countless hours meeting with advocates who are extremely effective in making their case. I have done site visits and I have been pretty transparent about the concerns that I have with the press. If that falls short of some people's standard about transparency then I have more work to do, but on this issue I have tried in my own way to be clear about my

October 23, 2019

concerns and my values. And I don't think there's a single meeting that I dined. I have spent a lot of time -- is pippa here today? She wasn't able to be here? There's a formidable group of advocates who came together many of whom I have met with, learned a lot from, so I appreciate the process. It is okay to have disagreements and sometimes it's okay to go to court. It's part of the checks and balances. Footnote, we are as a city being asked to cover the attorney fees of mr. Delorenzo. Next time I hope you'll find a pro bono lawyer that doesn't charge \$700 an hour so we can have these fights without these monster legal bills. But this morning we had a discussion about how to make our bull run water system more resilient. And it's interesting, here we are having this conversation where we're all struggling with the same challenge, which is how do we prepare for a seismic event, how do we come up with a cost effective way of encouraging people to do the right thing, how do we do it building on consensus and thoughtful policy. We had a leading advocate this morning in all things water, the head of one of the most engaged organizations having to do with the water bureau, whose official and historic position has been we should not have a single resilient pipe under the willamette river to provide water to the west side. So you know, these are big, messy conversations. One thing I have learned is that it doesn't necessarily matter where you start out and sometimes disagreements and conflict is inevitable. The question is when you hit reset and you try something new you are bringing as many people along as you can. That's what I have sensed that commissioner Hardesty has done. That's why I think today is a day to maybe put aside some of the past and to pivot to the future. I have a lot of confidence in her approach. When I looked at the names of the people who are going to be nominated for the committee I have even more confidence. Today is a day to say okay, that was then, we're entering a new chapter. We all share the same goals, a more resilient city. The question is how can we get there in a cost effective way that brings as many people along as possible. So thank you. I'm pleased to vote aye.

Hardesty: Thank you. I want to thank the people that came out just to see in person if we were really going to do what it was you thought we were going to do. [laughter] I appreciate the passion that people have brought to this issue. As the newest member of the city council I feel I have an obligation to listen to people from all sides of any and all issues. I believe that we're moving in the right direction and as commissioner Fish has said, it is important -- I have big shoulders, thick skin, so I don't mind when people yell at me or tell me I don't know what I'm doing -- too much. But what I hope is as we leave this chamber today that we all share the same goal, which is I think all of us can agree that we are overdue for a big one. I think we can all agree that any life lost is too much. I think we can all agree that there's no simple solution to how we do what we need to do. I hope we also agree that each of us have a role appeared in actually making the whole better. Once we have done this resolution we will move on and talk about the new committee that will continue the work. I apologize to those of you who spent four years on this issue. I have only spent ten months and it feels like ten years. But I am so excited and so appreciative both to the great staff and I want to acknowledge the director of the bureau of emergency management, Mike Myers, who is in the audience. I want to reinforce once again Jonah, incredible work she's done reaching out to every single corner of the constituents that are impacted by this issue. And this is something I rarely do, I actually want to really appreciate my staff person, Doug Bradley, who like me, neither of us had even heard the word URM before we got in this building. Now safe to say we're experts on URM. If I don't know the answer Derek does. If he doesn't he will find it. Thank you all. I think we'll have a much better process once this next phase has been completed. I vote aye.

Fritz: I agree with each of my colleagues and I thank you for your eloquent statements. This is an area where people disagree. I agree with commissioner Hardesty on the things we do agree on. But there was considerable disagreement when we were discussing this

October 23, 2019

however many years ago it was. Jonna has been working on this at least the 11 years I have been on council and it keeps coming back and keeps coming back. It's not true everyone was telling us don't do it. There was a 3-2 vote. Now we're reversing what we had tried to do. I would have to say I have been to the Keller Auditorium several times since the placards went up and they are attracting quite a lot of people to the events there. I go and I enjoy them. We do need to do more we know that we have a disaster coming, and that is the real challenge. Aye. So that's done. Please read the next item.

Item 995.

Fritz: Commissioner Hardesty.

