



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **26<sup>th</sup> DAY OF FEBRUARY, 2020** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, and Hardesty, 3.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Lory Kraut, Senior Deputy City Attorney; and Dorothy Elmore and Ian Williams, Sergeants at Arms.

The meeting recessed at 10:59 a.m. and reconvened at 11:06 a.m.  
The meeting recessed at 12:32 p.m. and reconvened at 12:40 p.m.

**Due to the absence of a Council member  
and Commissioner Position No. 2 being vacant  
emergency items were not considered  
and items were not heard under a Consent Agenda**

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly and Hardesty, 3.

**COMMUNICATIONS**

<b>158</b>	Request of Mark Reynolds to address Council regarding homeless camping, drug sales and use, prostitution (Communication)	<b>PLACED ON FILE</b>
<b>159</b>	Request of Kate Wilkinson to address Council regarding homelessness and its effect on the neighborhood (Communication)	<b>PLACED ON FILE</b>
<b>160</b>	Request of Daniel Hoffman to address Council regarding Housing First and propose a viable alternative solution to the homeless crisis called Elevator Economics Theory (Communication)	<b>PLACED ON FILE</b>
<b>161</b>	Request of Diana Gutman to address Council regarding making Oregon a safer place for survivors of violence and abuse (Communication)	<b>PLACED ON FILE</b>
<b>162</b>	Request of Gloria Bouchor Luzader to address Council regarding houseless pod village on N Richmond Ave in St Johns (Communication)	<b>PLACED ON FILE</b>

**TIMES CERTAIN**

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<b>163</b>	<b>TIME CERTAIN: 9:45 AM</b> – Accept the Providence Park Comprehensive Transportation Management Plan 2019 Season Report (Report introduced by Mayor Wheeler) 30 minutes requested <b>Motion to accept report:</b> Moved by Hardesty and seconded by Eudaly. (Y-3)	<b>ACCEPTED</b>
<b>164</b>	<b>TIME CERTAIN: 10:15 AM</b> – Accept the Residential Demolition Ordinance Report from the Bureau of Development Services and the Development Review Advisory Committee (Report introduced by Mayor Wheeler) 35 minutes requested <b>Motion to accept report:</b> Moved by Hardesty and seconded by Eudaly. (Y-3)	<b>ACCEPTED</b>
<b>165</b>	<b>TIME CERTAIN: 10:50 AM</b> – Consider removal of a condition of approval imposed by prior Comprehensive Plan Map and Zoning Map Amendment ordinance at the request of Allison Reynolds of Stoel Rives, LLP and the recommendation from the Hearings Officer for property at 1710 NE Multnomah St (Previous Agenda 151; Findings introduced by Mayor Wheeler; LU 19-223221 CP ZC) 5 minutes requested for items 165 and 166 <b>Motion to adopt findings:</b> Moved by Eudaly and seconded by Hardesty. (Y-3)	<b>FINDINGS ADOPTED</b>
<b>166</b>	Remove a condition of approval imposed by a prior Comprehensive Plan Map and Zoning Map Amendment ordinance for property at 1710 NE Multnomah St at the request of Allison Reynolds, Stoel Rives, LLP (Second Reading Agenda 152; Ordinance introduced by Mayor Wheeler; LU 19-223221 CP ZC) (Y-3)	<b>189867 AS AMENDED</b>
<b>REGULAR AGENDA</b> <b>Mayor Ted Wheeler</b> <b>Bureau of Environmental Services</b>		
<b>167</b>	Amend contract with HDR Engineering, Inc. for additional construction support services for the Columbia Boulevard Wastewater Treatment Plant Renewable Natural Gas Facility Project No. E10033 for \$229,000 (Ordinance; amend Contract No. 30003218) 10 minutes requested	<b>PASSED TO SECOND READING MARCH 4, 2020 AT 9:30 AM</b>
<b>168</b>	Amend contract with McClure and Sons, Inc. for additional compensation to complete additional contract work due to design modifications and changed conditions for the Columbia Boulevard Wastewater Treatment Plant Renewable Natural Gas Facility Project No. E10033 for \$4,452,012 (Ordinance; amend Contract No. 30006166) 10 minutes requested	<b>PASSED TO SECOND READING MARCH 4, 2020 AT 9:30 AM</b>
<b>Bureau of Police</b>		

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<b>169</b>	Authorize a competitive solicitation and contract award for the replacement of the Regional Automated Pawn and secondhand Information Database system software (Second Reading Agenda 155) (Y-3)	<b>189868</b>
<b>Office of Management and Finance</b>		
<b>170</b>	Authorize an Intergovernmental Agreement between Bureau of Revenue and Financial Services-Procurement Services, Multnomah County, Washington County, Metro and the Port of Portland for the development and administration of the regional Clean Air Construction Program for approximately \$136,000 annually for seven years (Ordinance) 15 minutes requested <b>Motion to amend Impact Statement to indicate no change to appropriations:</b> Moved by Eudaly and seconded by Hardesty. (Y-3)	<b>PASSED TO SECOND READING AS AMENDED MARCH 4, 2020 AT 9:30 AM</b>

At 1:11 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **26<sup>th</sup> DAY OF FEBRUARY, 2020** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, and Hardesty, 3.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Linly Rees, Chief Deputy City Attorney; and Daniel Sipe and Ian Williams, Sergeants at Arms.

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**TIME CERTAIN: 2:00 PM** – Accept report on the Bureau of Planning and Sustainability Zero Cities Project (Report introduced by Mayor Wheeler) 40 minutes requested  
**Motion to accept report:** Moved by Hardesty and seconded by Eudaly.  
(Y-3)

**ACCEPTED**

At 3:30 p.m., Council recessed.

**THURSDAY, 2:00 PM, FEBRUARY 27, 2020**

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

**MARY HULL CABALLERO**  
Auditor of the City of Portland

Karla

Moore-Love

Digitally signed by  
Karla Moore-Love  
Date: 2020.07.14  
11:32:28 -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.**

**FEBRUARY 26, 2020**

**9:30 AM**

**Wheeler:** Good morning. This is the Wednesday, february 26, 2020 morning session of the Portland city council. Karla, please call the roll.

[roll taken]

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

**Lory Kraut, Senior Dep City Atty:** Thank you. 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 meeting 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 reading 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 and would like to show your support for something said, please feel free to do a thumbs up. If you want to express that you do not support something, please feel free to do a thumbs down. Please remain seated in council chambers unless entering or exiting. If you are filming the proceedings, please do not use bright lights or disrupt the meeting. Disruptive conduct such as shouting or interrupting testimony or council deliberations will not be allowed. If there are disruptions, a warning will be given that further disruption may result in the person being ejected for the remainder of the meeting. After being ejected, a person who fails to leave the meeting is subject to arrest for trespass. Thank you for helping your fellow Portlanders feel welcome, comfortable, respected and safe.

**Wheeler:** Very good. And thank you, and I want to start off by apologizing for my tardiness. As you know, we are down a commissioner ordinarily, with the passing of commissioner Fish and commissioner Fritz could not be here today, so I apologize. We did not have the quorum to be able to convene on-time. So thank you all for your patience very much. Same to my colleagues. Thank you for your patience. First up is communications. Karla.

**ITEM 158**

**Moore-Love:** Item 158.

**Wheeler:** Are there several people who want to come up together? It looks like there are four people. Do you want to come up together or separately?

**Mark Reynolds:** It's just me.

**Wheeler:** It's just you? Very good. Come on up. Good morning.

**Reynolds:** Good morning, commissioners. Mayor wheeler.

**Wheeler:** Good morning.

**Reynolds:** My name is mark reynolds. I live on southeast 81st and malden street across from the department of human services and four blocks from the spring water corridor. My statement to you is longer than three minutes so this is a shorter version. I hope you will please read the full draft. My street is overrun with campers and property crime, in addition

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to all manner of livability, and biohazards. And our group of property and business owners, as well as city, state, and law enforcement agencies have been working together to find solutions for this location such as outreach, dhs services, and community resource fare that included over 25 local participants over, offering services. Our proximity to the spring water corridor, the dhs office and restrictions on law enforcement have added to this problem. I have witnessed all this happening on my street in front of my home and grandchildren, and it's truly awful. I have witnessed sales of drugs to middle school-aged children, and the trafficking of young girls. I had a camper attempt to stab me with a screwdriver he was using to break into my car with. As well as daily drug transactions, other crimes associated with the event, stolen vehicles, property theft, and vandalism, and solicitation, and car prowling, graffiti and threats of bodily harm. The impact on my life is I no longer feel safe on my own street. I am not comfortable with my grandchildren visiting me in my own home. And when they do, they are not allowed outside. The rule at grandpa's house is don't open the door. I am losing sleep because of the stress and livability is very poor. And we seek assistance with permanent sign angle, one additional streetlight and the guidance of law enforcement to restrict camping, as well as drug sales and use on our street. Safety is our first priority, and I hope you see fit to help us by assigning one of your staff to work together with us on these issues. I will also like to thank you for the Portland street response pilot program, and the progress on the [inaudible] known formerly as wapato. Thank you for allowing me to speak here today. Please won't you take a look at the photos I enclosed and my full submission, and I look forward to having an advocate in the city council.

**Wheeler:** We appreciate it. If you hand Karla that packet, she will photo copy it. I appreciate you being here, and thank you for sharing.

**Hardesty:** Mayor, do you mind if I ask a question?

**Wheeler:** You bet.

**Hardesty:** You made a statement about untying law enforcement's hands. Law enforcement's hands are not tied. When they see a crime or somebody calls to report a crime, they have an obligation to investigate that crime. Being houseless, however, is not a crime. It is a situation. And so I just wanted to correct that misperception that some how we are not allowing the police officers to please the city of Portland, so I really appreciate, and I understand your concerns. I live in a neighborhood that we have a lot of campers, as well. And many neighborhoods are being very proactive by taking meals, taking warm gloves and socks, and so there is a way for all of us to help. We are in a crisis, and we are because this town is too expensive to live in, so thank you for being here.

**Wheeler:** I want to acknowledge something you said, and I want going to read this with interest. You mentioned a human services fair, and that seems like a great idea, and I am hearing your concerns about safety for you and your family.

**Reynolds:** This is a fairly well rounded group of people that are addressing this issue, and I agree that the police have all the rights to address crime, like you said, but these people - - I believe that they need our help, but they need to want our help first. And the issues we're having with the people on my street, they are not looking for help. Help is 100 feet away. They have been there for over a year, some of them, and I think that you all know what goes on in these places, and if you witnessed it.

**Wheeler:** We will look into it. I appreciate it. Next individual, please, Karla.

**ITEM 159**

**Moore-Love:** Item 159.

**Wheeler:** Is kate here? Next, please.

**ITEM 160**

**Moore-Love:** Item 160.

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**Wheeler:** Too bad. I wanted to hear what that one was all about. Next individual, please, Karla.

**ITEM 161**

**Moore-Love:** 161.

**Wheeler:** I know diana is here. Good morning. Is this diana's testimony? Great. Thank you. Good morning, diana.

**Diana Gutman:** Good morning, mayor and commissioners. I just want to take a moment to honor the host people of these lands and acknowledge them. The clatskanie, the [inaudible], the chinook and the clackamas. Over the last year, I have been working hard here in the city of Portland, working with community partners and Oregon state legislators to help establish ways for our residents and constituents of Oregon and to keep them safe. I have put a lot of thought into the steps that we can take here in the state of Oregon. As of right now there is a population of constituents and residents unable to file for protection orders because they do not meet the criteria. These criteria center around domestic partnership and committed partnership. This population includes the homeless who are living on the streets being subjected to abuse, people who work in the adult entertainment industry, and that do not meet the domestic or committed partnership criteria, and the lgbtq community. And children who aren't able to legally give consent. If we can implement consensual partnership, we will be able to serve more residents and constituents here in the state of Oregon. The legislative updates that I have is centered around the proposal of h.b. 3117 and how it was able to get past last session and was signed into effect by our Oregon state governor on may 22. This bill was declared an emergency because for the survivor, it will always be an emergency. What h.b. 3117 does is allows survivors of violence and abuse who are trying to maintain their protection orders here in the state of Oregon to no longer have to fear for their life, but reasonable fear. Because of this legislative change, now survivors have more opportunities to maintain their protection orders here in the state of Oregon and feel safe in the communities that they reside in. The proposals that I have for the 2021 session is centered around supporting survivors of violence and abuse. The first proposal that I have is a piece of mind bill. This legislation is for survivors who have had their protection orders contested, and currently, when a petitioner files for and is granted is a protection order, the respondent has the right to contest the order within 30 days. However, this process can take months and many hearings during which the petitioner is forced to see the respondent repeatedly despite having the intent to keep the respondent away from the petitioner. Regardless of how long the distribution takes, as it stands now the petitioner will have to file to renew their order within one year of the initial filing date.

**Wheeler:** Without objection I would like to hear the rest of this.

**Gutman:** Thank you. Even if after ten months of deliberations, the court rules in favor of the petitioner or if the respondent decides to drop the contestant nine months into the proceedings, the petitioner would only have three to two months in which they do not have to face their attacker. This bill would require that new expiration dates be set, suggested one year, and in the event of a drawnout court contested order. If no contestant is filed, the expiration is one year from the original filing date. No changes are prescribed in this case. If the order is contested and takes more than 30 days to get, the expiration date is unacceptable. And must be extended to allow the petitioner to have their year of peace of mind knowing that they must have their attacker stay away from them.

**Wheeler:** Diana, can I ask you a couple of questions. Number one, thank you. It looks like you are here representing a coalition. Is that true?

**Gutman:** No, my family and friends.

**Wheeler:** You already have fans here, we will put it that way. Number two, have you had a chance to talk to our legislative director?

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**Gutman:** No, I have not talked to Elizabeth Edwards. I have been in communication with our state legislators in Salem, which consists of representatives and senators. These legislations for the 2021 session have been proposed already to the legislators in Salem, and so there is extensive dialogue. I have an ongoing list of supporting people in the Salem Capitol that are ready to either introduce or sign on as a supporter for the legislative changes.

**Wheeler:** I am interested in this, so please keep me apprized of what's going on, and after this session is done, because I know Elizabeth is swamped down there in Salem --

**Gutman:** It's a short session.

**Wheeler:** Well, that's true, fortunately. Our bills are just sitting there. I would like to make that introduction.

**Gutman:** Yes, absolutely. Thank you, Mr. Mayor.

**Wheeler:** Commissioner Hardesty.

**Hardesty:** Thank you. We will let you finish, but I just wanted to say that you are a remarkable example of someone who takes a bad situation and then becomes an advocate for other folks who have had the same experience. You don't know how many people you help just by showing up at City Hall on a regular basis and having your voice heard. So thank you.

**Gutman:** Thank you. Thank you very much, Commissioner. Am I allowed to flip the page over.

**Wheeler:** Sure. Go on.

**Gutman:** The additional proposed legislation, number three, know your rights cards. These cards are know your rights cards, and should be given to petitioners when protective orders such as [inaudible], edpas, and additional protection orders are obtained, and explain to the petitioner that they cannot violate their own protection order. This is a crucial -- this will be a crucial tool for all survivors because when you get a packet for your protection order, it's very daunting. And it's not entirely clear as far as what to do in the event when you have to enforce your protection order. So these know your rights cards would educate the community, educate the survivor, and in a way that is not putting too much material, but condensing it down to the fact that they will not be able to violate their own protection orders, and that if the respondent refuses to leave, immediately, without a doubt, call the cops, and there would be a non-emergency number listed on the "know your rights card" with additional information. The fourth legislative change that I have proposed is consensual partnership. There is a population of constituents and residents that are unable to file for protection orders here in the state of Oregon because they do not meet this criteria. My hope is that by implementing this, we would be able to have a more exclusive protection order in the state of Oregon so they can thrive in their own communities and feel safe and protected as one should. And lastly, cvpo, which would be the consensual violate protection order. This is a new form of protection being proposed. This would establish a new form of protection for people and constituents who do not meet the domestic and committed partnership criteria and are unable to file for these protection orders or denied in the process of filing for these protection orders.

**Hardesty:** So Diana, give me an example. Excuse me, Mayor. Diana, please give me an example of what you mean this would protect folks who today would be unable to get a protection order.

**Gutman:** Absolutely. So this would be for example, people in the adult entertainment industry. People who are in the adult entertainment industry, when crimes are committed against them, you have to be able to qualify under domestic, whether that means residing in the same household as your abuser or if you have children or minors are involved, family matters. That is a domestic reason to file for a protection order. That falls under the domestic partnership. That's a criteria that all survivors have to meet if they are going to

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file under that guideline. For a committed partnership, this would be people who are in current, intimate relationships or past intimate relationships and are no longer in those relationships. That's what committed partnership is for. Aside from that, there is the edpa, which is for the elder abuse, and for people with disabilities. You have to meet those requirements, as well, in order to file for that protection order. And lastly, a stalking order is like the unicorn for all protection orders, and is incredibly difficult to obtain, however, it would be the most exclusive protection order if those requirements could be loosened. My proposal is implementing the consensual partnership because when abuse tapes, that is a consent violation. It is the responsibility of all Oregon state judges to make a deliberation in an unbiased manner based off of the evidence and data that has been presented to them. By creating the consensual partnership, this would be something that would be intuitive, that would allow every party involved to be aware that something happened that was not okay with the survivor.

**Wheeler:** Thank you. Appreciate that.

**Gutman:** Thank you very much. My hope is that we can establish another form of protection for people and constituents who don't meet the domestic and [inaudible] criteria and are unable to file for these protection orders. This will ensure all survivors of the abuse and violence will be able to get the help and protection that they need. This will be the starting point. I would like to see consensual partnership established alongside the domestic and committed partnership. These changes will further serve our community and constituents here in the state of Oregon. If you agree with these changes and would like to show your support, email [easepnw@gmail.com](mailto:easepnw@gmail.com). To find out how to get involved, written testimony is welcomed and encouraged. By providing additional written testimony in support of these changes legislators in salem who are helping me introduce these proposals for the 2021 session will have the opportunity to hear from more people in our community. One voice can make a dent. But the voices of many will have a stronger impact at invoking positive change for our communities. Thank you very much for your time.

**Hardesty:** Thank you.

**Wheeler:** Thank you. We appreciate your hard work on this.

**Gutman:** Thank you. [applause]

## ITEM 162

**Wheeler:** 162, please.

**Moore-Love:** Item 162

**Gloria Bouchor Luzader:** Good morning.

**Wheeler:** Good morning. Good to see you here today.

**Bouchor Luzader:** Yeah. It's my third time on this subject. It's not penetrating. Good morning, commissioners and mayor.

**Wheeler:** Good morning.

**Bouchor Luzader:** My name is gloria bouchor luzader. I am a born and raised north Portland person. I graduated from roosevelt high school and Portland state university. I was a teacher, a cannery worker, one of the first women to work in the olcc distribution department, and a juvenile probation officer. Today, I am here to speak to you about a concern that I have and a group of residents that includes renters, landlords, business owners, and property owners about the possibility of the village pods for homeless people on north richmond street in st. John's. The group I joined is called "neighbors for healthy community." we meet monthly as an open forum. Anyone can attend. We have invited the church members and the community. Through rumors, we heard about this possibility in april of 2019. First thought was oh, god, here the city goes again. Let's dump on st. John's. Subsequently, we found out it was a negotiation with st. John's christian church, which has deed to the vacant property. The property in question was donated to the church by

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evelyne dawn mcgill, to be used as a playground for neighborhood children. The property is located a half block from james john elementary and the st. John's library. It is adjacent to the montessori preschool and the wayfinding academy. Children walk near this area daily. At first light it seemed like a feel-good donation by the church. There was some community support. Within a month, it was -- there was a major sum of money that the church would receive monthly for their kindness. So much for the kindness of the heart for our houseless people. There were several community meetings, both at the church and james john elementary school. These meetings became unruly and contentious at best. Nothing was solved or negotiated. We, as a community, felt we were not being heard. Today I am here for the third time to ask the council to reconsider the citing of these village pods on north richmond avenue. Our group is not a nimble. We accept that there is a crisis with this, we accept that st. John's is considered high priority for such a development because the north Portland health clinic, the ready access to tri-met, a food bank, and a somewhat welcoming, if now skeptical community. We neighbors, for the healthy community, are only asking not on -- north richmond avenue. Thank you for your consideration this morning.

**Wheeler:** Thank you, and perfect timing. Commissioner Hardesty. You get extra credit for that, by the way.

**Hardesty:** We are impressed, too, right at the buzzer, just before the buzzer.

**Bouchor Luzader:** I was not even looking at that thing. Last time I was looking at it, and I thought don't look.

**Hardesty:** And that makes you more nervous.

**Bouchor Luzader:** No, I just keep reading.

**Hardesty:** All right.

**Bouchor Luzader:** Thank you for listening to me. And it is -- it's like I said, we know st. John's is very, very acceptable of this. It is not, not on north richmond.

**Hardesty:** Ma'am, may I ask you a question?

**Bouchor Luzader:** You certainly may.

**Hardesty:** Thank you. So this is a faith institution that is attempting to assist people who desperately need housing.

**Bouchor Luzader:** The church.

**Hardesty:** A faith institution.

**Bouchor Luzader:** Faith institution, okay.

**Hardesty:** So my question to you is why do you believe the city has a role in that?

**Bouchor Luzader:** Because your homeless group headed up by Marc Jolin has been at the forefront to some of the so-called community meetings supporting the idea of putting this village pod on the north richmond avenue.

**Hardesty:** So here's what I would say to you. I have not been engaged in those conversations, but what I will say is Marc Jolin will go anywhere where someone says I will help with the crisis that we are in. And we can only go where people invite us to go to try to help with the crisis. Right. You know, if we had our way -- if I had my way, let me speak for myself personally, if I had my way, we would only be building permanently, housing people that people could permanently afford to live in, right.

**Bouchor Luzader:** I agree

If I had the opportunity to, if I could wave a wand, right. So understand that, although the city would be totally supportive of anybody who said that we can help with this crisis, right, we are not leading this effort. This faith institution is leading this effort, and I say thank you, right, thank you for helping us because you know, government can't do it by itself. We need faith institutions and community members, and every part of the city there are people that are volunteering their time and energy, bringing people hot meals and bringing them

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gloves and socks and it just warms my heart when I see that people understand but for grace, go i, right. So I would work with the church to try to figure out we could mitigate.

**Bouchor Luzader:** We have tried. They have -- they just won't -- it's their property. It's their property. And we can't -- you know, we -- please, when we first heard about this, we were enthused because we thought this is wonderful that they are donating this property, but then when we found out that they are getting close to \$5,000 a month, the friendship thing just kind of went away.

**Wheeler:** Commissioner eudaly.

**Eudaly:** I am not sure what your point is, but I want you to know that we had people from the wayfinding academy and the preschool who support the pod. This pod is based on a very successful argyle village in kenton, and it really pains me to hear you say that we are dumping on st. John's by locating people that need shelter in your community. They are living in the cut, and it's extremely dangerous.

**Bouchor Luzader:** They are living on our sidewalks, just like they are in southeast.

**Eudaly:** I actually don't want to engage you because this is, this has gone too long. I am responding to what you have said, and we can follow up outside of this session if you want. But there is a lot of support in your community for this pod, and that's all that I have to say. Mayor. Can we move on.

**Wheeler:** From my office, [inaudible] is engaged in this, and I want to thank you for coming in and sharing your perspective. I appreciate it. Karla, have any items been pulled off the consent agenda today?

**Moore-Love:** We don't have a consent today.

**Wheeler:** Well, then the answer is no. We will not be voting because there is nothing to vote on. Very good. I forgot that we don't have four people present, so there is that. We will start then with item no. 163. That is our first time certain item.

#### **ITEM 163**

**Moore-Love:** Item 163

**Wheeler:** Colleagues, our next item is the province park comprehensive transportation management plan, 2019 season report presented by peregrine sports of the Portland timbers and the thorns. The comprehensive management plan, or ctmp is required as part of the stadium good neighbor agreement. The stadium good neighbor agreement dictates how the stadium owner, operator, and surrounding neighborhoods work together to ensure mutual success. It is required by Portland planning and zoning codes to operate the stadium. We have carl here from the office of management and finance to introduce the report before we have ken of peregrine sports and fill of nelson nygaard presenting. The neighborhood representatives from the stadium oversight committee have also been invited to speak. Thanks, carl. Why don't you go ahead and start.

**Karl Lisle, Spectator Venues Program Manager for the Office of Management and Finance:**

Thank you very much. Good morning, mayor and commissioners. I am carlisle, I manage the spectator venue program with the office of management and finance. As you know, peregrine sports, llc, operates the city owned stadium known as providence park under the series of a long-term agreement with the city. Peregrine is the parent company to the Portland timbers and thorns soccer clubs. As the operators of the stadium, peregrine is responsible for developing a comprehensive transportation management plan to consider how fans will travel to and from the events at the stadium. This plan must be approved by city council. The transportation plan was originally developed and approved in 2011 when the timbers joined major league soccer and the stadium was remodeled from a baseball configuration to a soccer, being a soccer-specific facility. To reflect the 4,000-seat expansion completed just last year, the plan was further updated by the timbers and approved by the city council in spring of last year. To develop the updated plan the timbers worked over a two-year period during construction of the expansion, and with the city.

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Their consultants and the stadium oversight committee, which includes neighborhood representatives appointed by the goose hollow foothills league and northwest district association, and you will hear from them later today. When the city council approved the updated plan last year, council requested specifically that peregrine prepare and present to you a monitoring report following the initial inauguration season in 2019. This is the report that's before you today. I would like to introduce our speakers, ken puckett is the senior vice president of operations at providence park, and phil olmsted with nelson nygaard consulting. Ken and phil will present the report. After their presentation we have invited the neighborhood representatives, as I said, on the stadium oversight committee to speak. They are jerry powell with the goose hollow foothills league, and ron walter from the northwest district association. After the presentation, I am available if you have questions and I have also seen a few folks from transportation who are also in the audience. Thank you.

**Wheeler:** Thank you. Good morning.

**Ken Puckett Sr Vice President of Operations at Peregrine Sports:** Good morning. As many times as I do this I am always very nervous, so work with me here.

**Hardesty:** It is scary, isn't it?

**Puckett:** So as carl said, we are here to present our ctmp progress report. We are proud of a few things, and we can also identify that we have a lot of work to do as we move this forward. Some of the highlights from last year, we had 25,000 fans generate approximately 4,900 parked cars. 53% of fans used alternative transportation to get to the games. The sheriff says the driving dropped to 47%. And nearly nine out of ten drivers, driving fans car-pooled with one another. 60% of timbers and 50% of thorn's fans patronize the local or downtown businesses, and coming to and from the game. And peregrine sports, employs a dozen full-time staff to work with the closing streets and putting the bike racks out and everything needed to support the ctmp along with contracted services. Additional improvements are needed to address the fans parking on the street. Timbers, we are working on the key actions for the 2020 season, and funding, I think, you will hear from mike krebs today with p-dot or funding increased parking enforcement. We are collaborating with the neighborhoods to identify off-street parking. There is areas that we are identifying for parking, and we will continue to monitor the progress in the 2020 season.

**Phil Olmstead, Principal with Nelson /Nygaard Consulting Associates:** So I will take over. Thanks. I am with nelsen nygaard consulting associates. We are the traffic and transportation consultants supporting the timbers and the oversight committee on this effort. Thank you, mayor. Thank you, commissioners, for having us again to review our findings and our work. I will give a brief overview, but there is a detailed report in front of you with lots of data and lots of information. Our focus today is really to recap the monitoring that we did in 2019. I did want to quickly recap what you all approved back in april, I believe, so the ctmp included 21 measures to really address reduced driving, reduce congestion, and reduce parking in the community around the providence park as well as providing more multi-modal options for fans. It's a complicated environment, and any time you get 25,000 people coming to one location, it's hard to get them in and out of that area. So the ctmp really recognized there is not one solution. It's a sweep of strategies across modes, across programs, across incentives, across marketing communications. And the ctmp recognizes this is an ongoing effort requiring close monitoring, and that's what we've been doing over the last year, or last season. So, just a quick recap of what we did and what we took action on after your approval of the ctmp. There are three max trains in each direction that supports the regular service. Line 24 was expanded to the stadium and now provides additional service during, or after the games to and from after the games. And we made a proactive effort to really formalize the pickup and drop-off around

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lyft and uber. We established a drop-off zone. There was a marketing campaign that the timbers initiated and shared with the fans. Also more investment in proven strategies that we know the fans really like and enjoy more valet parking for bikes, dedicated scooter parking, and ken and his team updated the website providing not only more information on parking, but multiple modal transportation options, and then of course, he really made a concerted effort to improve the monitoring and the tracking of data. The monitoring program was really designed to address past inconsistencies, lack of consistent data that we had, and so we developed a new survey instrument, a new data collection plan working with our partners, the oversight committee, and review. We met with them four times to review the monitoring program. They reviewed and provided input on the travel survey, and the survey to fans went out to a sample of both season ticketholders and single game holders. We got close it 4,000 responses, and we now have a consistent survey that we can use to better track progress from year-to-year. So some key highlights as ken mentioned, and I will dig in a bit more detail, what we saw as pretty good progress in the 2018 season. The mode share for fans driving to the stadium went down to 47%. Less than half of fans drive to the stadium. When they do, we definitively now know that the vast majorities of them are car-pooling. Almost nine and ten fans who drive. Almost three fans her car.

**Hardesty:** I think it is 2.7.

**Olmstead:** So it's the average.

**Wheeler:** There is a guy they pick up across the street.

**Olmstead:** We did beat our three-year target, and we got some feedback from you when you brought the goals to you to be more ambitious, and we did end up beating that goal.

**Eudaly:** I am pleasantly surprised they pushed you to the higher goal.

**Olmstead:** Our transit mode share did go up. I think this is a testament to tri-met's investment and additional max and bus service, and about 8300 -- 8200 fans are now on transit taking transit to the game. And active modes, so to speak, went up, biking, walking, scooting, and I would note that, you know, everyone who takes max is ultimately walking to the stadium. This is a reflection of people who walk for the entirety or the majority of the trips. That's the core question in the survey, and so 3300 fans are taking part in that mode. We ask not just about travel behavior but satisfaction, and about four in ten are saying they have had a positive experience. They like the amenities and the services that the timbers and the city are offering. And as ken mentioned, we have a better understanding not just of how people are getting to the game but what they are doing and some of their behaviors, I think we intuitively know this, but a chunk of fans are not just going to the game but are going to local or downtown businesses as part of their trip to the game. One of the things that we would like to know more is where and kind of what their average spend is, and that's something that we will try to address in the 2020 survey. As ken mentioned, there are areas to improve. So the -- even with the mode share, the number of vehicles parking overall and the number of vehicles on the street did go up. This is partially a reflection of the fact we added 4,000 more seats. And but, nevertheless, it's an area of focus and improvement that we really identify for 2020, and part of that and part of the focus is making sure that fans utilize existing off-street parking.

**Wheeler:** I have a question. I want to make sure that I understand this because I read the article and posed the question. So the mode share is improving. It's moving to transit, which we want, but the number of fans, the fan base has expanded, and therefore there is more vehicles coming in.

**Olmstead:** Correct.

**Wheeler:** Is that the right way to interpret this?

**Olmstead:** Yes.

**Wheeler:** Okay. So okay. I won't interrupt you, continue.

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**Olmstead:** So if we want to get the vehicles out, we have got to continue to drive that mode share down. And that is ultimately, I think, the long-term goal, and we will talk about those targets in a second. A big part of that, also, you know, if fans do drive, let's get them off the streets and get them parking in an off-street parking garage. We looked at data from a sample of off-street facilities. Smart park garages and some of the more private garages, and good sam, psu, and parking structure one, and just looking at those, at the typical, looking at the data at the typical game time, there is at least 2,300 open spaces, so a big focus is how do we get more fans to those facilities using those facilities. There is available underutilized parking at game times.

**Wheeler:** So I had a question about this, too. There is a supply and demand imbalance here. The price is too high. Has anyone thought about lowering the price and seeing if you could get more people to park and therefore, make more money and increase off-street parking?

**Eudaly:** That was my question, as well.

**Wheeler:** I stole this question from commissioner eudaly.

**Olmstead:** So price is a key driver of travel behavior and parking behavior, so I think it's a combination of making sure that you have -- that your price incentives are driving people to off-street parking so if we want that parking to be lower priced than on-street parking, and that's really important.

**Wheeler:** We don't control that, right?

**Olmstead:** We don't.

**Wheeler:** People's backyard, whatever, so --

**Wheeler:** Yeah. The city -- well, smart park, the city does have some control of that, and they have made great efforts to provide that low-cost option, and they have a voucher program for season ticketholders that offers a 10% discount if you have one. I think one of the things we would like to see is expanding that discount, and marketing it better, you know, relatively small fraction of the season ticketholders are using that, and --

**Hardesty:** It's going to say about almost nobody uses it. So is that the right incentive?

**Wheeler:** I think it's something to explore. How can we may be increase that reduction or discount, better market it. But there is capacity.

**Eudaly:** So since we started to dig in.

**Wheeler:** A bad habit on my part, sorry, my add is kicking in here.

**Eudaly:** Is any of that smart park or all privately owned?

**Wheeler:** So what we did in our effort was we looked at a limited number of off-street facilities. There are several, you know, upwards of 10,000 parking spaces in and around the stadium. We were only able to get data for a limited number so we looked at the three smart park garages that you see here on the graphic, as well as we got data from legacy good sam, and from the parking structure would you please at psu, and just from looking at that small sample, we have identified a significant amount of available parking during the game times, and remember, game times are typically weekdays in the evening and weekends. We are not talking about, you know, peak weekday time.

**Eudaly:** Those are all garages. We are in the talking about -- you did not look at surface lot.

**Wheeler:** Correct.

**Eudaly:** Because I am just -- the wheels are turning in my mind how we could work with privately owned parking garages or lots to increase use. But, I mean, I lived in northwest Portland for 18 years, and I have always been confused about when I can and can't park in that good sam garage, so I think that there is some public education to do, as well.

**Puckett:** Right. We would be a proponent of the garage. We would help to market that and drive folks there. One thing we found -- not to get off topic -- but there has to be something around the parking garage that fans will park that distance from, so they go to northwest.

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They go up 21st, have dinner, beer, the psu garage, we made available, advertised, and we did not get very many people because walking from there to the stadium, there is not much to do.

**Eudaly:** There isn't much to do, yeah.

**Puckett:** So that drives the decision-making, as well.

**Eudaly:** Okay.

**Hardesty:** I would be happy to wait until you are done.

**Olmstead:** I have a couple other points to make, a couple more slides. Ride hill is another focus for 2020. We did really make an effort to rationalize that mode. It has its pros and cons and reduces parking but can drive up congestion. We tried to focus with a couple of designated zones, and we did see some progress. Some fans are utilizing these zones for pickup. I don't think that we will ever get to 100% just from the survey. We know that fans kind of disperse out from the stadium if they are taking ride hill, they are going downtown and picking up their ride hill home at later hours and combining that with the trip. But it's something to focus on for this coming year. Recommendations. We started touching on these but really focusing in on making sure that the fans and directing them or utilizing off-street parking, whether it's the smart park garage or whether it's legacy good sam or whether it's continuing to partner with the private lot owners. And really directing fans to those underutilized facilities. And pairing that with management tools to continue to incentivize that. That could include looking at the rates during the game times. It could include looking at the event district boundaries, and those, of course, have to go through the appropriate city processes and in partnership with the northwest parking sack. Ken and his team have been working with pbot to really come up with some enhanced enforcement efforts for the 2020 season, and making sure that that's cost effective and impactful and folks are responding and the rules in place are enforced. And continuing to partner with our ride hill partners making sure that they are educating and informing passengers and drivers about how to do ride hill in and around the stadium. One of the things that we would be interested in ken ask the team would be interested in is piloting a pen-based program similar to what's at the airport, making it easier for fans to find and get their rides out of the stadium. I think that that's something that would be -- we would like to look at in the 2020 season and beyond. And finally, pushing our targets and continuing to use those as an anchor point for the work so we revised the targets, would love your feedback on this, as well but I am getting down to 42% drive alone by the 2022 season, and making sure that folks driving are parking off-street and not on-street, and I will end my comments there and ready for questions.

**Wheeler:** Commissioner hardesty.

**Hardesty:** Thank you. And thank you very much for -- I love getting reports in advance because then I get to read them and mark them up and ask questions. So, I want to start with so what I understand, the mission of the ctmp is to ensure game day travel is safe, convenient, and simple, not just for fans, but all neighbors and stakeholders of providence park. I wanted to read that because I saw nothing in your report about the impact on the neighbors and the neighborhood, and I didn't see any survey of the neighborhood about whether or not they are having more trouble this season, versus last season. Parking in front of their houses or getting out of their houses, so how do I evaluate the effectiveness about knowing what the neighbors actually consider in this process?

**Olmstead:** So, you are correct. We did our survey was focused on fans.

**Hardesty:** Why?

**Olmstead:** To really monitor how they are getting to and from the stadium. Identifying that mode split, the share for fans is one of the key ways in which we can address and evaluate impacts on the neighbors, and we did identify and did articulate in the report that one of the key impacts and one of the key goals around reducing the amount of vehicles parking on-

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street was not met, and identify that burden has increased on the neighbors. Again, our mode share went down for driving. With the increase in the number of fans the number of vehicles parking on the neighborhood streets is a continued issue.

**Hardesty:** How do we effectively evaluate whether or not you are having an impact if you are not weighing what's happening with the fans against what's happening with the neighbors?

**Olmstead:** I think part of that is the process set up with the oversight committee. We have neighborhood representation on the oversight committee. They are helping us to evaluate and provide input and represent the communities in which they live.

**Hardesty:** We are going to hear from them.

**Hardesty:** I will ask them those questions, but that was the deficit that I saw right away. This report only talks about how it is impacting the folks who play at the stadium. But it really doesn't talk about community impact in a way that I need to evaluate whether or not neighbors are just losing their minds on game day, I don't know, right, because it's not in my report. So that's one thing that I found that I wondered about. One of the other questions that I had -- tell me if I am wrong, that you could have the most impact on season ticketholders, and so season ticketholders are the ones that buy public transit the least. They are the ones that drive the most. They are the ones that don't use the incentives, and you can do your own analysis about why that would be, so what is your plan to, actually, engage season ticketholders and be good community partners?

**Olmstead:** Well, I will let you talk, as well.

**Puckett:** When you buy the season tickets you have a couple of choices. You can get a half priced pass on a transit. We fund the other half. You can bike, and you go a free valet bike with security, or pledge to walk. What we found the fans want choices. They don't want to be -- all fans don't want to be locked in on one mode. They want, on a summer day they want to walk down 21st. On a rainy day they are driving more because the rain weekday games, less bikes come with their children on the back than on a Sunday afternoon. So it's just -- our philosophy is giving the fan the choices out there and the soup of Portland to decide what's the best way and still by monitoring that for livability in the neighborhoods.

**Hardesty:** I would hate for such a small sample to kind of guide as we move forward. You had a 22% return rate, total, and so it's a good start. But I don't know how much it put into a 22% return rate as far as developing policy around that initial survey, right. I do have a couple of other questions, but they are not as important, I think, as what the impact is on the neighborhoods. I will wait, and if you will be kind enough I may have other questions after we hear from your oversight committee.

**Puckett:** Sure.

**Wheeler:** Commissioner Eudaly.

**Eudaly:** Thank you. I can speak to the impact on the neighborhood a bit because I lived there for 18 years on 19th and Hoyt, and the overflow from the games and events impacted my neighborhood and beyond. So it is significant, and it's only gotten worse with the increased capacity at the stadium. I just have a few comments. One is, you know, PBOT is working diligently to make the city safer to walk and bike in, and we are pushing transformative programs around transit, making it a more kind of viable and desirable option for people that live farther out. I want to push back on the idea that 2.7 people is a carpool. That's a couple and their kid, and I don't consider a carpool any less than three, and car-pooling is an area that I am really interested in because it's a mode share -- the only mode share in decline in the city, and yet we have technology that should make it easier than ever to carpool, so I think that there is an opportunity here to work with season ticketholders and the Timbers' army and the Thorns' fan club to really encourage, I mean, car-pooling is my third or fourth choice after bike, walk, and transit. But if there were three

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to five people in the car, that would make a difference. Same with ride hail, there are car-pooling options with ride hail, and although people taking tncs to and from the stadium might alleviate the parking issues, it's not good for congestion and emissions. So those are the areas that I would be really -- and the increasing the use of surface lots. Those are the areas I would be really interested in working with you on to increase this.

**Olmstead:** Thank you.

**Wheeler:** Very good. Thank you. Next we will hear from the stadium oversight community representatives. Ron walters and jerry powell. Good presentation. Thank you for answering the questions.

**Ron Walters, North West District Association representative for the Providence Park stadium:** Good morning.

**Wheeler:** Good morning. Thanks for being here. Thanks for your patience, as well.

**Walters:** Do you want to go first or do you want me to go first? All right.

**Wheeler:** And you can slide the mic about six inches is about the right distance.

**Walters:** Good morning. Thanks for the opportunity to testify. My name is ron walters, and I am nwda's representative to the oversight committee. I live on northwest overton, a half mile from providence park. I am a timbers' fan, full disclosure, season ticketholder. I also have a driveway, so parking doesn't affect me directly. It's important to recognize the 2019 season report was in the prepared for or by the state oversight committee. It was produced by a incredible consulting firm, has the task of delivering a report that's both objective and acceptable to the timbers, their client. We believe that the report tends to highlight the positive news and downplay the hard fact that the primary goal of the ctmp was not achieved in 2019. As a reminder, and I am quoting from the ctmp, the primary goal of the 2019 ctmp update was to accommodate the transportation needs of 4,000 additional fans per match without increasing the demand for on-street parking or increasing the traffic congestion in the neighborhoods near the stadium. Allow me to highlight three critical facts embedded in this 35-page report. Fact number one, the demand for on-street parking increased significantly in 2019. It exceeded the 2019 goal by over 300 vehicles. And fact number two, on-street parking by timbers fans was particularly problematic in northwest Portland. According to the report, 759 vehicles park on street in northwest Portland on a typical game day. Let me repeat that, 759 vehicles park on-street in northwest Portland during a typical timbers game day.

**Wheeler:** I am sorry to interrupt, and did you say on a non-timbers day, what's the number?

**Walters:** No. No, although the northwest parking sack can provide that information to you. They have surveyed both game day and non-game days.