Hardesty: Thank you, madame president. I'm delighted to introduce a resolution appointing a new work group focused on the risk of unreinforced buildings. I'm asking them to develop solutions that support building owners who want to make retrofits. A previous council expected this group to recommend mandatory retrofits I believe we will have greater success working with all parties if no one is negotiating under that kind of pressure. So I want to be clear we are not anticipating any mandates coming back from the new work group that will be put in place, however, I think what our goal is is to create a committee that has a whole menu of options for business owners, for arts organizations, for safe institutions to actually be able to identify how they get resources to support their upgrades. Again, I want to be clear that the city of Portland is not in a position to be able to afford to retrofit all the private URM buildings in Portland. So I don't expect anything to come out of the work group that actually has a recommendation that the city will foot the bill because we just won't. We can't. The committee will meet as a big group to address some of the core issues but they also will have subcommittees focused on unique needs of for-profits and nonprofit buildings. Jonna Papapostolou. Will make a short presentation on the ordinance. About which the vote I'll have another short statement. I'm going to practice that, practice, practice. Next time I'm going to be so much better.

Jonna Papapostolou, Bureau of Environmental Services: That's when the work group starts working hopefully. Again, just for the record I'm Jonna with Bureau of Emergency Management. This is the fun part of the presentation where we get to talk about the work that we're going to do going forward. Why are we doing this? After all this 11 years, we still don't have the answers but we are pretty clear on what the problems are and we know we're in it together. As Betsy reminded us persistence pays. Before the 22 to 26% likelihood of a big earthquake in the next 50 years URM buildings are very dangerous in earthquakes. FEMA says they are the most dangerous and we believe there are at least 1600 of them in the city including buildings the city owns, schools and many private buildings. In the years we have been working on this we have learned a lot. We did a look back at our permitting systems and we see retrofits are happening slowly. We also looking at case studies and published information know the retrofits are expensive and the costs are hard to predict in old buildings because they are old and they have many other issues that can be uncovered in that process. We know as Commissioner Hardesty said the city cannot afford to do all this work but also that the cost and the unpredictability is very alarming to property owners. We recognize that mandatory retrofits could lead to displacement and I think that's something that came loud appeared clear is that those displacement risks had highest in neighborhoods where we want to be shoring up long term institutions. So what are we going to do with what we've learned? As the commissioner also said we're going to remove the expectation that retrofits will be mandatory. Instead we're going to be open to all solutions and move forward with the new committee that has diverse interests. We'll rely on a third party facilitator with strong experience in public policy and equity and a facilitator that although our bureau will certainly be paying them works for the process and the committee, not for any staff person. We're going to build on the work we've already done. A lot of their factual basis

October 23, 2019

was good and we want to rely on that and not reinvent it but we'll look back at the urm inventory. I'm confident the committee will want to form its own opinions about the quality or any changes needed. They will look back on the cost of functions we have made so far and see where more data might be needed. We'll build on that work for the next year then i'll be back with my committee. I want to be clear on the committee purpose. This is also from the bylaws, which is exhibit c in the council packet, that they make recommendations to reduce life safety risks and reduce displacement. That their recommendations can include both finance and policy levels. That they need to recognize for profit and not for profits are different. Churches and arts organization versus a different financial picture than for profit buildings. The support program be voluntary but they can still have standards to receive the benefits of participation. As a commissioner emphasized and I would like to emphasize it's not required or expected the work group will recommend mandatory retrofits. It's expected voluntary retrofits will be scaled to need. These are the names of folks for the new committee. We had an open application process that followed civic life's best practices. We ran the selection process like job interviews. We had a committee of staff and community members not directly connected to the project I to now. We did targeted recruitment because churches and people in banking were underrepresented and those were important. We came up with a list of names here. I regret we also came up with two additional members that have with drawn in the last few weeks. One because she was a tenant and forced to move out of the city and won't be able to serve. She doesn't work here either. We also had a member who has health concerns and won't participate. We were honored to have more than 70 people apply. I'm confident we can find two more members to speak to those interests in the bylaws permit the commissioner to appoint additional members for the vacancies. That's what we're moving forward with today. I would be happy to answer any questions.

Fish: Can I clarify a couple of things?

Papaefthimiou: Please.

Fish: The work group meetings will be open to the public?

Papaefthimiou: Absolutely.

Fish: Where will people be able to find information about dates and times?

Papaefthimiou: We haven't set the first date yet. I expect it will be in november and I imagine that the first meeting will be at the bureau of development services. We'll post it on our website as soon as it's available. I also in partnership with angie i'm sure will publicize it to all social media links and email lists.

Fish: Minutes of the meetings will be taken?

Papaefthimiou: Minutes will be taken by third part facilitation and posted online.