**Wheeler:** I would guess it's several hundred over the baseline.

**Walters:** Correct.

**Wheeler:** Sorry to interrupt.

**Walters:** No problem.

**Eudaly:** I want to mention that number is not great for the local businesses as well as residents who are trying to park. Customers are avoiding the whole area during game day because they cannot park. I am just thinking out loud. Obviously, there are -- there is plenty of off-street capacity and plenty of options other than occupant vehicles, so I am excited about improving those numbers.

**Walters:** That's true. The business community is not monolithic. Plenty are selling beer and it helps thriving businesses. Other dislike it because their customers avoid the area on game days. Fact number three, automobile traffic on game days increase significantly in 2019. Those who drove or took ride share increased by 800 trips per match. More aggressive action is needed, and we appreciate the fact that the timbers and the city recognize that. Believe it or not, we generally support the report's recommendations for

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additional mitigation. However, we are concerned that they may not be implemented. As it stands the timbers are not required to implement the recommendations in the report. To date the timbers have resisted or ignored the recommendations previously proposed by the nwda and the northwest parking stakeholder advisory committee. With that in mind we ask the city council to support is a more rigorous oversight process that includes three specific actions. One, require the stadium oversight committee to meet at least four times a year. The current requirement is one meeting per year. Second, expand and diversify the committee to better represent the residents and businesses impacted by timbers' games. And third, require the timbers to act on recommendations that are approved by a majority vote of the oversight committee. Thank you for your consideration.

**Hardesty:** Thank you. Mayor.

**Wheeler:** Commissioner, hardesty.

**Hardesty:** Thank you very much for your testimony. My question is can you describe to me what your oversight committee process is like?

**Walters:** I would love to have that conversation, and in fact, the whole conversation about the good neighbor agreement, how the committee is structured, the representation, the variety, and the diversity representation is a point of contention for us.

**Hardesty:** I am happy to have that conversation with you off-line if you would like, but let me just say you might remember that I was the only one that voted against this because I was pretty appalled at how the community oversight committee had been treated because we got the -- you got the report the same time the city council got it, and that is totally not acceptable when we have a community oversight committee in place. So I am very happy to work with the current members of the oversight committee to figure out how we can ensure that good neighbor agreements are maintained and kept, and hold people accountable when they don't do it. So thank you very much. Appreciate that.

**Walters:** We would appreciate that.

**Jerry Powell, Goose Hollow Foothills League representative:** Commissioner, mayor, ladies of the council, I am jerry [inaudible]. The goose hollow rep on the oversight committee. And I have to point out that the interests of goose hollow and northwest district association are not always exactly the same. Accepting that, the impact on the communities is our overriding concern. And yes, commissioner, we pay attention to what is happening at the stadium and how it is impacting us. With respect to some aspects of transportation, access is awful during the games. And that's something that the ctmp can deal with. Parking is practically a non-starter in goose hollow. We are at 80% of the available on-street parking occupied in the afternoon anyway on non-game days. So it pushes it up to 90%, and then varies between 80 and 90 throughout the game. It's hard to tell the difference. You see, cars with different stickers on them. That's about the only way that you can tell. The findings of the first season report are unremarkable in that respect. Yes, there is more parking. While we lack the statistical evidence, basically, we rely on anecdotal evidence within the goose hollow board, and we talk with our neighbors, and the -- but we are the host neighborhood, and our experience was pretty consistent with the ctmp report. It is what we are here about. There is another conversation about the good neighbor agreement that we would like to have. The -- that's not here. Is the report finds that our early expectations for chaos were unfounded. We expected the worst. We also found that some of our aspirations weren't quite met. Some were spot on. But that's good and bad. There are places to improve notably with respect to ride hail, pickup and drop-off. As was noted by the consultant, the impact of the ride tail is on access. We have got to do something about access. There are only a few ways to get in and out of goose hollow. And they extend, for some distance from goose hollow. Northwest has somewhat better access, but they have got the same problem. Once people get into the area and try to park, you need to get them back out. It's difficult. We have unused parking supply in city

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garages and at good sam. You have been told that. It's really, in my mind, as the representative, it is as much of a messaging problem as it is a transportation problem. Both of these issues are dependent on consistent and continued messaging. Continued experimentation. To some extent, there is technology available not being used. Some of that is on the timbers, but not all of it. Some of it is on the suppliers of parking, as well. I would like to point out that the transportation is just one of the impacts of the operation of the stadium on its host neighborhood. We are very aware of the other impacts, and we are constantly with all of those. There was a question about the timbers and the thorns' fans. They are season ticketholders. They are seldom the problem that we find from the new fan, new attendee, the out of towners. Those are the guys that drive around blocks in goose hollow and close in parts of northwest trying to find an on-street parking space.

**Hardesty:** How do you know that?

**Powell:** I see folks parking in front of my -- I live two blocks from the stadium. I see the folks trying to find places to park.

**Hardesty:** Out of town license plates?

**Powell:** Some are out of town license plates. Some of them, go gophers. Decals, sometimes actually see the same car repeatedly. That's more -- it's interesting. That's only for the thorns games.

**Hardesty:** Thorns games?

**Powell:** It's thorns games. A mom with an SUV full of the neighborhood kids. And I don't blame her for trying to find a place that's close to the stadium.

**Hardesty:** I didn't mean to interrupt. I wanted to challenge that assumption that some how --

**Powell:** No, it's --

**Hardesty:** Do they use the garages much?

**Powell:** You don't see very often two people in a car trying to drive around the block trying to find a parking space in goose hollow. The word is pretty much out that there is not going to be one.

**Hardesty:** Thank you.

**Wheeler:** Thank you, gentlemen. So --

**Hardesty:** Oh, I have a question. Thank you. How do you engage your community? You sit on this oversight committee. You have a responsibility to bring information back to your community. How does that process work today?

**Powell:** Basically, it's the goose hollow neighborhood board level. Say report monthly to the goose hollow board. I also chair the goose hollow planning committee, and mostly the discussions of what's going on happen at the planning committee and at the transportation committee levels because there is really not time in a board meeting to get into a -- an in-depth discussion.

**Hardesty:** How does that get out to the neighbors in goose hollow? Do you do a newsletter?

**Powell:** We have a very active website. There is a -- there is a community, basically, bulletin board. The mailing list of the goose hollow transportation committee is over 90 people. 90 households. There is a monthly newsletter from the board that accompanies the agenda that goes to all members of the neighborhood association.

**Hardesty:** I was trying to get a sense for whether there was communication flow, and it sounds like yes.

**Powell:** We also talked with all the dog walkers and the partners on the street.

**Hardesty:** How about you, sir? What is the process you use?

**Walters:** So I am, obviously, the rep to the oversight committee. I sit on the NWDA board and serve on the northwest parking stakeholder advisory committee. So I regularly update them on what's going on. We have, actually, advocated for them to participate in the

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oversight committee because they, obviously, have a strong interest and knowledge and frankly, I am not able to -- I wear multiple hats but I cannot testify on behalf of two organizations at the same time. I would say that the sack does quite a good job. It has used some of its budget to hire administrative support that does significant outreach, and keeps all of its public information up to date. It is advisory to the city council, or at least to pbob such that it meets all the civic life's requirements for communications, so they do a very good job, and nwda, at the most recent board meeting passed our executive subcommittee work plan, which calls for a communications group to improve what nwda is doing, and I would say that we are also advocating, not to get into the [inaudible] issue but we would like more diversity on the group, itself. It's five middle age white guys. I think that we can do better.

**Hardesty:** I think that we can, too. Thank you for that. I will stop there. Thank you very much. Please reach out to my office. I would love to have a deeper conversation.

**Wheeler:** And I just want to acknowledge the recommendations you made. I thought that they were good ones, in terms of more frequent meetings so that ideas can be shared or frequented once a year, I liked your idea of increasing the diversity and not only you know, gender, race, age, but also, inclusion of other interests in the neighborhood. Your third one was probably the most intriguing one, which is when we make a recommendation, how do we know it's being implemented and under what circumstances will it be implemented? So I thought those were all good points that you made, and I wanted to reflect that. I will entertain a motion unless there is further discussion.

**Wheeler:** A motion to accept the report from us, hardesty and second from commissioner eudaly. Karla, please call the roll.

[Roll Called]

**Hardesty:** So I am torn, right, as I -- as last year, I was a little frustrated because I didn't believe that enough thought had gone into engaging the community. So, it looks like we still have a lot of work to do to really have an oversight board that, actually, is representative and exclusive, and actually, getting good data that then can be shared with the public. So, mayor, I am going to vote yes because I don't want you to pass out in your chair because there is only three of us, so if I didn't vote yes this would die on the vine. But I am going to vote yes with the stipulation, a stipulation that I do want to know more about the good neighbor agreement. I want to know more about what has been agreed to in a former plan that has not been implemented. And I do think that we have an obligation to hold this organization accountable for the impact they are having on the neighborhood. So there is a lot more work to be done before I will be satisfied with the reports that we're getting, but for the courtesy of my colleagues, I will vote yes today, as a protest vote I am voting yes but I would not if we had one more body in this room. Aye.

**Eudaly:** Well, I also want to recognize that the parking has a real impact on local residents and businesses, and illegally parked cars, blocked driveways and crosswalks and make the neighborhood more dangerous to navigate. The timbers have agreed to step up and pay for expanded hours for two of the four parking enforcement officers, which is great. Thank you, timbers. But I want to make sure that we are not just settling on a punitive approach that we are really doing the kind of public outreach that we need to do to educate the fans about all of their transportation options, in particular, the underutilized off-street parking and increasing transit, bike, walk, and carpool. So let's keep working on that. I vote aye.

**Wheeler:** I was very supportive of the timbers and the thorns seeking to expand the stadium, peregrine's efforts to expand the stadium. And with that came the understanding that there would have to be a much more aggressive strategy around how people get to the game and how people get from the games. And I think this report is a step in the right direction. We are not there yet, though. And I agree with my colleagues' concerns about

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whether or not the incentives are right. Clearly if you have on average 2,300 structured parking spaces going begging while everybody else is, instead, circling around the residential neighborhoods looking for a place to park, the balance is not correct. The incentivization is not correct, so I would look to progress on that between now and next year, and I want to be very clear this cannot be a "check the box" exercise. You know, you have got the stadium. We supported the stadium. We agreed a good public benefit for the community, but this piece of it remains very important to the people in the immediate proximity to the stadium. And so I think that you can expect that next year we're going to ask tougher questions than we have asked this year because we've been very clear now about what our expectations are. You are checking a lot of the right data. I look forward to seeing even more refined data next year. And I look forward to seeing improvement in those numbers both in terms of the utilization of the parking facilities that we have that are off-street as well as an overall reduction. The mode split is great, I want to acknowledge that. The mode split improvements, I think, are significant, and they show a lot of promise and a lot of hope, and I don't want to understate in that regard there's been some really impressive movement, and I want to acknowledge the hard work that you have done in that regard, too. I vote aye.

The report is accepted. [gavel pounded] we will take a three-minute compassion break and be back.

[break taken]

**Recessed at 10:59 a.m.**

**Reconvened at 11:06 a.m.**

#### **ITEM 164**

**Moore-Love:** Item 164

**Wheeler:** Asbestos and lead based paint can threaten health and neighboring properties and of workers during demolitions. Until 2017 existing regulations exempted residential demolitions for most requirements. In 2015 and 2017 respectively the state enacted two bills to close those regulatory gaps. Using the authority, the city of Portland enacted a new residential demolition ordinance that created a first of its kind program to address these contaminants effective July 1 of 2018. Since then the bureau of development services has been monitoring the program to determine what improvements need to be made. Bds staff have met with stakeholders including representatives from federal, state and local agencies, demolition deconstruction and abatement contractors and drac over the past six months to review the program. This report summarizes the program. What worked, issues to be identified to improve the program, recommendations for amendments to the ordinance and proposed next steps. To share the findings of this work we have with us Nancy Thorington and Mike Liefeld from the bureau of development services, Mary Kincaid and Justin Wood, current drac member and former drac chair.

**Nancy Thorington, Senior Policy Analyst for the Bureau of Development Services:**

Good morning, mayor, commissioners. I'm Nancy Thorington, senior policy analyst for the bureau of development services. Also with me is Mary Helen Kincaid and Justin Wood. So we're here to report on the demolition ordinance that went into effect and we'll provide a high level overview of the ordinance and its implementation and take your questions. Before the council enacted this as the mayor said there were no regulations for dust and debris that contain asbestos and lead-based paint although DEQ had authority it didn't have the staff to enforce the regulations so working with the agencies and the stakeholders we developed this ordinance and through it we and the accompanying administrative rules Bds has been able to greatly enhance the protection of the neighboring properties by first requiring that plastic be laid down on the ground adjacent to the structures and if you look at this slide you'll see two different methods. If there's space then it goes 20 feet out. If not

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if you look at the garage on left side you can see vertical containment there that helps keep it off the neighbors' property if it's too close. The next way we have done this is by requiring that the exterior painted surfaces be removed. The decision was made by the stakeholders including the regulators when we were developing these rules that most of the lead-based paint comes in the form of the exterior components. Knowing that there still are some components inside that are going to have lead, but this really provided the most efficient way of getting most of the lead off and then knowing that the site containment would deal with the rest of the lead. Then another way is by requiring that the dumpsters where they put the debris be lined with plastic. That keeps the lead and asbestos from running on to the site. We also require that the equipment, the structure and the debris be wetted down so this is probably where the rubber meets the road on these regulations because that's really where the neighbors get protected. You can see from this slide how that works. You basically put the water where the mechanical demolition is happening and that really takes the dust right down. Then this is a picture of a wind speed monitor. If the wind speed exceeds 25 miles an hour, then no mechanical demolition can happen, and the reason for 25 miles an hour was we consulted with our subject matter experts, and they told us that basically that's the point at which they felt that the wetting would keep the dust on the site. Finally, we do debris containment. You can see from this slide what they have done is put plastic around. Obviously it rains here plus you're wetting with the hose, that keeps it from going off the site into the gutter, into the neighbor's property. Then this is just a brief timeline. I'm not going to go over the timepieces before 2018, but it shows you how long we have been working on this project. Going from July 1, 2018, when we began implementing the ordinance, it was as the mayor said a new first of its kind program in the country, so we newsroom obviously we were going to need to come back and make some adjustments. So council asked us to come back January 1 with a report. Our staff has been documenting issues they have encountered on the site. We have met with stakeholders including abatement contractors, various agencies and drac since May of 2019. Then we made adjustments to the program which Mike will discuss and we're making some recommendations for changes to the ordinance that I will review in a moment. With that I will turn it over to Mike.

**Mike Liefeld, Bureau of Development Services:** Thank you. Good morning, I'm Mike Liefeld, Bureau of Development Services. We wanted to run through a little bit more of the demolition permit highlights to get you up to speed to where we are today. So first slide we're going to look at is prior to July 1, 2018. This is an overview of the highlights. The local regulations in addition to state building code for structural demolition, our local regulations if any only applied to one and two family structures. We did have a demolition delay provision which was an opportunity to provide housing preservation. The permit review was very simple. It was generally an over-the-counter permit after the 25-day demo delay period had ended and there was some neighborhood notification. There was mailed notices mailed out to surrounding properties and some door hangers were required to be posted only on adjacent properties to the demolition site. In one inspection was completed that inspection was completed after the demolition and all debris removed. Fast forward to July 1 when we adopted the new changes to our local code title 24, our residential demolition code, we see that we expanded the governing. We now had our new regulations applying to one to 2004 dwelling unit structures and accessory structures, so garages, carports. We looked at mixed use structures, anything that had a residential dwelling unit was subject to our new language. The demolition delay still remained unchanged. Permit review process went to intake. We now had to take in the permits to ensure that the plan review was completed to make sure that all of the pre-issuance requirements were met before issuing the permit. Neighborhood notification expanded. We continued to mail out notification to surrounding property owners but a big increase was

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the door posting. Door notification was expanded to all properties within 300 feet of the demolition site. The inspection changed. We introduced three inspections. Three inspections. One was inspection to be completed prior to starting any demolition activity to make sure the site was set up with its containment measures. There was a during demolition inspection that was specified to be completed during the demolition work to ensure that site controls were being maintained and we had a final inspection to make sure the site was wrapped up in compliance with all the codes. Hallmarks of the new program on July 1st also included asbestos abatement, so this is where the city took an active role ensuring that the asbestos survey required by DEQ was completed. We reviewed that survey and also the abatement letter, close-out letter to ensure that abatement had been completed prior to issuing the demolition permit. We have lead hazard reductions to ensure high concentrations of lead were removed prior to mechanical demolition accomplished by requiring hand removal of exterior painted surfaces with containment measures in place. That had to be completed prior to demolition occurring. Then we had the wetting, a key component for dust control. We didn't have that in code before this, so wetting before, during and after is appropriate to control dust. So we have been implementing those measures since July 1st, and on February 10th we had one additional change. As we were going through our update process and discussing changes we heard concerns about the sequencing of the previous three demolition inspections. Given the various stages of demolition activity to comply with a lead hazard reduction and mechanical demolition wetting requirements concerns were raised that the three inspections were not sufficient to verify critical site control elements throughout the project. As a result of multiple Bids stakeholder work group meetings that targeted specifically the inspection sequencing issue, Bids adopted a temporary administrative rule effective February 10, 2020, to require four demolitions. Four demolition inspections on every job. Post February 10 we have changed inspections to four. Those are really key to making sure that we have locked that inspection down to the gate of activity that needs to be verified at that time.

**Hardesty:** Thank you. I didn't want to interrupt, but I'm curious none of these four inspections, does that drastically increase the cost of the permit?

**Liefeld:** The permit costs have not changed. We will be looking at permit fees -- we introduced this as a temporary almost emergency rule to make sure we addressed that concern. We'll be looking at any fees related to the additional inspections, but we also have not covered that but one element that we did introduce was new, live video inspection method in lieu of an in-person inspection. If that is successful and widely used, that is going to help decrease costs.

**Hardesty:** We don't want to actually increase the cost of getting the permit to do it the right way, right, so please help us make sure that we're not overburdening people. This is the right thing to do so we should do it.

**Wheeler:** I also want to acknowledge your evolution on this. I think it's great and there's been the policy community feedback, media feedback, and you've changed the way you're doing it based on some of that feedback. My recollection is that some of the concern around inspections was definition and the importance of inspecting during the process. Tell me a little bit more about your thinking on that. The previous ordinance used language of during demolition activity. As I described when you have the different elements you have pre-demolition making sure your containment measures are down. Then hand removal, exterior surfaces. We have mechanical demolition. That all is within the spectrum of during demolition and I think there was concern that there was an expectation that certain inspections were supposed to be locked in at elements of demolition but we didn't have that same interpretation as we rolled out the new ordinance. We certainly heard that in fall of 2019 and immediately went to work setting up those meetings to get more information.

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That's why those meetings solely focused on the inspection sequencing. So we could nail down everyone's expectation and intent on where those inspections needed to occur, work with customers to make sure the inspections could work for the job, and figure out different ways to complete those inspections.

**Wheeler:** Tell me about the case that I read about where it's a small building and the demolition is -- happens very, very quickly. I guess I get the pre-inspection and the post inspection, but if it's demolition it's going to happen very quickly how do you actually get the interim two inspections in?

**Liefeld:** There's always going to be the first during demolition that's required. Now --

**Wheeler:** Not allowed to start the project without somebody being on site? How does that work?

**Liefeld:** Correct. There's two during demolition inspections. One is gate to make sure mechanical demolition cannot start until we verify all the exterior painted surfaces have been removed. That's a hard gate loaded into the inspection system and it would be a clear violation if they proceed without passing that inspection. Then they have options about their timing. If they are confident that all those exterior painted materials have been removed that they can stage the mechanical inspection to begin as soon as we give that approval and we can then start to verify that the wetting is operational if they want to move from one inspection to the next. But we also know that they have different people doing this work. Sometimes they will hire out, sub out a deconstruction specialist to do hand removal then have an excavator do the mechanical demolition and sometimes those don't line up perfectly so we treat that as that second inspection if they want to verify all the exterior materials have been removed they schedule the next mechanical demolition inspection. That work cannot begin until that mechanical demolition inspection starts. They cannot start until we are on site. We verify that the wetting system is operational and in use. We are verifying that it is actively controlling any dust from the mechanical demolition. That's how that inspection would be approved.

**Wheeler:** You said the live video feed reinspection proceeds app comes online, I understand it's already being used for reinspections, plumbing, electrical and some other stuff, that you'll move more in that direction for expediency but for the time being are you still on the site physically?

**Liefeld:** So the video option is live. That was live on february 10th. That's in lieu of an in person inspection. We trade off the balancing between time delays so when we do in-person inspections we're not able to give time certain and we heard that was a big concern for people doing the work if they rented a water truck, if they have rented equipment they need certainty to make sure they can start the job rather than waiting until 8:00 a.m. To find out as we plan out our geographic routes to maximize our inspector resources that we may not get there until between 1:00 and 3:00 p.m. We created this video option to say can video technology help us because that's an easy inspection if we don't have all the drive time in traffic. That's available for all customers who want to use it.

**Wheeler:** Thank you for that. I appreciate it.

**Eudaly:** I'm going to have some questions and comments but I think I want to let you finish. Do you have much left?

**Liefeld:** I really don't. That covered the last elements that I was going to provide.

**Eudaly:** Thanks. I just want to take a moment to put this into context. We actually didn't have the ability to regulate lead paint in residential demolitions until senator dembrow sponsored sb871 in 2017. Four months later my office developed and advanced the ordinance that we're talking about today. It's something very close to our hearts. My chief of staff has a child who experienced high lead exposure in early childhood, so we know in our office the detrimental effects although this child doesn't seem to have sustained any long term injuries, lead exposure can cause permanent brain damage in children,

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especially children ages one to five. But in people into their early 20s. Believe it or not our brains are still developing in our early 20s. Lead exposure is a solvable problem impacting millions across our country. There's no lack of sound science. There's been a lack of political will. I'm very grateful to senator dembrow and to -- for supporting this ordinance. Now we have to ensure that our intentions are actually enforced because a rule doesn't actually protect anyone from exposure. I feel fairly clear that we have resolved this confusion around that second inspection so I just want to summarize to make sure there's no ambiguity. In order to demolish a residential structure, currently covered by city code, you must first remove the siding, doors and windows, you must get your wetting equipment ready and then wait for a bds inspection before demolishing. That a correct description?

**Liefeld:** Yes. They have to remove all the painted surfaces and that has to receive an inspection to verify that all of the painted material covered under our rule has been removed and they are not able to start mechanical demolition until either a live video or an in-person inspector is at the site verifying that the wetting system is operational as mechanical demolition begins.

**Eudaly:** Right. With the new administrative rules will there ever be a case where demolition occurs before the second inspection happens?

**Liefeld:** It is possible.

**Eudaly:** Not legally.

**Liefeld:** Right. I come from the enforcement world and I can never guarantee you that I can ensure that we can have 100% compliance but I think we have set up the right systems, right communication so that information is clear and we have a very strong enforcement response that can deal with those one-off situations which what I hope is a one-off situation.

**Eudaly:** What kind of documentation is available afterwards if people want to review it for compliance?

**Liefeld:** So we all of our inspection results are entered into our amanda 7 database, which the public has access, and you can view inspection results on Portland maps online. Those are not approved, approved, approved with corrections and you can see correction notices. In addition my team of inspectors also creates photo logs. We do inspection documents that are attached within that amanda 7 software so those are available to the public to see. They are not available online yet but are available on our public terminals.

**Thorington:** We have a link to a demolition map on our website that you can actually zero in on the property itself and if you didn't know the permit number or the address or that information that would give you the start to be able to give us the information to get deeper in.

**Eudaly:** My final question is, how soon will you conduct an internal review to see if the changes you've made are working or if further revisions are needed to ensure the intent of the ordinance is being followed?

**Thorington:** So we're going to be -- our recommendations are -- we're in the report. We're going to be looking to amend the ordinance as it is now. There is some language in there that we know needs to be worked on and we plan to come back -- the report said in march but obviously with a four week turn-around time that's not going to happen so we would shoot for april. I have drafted that to come look at that, but we haven't -- we would like to hear from you if you want us to come back within a certain period of time to do a follow-up on that, probably if you accept the report and the recommendations, when we come back with that ordinance if you then want us to do a check-in in a certain period of time, just let us know and we'll do that.

**Eudaly:** Thank you.

**Wheeler:** Commissioner hardesty.

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**Hardesty:** Thank you, mayor. First let me just say how impressed I am with the process that you've used to engage the public that's most impacted, whether it's developers or whether it's neighbors. I just really appreciate seeing the timeline and seeing the evolution and so it's rare to know what happened at the beginning, especially if you get here midstream, right? I want to say that I'm very impressed with the work that you've done and where you're headed. I have a couple of questions, however. Why is four the magic number? What happens if it's six?

**Eudaly:** It's a distinction between residential and commercial. It sounds like we only care about buildings with four units or less, but the senate bill was specifically pertaining to residential. I would love to hear what the -- commercial properties.

**Thorington:** The commercial properties have not been included and technically under the code it's really bizarre but one and two is residential, three and four is technically under the commercial code, but part of what prompted it to go to four was there were conversions and that just is a number like a fourplex tends to be, you know, more small residential, so it was easier to work with. The reason that we haven't moved over to the commercial side, one, this was such an issue in Portland because there were so many residential demolitions happening. If you look in the report you can see on the commercial side the three to fours there were only like seven that happened in the whole time. The rules are different as they apply to the commercial structures. The asbestos and lead-based paint regulations are different and we didn't have the right stakeholders because we had residential in the demolition subcommittee. We had people like Justin who, you know, is a residential contractor, and so if we were given direction to then move to look at the commercial we would change the stakeholder group to reflect people who do that work.

**Hardesty:** Do we have a sense for whether or not we have a lot of commercial buildings that have lead paint and asbestos in the walls? I know we got a lot of urms around here. I don't know about asbestos.

**Thorington:** The asbestos certainly in the older buildings, yeah. If you were demolishing a school, you know, the way asbestos works if it's airborne that's where the problem comes, hence the dust reduction. But if we were given direction to look into the commercial realm we would certainly do that and because again, some of the things you're not going to put tags on 300 surrounding properties if you're in downtown. It doesn't make sense. So move the pieces we have here or the sight containment pieces don't make sense in a commercial situation.

**Hardesty:** You know, I think that if we're going to have a standard it shouldn't matter whether it's residential or business standard, right, but if we want to make sure that as those buildings come down why would we not want to have a commercial standard? Anyway, I have one more question. The fines for noncompliance in my perspective are very low, so when a first offense is \$5,000, a second is 10, a third is 15, for many folks who do a lot of development that's pocket change, right? I think if somebody is violating our policy they should feel it. We make poor people feel it so we should make other folks feel it as well. So is that always the fine or is that a new proposal?

**Thorington:** That's been the fine since we started this program.

**Hardesty:** What is that based on?

**Thorington:** Well, that was based on talking with developers and the cost of doing it right versus the fine. I don't know, Justin, if you have any pieces to add to that.

**Justin Wood, Former Development Review Advisory Committee Chair** The only thing I will say to the cost of the fine is one of the things we were trying to be somewhat sensitive to is a lot of if you look at the report where you can see that the number of violations, currently you can fail an inspection based on the inspection code you call in for for various things like not having straw down, which is just a mud erosion issue. It doesn't necessarily pertain to lead and asbestos, is ground into the same inspection category, not having a

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sign up, not doing something. The question is we're trying to delineate between what is a first offense \$5,000 fine for somebody trying to do the right thing but missed a small step do they still get hit with that \$5,000 fine, should they get a \$20,000 fine for a small piece and how do you compare that against somebody deliberately really trying to cheat the system?

**Hardesty:** How would you?

**Wood:** I think that's a hard one. I think on some levels if you were going to do something, is there a punitive or civil step that can be taken in addition to the fines for somebody actively trying to cheat the system. I know for example you've also if lead and asbestos if somebody is purposely not doing things right you can bring in deq, osha, take other steps.

**Hardesty:** They will have the new house built by the time that happens but thank you. My question is the if the fine is \$20,000 and there was an appeal process where somebody could make the case for I was really trying to do the right thing and this is what happened, right, that would allow for some flexibility, but my experience has been is that people do a cost analysis, right? Is it cheaper for me to pay the fine or do I do the right thing because it's the right thing to do. We don't have to decide it today but I hope that you'll consider that as you're moving forward and finalizing this new information.

**Thorington:** That's a good point and part of that was actually part of the monitoring process. We put those fines in place and then part of it is looking at it. Were we seeing a lot of intentional violations, and this is mike's program but I don't -- my experience is we haven't seen a lot.

**Liefeld:** I would echo that. I think as with a new program as I described we went from a paper permit, a one-page permit done over-the-counter to a new intake with multiple inspections and part of it was communicating the new inspections out to the customer. So we have not experienced a rush of enforcement actions that would tend to support a number of bad actors in the community that has not been our experience. The \$5,000 starting point is very high for a civil penalty that bds has for all other enforcement. Compared to our other enforcement responses it's elevated quite a bit. I'm not saying if that's the right fit or not just in comparison to other fees. I can tell you that folks do care. They do call. They do appeal. So that is happening already. That tells me that the \$5,000 starting point is getting their attention, which is the goal. But we can certainly discuss it if that is the right number.

**Hardesty:** My last question is I asked you about whether you were raising the permit fee and I see you have raised it to \$180. Is that a new as compared to before you come back with this report? Is that in place now or is that something you're adding on?

**Thorington:** That was in place as of July 1, 2018.

**Hardesty:** Thank you all. Again, really good work. I really appreciate watching the evolution of the work that you've done. It's wonderful to be able to see that we're both listening and adapting and testing. Then making good decisions based on that so thank you all.

**Thorington:** Thank you.

**Thorington:** I think justin and mary helen wanted to say something.

**Maryhelen Kincaid** Development Review Advisory Committee Chair: I'm the oldest one that's been here the longest so I want to give you a little perspective. This started out of neighborhood meetings over the original demolition code. A woman by the name of kimberly kohler in the east moreland association came to drac and said this is crazy you need to do something, about hazardous materials, and probably robert mccullough's name is familiar to you. He jumped on the bandwagon and he and jeff Fish said let's go out to listen to the community. What we heard was keep our citizens safe. So we convened this group and you'll find this amusing maybe, I went to then director of bds paul scarlet and said you need to get these people together and I came up with a big list of 14 agencies,

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epa at the top of the pile. He said I can't tell those people to come but if you ask them i'll give you a room. Jeff and I asked them, they came to a room, it was a snowy day in january 2015, and they came to the room. Everybody had a different avenue. There are so many people with so many tentacles into this, perry cabot at Multnomah county was a lead person on a lot of this because he had an interest and a connection with senator dembrow about how we handle hazardous materials in construction. It ran parallel. Because we're drac members involved and because bds supported this it became known as the drac demolition subcommittee, but it really was a working group like how can we get all these pieces together in a room to come out with something good. I can't do the math. Five years later we have I believe something good that the number one goal of everybody was to keep people safe and find the best way to do that. This ordinance is one of its kind in the united states. Need to take pride in this city and staff did that. No one was ever officially appointed when we brought the first demolition codes to council they said come back and tell us how you do in a year and by the way add the landmarks commission. So it was kind of we added one more person to the talk. I think baltimore and detroit have much watered down versions of what we have. It's a you need to do something and have fun doing it. I think that the drac members have participated and led this in a number of ways but there's been many other citizens and I just wanted to recognize a couple of them because they were instrumental. Unr, al alice and john sandy did a great amount of work and advocacy on the behalf. The epa, the people even commented that how we got them to come from seattle to a meeting in Portland was amazing. The number of staff that have been supportive that want to do this said that I have done a lot of stuff in a lot of different avenues in Portland civic work, and I think this is one of the best processes, result that I have seen. Wasn't always pretty, wasn't always nice. Justin can speak to this if he wants, most often had a target on them. Me especially because I was a neighborhood person who was friends with the business community.

**Hardesty:** Imagine that:

**Kincaid:** That was terribly surprising to people on both sides. We're going to listen to her and she's going to go to lunch with them or whatever.

**Hardesty:** I have the same issue.

**Wheeler:** That never happens to me. [laughter]

**Hardesty:** My apologies for interrupting.

**Kincaid:** If you want more experience come to a ready columbia meeting and take it from all sides. I really want to commend the city staff for doing this, for all the city council people that came this way because everybody had to support it because it was contentious, it wasn't pretty and it was terribly hard to understand if you wanted to say six years ago who handles hazardous materials I don't think any one person would give you the same answer. The epa to the oha the ccb-- I learned so many acronyms I don't even know all the ones I learned. Working with marshall and the issue with his daughter was I think a really good -- I don't want to say poster child but a good, live example of this is what can happen if we ignore this. Then lastly, that has nothing to do with this, thanks for leaving nick's name card up there. It makes me feel a little bit stronger today. Thank you.

**Hardesty:** I just want to say that that was the part that I left out. Bureau staff can do great work, but they can only do great work if they are working in partnership with the community and so you have done a remarkable job of actually reminding us that long before legislators start passing legislation, long before bureaus start trying to figure out the problem there are people out in the community like you saying we got a problem and we got to fix this. Then I just want to applaud you because as someone who was and still is a community activist and somebody who when you saw something wrong started bringing people together, I appreciate that and thank you for that reminder that we don't even know

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it unless somebody like you is out there advocating in the community saying, wait a minute, look at this. Thank you.

**Kincaid:** I just want to tell you one example of that is commissioner eudaly, you were there, the rose city park neighborhood meeting where people came unglued over demolitions. I really thought that I was going to have to hold the chair up to protect myself but when you found out there was this concern and people showed concern I think that was great. You weren't the commissioner there. You were involved in the neighborhood but I think once people understood that they were being heard that's the most important thing.

**Hardesty:** I couldn't agree with you more.

**Wood:** Thanks for letting me say a few things as well. So most everything has been touched on and some of the questions have already been asked, so i'm a pretty firm believer about 95% of the contractors doing this are trying to do the right thing. But I do know there's bad actors out there. It's important to try to make sure that the bad actors don't cheat the system and try to get around the system. The process that we have all worked together on with mary helen at the helm, mary helen any time that some new idea or process is brought up she tends to ask, why, what's the point? So rather than just being overly responsive to things where there's not necessarily a need for it. I think the process we have gone through and there's been suggestions or criticisms from like she said from builders or from neighborhood advocates. Representing homebuilders I have had builders push back on us for things we were doing as well. Staff did a great job seeking builder input and working with us also trying to figure out as you pointed out some of these add costs and time delays and trying to minimize that as much as you can. As mike pointed out the video inspection process is something that is available to us to help out. There's also we have looked for other ways for example a small thing was that we used to have to have all those reports in before we submitted for our 35-day demo delay. We have got that changed so you can actually start your delay and submit those while in your delay, so that helps expedite the process. Couple of things not covered in here that are important points for us on the development community, if you're not aware any time we demolish a house anywhere we can't take stuff to the landfill or recycling center if it's not accompanied with a report and testing. That's an important thing. Barring somebody taking the material out to, you know, tillamook and dumping it in the forest there isn't -- you can't take your stuff without it being tested and controlled. That's another important piece to know just so you are aware of that. One thing that has done for a lot of us, I know the deconstruction ordinance -- kicks in at older homes but what we have found in a lot of our cases working with our demolition people a lot of these processes are pushes us to more of a deconstructed house anyway because you hand remove the siding, the asbestos, the lead, half the house is already hand demolished. We're finding it not that much more effort to complete the deconstruction process. Then all that's left is the mechanical removal of the foundation. That's an important piece. The other thing I want to add that I hope when we continue on this process, this isn't in the recommendations now, but from my perspective mary helen and I were joking about the fact we have gone through all this to mitigate lead and asbestos yet she lives in northeast Portland and I have an office there but we watched the plume of stuff come up from Portland meadows when it was mechanically demolished a couple of weeks ago. I'm not picking on bds, because that's not the law, but are not subject to any of the rules we are currently. That's something I hope when we continue this process we look at that as well. We were building a house last fall the neighbor next to us was pressure washing his house and I watched the lead chips falling off the side on to the ground. That's not regulated and that's hard to do on private homeowners but that's just as dangerous. That may be an education, I don't know how you get after private stuff. I also it was mentioned that our current inspection process, the way our system works the code

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that we enter to call in for an inspection is the same code that is called interim erosion control inspection. That can just be for having your straw down, fencing around the property for mud and those things. You can get a little bit of an inflated report on how many inspections nail if you just look at it you might think that has to do with demolitions or the lead because they are ground together. Currently there are some limitations in the system but I hope we can continue to work on figuring out a way to separate those so you don't get co-mingled data.

**Wheeler:** This issue of commercial demolitions has come out now a couple of times during this presentation. It sounds like from our questioning we're happy with the work you're doing on the residential side and we're pleased with the evolution of your thinking, use of technology, increased requirements around accountability. Those are great steps in the right direction but hearing about this plume over northeast Portland concerns me. What is the city's role in commercial demolitions?

**Thorington:** Our code doesn't require anything special. We don't look at what the epa or the deq rules are.

**Wheeler:** Why not?

**Kincaid:** Chris, who works for osha that protects construction workers in construction, once told me that was the only hook that the state had unless state legislators work to change that. They can -- I want to say this right. If he's watching, he will probably slap me. They can protect the construction worker than equates into protecting other people.

**Wheeler:** Maybe. My concern isn't just the people doing it, my concern is the people in proximity.

**Kincaid:** I drove by and I was alarmed because I knew other people were upset that Portland meadows had been torn down.

**Wheeler:** This is not part of your report today, but it's something I want to follow up on.

**Thorington:** Sure. To most directly answer your question, we aren't the regulatory authority. That was the thing that sb871 gave to us. We didn't have the regulatory authority until sb871 said, okay, local jurisdictions, you now have the authority to do this. Oha, you're going to develop a list of best practices that local jurisdictions can choose from.

**Wheeler:** Have they done that?

**Thorington:** Oh, yeah, we have been working with them. On the residential stuff. The next step would be for you to direct us to look into the commercial regulations and we would I guesswork with the city attorney's office to see what's out there and --

**Wheeler:** I would certainly like to know more. You raised it twice during the presentation and it's concerning to me and I'm sure people listening in to this are worried about it. We're worried about the guy tearing down his garage meanwhile there's a plume over northeastern Portland.

**Thorington:** If you live in a house say across the street from new seasons and they tear it down, -- a building down in that area -- yeah. Somebody needs to look into it. I agree and there's neighborhood concern that it should be looked into. But I hate to say this it's somebody else's job but now I have told you out loud in a City Council Meeting.

**Hardesty:** One for you, apparently. On the same token we have schools in our city that are being remodeled and being made earthquake safe. Are we sure that we don't have asbestos and lead paint inside our very old school buildings?

**Thorington:** There probably is asbestos in there. There are deq requirements for how to handle those. That also means deq is the regulatory authority. So we don't have jurisdiction to go in there with our staff because they are not our regulations.

**Wood:** It's been my experience in the little bit of stuff I have seen typically the larger the project the more oversight there is from deq, osha, ensuring that workers are properly protected. Typically osha doesn't show up on one single family residential house driving through the neighborhood but if there's a large project with a couple hundred people

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working on it they will do job site corrections, make sure things are flowing the way they are.

**Wheeler:** Commissioner Eudaly.

**Eudaly:** I just want to chime in with my support for exploring commercial regulations. That seems like a huge gap in our regulation of this issue. I'm also interested what we could do about the private property issue. No one should be pressure washing chipping lead paint. Damaging to the wood and it's potentially harmful to the person doing it. Anyone nearby and the soil, all that paint is falling on.

**Wheeler:** Good, I'll entertain a motion.

**Hardesty:** So moved.

**Eudaly:** Second.

**Wheeler:** A motion from commissioner Hardesty, a second from commissioner Eudaly to accept the report.

**Wheeler:** Karla, please call the roll.

**Hardesty:** Aye.

**Eudaly:** Well, as former commissioner in charge of BDS, I worked hard to ensure we're protecting the health of our residents. Lead dust is a serious public health threat especially to children. It can cause a host of health issues including permanent brain damage. As a city we have an obligation to protect all our children from this threat. I'm encouraged to see the steps we have continued to take to treat this public health threat seriously. As staff mentioned -- not staff, as Mary Helen mentioned this is the strongest demolition protection in the country and I'm proud of the work we've done. It's only as strong as our ability to enforce it. It's no accomplishment to have the strictest protections on paper if we fail to enforce them on the ground. It's been more than two years since city council passed the ordinance and more than 18 months since it went into effect. It pains me to think how many residents have suffered from preventable exposure during this time. I'm encouraged by the new rulings and the direction the bureau is taking. The purpose of the residential demolition ordinance when I sponsored it was to protect people, particularly children, from asbestos, lead dust, and debris from demolition. When BDS comes back to place an administrative rule I'll be looking closely at how we can ensure the protections will be upheld and we won't be back here down the road hearing we have not met other goals.  
Aye.

**Wheeler:** I would like to thank you all for your testimony. I thought it was fantastic, interesting, a provocative report. You spent a ton of time on this. I'm very happy to vote aye. The report is accepted. Thank you.

**Wheeler:** Next up is time certain item 165 and 166, please.

ITEMS 165 & 166

**Moore-Love:** Item 165.

**Moore-Love:** Item 166.

**Wheeler:** Colleagues, this barn burner is a zone map change which must be done by ordinance. We have approved the amendments to reflect the condition that will require at least 100 dwelling units when the site is redeveloped. Today we'll take a final vote on the ordinance as amended. Is there any further discussion? Not seeing that, thank you. Do I have a motion for final vote on the findings and the ordinance as amended?

**Eudaly:** So moved.

**Hardesty:** Second.

**Wheeler:** Please call the roll.

**Hardesty:** I want to again put my appreciation on the record for the willingness of the owner and advisors to commit to a number, 100 is a good number. Maybe there will be more but at least 100 is a good start. I really, really appreciated this process. Most of the time I think when we have these hearings it feels like us versus them, and I think this was

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a great example of hearing what the concerns were and being responsive to those. I'm happy to vote aye.

**Eudaly:** Aye.

**Wheeler:** Well, I'm pleased to see the council add this condition of approval and Allison, I want to thank you, Allison Reynolds in particular and her client. I want to thank BDS staff as well as my colleagues for working to come to a compromise and final condition that makes everyone happy. It's a true win-win-win. I love it when that happens. I'm happy to vote aye. The ordinance is -- actually the ordinance is adopted, and we also have to do 166 just for the record.