Fish: This is a large committee. One of our roles is to make sure that there's been no protests filed by anybody about the composition, who is in, who is out, so has anyone that applied for the position and didn't get it or any other person with an interest in this raised a concern about the composition of this committee?

Papaefthimiou: I'm definitely aware several applicants were disappointed. As I said, but it was more my understanding was an expression of personal disappointment because of their concerns for the issue, not because they felt there was unfairness.

Fish: With respect to the composition of the committee, the diversity of viewpoints at the table, the what you've cobbled together, have we received any complaints about that?

Papaefthimiou: Let me think. I don't believe that we have. Certainly I think building owners would -- some would perhaps argue that building owners ought to form the majority of the committee. I think that certainly their knowledge as owners will inform all the work that we do, but we felt like architects, engineers, people in finance would have a lot to contribute to the problem solving. Again with mandatory retrofits off the table the hope is we all have the same goal, to make them possible.

October 23, 2019

Fish: One other question. I anticipate on some of these issues that there could be strong feelings on both sides. Will we have the benefit of majority and minority reports on these issues?

Papaefthimiou: We will, thank you for asking that. That's in the bylaws. We intend to do a red-green-yellow voting system. A recommendation can't move forward if someone votes red so the final can include many views if we don't reach consensus.

Eudaly: Is there any plan to replace the two people unable to serve with two alternates?

Papaefthimiou: Yes. There were numerous other applicants representing tenants and small business. I think we'll go back to the list of originally interested parties and see who is still able to participate.

Eudaly: I'm glad to hear that because those are two important voices in this conversation. I think the biggest concern that I heard from building owners about the original group that was convened was there wasn't enough representation of smaller time property owners.

Papaefthimiou: Yes.

Eudaly: Have we solved that?

Papaefthimiou: I hope so. Looking to the list, let's see, we have three folks -- we have three folks who own urm building and I think all three live in them, one runs a small business out of them. A third person owns several pieces of real estate but including several urms, and someone who owns a condominium in a urm building too.

Eudaly: So that's five.

Papaefthimiou: Yes.

Eudaly: Thank you.

Hardesty: Thank you, jonna. I just wanted to put on the record as jonna mentioned we had over 70 Portlanders apply to be on this work group. What we know is that the work group is the work group but we will be seeking advice from other experts who have had lived experience around this issue. No voice is going to be eliminated. But we thought it was important to prioritize those who would not have access to like tax breaks or tax incentives to do the upgrades. So thinking about how faith institutions, how nonprofits and how others that fall into those categories would be able to best respond to this need. I also want to be clear that when the work group is completed with their work, the work group will make a presentation to this body, right, so it's not my job to filter what the work group has come up with but to lay it all out here at the council chambers in public so that the public really understands what we did, why we did what we did, and what the expectations are as we move forward. I also want to appreciate director mike myers, who has said that he will facilitate a quarterly community meetings just to make sure that people have opportunities for updates throughout the process. So sometimes when we have work groups that we have put together the public doesn't actually get to weigh in on what the decisions are that those work groups are making until the very end. We're going to be taking public comment throughout the process. So I hope everyone will come to this process with a sense of, you know, this is a new day. We have a new opportunity. Let's get it right this time because the lives of Portlanders depend on us getting it right. Thank you.

Papaefthimiou: Thank you.

Fritz: How many signed up, please?

Moore-Love: We have four.

Fritz: Here we are again.

Jim Atwood: Thank you, jim atwood. Thank you again for repealing the ordinances and I very much respect the positive outlook for the future. We as building owners have been concerned about this second go round in particular early on there was the expectation was mandatory retrofits. Just -- your parks buildings I have an email from your parks people to 11 city employees that says some portfolio has been partially retrofitted a low confidence estimate program is 50 to 250 million for parks buildings for seismic retrofits. Again, the

October 23, 2019

higher number ending reflecting that the retrofit project will encounter many other issues that these buildings code and necessary repair issues. Basically, the city owns according to this parks has 330,000 square feet of unreinforced masonry buildings and their estimates are on the order of \$500 a square foot. Plus a 30% contingency. My estimates from 2014 that were promulgated through Portland development commission for my small building was on the order of \$350 a square foot in 2014. So \$500 a square foot today is not unrealistic number. During the testimony for the previous ordinances the experts were quoting figures from \$9 a square foot to \$90 a square foot. That's clearly wrong. At \$500 a square foot if you mandate a retrofit, you're basically taking the property down because this is twice the replacement cost of most buildings. So it is or would be a regulatory taking and I know you don't want the city to pay for the retrofits but if a mandatory retrofit would I think involve a regulatory taking and of course as owners you're dealing with our lives. We would be remiss if we didn't try to protect our livelihoods. Most of the \$500,000 we spent on legal fees you're reimbursing us, and we're holding that war chest waiting the outcome of this process. [laughter] I hope that that proceeds as you described it here today. I would be very pleasantly surprised and happy about that.