**Hardesty:** Aye.

**Eudaly:** Aye.

**Wheeler:** Aye. Ordinance is adopted. Thank you, everyone. Next item regular agenda 167.

#### **ITEM 167**

**Moore-Love:** Item 167

**Wheeler:** 168 as well, that's related.

#### **ITEM 168**

**Wheeler:** Around Earth Day three years ago city council authorized an innovative project to step up our climate challenge. The goal a triple win. Climate, clean air and revenue. Bureau of Environmental Services calls it the renewable natural gas project. Our late good friend commissioner Fish based on his son's suggestion gave it a more memorable name. Poop to power. This project will create clean local renewable fuel by processing Portlanders' sewage used to replace dirty diesel in commercial vehicles. The bureau of planning and sustainability has determined that the RNG project will be the city's largest climate infrastructure project reducing carbon pollution by 21,000 tons each year. Construction is close to the finish line with testing expected this spring and start-up this summer. Here with the presentation on the contract amendments are Paul Sudo, engineering manager, and Darren Wilson, engineering supervisor both with Environmental Services. I want to reiterate that this was a great passion and interest of commissioner Fish and his team. I'm sorry he's not here today to share this great success.

**Hardesty:** He's here.

**Wheeler:** He is. Thank you for being here.

**Paul Suto, Engineering Manager for the Bureau of Environmental Services:** Thank you. Good afternoon, Commissioner Eudaly, Commissioner Hardesty, for the record I'm Paul Suto, engineering manager with BES.

**Darin Wilson, Engineering Supervisor for the Bureau of Environmental Services:** Darin Wilson engineering supervisor with BES.

**Suto:** We're here today to ask for approval to increase the budget of two contracts associated with the Columbia Boulevard waste water treatment plant currently under construction. So Mayor Wheeler mentioned the triple win. This is the slide we had prepared about three years ago at that Earth Day event with the goal to produce renewable natural gas as a vehicle fuel from the solids or poop, this presentation may contain the word poop a few more times, so it's around lunchtime. Just want to caution folks on that.

**Wheeler:** It never gets old.

**Suto:** All right. [laughter] so the main thing greenhouse gas emissions is about 21,000 tons of climate changing emissions per year and revenue for ratepayers with this investment as well by selling it as a vehicle fuel and also providing clean air benefits. One thing to highlight on this slide it's 154 garbage trucks a year. That's for illustration purposes. This is a plan to have 154 garbage trucks. I wanted to clarify that. I also want to mention from staff's standpoint that we recognize this as a very important project for the late commissioner Fish and we're sad he's not with us to see us at the finish line but it was really heart warming to know that this was one of his favorite projects at BES. So with that

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here he is at the media event for one of the elements of the project that's already been completed. That's compressed natural gas fueling station at columbia boulevard. Now i'll get back to the project. So this is reiterating some of the stuff discussed almost three years ago. Our main goals for moving forward with this project were based on maximizing methane recovery of the biogas that's produced at the plant as wastewater solids are treated and maximizing value to ratepayers so from a business sense, optimizing our return on investment looking at a balance of risk and reward and make sure we're aligning with the city's policies in terms of the climate action plan in particular but also others that have been developed. Now kind of this is the fun part for me to talk more about how the poop turns into gas. The gas is essentially produced in the anaerobic digesters, large tanks where the poop and the sewage goes and gets separated out and then we have optimized process that's heated to produce the biogas. Tiny bacteria convert the solids or poop to methane gas, carbon dioxide and other trace compounds. That's where this project has stepped in to take that biogas, add facilities to increase the quality so we can put it into the pipeline and distribute it for vehicle use as an end use. I want to highlight here that renewable natural gas is not a form fuel. So this slide here shows our current biogas utilization at columbian boulevard and this is before the rng facility comes online later this year. Some points to highlight here we're sending about 23% to our waste gas burners which are essentially our flares. That's what initiated this project we were still flaring gas even though we were using a cogeneration facility which was producing power and heat for process boilers which were focused on heat use and then also selling a portion of the gas to a local industry down the road from us. So the other thing to highlight as this project has developed we have gone from focusing on the 23% flared as a vehicle fuel to all of the gas. We're going to focus on taking all the gas produced at columbian boulevard, putting it into pipeline quality because we looked from a triple bottom line benefit that's the best value for us. So this aerial/cartoon graphic illustrates how poop to power is being built. If you follow the cartoony part up top it shows the biogas in the large tanks, digesters. To give you an idea how big they are, they over 2 million gallons of solids in each of those and we have six main ones on the left-hand side. They produce a tremendous amount of gas, 1.6 cubic feet a day at the plant. We shift to the new facility being shown in green here, the biogas upgrading or the rng facility. That's been -- you can appreciate here how tight the site is. We basically shoehorned it into that corner of the site. I have other photos to highlight how challenging that's been. We produce natural gas, we get it into the main distribution line with northwest natural. Then once in the line that gives us the options to use it at all site fueling stations with our partners and utilize the facility that's been built on site at columbian boulevard for use as a fuel. Here I just want to highlight some of the alignments with the climate action plan and the city's other energy goals. The in 2015 there was a climate action plan update to reduce set a new objective to reduce core greenhouse gas emissions by 40% by 2030, further that to 80% by 2050. This is a project that helps get results to help move us there. There's also another objective associated with that by the year 2030 to reduce life cycle carbon emissions of transportation fuels in particular by 20%. Finally, the rng project adds additional renewable fuel that can help meet the goal for transportation sector fuels where the goal is 100 by the year 2050. This shows a mystery person fueling a cng vehicle at the columbian boulevard treatment plant. So just touch on a couple of things on the clean air side, the triple win. The project helps the city meet goals for clean air by providing renewable clean air option to help improve air quality and as an alternative for clean fuel fleet requirements. The product also furthers resiliency goals by producing fuel locally, reducing reliance on transportation of fuels into our region during a significant event for example like a seismic event. Now kind of tying that all together with triple bottom line benefits to win for the climate, revenue and clean air, i'll restate some of this but I want to give another equivalency for that 21,000 tons

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annually for climate benefits with our colleagues over at bureau of planning and sustainability I got an analogy that that is the equivalent of about ten years of tree growth in forest park. Just appreciate from a climate benefit there. Then the revenue we have got a plan for selling it as a vehicle fuel through federal and state programs and we're expecting revenue in the range of three to \$8 million per year on the project. The current market we're around five or \$6 million a year if we go really soon for it. But it's market based so it can fluctuate. Finally on the clear air benefits by displacing the dirty diesel fuel and reducing public health risks.

**Hardesty:** Could you go back to that map, please? What is the projected revenue based on?

**Suto:** Projected revenue is based on sales of the gas that's being upgraded and produced as rng, so based on essentially three funding areas so to speak. The first one is selling the fuel as a commodity to northwest natural so they don't have to import natural gas from other parts of the country and other regions. So that helps them. Then we have partnered with a company called clean energy renewable fuels that would essentially market our gas and be responsible for the sales. They are the ones that will basically leverage the federal program, the renewable fuels standard administered by the u.s. Epa where programs like this give a fuel that generates credits, essentially, that essentially oil producing manufacturers and importers, they basically have incentive to produce their own renewable fuels or purchase renewable fuels. There's a demand for renewable fuels, so that's at the federal level. Then at the state level in both Oregon and california there's a low carbon fuel standard so that doesn't necessarily focus on renewable fuels, it's low carbon fuels. Most renewable fuels tend to be low carbon so we have revenue from the state programs as well. Those are -- that's what I want to highlight, that's an either/or. We're either going to california or Oregon. We have revenue from selling the base commodity to northwest natural, the federal program then either Oregon or california so that's what that number that I mentioned, once you add all that up, so right now I think the quick check I did beforehand, that commodity is roughly a little bit more than \$1 million a year. Right now the federal and state programs are about the same in terms of revenue for us so about 2.5 million each which gets us close to \$6 million. I want to highlight the california market is more mature than the Oregon one. But the Oregon market is catching up so our goal in the long run is to make sure the fuel is sold locally. We want to maximize revenue for ratepayers and get this facility paid for.

**Hardesty:** Not to mention wanting to have Oregon be more green as soon as we possibly can be. Excellent. Are you negotiating an agreement on what we would sell this natural gas for northwest natural for or is there a standard whereby there's a market rate of gas?

**Suto:** Exactly. For the nonrenew -- northwest natural is not getting the renewable rights to since we're selling into the program so there's a market price called wacog, weighted average cost of gas, something like that. It's prescribed essentially. It's a market-based one.

**Hardesty:** I know i'm getting into the details, but thank you.

**Suto:** You're very welcome.

**Hardesty:** I'm nerdy like that. Thank you.

**Suto:** You're very welcome. So this is just a status check on what we're doing. It's an aerial to plant. Phase 1 on the lower center left there is complete. The contracts that we're talking about today are focused on the production facility there on the right hand side, the bigger circle where the rng facility is being built. In parallel with that northwest natural is constructing a receipt facility or interconnection facility which is basically gate-keeping for monitoring the rng that we produce so it meets the standards of their system in place. That's going on in parallel with our construction project but they are building that however we're paying for it as part of the project.

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**Hardesty:** We're paying for it? Why?

**Suto:** We need it for our project to connect but it's actually helping us that they are building it. They are experts in building those types of facilities. It actually is a good partnership for us. So now to the contracts. That's good background on the project. The contracts are for design energy, hgr, and the contractor. Hdr was chosen in 2013 so we have been working on this for a while and planning it prior to that. From a design standpoint and construction it's been the seven-year journey for us. They were selected prime contractor in 2017 shortly after the earth event in april. Just want to highlight here on the photo on the right hand side this is -- there's two pipelines along that fence line, the big gray one and small yellow one. Those are the pipelines. The big one is the biogas going to the facility that's in the back of the picture, tall towers. So that's where the gas is cleaned up then it comes back along that corridor in that smaller pipe because the co2 has been removed and it's under higher pressure then it connects to northwest natural's system. I like to appreciate the site constraints for building this. Why do we need more money? That's why we're here. Essentially the main categories have been there's been equipment changes that we learned about once we got into construction. Efficiency gains for methane recovery, site constraints and safety. I'll talk more about those, but I wanted to highlight the broader buckets first. Many equipment details became apparent once construction was under way and suppliers were submitting proposed equipment for review. This led to changes to integrate the equipment into operations for the plant and provide consistency. Design edition was made to further improve the methane recovery efficiency which also improved our revenue forecasts. That's the equipment there you see on the top right hand side basically. It's called -- fresh swing absorption is the technical term for it. Then back to the site constraints, those were a result of installing the facility on the existing plant without much footprint available to squeeze it in then integrating that small footprint facility into the existing plant. That's a little more what you see there is on the bottom is how tight with the fence line and hillside behind us. Then a roadway there already. So not a lot of room to work with.

**Hardesty:** You didn't know that you had that limited space when you started this project?

**Suto:** We did, but it was once we started getting the actual equipment so typically you design around certain equipment and then it's a low bid environment, so we bid and then the contractors submit types of equipment during construction. Once we select the equipment, we typically have to make field adjustments and in this case we didn't have a lot of room there to make those adjustments.

**Hardesty:** But this will be the seventh adjustment we have made to this contract, so just know that that's the context in which I will be asking the questions.

**Suto:** I want to clarify

**Hardesty:** You were just talking about the hdr engineering.

**Suto:** Hdr1 has had -- mcclure and sons would be the first adjustment on it. I want to --

**Hardesty:** This is seven.

**Suto:** Hdrs, yes. On the construction contractor's side this is the first one. The changes to improve safety were identified during construction. Bes voluntarily held a study that identified safety improvement opportunities. The study assessed the hazard potential of operation outside the design intention or malfunction of individual items of equipment and their consequential effects on the facility as a whole. That also led to changes to help us build a better, safer facility. So where are we now? We are in the final station stages of construction, nearing the home stretch. I do want to highlight that we haven't spent all of the money for the construction contractor mcclure and sons. We're at about 8.7 of the total million spent. Then we also hdr is the design consultant that's helping with designing the changes we need to optimize the system so we still need their support to get the project done. This photo on the right is one of the pieces of equipment that took a while to get in

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there, that's the oxidizer. This gives you an idea of the scale of the equipment that we have been working with. So the objectives of the amendment are authorize the contractor for modifications and change conditions not known during project design and authorize funds to the design consultant to continue processing project documents and aid in designing construction support services. We also need to extend the contract time until June 30, 2020, when we have also got some contingency through September 30, 2020. More on the photos here, the top photo is the booster compressor. In the center is a piece of equipment where you see piping coming from the digesters on the left side, the large tank. That silver piping is the biogas coming from the digesters. Then the compressor pressure rises it then it gets pumped down to the orange facility for treatment. Then in the lower picture that's basically all of the RNG facility there, the towers for doing the primary polishing and treating then the second stage stuff is in that background area there. Then that large white building essentially that modular building there's a lot more equipment there as well. Hopefully at some point soon there will be some tours for folks to come and actually see us making renewable natural gas.

**Hardesty:** Make sure the poop is all taken care of before we come. [laughter] I don't need to see that part.

**Suto:** Okay. That stuff we can't seem to give away for some reason. We try on our tours but -- [laughter] so the McClure and Sons contract amendment is a total of up to \$4,452,012. Moderate confidence rating. The HDR contract amendment is for \$229,000 with a high level of confidence rating. And we have extended the construction schedule by 186 days.

**Hardesty:** May I?

**Wheeler:** Commissioner Hardesty:

**Hardesty:** Thank you. So I want to just stop you right there. So with the request for 188, 168, sorry, bad glasses today, this is a 146% increase over what the original estimate was, and today you still only have a moderate level of confidence that you won't be back asking us for more. That's a problem. Why?

**Suto:** We typically use moderate because we're still under construction and there could be something that happens that we're not aware of since we are close but there could be something that surprises us. That's why we tend to be conservative and say moderate.

**Hardesty:** I appreciate you saying moderate, but I'm concerned that if we add an additional \$4 million and you only have a moderate degree of comfort that that is the right number, my concern that is you'll be back in six months wanting additional resources or wanting authorization for additional resources, so how do we know that we're on the right track and it's not going to end up costing us another \$10 million?

**Wilson:** So commissioner I think that's a really good question. The biggest issue that we have right now with our confidence level is timing. As we get into start-up we have already usually spent the majority of the money on making the equipment changes, the piping changes, electrical changes, but when we get into the start-up and testing that's when we want to find out if all the various computers and sensors are going to play together nicely. So it's possible that we'll end up having more time requirement. So the moderate level of cost is more related to the contractor's general conditions for their staff to be on site longer to help us make sure the system operates properly.

**Hardesty:** So this time this is what this request is.

**Wilson:** This request is anticipating both types of costs. The equipment costs as well as some of the extra time for the contractor to be on site. That's going to get us through that June period. If perhaps we have to go into September or possibly later because we have other issues that we don't know yet, that's where we're telling you there's a moderate level. We would potentially have to reimburse the contractor for their staff time if we haven't done a good job programming those computers to work together.

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**Hardesty:** How are we going to make sure that you do that, that you program those computers to make sure that we are good to go?

**Wilson:** I'll tell you that we have incredible staff at the treatment plant so we're doing the programming ourselves to make sure that our staff are familiar with the program, they can trouble shoot. We're extremely involved during start up and testing and so we're pretty confident of that but again because this is different than the equipment we normally use, these types of equipments are more traditionally the oil and gas production type of facilities and we're just not experts in that.

**Hardesty:** Is there a level of training of current staff as we move into this new system that needs to take place?

**Wilson:** Absolutely. One of the things we have done is we just had staff fly out to wisconsin to visit one of the manufacturers and actually go through all the factory start-up and testing so again we're developing relationships with the suppliers and the contractors, our staff are becoming familiar. We have many conference calls that are recurring every week to make sure we're tracking the issues and staying on top of things.

**Hardesty:** I appreciate that explanation and it makes sense to me based on the fact that this is new and innovative and not something that we have tried before. But my request would be that if you get like -- this runs through june of this year, right? If you get to say the first of april and you find out we got some sticking points here I would advise you to reach out to our offices early because I would hate for you to come back and say, we're out of money. We need another 4 million bucks, right? I would rather know ahead of time and know why we are doing what we're doing so that we can be supportive. This is an innovative program. I want to make sure the city benefits as greatly as northwest natural will from this program. Thank you.

**Wilson:** I appreciate that. Thank you.

**Wheeler:** Very good. Thank you. Did you have something else?

**Suto:** I can close. This is the financial projection slide, total cost of the program. Just highlighting here we're still on a track to pay back the facility in about five years with the additional costs we slipped from four years to five years on the current market so in the overall scheme of the pay-back we're within what we estimated in the beginning of four to eight years. I want to mention that. That includes a total program cost. This is just really the closing side on our recommendations authorize execution for 229,000 and also the mcclure and sons contract for 4,452,012.

**Hardesty:** I just remembered I had one more question. How diverse is the work force doing this project?

**Suto:** We got some numbers here to explain that. One thing I want to highlight, hopefully the pictures illustrate it, there's a lot of equipment on this project. So I would say out of the 9 million or so of the original contract something like 6 million was equipment. The rest was labor.

**Hardesty:** We own that equipment?

**Suto:** Yes. It's our equipment. To answer your question, on the overall contract amount the dmwsb participation forecasting is about 9.2% roughly. But if we take out the equipment and look at purely labor it's about 23%.

**Hardesty:** When you come back I would love to have that broken down so how many women --

**Wilson:** I'm not sure we can get that from procurement but we can certainly ask them.

**Hardesty:** Oh, you certainly can. I asked them.

**Suto:** What category.

**Hardesty:** It would be very helpful knowing what the breakdown is for that large number.

**Wheeler:** Great. Public testimony on this item?

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

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**Wheeler:** Name for the record, three minutes each. Let's take a three minute recess. [brief recess]

**recessed at 12:32 p.m.**

**reconvened at 12:40 p.m.**

**Wheeler:** All right, Shedrick?

**Shedrick J Wilkins:** I'm Shedrick wilkins. I like the word renewable energy. I like the fact I think it's in june there will be this sustainability conference at the hilton or something. I think this is kind of a feather in the cap to renewable energy. I especially like what I call the electric ring which is the light-rail trolley system where you can go to omsi, go to the lloyd center, the convention center. Good samaritan hospital. You can go to the central library. Multnomah county library, psu, and end up back at omsi. Not waste an ounce of gasoline. That electricity comes from the renewable electric dams on the columbia river built in the 1930s, '40s and '50s. That's great. I really have a problem sometimes with the american suburbs are car intensive. I don't know how that's going to end up someday but at least there's this central area where people can just get on electric thing which is powered by the dams. This is a columbia slough. I think pg&e is doing something at 12 southeast stark. They are making something where they are going to have solar panels charge up electric bicycles and things like that. Because of this I probably will try to get involved with that.

**Wheeler:** The mobility hub.

**Wilkins:** I may volunteer for omsi. There's things to point to here. Also 10 or 20 years ago all this stuff we're talking about was just exhibits at omsi. They do this stuff in california. San francisco. We don't do it here.

**Wheeler:** Thanks. Maggie, would you like to go next?

**Maggie:** I think he made several good comments there about the slow nature of government to get going on these projects. But I liked hardesty's question about are you going to come and ask for more money, what's the diversity look like. Then he was talking about the computers interfacing with the mechanical stuff. I was thinking back to the woman I forget her name she just died, she's 101, she worked for nasa as a mathematician. Remember they had those computers and they brought them in and none of the guys could operate them and she figured out how to use them. Right. So I think we need we've not enough stem people, women, minorities in the stem to come in and make sure that those computers are interfacing properly with the mechanical equipment so let's make sure that there's diversity in the hiring there. Also how much is the whole project going to be beginning to end so that we can decide how much fuel -- I mean, the basic advantage of this is pulling dirty diesel off the highways so that means that the price per gallon or whatever, I don't know how they are measuring that, has to be beneficial in order for these companies to make that selection or for the state to make that selection that fuel has to be at the right price, right? So that means it's probably not going to be 8 million a year. It's probably going to be more like 5 million a year if use trying to entice people to move over to this natural gas. So how much over the time. What could be done with that money to like benefit the homeless who have lack of bathrooms. I think of of the chain link fencing around greyhound where there's 36 bathrooms on the men and women's side and chain link fencing and all the homeless people in tents out there. I also wanted to talk about new york city used to send their scrubbed waste to colorado to put on their winter wheat. Why can't we have in these outlying areas where people are more into using composting toilets why can't we send the pee to the alfalfa fields, which is what they say it could be used for. It only takes 30 days to sterilize it at 68 degrees.

**Wheeler:** Thank you.

**Maggie:** It's safer than the phosphorous plants that continually blow up in texas.

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**Wheeler:** Thanks, maggie. Good afternoon.

**Lightning Super Karma:** Good afternoon. My name is lightning. I represent lightning superkarma. What really impresses me about this rng facility is the cost recovery to the people and the public on how rapid that can be based upon the fluctuation of the price that we're wholesaling out or northwest is currently going to buy. The numbers are absolutely astounding. To go to the renewable type energy and also have a cost recovery and also benefit from tax credits and also benefit from reducing diesel, this project is about the best I have seen. Honestly. I have worked for exxon, I worked for amoco. I'm a journeyman pipe fitter so I understand when they talk about the oil and gas industry, but the over all cost of this and the cost recoveries amazing. Now just in phoenix they just opened one up, it was a huge celebration, same thing we're talking here. People coming in from different states, environmentalists looking at this. They are in awe on what's happening here. So this to me will be a ribbon cutting project when it opens. It's going to draw a lot of attention even from other states. You'll have people coming in and viewing this and looking at this and saying this is really impressive. We're not the first to open it, we're going to probably be about the third or fourth in my understanding, but for Portland, this is one of the best ways of clean energy, clean air, decreasing diesel use. This is impressive. This will receive awards. And normally you're used to me speaking in some negative ways, but if it's right on the mark, I say it is, and this is on the mark. This is impressive work from the city of Portland. I was going to also offer another compliment to commissioner hardesty. I'm impressed at the way that she looks, does an overview on these type of contracts. I'm impressed the way she questions every number, every detail. That's impressive work. That's what I like to see. You have someone over here not happy with what i'm saying about you but that's okay too. That's life. Keep up the good work. Thank you.

**Eudaly:** I'm not unhappy about what you're saying about commissioner hardesty. I'm unhappy about not being at lunch right now.

**Wheeler:** These are nonemergency ordinances, 167 moves to second reading. Ordinance 168 is also a nonemergency ordinance, it too moves to second reading. Next up, 169.

#### **ITEM 169**

**Wheeler:** This the second reading.

**Moore-Love:** Item 169

**Wheeler:** Any further discussion? This is second reading. We have heard a presentation and public testimony. Call the roll.

**Hardesty:** Aye.

**Eudaly:** Aye.

**Wheeler:** Aye. The ordinance is adopted. 170.

#### **ITEM 170**

**Moore-Love:** Item 170

**Wheeler:** This intergovernmental agreement is a key milestone in the city commitment to improve air quality in the Portland area by addressing high levels of diesel particulate matter pollution in our region. In 2017 the city began collaborating with regional partners specifically metro, the port of Portland, Multnomah county and Washington county, on a regional clean air construction standard that would require the use of cleaner equipment on public construction projects. In december of 2018, the city council adopted the clean air construction standard and directed procurement services to serve as the regional program administrator. This iga between the city, Multnomah county, Washington county, met ron and the port of Portland establishes the clean air construction program outlining roles, responsibilities and financial commitments to support the regional implementation of the clean air construction standard. Before we begin the presentation it was brought to my attention that there was an error in the financial impact statement so I would like to introduce a substitute impact statement although the iga lays out the financial commitment

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of the city and other regional partners it does not amend the budget and the updated financial impact statement reflects this. Can I get a motion?

**Hardesty:** So moved.

**Eudaly:** Second.

**Wheeler:** Call the roll.

**Hardesty:** Aye.

**Eudaly:** Aye.

**Wheeler:** Aye. Substitute is on the table. We'll now turn it over to stacy foreman and lester spitler for the staff presentation. Good afternoon. Thanks for your patience.

**Lester Spitler:** Good afternoon. Thank you. Commissioners, I'm lester spitler. I have the pleasure to be here to introduce the person next to me as well as the group of folks from the partner agencies that are going to provide testimony today. This is four years in the making. This is a collaborative effort on behalf of the four partner government agencies and I think that's something to be celebrated in and of itself that four agencies have gotten together to create a consistent policy to clean up our air. I recognize the person next to me, stacy foreman, famous in the sustainable procurement world. People know her expertise and her leadership, and her leadership and expertise are two things that have largely gotten the group to where they are today and I believe are largely reasons why the other agencies want to invest. I think that we all should be proud of stacy and the work that she does. I'll hand it off to her to go through the details of the iga and answer any questions you may have.

**Wheeler:** Thank you for acknowledging stacy's work. I know you're slightly embarrassed looking but you've earned the kudos. Thank you for your leadership.

**Stacey Foreman:** Thank you. Good afternoon. I'm stacy foreman, sustainable procurement program manager in procurement services. I'll go over some of the details of the intergovernmental agreement through this ordinance. As lester mentioned this iga is well over four years in the making starting with initial conversations we had with deq, port of Portland, metro back in 2016. I just want to take a moment to recognize all the kudos lester just gave to me kudos goes to all the colleagues that have been sitting in these biweekly meetings for the past few years. It's been a lot of effort and commitment. You'll be hearing shortly from kathleen johnson with Washington county, john wasiutynski. [audio not understandable] also my colleagues at deq, eric, who is not here today but has been instrumental as well as prior to his retirement kevin downing. My gratitude is bottomless. Just wanted to acknowledge their commitments as well. As mentioned already we have been before you before regarding the clean air construction standard. The most recent was in december of 2018 where we adopted the clean air construction standard. This is the standard that all these agencies have agreed to implement all the -- [audio not understandable] are working on one of these agencies projects they don't face different requirements from different agencies. This is something we heard a lot from the contracting industry that they didn't want to have to deal with that. And also during that resolution we were directed to develop the regional program with procurement services as program administrator. We have spent the past 12-some months working on details, on what the regional program budget would look like, working on a cost share model and roles and responsibilities all of which are reflected in the agreement. So it is a seven-year agreement. The time frame is reflective of the fact that the clean air construction standard is a phased in approach, so again, in response to the contracting industry about wanting to phase in stricter requirements over time so the seven year agreement reflects that timeline that is dictated in the clean air construction standard. So the intergovernmental agreement formally establishing the program. It formally establishes procurement services as the program administrator and further defines roles and responsibilities in that program cost share model. So part of the roles and responsibilities includes an oversight committee

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which will include representation from each of the signatory agencies. Those activities will be subject to public meetings and public records requirements so we'll be fully transparent in what we are doing in this committee and public are welcome to participate. The cost share model is comprised of fixed and sliding scale fee. We wanted to have a fixed fee to anyone participating has their foot in the door and that they are committed and at base level. The sliding scale part reflects the impact each agency is doing different volumes of construction work and to be fair they will be using the program resources at different levels. In addition to the iga cost model and financial contribution each agency is being asked to commit to contingency funds as well as funding some of the on-site compliance inspections at their construction site. So for fiscal year 2021 the city's general fund ask related to this program is \$136,183. We expect that to remain basically the same for each year through the duration of the iga. As a reference, the partner agency's fiscal commitments for 2021 total approximately \$191,000 and that includes their contingency set-asides as well.

**Wheeler:** Commissioner Hardesty

**Hardesty:** Thank you. Thank you so much for briefing me yesterday. Sorry you were delayed, lester. As we discussed yesterday, as you know we cannot commit other city councils to a seven-year funding formula. So let's just say that with new people on the council you don't get this money. Can you do this within your current budget?

**Foreman** No, we cannot.

**Hardesty:** What would be the alternative?

**Foreman:** There's language in the iga that would discuss what would happen if a particular agency cannot meet that and it would involve the advisory committee coming up with what can we do at that time.

**Hardesty:** Thank you.

**Foreman:** Want to acknowledge the port of Portland has already signed the iga, and you'll hear from my colleagues shortly about their process for requiring signatures as well.

**Wheeler:** Thank you.

**Foreman:** Lastly, just in the ordinance today before you authorizes the chief procurement officer to execute the iga, authorizes the chief procurement officer to sign and execute amendments. However it does acknowledge that the city's fiscal contribution of funds are contingent upon city council's approval of the fiscal year 20-21 budget and subsequent budget. This year we have a decision package coming before you for this fiscal year 20-21 budget for that \$136,183 ask. With that i'll take questions.

**Hardesty:** How will this impact your workload at procurement?

**Foreman:** Well, for example the budget we put together as a regional group includes a limited term full-time employee to serve as program coordinator.

**Spitler:** Stacy would supervise that employee so she will be gaining an employee to manage and would still be available for oversight and to contribute to the work.

**Hardesty:** I want to make sure if we're signing an agreement that we are mindful of what it will cost the city of Portland. I have seen several of these come through and we didn't anticipate that there would be administrative overhead, additional costs associated with collecting money or distributing it, right, so I just want to make sure we have the right number because hate to have to try to change it later.

**Spitler:** Good point.

**Wheeler:** Commissioner Hardesty

**Hardesty:** Thank you.

**Eudaly:** My ears perked up when you mentioned concerns, industry concerns and how that pertained to the seven-year iga. Can you repeat that?

**Foreman:** This goes back specifically to the clean air construction standard itself in which the standard is implemented over time, over seven year time frame. So for example in

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starting in 2021 we have restrictions on nonroad equipment, that's the dirtiest, oldest types of equipment out there. The following year we have restrictions on 2021, so it progresses over time. My reference to that in the iga, that's why the iga is for over seven years because we have to implement the standard over that time frame.

**Eudaly:** What year are we in now?

**Foreman:** We're in the very first year of the standard, which is an implementation of item restrictions.

**Eudaly:** I like to point out that Multnomah county has the worst air pollution in our state and Portland has some of the worst air pollution in the country. I'm not real sympathetic to industry on this issue.

**Foreman:** Understand.

**Wheeler:** Appreciate it. Does that complete your presentation?

**Foreman:** Yes. We have invited testimony.

**Wheeler:** We have invited testimony. Bring them up.

Oh I have it, here it is, we have invited testimony. David Breen, the Environmental Air Quality Manager for the Port of Portland, thank you for being here. Janet Garmond sustainability coordinator for Metro. And, I'm going to get it right, John Wasiutynski from Multnomah County

**Wheeler:** You know what is funny? Earlier, I had a phonetic spelling for chuck jones, but I did not get it here. There you have it.

**Eudaly:** They like to mess with us.

**Wheeler:** They do. Welcome. We're thrilled to have you here, thrilled to have you as partners. Obviously this clean air construction standard is very important to us and to you. I don't know if there's a particular order. If not i'll start on the left.

**David Breen, Environmental Air Quality and Energy Manager for the Port of**

**Portland:** Good morning Mayor Wheeler and City Council Members.

**Wheeler:** That train left the station a long time ago. [laughter] long time ago.

**Breen:** Good afternoon.

**Wheeler:** It's almost good evening.

**Breen:** Good evening. I'm david breen, the environmental air quality and energy manager for the port of Portland.

**Wheeler:** Thank you.

**Breen:** This collaboration creates an important opportunity to move the dial on reducing diesel emissions which will benefit the health of our employees, our workers, contractors and our communities. So we're deeply thankful for your leadership on the significant public health issue. The program will not look exactly the same for each agency but we're committed to implementing a common standard that will provide contractors with uniformity and predictability. The port stands behind our endorsement of the iga and have set aside money in our fiscal year '21 budget to cover our portion of the shared costs. We look forward to working together towards the common good. This is one more step in the right direction. Thank you very much for your work on this.

**Wheeler:** Appreciate you being here. Good afternoon.

**Jenna Garman, Sustainability Manager for Metro:** Good afternoon. Mayor, commissioners, i'm jenna garman, metro's sustainability manager, happy to be here today to express metro's support for the city's authorization of the iga, for the development and administration of the regional clean air construction program. Metro council has expressed strong support for doing more to address diesel pollution. It's deadly, it impacts people of color and with low income disproportionately. It's a significant source of black carbon which is a significant climate change creator and we have some of the highest diesel pollution levels in the country as commissioner eudaly mentioned so to that end metro council has signaled their support and their intent to adopt the clean air construction standard for metro

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projects hopefully in march, fingers crossed, and metro is very supportive of taking this regional approach through establishing the program and also having the city serve as the lead agency and in fact both those factors have been important considerations in metro's planning for implementing the standard. Metro council president lynn peterson did send a letter stating metro's support for both of those issues back in march 2019 and that has really been our working assumption ever since then. The iga has been reviewed by metro finance director and metro's attorney and has also been shared with metro council. They will approve the iga when they adopt the standard. With respect to metro's financial contribution to the regional program, again, our finance director and our council are well aware of metro's portion of the cost share, the contingency funds, job site inspection funds and these funds have been included in our fy-21 budget proposal. So in closing metro is very appreciative of the city taking this lead role in collaboration and we urge the city to move forward with authorizing the iga, and while I have the floor I do want to also express my deep appreciation for stacy foreman's role and leadership with this group. We certainly would not be where we are today without her.

**Wheeler:** Appreciate your being here. Thank you for your leadership.

**Kathleen Johnson, Washington County:** Good morning. I'm kathleen -- yeah, I know. Commissioner eudaly's wish for lunch and i'm right there with you. I'm kathleen johnson, environmental health program coordinator for Washington county. [audio not understandable] like what my colleagues before me have said, this is a significant public health issue. Washington county is very pleased to be a part of this regional program. We have adopted the clean air construction standards into our purchasing rules just this month so that's very exciting. Have budgeted accordingly for our contribution to the regional program and i'm also here just to really show and express appreciation for the city taking a leadership role in this work. I don't think that we would be able to do it without the role that the city of Portland is playing so I really want to emphasize that. Again, as jenna said I also really want to express appreciation for stacy foreman. She is an incredible resource, amazing organizer and I truly believe without her leadership we would not be where we are today. Similar to what jenna said, we are excited to be part of the innovate of solution in addressing our region's air pollution problems and I look forward to our continued work with the city of Portland.

**Wheeler:** Thank you for your leadership as well.

**John Wasiutynski, Multnomah County Office of Sustainability Director:** Great. Good afternoon. I'm john wasiutynski, Multnomah county. I wanted to -- stacy deserves all the kudos. I thank you and the council for making the investment in this program. It's really easy, and sexy, to say we have a problem, it's much harder spending time and making investments to put a program into place to address the issue. This program is going to address a major chunk of the issue. We got together, we went to the legislature, we fought for more comprehensive solution at the state legislature. We got hb2007. Also put in place contracting standards that at our urging for state contracts over \$20 million so that's really important work. Then here locally through the coalition of five jurisdictions and hopefully others in the future we'll be able to shift the market towards clean air equipment and get that older equipment that's been hanging around the market for decades in some cases out of the system and having worked on this issue for so long and to be at this table today is really gratifying. I thank you especially, mayor wheeler, for your leadership on this. Thank you to my colleagues here too. Deborah kafoury loves this program. It's in our budget. We have the money.

**Wheeler:** Look, this has been very much a regional collaborative effort and I think this is great. I'm sorry it was the very last item on our agenda and all of you have provided substantial leadership, time and energy to make this work. By extension you're committing to a lot of work going forward. Any credit you're giving to me i'm going to give right back to

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procurement, to stacy and to lester and the hard work that they do. The city staff is phenomenal and they make us look good each and every day. This is just another example. Thank you for the collaborative partnership. We really appreciate it. Colleagues, anything else before I move this to second?

**Moore-Love:** Testimony.

**Wheeler:** Oh, I forgot the public. I see Maggie over there. Any public testimony on this thing? Maggie, anything?

**Moore-Love:** Just maggie and lightning signed up.

**Wheeler:** This is a first reading of a nonemergency ordinance. It moves to second reading and we're adjourned for the next 47 minutes.

**Council recessed at 1:11 p.m.**

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## Closed Caption File of Portland City Council Meeting

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

Key: \*\*\*\*\* means unidentified speaker.

**FEBRUARY 26, 2020 2:00 PM**

**Wheeler:** Portland city council. There's Karla. Please call the roll.

**Moore-Love:** [roll call taken]

**Wheeler:** We only have a report today, so if you just give the abbreviated version.

**Linly Rees, Chief Dep City Atty:** I will. Welcome to Portland city council. The council represents all Portlanders and meets to do the city's business. The presiding officer preserves order and decorum so everyone can feel welcome, comfortable, respected, and safe. The presiding officer -- skip that. If you're in the audience and would like to show support, please feel free to do thumbs up. If you want to express you do not support something, thumbs down. Please remain seated unless entering or exiting. If filming the proceedings, please do not use bright lights or disrupt the meeting. Disruptive conduct such as shouting or disrupting testimony or council deliberations may result in a warning. After being ejected a person who fails to leave is subject to arrest for trespass. Thank you for helping your fellow Portlanders feel comfortable, welcome, respected and safe.

**Wheeler:** 171, Karla.

### **ITEM 171**

**Wheeler:** We know that we're in a climate crisis. In Portland our carbon emissions have plateaued while the effects of a changing climate continue to worsen every year. Black, indigenous and communities of color feel these impacts first and worst. With carbon emissions and population on the rise government action is no longer enough on its own. Everyone has to be part of this solution. All must benefit from the solutions created and this work must be led by the communities who have been the most impacted by climate change. For the development of the city's 2015 climate action plan, the bureau of planning and sustainability brought together an equity work group made of six community based organizations representing the interests of low income populations and communities of color. One of their key recommendations was to engage communities, especially impacted underrepresented and underserved populations in the development and implementation of climate change related policies. The zero cities project is an example of the city delivering on that request. The zero cities project centers the voices of black, indigenous and communities of color by prioritizing policy that reflects lived experiences and addresses realities of our racist history as a city and as a state. Often community processes can be tokenizing or far from where the real decisions are actually made. I'm here to commit that this is not the case with this zero cities initiative. The road map and policies developed through this process are the crux of the c40 net zero carbon buildings declaration I signed in september of 2018. That will inform the city's next climate policy decisions and implementation of our 100% renewable energy policy. We will hear a progress report on the zero cities project, from vin mason, senior energy policy advisor at the bureau of planning and sustainability as well as their invited panel of project partners on a community led engagement process for Portland's energy future. It's my privilege to turn it over to director andrea durbin from the bureau of planning and sustainability to kick us off. Good afternoon.

**Andrea Durbin, Director of the Bureau of Planning and Sustainability:** Good afternoon. I'm andrea durbin, director of bureau of planning and sustainability. We know our climate is in crisis. The impacts of this emergency are already here. We're no longer solving just for the future, we're solving for today. While Portland has and continues to be a

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champion for climate change we know we must do more, and the way needs to be different from the past. We need to deliver bold action that drives down carbon while centering the communities that continually are burdened worst. Because the truth is climate change doesn't impact us all in the same way. Our front line communities including black, indigenous and communities of color are being hit first and worst by the impacts of the climate crisis. We can deliver better policies and programs that aggressively drive down emissions, build community resiliency and ensure our front line communities directly benefit from our actions. Carbon emissions from homes and businesses are nearly equivalent to those of the transportation sector. Building and transportation are two of our top priorities for further climate action. Conducted nationwide research that discovered nearly one-third of u.s. Households are struggling pay their energy bills. High bills can put a strain on families and lead to difficult tradeoffs between energy and other necessities. They tend to have higher energy burdens on average than other households. How do we develop energy efficiency that significantly reduces that burden and decreases carbon? Zero cities with a -- zero carbon road map through a community led engagement process centering on equity and informed by technical analysis. As our community partners in the city explore the racial inequity we found those most impacted by climate change are also the most informed to develop the solutions. This is a great example of the paradigm shift necessary to meet our climate goals while we lead with equity and prioritize community needs and benefits. You'll hear about the project in greater detail but this does not represent the end of this work. As part of our work plan we intend to build on this to implement the policy recommendations they are prioritized. Bps has heard from you and our communities that we need to work more with our front line communities and youth leaders. This needs to be resourced appropriately. The technical paths are clear. We must actively resource the work to ensure the benefits are just. I want to thank bps staff and mason for his hard work and commitment to this project and thank verde and our community partners for their participation and continued leadership and the next phase of zero cities. I will turn it to the team to introduce the work that they have done.

**Wheeler:** Thank you, director durbin. Good afternoon. Welcome.

**Vinh Mason, Bureau of Planning and Sustainability:** Thank you, andrea, mayor wheeler. Good afternoon, commissioners. My name is vinh mason. I work for the bureau of planning and sustainability. I'm joined by our lead community partner here on this project from verde. We're excited to share a new approach to climate policy that centers on community led engagement. We also hear from invited panel of additional community partners at the end of the presentation. For over 12 years I have worked on reducing the carbon footprint of Portland's buildings. They are nearly equivalent to those of the transportation sector. You see in this chart we have to address the building sector to get to our climate goals. This graph shows the percent change in carbon emissions compared to 1990 levels. From 2000 to 2013 our emissions dropped despite population and job growth. Since then emissions have plateaued at best as the mayor noted. From 2016 to 2017 residential emissions went up. They increased by 17% while commercial emissions increased by 6%. To reach the city's climate action plan goals and 100% renewable energy goals we need new strategies as the severity of the crisis has become more apparent. [audio not understandable] informed the 2016 climate action plan update. About that same time a new wave of activism emerged from communities on the front line of climate change. [audio not understandable] I have been living in Portland since 1994. I have gone to most of those earth day marches or rallies, events that have happened in town, the big ones, and this was the first time I saw community organizations in the lead. It was really excited and at the same time disconcerting because that means the impacts are being felt. Worldwide we know the populations who are most impacted contribute the least

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amount of greenhouse gases. Locally our communities of color have had the least voice in developing policy solutions despite being most vulnerable, but that's starting to change.

**Oriana Magnera Climate and Energy Policy Coordinator for Verde:** It's one thing to be at the start of a march of a community-based organization and another to actually start taking a lead in the work. This happened in a significant way from my perspective. When I worked at northwest energy coalition I was helping plan an energy justice summit with community based organizations there. I was a staff member trying to use capacity and information and help inform the work that occurred in this space and now I have taken a role at verde as climate and energy policy coordinator where I hope to apply that knowledge effectively and push from a justice perspective. If there was a space to share very technical knowledge about the differences between decentralized and centralized energy system and the need to move in that decentralized direction for more energy justice. Youth participatory activities to help engage folks around this wonky technical information and had transformational relationships, building a collective understanding and gaining familiarity with the institutions that control energy resources and policy, regulatory framework in the state which is what I helped contribute in my former role. Then just building a framework for transformational community based renewable energy resources which is something we need based on the commitments in the 100% renewables resolution and can put into practice through resources through the clean energy fund. This is basis for long term community driven effort, the start of work that's not just engagement focus because this was community drawing from good resources supported by the county, funders who helped put the cement together but leading and taking that technical knowledge and running with it in a meaningful way. At verde we hope to build on that process because there's a participatory action process. I'll talk about that later that was not able to be undertaken and we wanted to run with it for zero cities moving forward.