Hardesty: You're a hard crowd, aren't you? Madame president, if I may, I hear you. You know, had I been spending four years saying the same thing over and over again and feeling like no one was listening to me I would probably feel just like you do. What I would ask is to hold judgment. See if we do what we say we're going to do. Let me assure you that at any point that you think that we're off the rail and we're not doing what we said we were going to do, my office is open to you.

Atwood: I'll take you up on that, commissioner.

Hardesty: Appreciate that.

Atwood: I'm sorry to say we're not going to get rid of our \$700 an hour lawyer.

Fish: Might negotiate a different fee schedule.

Atwood: I'll bring that up with him. Thank you. I have nothing further.

Hardesty: Thank you.

Atwood: Thank you for listening.

Vik Savara: Howdy. I'm vic savara, I have been an owner of a urm, and I have been involved with this process since day one. I just want to let you know how thankful I am for the opportunity which we have right now to be a part of a program which is totally has us as a part of the solution. I'm looking forward to being part of that committee. I have two comments to make. One is a very general comment. I was being interviewed, I made the statement that I wish that this committee was not so narrowly focused. That it would have been great for the city of Portland to have a committee to look at earthquake preparedness of which buildings is one and urms are a part of the buildings. I just hoped that they could be in that direction but I was informed that the resolution which was -- on which this committee was being formed is very narrow. For the city to lead. That's all. The other question which I have, the other is recommendation to the commissioners. Jonna listened. I want to thank her. Thank you. There's one aspect which I think there's an opportunity for improvement. There are 15 members in the committee for profit urms of which there are only three urm owners. I have been involved in many committees and if i'm representing 1600 building owners and only three in this committee, okay, it's going to be difficult, okay, to convey and to influence the thought process of 1600 people. I just wanted to bring that up as an opportunity. I was also a little bit shocked to look at the list of people in the for profit section included two investor developers. I'm saying to myself, the whole purpose of this committee is not to have a situation where all of the people in the group have one focused decision point. Okay? Here we have two people, people talking about -- two people whose role is break the buildings down so we can develop new properties. I don't believe that that is appropriate. And I will like the commissioners to examine the possibility

October 23, 2019

of converting those two investor developer positions in the committee to urm owners. That's all. Thank you so much. It's such a pleasure coming to a commissioner meeting where there's no one shouting and everything else. I've gone to so many. Thank you so much.

Hardesty: Thank you.

Angie Even: Hi. I'm angie even. I came today to lend some voice to the mom and pop building owners. I want to thank you again and commissioner hardesty, I really want to thank you for this new direction. I think it's the right direction. I have conducted over the last couple of years, our group, they call us the pub group because we used to meet in the bar. Is that one of the things that I think that you would be enlightened by is to know that when we meet we don't just complain. We actually talk about solutions. I wanted to do just one short thing and that is a shout out to an owner that we love this summer. He spent the last four years of his life before he was diagnosed with a brain tumor which he only lived 20-some days, retrofitting his building. And jim was somebody that everybody looked to in our meetings for solutions, for retrofits because he knew everything. I think what I want to leave you with is that when you say that you didn't know what a urm was, either did we. This dropped in our laps. Most of us are at the sunset of our lives. We're not young. We didn't plan for this. We're not developers. 7% of the buildings are four stories or more. The rest are little buildings on the main streets. My husband and I bought our building because we had a flower shop for 22 years. We are not -- what I have seen and what really charged me and made me become what some people call me an advocate or activist, which I have never considered myself, is that people have had fear. When people have a sense of fight or flight. I know we appreciate some of that pressure relieved from us. We're cautiously optimistic but we're going into it with that optimism. Vic is one of the people on the committee and I agree it would be nice to see a higher percentage of building owners. It's actually 16%. And that seems very, very slight compared to what is at stake for these owners. They have good solutions if you meet with them and some of it is innovation and thinking outside the box of things that aren't so expensive but still mitigate risk. Thank you.

Fritz: Would you like to give us jim's full name?

Even: Jim wilson.

Fritz: Thank you and thank him for all his work.

Moore-Love: The last person is steve fleischman.

Hardesty: Thank you.

Fritz: Welcome.

Steve Fleischman: Hello. Good afternoon. I'm steve fleischman. I really appreciate the opportunity to share some thoughts with you on this issue. I am coming to this a little late but I am for the last year I have been an owner occupant of an historic building on the urm list. I wanted to provide my perspective as we move forward. I'm really pleased by the actions that have been taken today and the actions that are being contemplated to be taken moving forward. I wanted to thank you for that. I want to share with you that I spend a lot of time at our hoa meetings, which are monthly, and I can assure you everyone in our building loves living there and is worried about losing it. As we just heard fear is not a good way to live or a very good basis for making good decisions that are in the interests of everybody. We love our building. We don't want to lose it. We don't want to lose it for ourselves personally because it would be highly disruptive, but we also believe that living in an historic building we have kind of a trust where we are carrying on part of of the cultural fabric of this community. We want to preserve that. I appreciate commissioner Fish that you spoke about resiliency. I wanted to expand resiliency to go beyond structural resiliency to talk about community resiliency. I know a lot of people that are concerned about the urm issue, tying the buildings to cultural structural social resiliency. Things that go beyond the brick and mortar. The weak brick and mortar that we face right now. I

October 23, 2019

wanted to just bring that up and appreciate what you have done today. Thank commissioner hardesty and the city council for taking up this issue again and it seems to me that moving forward very constructively. So thank you very much.

Fritz: Thank you. Commissioner Fish, you said -- have you voted first?

Fish: I appreciate it. Thank you very much. I think it is a pretty terrific list. There's some real heavy hitters on this list. The way you've structured it, the bylaws, commitment to transparency, timeline, I think commissioner you set yourself up and your bureau for success. You've given yourself the best chance. That doesn't mean that when recommendations come forward that we'll have unanimity in our community. In a democracy that's a healthy thing. We can have disagreements. They should be civil always. But what I'm encouraged by is I think we're starting this reset with a shared commitment to the underlying values that you articulated so well at the beginning which is the safety of our community and our people. We have they nor mouse challenge about making our community more resilient but we don't know how to pay for it. We are painfully aware that some of the policy proposals of the past had unintended consequences. So now we're going back and we're looking at other ways of getting there. But I'm heartened we all start from a place of shared values. Now the question is can a thoughtful group of people sitting around a table come up with recommendations which move us forward. I'm encouraged by what I have heard and seen today. I'm pleased to vote aye.

Eudaly: Aye.

Hardesty: I want to again thank jonna, 11 years. I had no idea she had been doing urms for 11 years and that sounds a little daunting to me. But what I appreciate is the spirit of cooperation that I have seen since I have been here. I would be remiss if I didn't take the opportunity to also thank my colleagues. As you know in this body you need three people to do anything and you need four when you're passing something that is an emergency. The fact that all my colleagues are standing with me today really highlights the importance of the work that we have ahead of us. I want to be also mindful that as I think most people know urms are not the only danger that we face in an earthquake. So I'm proud of the work that mike myers is doing as director of the bureau of emergency management to ensure that we are developing a resiliency plan. So that we know -- what we already know is that poor communities, communities of color will be hit hardest and will be the slowest to be able to come back from whatever the big it is. So know that we take on this task understanding that the clock is ticking, understanding that we have an obligation to be as thoughtful and as inclusive as possible. And also that we have an obligation to make sure that we are modeling really good public engagement processes. So at the end of the day when we come back a year from now with our report it's my hope that this council chamber is filled, and it's filled with primarily people who say I don't like this piece but I like that but over all we have agreement that we're moving in the right direction. Thank you all. Thank you for your heart. Thank you for your participation. I vote aye.

Fritz: The word skeptical has been used a lot today and I'm somewhat skeptical that this committee will come back with -- going to actually get movement on this challenge because it cannot come back and say city, you're going to pay for it all or the state will pay for it all because that's just not going to happen. We have significant unreinforced masonry within the city's inventory that we need to figure out how to pay for and we haven't yet. This is another time I hope I'm wrong that this committee will come up with some actual methods much getting improvements built so that not if but when the big earthquake happens or even fairly small one damage is not done to people. Thank you very much to all the committee members and to commissioner hardesty for leading this work. Aye. With that we are adjourned.

Council adjourned at 3:07 p.m.