**Mason:** I was honored to also be part of the 2018 energy justice summit, one of a handful of governmental employees to be there. I want to share it was also really fun and engaging and informative. The team of community partners including verde and folks who continue to partner with us now and their consultants created something special to get organized and figure out how to bring climate justice into empowering communities. About the same time as the climate justice summit they received funding to develop a zero carbon road map. [audio not understandable] Portland is one of 12 cities awarded the zero cities project to prioritize policies between goals of increasing racial equity and decarbonizing buildings by 2050. This includes community led engagement funding passed to a group of community partners championed by verde. They were the asian pacific network of Oregon, the coalition of communities of color, opal environmental justice, and the Portland african-american leadership forum. There was also consulting services provided by usdn team of consultants including architecture 2030, movement strategy center, new buildings institute or nbi, and race forward. Review of a timeline of the project of when it started to where we're at today. Msc, also the lead consultant for the energy justice summit, kicked off the project for the 12 cities and started with a social eco-system map. It was an understanding of what nonprofits and other organizations are out there leading on climate justice. Over 100 other organizations they heard about, contacted, did research on the websites. The same folks that organized the energy justice summit and participated in it are the same organizations that they are now recommending that lead the work for climate policy such as the zero carbon road map.

**Hardesty:** Who picked the partners? Say that again.

**Mason:** It's movement strategy center out of oakland.

**Hardesty:** Who picked our partners?

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**Mason:** They recommended partners to each of the cities. It was fortunate that I saw the same folks organize and participate in the justice summit were also represented in the recommendations.

**Hardesty:** I didn't see the naacp on that list and they have been really active. Just so you know.

**Mason:** The next step was to build partnerships. This is at the same time as the Portland clean energy fund gaining steam and a lot of campaigning was going on so of course the same organizations that we're trying to recruit to be partners in this work are also leading that work. It was a challenge to get on to the radar initially, and one thing i'll share is it helped to have previous relationships particularly with verde and working with bps. The first meeting with verde with their executive director and their -- can't remember the title. [audio not understandable] so former staff person we talked through a bit of the project and there was some scent silvio about what's the value to the community, is this something they would want to do. I heard this sounds like a resolution within a resolution like the climate action plan that may not have any teeth so I acknowledged that that could be but this is also seeing up for future work moving beyond resolution 2 into future policy. I am ready to embrace the unknown. I have been working with bps getting schooled on equity and what it means to have community leadership and the value in that and part of that is letting go of the outcomes that we are seeking as a city and so I think that resonated. I heard that resonated from verde that that's something they were willing to support. I'll be highlighting some of the [audio not understandable] road map of the next parts and we'll be speaking about the community engagement piece. After we establish that the recruitment of verde of the partners a contract was set up directly with usdn, and they developed a scope of work that she will cover more but it started with a curriculum, build capacity through energy training session that happened in november then a community forum in december that came out of the folks that participated in the energy training session. Where we'll land is with the report on community led engagement from verde and a road map informed by the technical analysis completed by architecture 2030. We have an initial buildings assessment completed by architecture 2030 this is a decarbonization analysis. They created a knowledge of energy consumption in all of Portland's building stock, the first time we have done this. Prior to this our data was high utility data at the residential sector, multifamily, residential, commercial, industry, one big number. But this gave us additional data on where we think we are today and where we're going in the future. An example if you look at this is a little hard to read but we're looking from -- hard for me to read too. 2050 100% renewable energy goal. We're looking at slowly demolishing over time and the increasing new building space in the last 20 years of development in the growth rate. What that tells us is in 2050 we if we're going to get to our goals we have to focus on existing buildings. That's where our folks were first because new buildings will be built slowly. One thing I will point to the right is the breakdown of multifamily and commercial and single family. Currently commercial buildings have the highest energy use but multifamily has the highest projected growth. Another key piece that we have from architecture 2030 projections is carbon emissions so 2017 to 2050 this is a business as usual scenario. As we start off we're looking at what the utilities are giving to us for their projections for their greenhouse gas factors from their integrative resource plans. About 2030 you can see the sharp decline in carbon emissions for new construction and existing buildings. The reason is the state's renewable pore folio standard and call to clean legislation. After 2030 is the national is the gap that we need to be concerned about in Portland. To bring that to zero. We need other policy interventions to close that gap and reach our 100% renewable energy goals.

**Magnera:** When we talk about climate policy the traditional framework is often focused on emissions and carbon emissions in particular, leaving out the equity piece in terms of who

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benefits and who is burdened by policies. One of the partners for the zero cities projects, one of the consultants, race forward, helps to bring an equity lens to the work by putting together an axis for assessing policy that balances both racial equity not just equity but naming as racial equity versus carbon reduction and it will do both meaningfully. They have examples ranging from community engagement to addressing energy cost burden which we'll talk about later, talking about housing quality and exposure to health risks then issues associated with just location and environmental risk, the results of histories of redlining and racist land use policy and effects that come from that around urban heat islands.

**Mason:** The work race forward we reordered the list. Community engagement was at the bottom. We brought that to the top. What I heard was we have to focus on displacement. You all have been hearing that the last few years. Our groundwork was to look at where is that intersection with displacement and climate change. So we started it the economic vulnerability analysis that bps prepared for us. We are working identifying neighborhoods where people have the highest risk of displacement. That's based on number of renter households, 80% mfi, median family income, number of people of color, and people without a four-year degree. We asked ourselves where is that intersection with building decarbonization and we thought of the energy bills, of course. We looked at the research on energy cost burden. That's defined as 6% of income spent on energy utility bills. We used u.s. Department of energy data to look at where the neighborhoods that are the most energy cost burdened for 60% mfi. What we're seeing here if you can flip back to the previous slide and forward again, you can see that the areas of Portland that are the most energy cost burdened are also areas that are at the highest risk of being displaced or for many displaced a second or third time. That was one of the connections that we made. But there are vulnerable populations that are on displacement or worse. It's the winter heating bill especially but this data is annual. I want to point out there's also more work we need to do in this area. We need to understand what the lived experience is too. This is just a conversation starter we used for our curriculum.

**Hardesty:** You know, so we just had this conversation around rip, right, residential infill project. We absolutely know where displacement is going to happen. There's no question about that. When I hear you say we're going to need to do research, do some analysis we know where the big apartment complexes are that people can't afford to live in and can't afford to move out of. This is knowledge that already exists so I would be worried if we're going to spend a lot of time reinventing the wheel when we know what's going on because we have been in dialog and conversation with folks.

**Mason:** I agree and you're right. This is really --

**Hardesty:** How do we take the information that we already know about because all this work is happening all simultaneously, right, so none of this is happening in a vacuum. I was hoping that we weren't starting from scratch, that we're actually starting from a place where we have a lot of knowledge already. How do we add value to the knowledge that we have.

**Magnera:** Commissioner hardesty, i'm glad you raised that. That's a fundamental element of this project, bringing the data together and the basics we have to go back to oftentimes in work as the city because we haven't done the work to acknowledge what's happening and oftentimes in policy work and program work we also need to have things be proven in ways that like are known to communities. So what we want to do with this process was take what is known to community the issue you're raising there and synthesize it in ways that we can help make policy effectively and package it for policy and decision makers who are not necessarily acknowledgeable or aware of what's going on so we can make the justification of here's the data that backs up community experience. That's a little bit of a trojan horse in a way, a way to bring the community experience into policy making and

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kind of attach it to the data and eventually take the training wheels off so we can just make policy from the experiences of community and what is known and trust that without having to say, well, what do the experts say, what do consultants say, what does the map say, really take for fact and for truth what is happening and what communities in Portland and the metro area and across the country and the world know to be true.

**Hardesty:** Thank you so much for that. I really appreciate that. The city is really good at adopting language, right, we do that very, very well. What we're not good at is actually changing the outcomes for communities who have not experienced a wealth that Portland has to offer. So i'm a little concerned because I know there's at least four -- there will be four budget requests around anti-displacement, so i'm concerned that everybody has the right words and everybody will be talking the same language, but most people don't know what the heck they are talking about when they are using those words. What does it look like in action because I know my colleagues and I are not going to fund four different projects around displacement, right? So i'm concerned that people are adopting language without adopting action that actually leads to new out comes. On the record, just wanted it to be there. We'll keep having the conversation. Thank you.

**Mason:** Thank you.

**Magnera:** Just to jump back in, commissioner hardesty, that's a fair concern but to do a little of bps's work for them I would like to plug the budget work they are putting on the table. It's grounded in community. I think bps is still very committed and I would encourage council to fully fund that work if not think more about what our other bureaus are doing and who is actually putting their money where their mouth is.

**Hardesty:** They have to make their case like every other bureau, but what I will hope is what they show us is better than other proposals that we will be considering, right, it's way too premature to make any commitments to anybody about budget dollars at all. I want to be really clear about that, but I love the work that bps has been doing because it's been very intentional. I love the fact that they created the book around racist housing policies as being used as a model for how we not repeat the past, right, do things differently. But I also think it's challenging for us at the city to really think outside of the bureau we work in because it's like, okay, who is doing anti-displacement? We should have everybody who is doing anti-displacement working together on an anti-displacement plan. We don't need ten plans, right? So thank you. I'm excited about this because I know the work that bps has been involved if and I know where they are headed but I just get crazed when we have outside folks picking people to lead work that then is going to lead to a budget ask then we have not connected 9 dots internally.

**Wheeler:** To build on that, that was good. Andrea is laughing. I had this conversation with her a week ago. Slightly different take, actually. My question was, okay, given the budget forecast that we had previously, there's no new ongoing entirely limited -- one time. If we do not have the dollars does that mean we'll do nothing around anti-displacement? That's not an acceptable answer either. The question isn't just taking the good work the cities folks are doing but asking our bureaus how do we integrate anti-displacement and not make it an add-on. Currently it's viewed as an add-on. I'm just thinking ahead to what happens in recessionary times. Does that mean no anti-displacement? I just don't think that's an answer we can live with.

**Hardesty:** I agree. We have a lot of work to do internally.

**Magnera:** Because spring bump is coming up we'll be asking for additional dollars to dig deep into energy cost burdened not national research but the actual lived experience and helping folks understand their utility bills as an educational experience.

**Hardesty:** How much money do we get from joining this national effort?

**Mason:** Including the consultant amount is estimated at 500,000 per city but the pass-through to our community partners was 47,500.

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**Hardesty:** Say that again. 47,500 was pass through to community partners?

**Mason:** BPS didn't receive any actual funding to our bureau.

**Hardesty:** Where did the other money go?

**Mason:** We received consulting services. Consultants to the project. [laughter] race forward has developed a tool that we use.

**Hardesty:** What a great deal.

**Magnera:** I appreciate that you raised that. It came up with community. That question of why can't community be paid at the same rate consultants are. We leveraged extra money. We were initially quoted 25,000 and we said we can't do community work for that amount and leveraged an additional 7,000 from generous contributions from the county, that's 14,000 on top of the 47 and a half thousand. We would love to pay them the hundreds of dollars an hour that consultants make but to at least give folks the rate that I make when we do our grant making and value people for their time. That's important. To the budgeting issue, the money needs to go where community is. I don't want to side track into much into that conversation but i'm a lobbyist. I'm going to lobby. Make sure that money goes where community is and where bureaus are investing in community. You can look outside your bureau and see where is that commitment happening, where is the money getting into the community so they can bring that expertise and we can make policy and programs that are truly meaningful and address concerns rather than spinning our wheels the way we tend to do.

**Wheeler:** Good point.

**Mason:** I see the county is here today and I thank them for quadrupling the stipend. Back to the curriculum.

**Magnera:** I'm glad we had that discussion. The resource is a key piece of what we're doing. As verde told our scope together we want to do things differently. We wanted to do community organizing, not engagement, really focus not just on bringing folks to the table and asking them how they feel about things and their experience and putting it in a black box then putting something out already pre-determined as a decision where there's no ability to influence decision-making and say we're not going to do. That we're going to organize and build some power figuratively and literally through this work in a way that is meaningful and impactful and allows folks to influence the decision that comes out of the process. Our hope is there's policy that will come out the other ends in the form of resolution or ordinance around building performance standards that will reflect the work that happens here. I know the problem that often comes up in community engagement work is that it starts, it happens, then nothing happens after that. Community is not reengaged, there's no sense of what happened with the information provided, folks don't have ownership over their data and there's no way to really influence the work as it continues to go forward. Our commitment at verde both to our partners we worked with and community members who participated and the forum participants is to make sure we're bringing that along in a way that's meaningful and creates a new way for policy to be developed. Our model was to start with training to help build capacity around buildings and energy. The values you see on the screen now are what we wanted to bring to that space. Developing relationships across communities, building collective understanding of how energy impacts planning and building design, defining what building is and recognizing sometimes we think about it truly as a box, not necessarily how folks interact with the building in terms of transportation or community gardening or many other things that are outside of the building that folks feel as their relationship to a building. Also redefining that zero which is a term that doesn't mean a lot to a folks, what is the zero we're trying to achieve, just zero carbon emissions or harm to community and in particular harm to black, indigenous and other communities of color. Like the energy justice summit gaining familiarity with what comes into play. Then with about 12 members who participated in the

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training. The training had about 20 folks and both the training, participatory action resource project and were all bilingual. Doing community work is already expensive. When you add on actually feeding people, providing child care, then when you're actually trying to engage folks with different linguistic backgrounds that adds to that need significantly. So what participatory action research is it takes the idea that oftentimes community is something that is studied and puppet underneath a magnifying glass or microscope. We can flip that and allow community to set the questions that define the research, to do the research work and recognize that they are experts in their own experiences and experts in building relationships with other community members and build off that to develop data that comes from community rather than some data set we pull from the national level or something that's built in a lab and removed from the lived experiences. So participatory action research allows people to define what problems they face in their community to help drive the direction of process or policy and find out what those solutions should be based on that experience and based on needs and opportunities. Then implementing the solutions again going back to this has to actually go somewhere meaningful for this process to be happening in the right way. If we stop and don't follow through on making policy or program happen that was developed by community in verde's mind we fail to do this work. We're committed to fight to ensure we get something meaningful out of this process.

**Hardesty:** How do you keep governments involved so you're not coming back at the end saying, okay, so we spent two years doing this process and here you are the community wants x, y, z, do it. What's going to be the process? Have you envisioned how you keep folks that actually have to fund your ideas in the loop while the process is happening?

**Magnera:** That's a really great question, commissioner hardesty. That comes from the way that other stakeholders do that work which is coming and talking to folks. Our hope is as we get into the development around what comes out of this that we have the opportunity not only for folks to testify today but to resource people to come and speak to commissioners directly about the process and about the ways that industry often has capacity to come and inform decisions by being able to pay folks to come or that community based organizations like mine can do so albeit in perhaps the same capacity but make sure that folks are able to help move policy and build those connections with decision makers so it doesn't seem it comes out of left field or you fund something. The other opportunity is you can always call us back for more progress reports. We're happy to keep talking to you about this work. Because it's important.

**Hardesty:** I can tell you I have no free minutes during the day to say, I wonder what I need more info on, right? To be proactive either invite us to a meeting so you can do a presentation for us and we can have a give and take but I would be very concerned about you coming back when you have completed your work and I look at the mayor and the mayor looks at me we say, we made funding decisions for this year, come back next year. I hope you also make sure that the work group understands all the governments funding mechanisms and processes so we're making realistic requests and we're not coming in right trying to redesign how city government operates. So it has to be a two-way street, right? As you know as a former -- still a community organizer, you're never a former community organizer. That's obama, right? As a community organizer I understand the education has to work both ways. It has to be continuous because you want to bring us along while you're bringing community along as well.

**Magnera:** Thank you for noting that. We would love to have you and mayor wheeler and commissioner eudaly and commissioner Fritz participate with community. That's one of the requests that has come up that I think due to scheduling issues in the fall never fully came through given the amount that council had on its plate then but would love to have the opportunity for that two-way street to happen because that's how meaningful policy occurs, remove the barriers, remove that desk and that dias between the community and you and

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make policy co-creatively. That's what we're trying to get at so i'm excited to hear you have that excitement as well.

**Wheeler:** When you use the participatory action, how would you expect out comes to differ from the status quo way we approach things?

**Magnera:** That's a great question. We'll talk about has more as we talk through the process, but just as a note to start despite the good intentions of a lot of folks who do planning or sustainability work, in particular when they are white folks doing the work, white folks from privilege, there's a lack of knowledge and no ability to understand an experience despite empathy, the amount of reading and work you do on white supremacy, that doesn't equate to the same as actually having community persons lead with policy. We need more people working in places like the bps but we also need to break down the barriers and recognize even once you go through a degree program there's some separation in terms of this is the way planning or environmental science works that's divorced from the reality. I see that a lot. I do a lot of regulatory and policy work at the state level on energy and you see that disconnect even with people who have lived experience sometimes because it's so far removed in the spaces that are so insulated. We need to break down the barriers to get results that are more true to what is happening and will be more effective because they are drawn from what is the problem at hand and how do we solve it. Sometimes also saying how do we solve it in a way that's really radical. The other things oftentimes when working within existing frameworks we'll stay there and maybe push the bounds a little bit but more often than not stay in that box just in the way we want to redefine building in this process. We're trying to explode that idea of what are the frameworks we use to build policy and reinvent it.

**Wheeler:** It seems to be successful there has to be an underlying trust, right, between both the government institution that is sponsoring the process and the process that's being run by the community. I could see one real hangup being the community engages, the community takes the time, the community establishes priorities, the community based on lived experience makes recommendations. Then it comes back to government, there has to be an agreement really in advance that the government body would accept the findings, the priorities and the recommendations of the committee. Right? Doesn't that have to be sort of the agreed upon approach?

**\*\*\*\*\*:** I think the trust is really important and that's an issue raised by community members. We had to build trust with the training. There's a little distrust for the process because folks are used to things working in that community engagement way that often doesn't have meaningful impact. There's a sense of what are you actually trying to do here? Distrust of what's being opened. That distrust should still exist because we haven't followed through on that. I want to call back the commitment you made in your opening remarks and thank you. That's how trust gets build is follow-through, that commitments are not made in empty ways and when we start something like this that's really significant work we continue to resource it. We continue to do it then we don't just move to the increases thing because we have new language. We're not talking about anti-displacement. We're talking some new, shiny thing we're worried about as white folks, there's more white supremacy we have to deal with over here. What shape did it have, making sure we're not leaving things behind and when we make a commitment that that is sustained and we're not moving on.

**Wheeler:** You made a good point that's starting to connect with me, that is trust has to result from ownership. It's the ownership that maybe is the biggest difference. The community ownership.

**Magnera:** Yeah. I also just want to say that trust is really important because we had good partners in the work. I can't say enough about how hard vin has worked on this project, how well he has shown up and just committed and followed through when things went in new directions. It's having people like vin on these kinds of projects that helps build trust

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and the internet advocacy he did to help make sure we were resourced and this work was moving forward. When you have staff members who have lived experience they can bring to the table that helps build trust not just in the relationship but in the commitment.

**Wheeler:** Vin, thank you for making us all look good. [laughter]

**Mason:** Let's go on to the community forum, where the action happens.

**Magnera:** This has been a great discussion. Thank you. After the training the participatory action research process where we developed our research questions, figured out what we wanted to share, build participatory activities that folks could use to engage with the content we had a community forum on the 14th of december of last year. We hosted it at the june key delta center recognizing this is a net zero building, an example of where we're trying to go with this work but also a community center and a space that does a lot of work for the community and grounding that as well, not just going to any net zero building but one could hold the values we're trying to create in this space. As part of the forum we address different stations which we'll talk about where we gathered our data addressing displacement issues and going beyond, oh, this is a problem but how do we actually -- how is it being experienced, what can we learn and draw from in a meaningful way.

**Hardesty:** How long is this convening, this group, this -- what is it called? Zero cities? How long is the process?

**Magnera:** It was about a year to get to the forum. A lot of it was just initial engagement and a slow start from the training to the forum was about a month of work. Then now we're probably in about six months of continuation. Right now verde is seeking out resources from funders outside of the city to help continue and resource that work because we don't want to ask community members to do not guilty that isn't paid and value their time. The city is also seeking money within the bureau of planning and sustainability to support the work so we're confident we'll be able to continue to fund it. There's opportunities to braid the work with other projects. The idea here is not just to do this one-off and have zero cities be a discrete thing but how do we build a community of progress [audio not understandable] how do we build off the energy, we'll talk about that. Came out of the forum and engagement of folks so we don't just have a discrete participatory action team but keep growing it in a way as an organizer you grow the onion of building a movement.

**Hardesty:** I'm cautiously optimistic, right? Here's what I know. We have a new climate emergency resolution coming back to the city council. I didn't see anything about zero cities in that. We have a budget process that starts in march and we'll have completed it by june. Haven't seen anything in there about that. So I just want to be straightforward, especially with community members in the room. I'm feeling a little anxious because I feel like this is my first opportunity to hear about zero cities. I'm hearing good stuff. But i'm not hearing how it feeds into the work that the city is doing right now today. That resolution is coming next month.

**Wheeler:** If I could suggest maybe at the end of the presentation director durbin if you could answer that question. She has an answer for that question I know. I don't want to interrupt the flow here.

**Mason:** It's a happy answer, though. I was making sure. I want to -- [audio not understandable] first starting with the space itself at june key delta community center on albina and ainsworth, that will likely be the first commercial net zero energy building in Portland. It will be very exciting. And I think to have a place of leadership coming from community to seek the highest level of green building or sustainable was amazing. I would like to acknowledge chris pool jones. I've enjoyed working with her in the 2000s, early 2010s as that project was developed and I could not think of a better place to have our community forum. So before we get into the stations there was a time of settling in together and the first question in the group of over 50 people in the room with myself and tony lamm, bureau of planning and sustainability, who did the energy cost analysis for us,

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thank you, tony, knowledge murphy who wasn't with the county at the time. We were a very small amount of folks from the government there. The question was what was your experience with the city previously. Pera. I couldn't find anyone who wanted to talk to me. I saw a group of three people. As I walked up to one of the folks and said, can I talk to you, she was like -- I don't know if I want to talk to you. What's your experience with the cities? Not so good. Went to one community meeting near 122nd and division. That community meeting it felt like it went nowhere. Very tokenized by the experience. I asked what's going to happen and I hope she has a very different experience. From our perspective it was very, very different than any other engagement. But the other thing I want to highlight is we did a snowball fight. This is also coming from the work that was done with moving strategies center and the justice summit where a question that you might have is written on to a post-it, you crumple it up, throw it into the middle then pull out another person's question and start talking about it. So there's six or seven groups that developed out of that talking about the questions and working off community wisdom on that. Knowledge murphy is a depth of knowledge around renewable energy and energy efficiency. He recently moved here from pittsburgh. One of the other leading cities -- on climate change and equity. He had all this knowledge to share. Amazing to see the interaction between people rather than experts saying this is how it's done or government saying this is how we're going to do it. That was the highlight I really wanted to share.

**Wheeler:** Thank you.

**Magnera:** One of the things that came out of the forum was a conversation about values. You see in that picture on the screen now what was designed as a tree which looked at a few different elements. The roots being the values that we hold, the blue and purple sticky on the trunk being opportunities and challenges, then the leaves at the top being things that people would want the city to know or how they would want to see change happen. Growing from those roots and through those challenges and opportunities. As part of our data analysis when we looked through the stickies and organizing them and figuring out what the results were, antoinette and derek, who are behind me, were working as part of that group so thank you for that. Came up with three key things, values they wish the city held. One was repairing broken trust and commissioner hardesty has touched on that. Raising what happens, does this work continue, that distrust you can say really good things and put up community members to talk about their experience but if there's not that commitment, that trust never gets rebuilt. An issue that mayor wheeler raised as well. That issue of actually coming together and having decision makers and community talking throughout a process instead of having a black box where we say we're going to do this, it happens, then we come out the other end with a resolution and there's been no opportunity to build trust through listening and then practicing. Putting that work in place not just in the bureau of planning and sustainability and in the hands of staff members who hold these values but in every bureau in the city and through all of our policy work. If we put that into practice that's how we start to repair, that's how we create the opportunities to listen in a meaningful way. Then we as I said organized the forum first through activities of building relationships and generating questions and starting conversation. The culmination of the day was the research questions that we had developed and they could be organized into four themes. One was the question of energy cost burden and experiences that folks had paying their bills or heating and cooling in the summer, air quality when fires came up, how air conditioning can affect whether you can close your window and not breathe in that window and breathe in that toxic air. We had a focus group where folks could talk about their experience and move beyond that. What is actually the experience of that for folks displaced two, three times and are at risk of being displaced again. We found in that space people value nontraditional ways of living, people want to see living situations that can more reflect the relationship building that is really important to the folks who participated in

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this space and think about homeless individually and more collectively. We can perhaps extend that to extrapolate a little bit to our land use policy and think more collectively about how we're holding that space in ways that can help facilitate community and are less discrete and less extractive. We also talked about community based renewable energy which is something that remains undefined in the resolution. We did some kind of free writing to help come up with definitions and are continuing analyze that to figure out what does community want out of community based renewable energy. We did an activity about where a project should be located and still be in your community. In the same city, county, going progressively out. The results were overwhelming. You can perhaps guess what they are but people want projects located in their communities, a place where they can bike or take the bus or walk to, whatever their mobility is to have a relationship to that project. If it's located hundreds of miles away at least based on the data we collected it's not a community project even if it has that ownership. That's a really important thing for us to take away as we [audio not understandable] are we really investing in projects that have a tangible connection to community and are not just connected to the grid at large. I'll let vin finish out with the final activity.

**Mason:** This is the last policy solution slab where we set up a mock city council hearing. We had mayor from apano lead that and I was council staff. Everybody cycled through and gave us information and ideas and solutions on the split incentive. The split incentive in the energy world has boggled the world over on rental properties where the renters pay the bills but the owner of the property doesn't pay the bills, doesn't make the energy investment, as the building falls apart the renter pays higher utility bills than they should be. So out of that we framed the issue on split incentive and asked folks what are your solutions. Everyone submitted a written comment with their solution idea but also prepared testimony to us. We heard about are these three pieces that all go hand in hand together. First that there should be minimum energy efficiency standards for rental properties to help reduce the utility bills. The challenge there is if there's an investment into energy efficiency that shouldn't be passed on in rent as would normally happen. So stable rent. So thinking about how does a landlord in their position not pass on the cost to the rental -- renter. So there needs to be incentives to invest in clean energy without burdening renters. Those incentives may be going to the landlord or the renters.

**Hardesty:** On that particular point, is there any national data about how you can incentivize the landlord and not kick out all the people who have been living in substandard apartments after you've done energy efficiency improvements? Even if there's no lowering of the rent if your utility bill goes down, I live in a place not considered a lower income building but if you stand in front of my window in the wintertime you can feel the wind blowing in without having to open a door or window or anything which means that my bills in the winter are like 150-plus dollars and it's just me, right. I would hate to actually do energy efficiency improvements in my apartment complex and have my rent go up and then get kicked out because they want somebody that is going to pay more. Is there data where it's been successfully implemented and did not harm the people that were supposed to be helped?

**Mason:** I think that is for our next step to research that more. I don't know that right now. There's programs like Multnomah county has a weatherization program tied to rent control too. Because of the rent control --

**Hardesty:** That's in the section 8 buildings, right? We have it now. The Oregon -- energy trust of Oregon supposedly provides those incentives for new housing that's going to be built that's actually rent stabilized. I don't know what else is out there right now.

**Mason:** My understanding is the weatherization program doesn't have the high uptick because of rent control, though, so we need to somehow solve for that too. Minimum energy efficiency standards could be a way to require it versus to have a voluntary

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program. That's something we have seen in new york city and Washington d.c. Now. I'm actually going to Washington d.c. In two weeks to meet with ten other cities with those two cities to figure out how did they do it. They are looking to us for advice on how to do community engagement around it because they feel like they didn't do it very well.

**Hardesty:** They are looking for advice from us?

**Mason:** It's all relative, right? [laughter] on to some lessons learned on the city side. One is connecting with new people. We have established relationships that are getting stronger with the climate justice organizations that are our partners. But we haven't reached much further beyond those relationships or organizations. This is an opportunity to do that at the community forum sam barasso came out and said, I don't recognize anybody here. He's very well connected. That was exciting. He recognized that. We're reaching folks that normally wouldn't be part of a policy process. The next one, building trust is about letting go of outcomes. For myself there were points where I had to personally reprogram my mind to let go of the outcomes. At times I voiced them and had to step back and apologize for that and that helps build trust to be aware of the value and trust in community also them trusting us. The other thing I was interested in was technical expertise. Part of the city I was working in the community with nonprofits. Often seamless in working across nonprofits. When nbi was a consultant, it's also a nonprofit that's local based came to one of our meetings and I loved seeing the immediate trust that happened. It's almost like you have to unlearn trusts with nonprofits when you first meet. That was wonderful to see. There's knowledge that is transferred that can't come from the city because of our history of racism as an institution. Lived experience, you mentioned about being removed from lived experience resonated because through most of my 30s, before I was doing equity work I was mostly doing sustainability work and I come from mixed race, vietnamese, and rural appalachian, deep poverty on both sides. I was fortunate to have the opportunity to move out of poverty and I think there is some distance in there. Equity journey through gps and other places started to transform who I am as a person. [audio not understandable] in the same poverty that I lived through I immediately know what that's like. As you mentioned I think also to have staff that know that lived experience. Bilingual conversation which is also part of the summit. To have folks in their native language, in this case we provided spanish translation, is a different type of conversation. We had that in multiple places, at times it didn't always work out because of the budget or scheduling. There were challenges around there consistently every week to have bilingual conversations for every small group table but what we had was tremendous. I thank you for making that a priority in her work. Something elms we heard from the par team, fairly last minute decision, make this is a black and brown space. That was a key decision that was what I heard was there's been enough whiteness at this table and I agree with that. So let's do this without other folks that don't have the experience of being a person of color in the room. I really appreciated that that was how we moved forward. That certainly has not happened in my experience at the city of Portland for policy decision-making. All my work we're told don't even plan around the holiday season. Don't put it on a saturday. All the don'ts are almost opposite back to trusting the process. It was amazing how many folks came out because the invitations came from the network of people. This is the ownership. When the city says come on down to our process or we'll come to you, it's still the city's voice. This is a process that community owned we're a partner. Next steps, verde will produce a community engagement report that's a model for usdn, also for policies in Portland as we move forward.

**Hardesty:** What is the expectation when verde creates this report? What happens to it?

**Mason:** So that report already the findings from that report we shared with you today we're advancing but then the report becomes a basis to refer back to and question are we

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still on track as we move forward with this work. So advancing Zero Cities to the next steps.

**Magnera:** I think perhaps reading into that question a little bit there's the report to funders which is a deliverable and something the city will use. But that there's also how we engage community going forward with the data. That's something we have just completed our data analysis we now have a little extra money to continue the process. The participatory action research team will decide how we want to distribute that, how much do we want to focus on policy development, how much on reengaging and sharing and creating ownership. Who are our audiences for reporting is really important. Sometimes it's like, okay, I have to do a report. It's going to the funder in this language in this form. Not also thinking about how do I report back to the people who gave their time and expertise to this process.

**Wheeler:** This is a great discussion. I want to note it's been so good we have gone way over our time. I don't want to lose our quorum and we have a couple of people who want to present and we wanted an answer to the question asked by commissioner Hardesty from the director.

**Mason:** Architecture 2030 will do further analysis based on recommendations and that combines with Verde's work -- on track to fossil free building sector by 2030 by prioritizing the concerns of our communities of color. [audio not understandable] we have already received national funding from the Institute of Market Transformation and NRD to continue the zero cities model, continue the community engagement and creation of minimum building performance standards. Starting with residential properties. Increase displacement of those already displaced before too. That's the unintended consequence that we are planning to avoid through a project like this. Would you like to say anything in closing?

**Magnera:** I don't think I have anything to add. The most important thing is to hear from folks that actually participated and start to remove the barriers between decision makers and communities on this work.

**Wheeler:** Excellent report. Terrific conversation.

**Mason:** I would like to thank Ariana for the work she is committed to.

**Wheeler:** Come on up. We have an invited panel. I don't have the names. Do I? Oh, I do. No, I don't. Could you introduce yourselves before you speak for the world?

**Derek Thompson, Executive Director of Five Star Goods:** Hello, my name is Derek Thompson.

Wheeler: Hi Derek.

**Anjanae Brown:** Anjanae Brown

**Taren Evans:** and Karen Evans.

**Wheeler:** Good to see you. Thank you.

**Thompson:** Thanks for having us here today and letting us speak. I'm Derek Thompson, I'm executive director of Five Star Goods, an Oregon nonprofit. We mentor young adults through employment and wellness. Along with my business partner we welcome high risk youngsters to create employment opportunities for these youngsters and prepare them for work skills and things like that. So when we heard about the PCEP grant we thought it was a way for us to get some of our youngsters involved in the clean energy field, so after networking from some of those meetings we were invited to the zero cities sessions. So once we got to those sessions really for me I started to learn a lot myself about things that I never even thought about, things that I had never even would have paid attention to as far as the clean energy and so for us to want to get our kids involved in this it was just something like, wow, we need to learn more about it ourselves. Then to that it's like, so for people like me that didn't even think about clean energy or energy buildings or emissions and things like that how many more of those are out there like that that could benefit from learning like I was able to learn from going to some of these sessions. Then that's exactly what led me to want to be a part of the review process so that I can also hear from

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community members myself and also learn from them as well what they are dealing with and how it would help them to be more knowledgeable in this field as well. So the information that I started to learn was just like, wow, I see how many people are infected just by the way it impacts them financially by their health. We have seen how it impacts community members if they are not able to stay in their same neighborhoods growing up and things like that as well. We gained a lot of information from the community and so I just think some of the work zero cities is doing with the par team is very important because for people like me that really didn't have a clue or pay attention to it was it was not something that affected me I felt like every day but now that I kind of see this I know that it does in more ways than -- I just want not only for other community members but for a lot of the youngsters that we're working with that we're hoping to train up for the opportunities to be in the clean energy sector this work continues to go so they can be more informed about these things as well.

**Wheeler:** Thank you very much. Appreciate your testimony. Good afternoon.

**??:** Good afternoon. Mayor, commissioners, I just want to highlight some of my personal experiences on the par team. I joined the team as an opal fellow and you may know i'm i'm with verde, but back then not really having the engaged or being as engaged in these processes as I am now, it was super powerful seeing all these black and brown leaders and folks making efforts to self-determine what we want to see in our communities and how we want to get there. Personally it inspired me to do more. Even in speaking with folks that I am friends with who were at the forum who were engaged in the process, they left feeling inspired as well and also even some of them more engaged in their community and the processes that go -- related to what we did in december. It certainly gave me the comfortability start to maybe build trust in our government, our city. And especially with seeing everything go through, that would do the same for our community, heard some comments from community members participating in the process. I think a hope like that is invaluable and having ownership of the data and the process and this is the first project I have seen in Portland that has some real consistent community participation, decision-making and the really the nuts and bolts of making this work. We know that community members are not this consistent in the work of the city, so this is really important to me and I know other folks. Being brown indigenous youth previously houseless and low income is something I feel is a really good step and this is something I want to see and I want to see followed through. I thank you for the consideration.

**Wheeler:** Thank you for being here. We really appreciate it. Good afternoon.

**Brown:** Mayor wheeler, commissioner hardesty, commissioner eudaly, i'm here today to thank you for giving us this opportunity to present. I decided to work on the parking because I enjoy engaging with community. I enjoy -- the par team. Knowing what was going on in my city. I think that it's important to have these opportunities for folks that are leaders in our community. I am an alumni of african-american leadership forum and I graduated that program and I feel like par gave me a good opportunity to use my leadership skills. We learned a lot of things that we talked about today in depth. We sat down, we were able to ask questions and really change the scope of the work. So there are things that said, well, that's not equitable. That doesn't work for us. From one side of the table you understand how harmful to communities are this issue with this idea and we were able to put that out there and see immediate action from the team to say, okay, we understand what that is and we'll fix it in this way. So that was very encouraging to be on the part of a process where you as a community member was being heard. I really appreciate the par team for conversation. I feel like a lot of the times you go to places and they will tell you, oh, your community is poor and you're oppressed. Come volunteer. We'll feed you something and give you the opportunity to spread the word. Well, why did you tell me i'm poor and you keep me in a poor box? Volunteering is great. I love to volunteer but I

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need to get paid. We're in a very expensive city and I have children, one in college. If you know anything about that you know we need money. I appreciate that up front it was saying that we're not going to leave you here to volunteer, we're just going to feed you and teach you and have you pass on this information. That's a very important part of the project that should be implemented in more of our training and processes where we engage community because if we have to pay money to do things we should get paid money to do things. So the climate action process program is something that I haven't heard of before I was invited to this table. I was very skeptical at first just because I have been at a lot of tables where we talk about anti-displacement and diversity and equity and making changes around our city, making policy and building and all these things. I love that kind of work, so it was concerning to me to say, you have this whole plan to do this work and I never heard of it when I have been at the table. I'm at the table. But as we learned about the process and learned how it would be a benefit to our community, a benefit to our environment, I feel environmental justice council for african-american leadership forum and the environment is something that I look at all the time, especially since we have the environmental crisis. I was happy to be able to learn this information and then take those skills that we learned at that table and directly engage our own communities. There's a point in our training where we did have to decide what kind of space we wanted to present to, and we did decide that we want to have a black and brown space so that folks feel safe to be able to speak their lived experience and not have the contrary or be guided, so we had the opportunity to have a forum there. For a bottom line, I think that I would like you to know that we have a lot of people that are ready to lead in our city. We have a lot of people that are ready to learn in our city. Once they learn they do take action. On the other side of this process of engaging in community often of how people come up to me and explain this process was very helpful, it opened their eyes to situations around energy and our climate issue.

**Wheeler:** I'm super sorry. We're going to lose our closed captioning at 3:30. We cannot continue without closed captioning. So I just want to be mindful of that, make sure we hear from everybody on the panel and get andrea's question. We have to cast a vote. I'm sorry about that.

**Brown:** That was my wrap-up. I was bringing it home. [laughter]

**Wheeler:** Lots of anticipation.

**Brown:** We are a community that's ready to lead. They are ready to learn. Let's keep that work going and support this kind of work because it's taking a front line on civic engagement.

**Wheeler:** Thank you so much. We appreciate your comments. Good afternoon.

**Taren Evans:** Good afternoon. I'm Taren Evans with the coalition of communities of color. We are an alliance of 19 culturally specific community based organizations throughout the Portland metro region. So on this project CCC worked alongside four member organizations, VEDER, APANO, PALS and OPAL environmental justice. Collectively our organizations represent diverse communities throughout the city of Portland and communities that stand on the front lines of the climate crisis. Some of the core principles of CCC's environmental justice work are that any environmental or climate initiative must meet with racial and economic equity, prevent harm, provide benefit and ensure inclusive decision-making. This includes equitable policy development through involvement in leadership of the most impacted communities. The zero cities initiative provides a concrete example of these principles put into action and presents a new model for engagement that truly centers community. The zero cities initiative is a community led project with the goal of deepening skills and knowledge related to buildings and energy in communities and tapping into the value of community knowledge and lived experience to guide policy. The project centers on racial equity and provides an opportunity for those most impacted to chart the path forward and

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develop solutions that reflect community concerns and priorities. We know that low income communities and communities of color are most impacted by the effects of climate change and it is integral as we look for ways to reduce carbon emissions that we root our work in community. With ccc we look forward to continuing to engage in the zero cities initiative. I mentioned one of the topics that emerged from the community forum was specifically in relation to building performance standard so we're excited to continue to work with community to explore this topic and generate viable solutions that have community at the forefront.

**Wheeler:** Thank you. We appreciate it. Thanks all four of you. Director durbin, I think the commissioner had one question about how this zero cities initiative fits into our climate action goals and other efforts.

**Durbin:** Thank you for your generosity of time this afternoon. Just quickly briefly this zero cities project is a great example of the kind of shift we want to make in climate policy action. You will see in our budget request we made a modest request to add capacity to one new fte, and some consulting capacity to implement ideas like the building performance standard which is the idea that's coming out of zero cities. You also see in the climate emergency resolution draft be it resolved section 14 and 15 both make references to this kind of work around buildings and making sure we're centering it on delivering benefits for frontline communities.

**Hardesty:** We're going to have to continue this conversation. We have two minutes left. The two cities that have already done this do not have a taking law on the books so if we were to mandate that these changes happen we would be sued by building owners who would say we are taking their property because we're mandating that they do something. I think we need to check before we try to move that forward as a policy.

**Durbin:** Absolutely and we'll be working closely with the attorneys. Absolutely.

**Hardesty:** Thank you. How does this fit into the climate emergency resolution that's coming soon?

**Durbin:** So in the climate emergency resolution in sections be it resolved 14 and 15 there are references to doing establishing building performance standards and doing this work and making sure we're centering front line communities and impact front line communities. That captures the work that we're hoping to move forward, and if, commissioner, you're interesting in augmenting that language it's a draft resolution right now.

**Hardesty:** I'm happy to talk to you about that because i'm concerned if we are that narrowly focused and we can't do it legally without being sued by the owner of every building in the city of Portland --

**Durbin:** We think there's a pathway forward and we're happy to talk to you about that.

**Hardesty:** So moved.

**Eudaly:** Second.

**Wheeler:** Motion and second. Please call the roll.

**Hardesty:** If we had more time I would have a much more elaborate statement. I appreciate the work that you've all done. I look forward to continuing the dialogue but don't forget there are people that have to vote for it and people have to allocate money and we should be involved so that we know what the heck we're doing. Aye.

**Eudaly:** Thank you to the presenters and invited guests today. I know if angenette likes it it must be good because she is not shy about criticizing the city and she shouldn't be. I really like the focus on action. I have also been kind of a disillusioned stakeholder as a renter, parent of a kid with a disability. You get invited to these tables over and over again then you see your hard work come to nothing or even turn into something that was the opposite of what you intended. So I just want to appreciate that. I also want to appreciate the priority of repairing broken trust with the community. We can't start at what we think is the best

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thing moving forward without repairing that trust and I don't think that we have put enough time or effort into doing that. So thank you. I vote aye.

**Wheeler:** Great report. Great presentation. Thought provoking conversation. I really appreciate everybody sticking around and you brought it home beautifully. Thank you all. I'm very happy to vote aye. The report is accepted and we're adjourned.

**Council adjourned at 3:30 p.m.**