



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **9th DAY OF SEPTEMBER, 2020** AT 9:30 A.M.

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

Under Portland City Code and state law, the City Council is holding this meeting electronically. All members of council are attending remotely by phone and the City has made several avenues available for the public to listen to the audio broadcast of this meeting. The meeting is available to the public on the City's YouTube Channel, eGov PDX, www.portlandoregon.gov/video and Channel 30. The public can also provide written testimony to Council by emailing the Council Clerk at cctestimony@portlandoregon.gov.

The Council is taking these steps as a result of the COVID-19 pandemic and the need to limit in-person contact and promote social distancing. The pandemic is an emergency that threatens the public health, safety and welfare which requires us to meet remotely by electronic communications. Thank you all for your patience, flexibility and understanding as we manage through this difficult situation to do the City's business.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Karen Moynahan, Chief Deputy City Attorney

Item Nos. 688 and 690 were pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

COMMUNICATIONS		
676	Request of Walter Weyler to address Council regarding South Park Blocks historic nomination, tree succession plan and the South Park Blocks Master Plan (Communication)	PLACED ON FILE
TIMES CERTAIN		
*677	TIME CERTAIN: 9:35 AM – Authorize eight grant agreements and Intergovernmental Agreements related to the Community Watershed Stewardship Program for a cumulative total of up to \$100,000 (Ordinance introduced by Mayor Wheeler) 15 minutes requested (Y-4)	190105

<p>678 TIME CERTAIN: 9:50 AM – Amend the Building Demolition Code to move implementation details to the administrative rule, update asbestos requirements to conform to state regulations, update demolition inspections language to be consistent with current practices, increase fines for non-compliance, and make other modifications for clarity and consistency and amend fee schedule (Ordinance introduced by Mayor Wheeler; amend Code Chapter 24.55 and Portland Policy Document ENB 14.10) 45 minutes requested</p>	<p>PASSED TO SECOND READING SEPTEMBER 16, 2020 AT 9:30 AM</p>
<p>*679 TIME CERTAIN: 10:35 AM – Amend contract with F.C. Hurdle Consulting, LLC in the amount of \$15,000 to provide additional community stakeholder engagement consulting services (Ordinance introduced by Mayor Wheeler; amend Contract No. 31001591) 15 minutes requested (Y-4)</p>	<p>190106</p>
<p style="text-align: center;">CONSENT AGENDA – NO DISCUSSION</p> <p style="text-align: center;">Mayor Ted Wheeler</p> <p style="text-align: center;">Bureau of Development Services</p> <p>680 Amend Seismic Related Definitions for Existing Buildings Code to update references from the old American Society of Civil Engineers standards to the current version of the standards (Ordinance; amend Code Section 24.85.020)</p>	
<p style="text-align: center;">Bureau of Environmental Services</p> <p>*681 Authorize the Bureau of Environmental Services to transfer up to \$369,000 to the Peninsula Drainage District #1 for operational and capital expenses expected during FY 2020-21 (Ordinance) (Y-4)</p>	
<p style="text-align: center;">City Budget Office</p> <p>*682 Authorize an Intergovernmental Agreement with Prosper Portland for FY 2020-21 economic development activities (Ordinance) (Y-4)</p>	
<p style="text-align: center;">Office of Management and Finance</p> <p>*683 Amend contract with Net Assets Corporation to extend term for providing online access to the City’s lien docket in a not to exceed amount of \$105,000 (Ordinance; amend Contract No. 30003264) (Y-4)</p>	
<p>*684 Authorize an Intergovernmental Agreement with Metro Regional Government for the Revenue Division of the Bureau of Revenue and Financial Services to administer the Metro Supportive Housing Services Tax (Ordinance) (Y-4)</p>	

<p>*685 Amend contract with FAST Enterprises, LLC, to increase contract amount by \$27,807,054 and extend the contract term by up to 15 months to incorporate Metro's Supportive Housing Services personal and business income taxes into the Revenue Division's Integrated Tax System (Ordinance; amend Contract No. 30006958) (Y-4)</p>	<p>190102</p>
<p>*686 Pay settlement of Leonette Fauria bodily injury claim in the sum of \$16,972 involving the Office of Management & Finance (Ordinance) (Y-4)</p>	<p>190103</p>
<p>*687 Pay settlement of Sally Seeger employment discrimination lawsuit in the sum of \$150,000 involving the Portland Bureau of Transportation (Ordinance) (Y-4)</p>	<p>190104</p>
<p>688 Amend Business License Law Code related to the administration of the Residential Rental Registration Program and housekeeping changes (Ordinance; amend Code Chapter 7.02)</p>	<p>PASSED TO SECOND READING SEPTEMBER 16, 2020 AT 9:30 AM</p>
<p align="center">Commissioner Jo Ann Hardesty</p>	
<p align="center">Portland Fire & Rescue</p>	
<p>689 Authorize an Intergovernmental Agreement with Burlington Water District for fire prevention, suppression and emergency response services effective July 1, 2020 through June 30, 2030 (Ordinance)</p>	<p>PASSED TO SECOND READING SEPTEMBER 16, 2020 AT 9:30 AM</p>
<p align="center">Commissioner Chloe Eudaly</p>	
<p align="center">Bureau of Transportation</p>	
<p>690 Amend Local Improvement District procedure for technical clarifications (Ordinance; amend Code Chapter 17.08)</p>	<p>PASSED TO SECOND READING SEPTEMBER 16, 2020 AT 9:30 AM</p>
<p align="center">Commissioner Amanda Fritz</p>	
<p align="center">Water Bureau</p>	
<p>691 Accept contract with Pioneer Waterproofing Company, Inc. for the construction of the Mt. Tabor Reservoirs Preservation Project - Phase 2 as complete, release retainage, and authorize final payment (Report; Contract No. 30006778) (Y-4)</p>	<p>ACCEPTED</p>
<p align="center">Auditor Mary Hull Caballero</p>	
<p>692 Certify August 11, 2020 Municipal Special Election results, proclaim candidate elected (Report) (Y-4)</p>	<p>ACCEPTED</p>
<p align="center">REGULAR AGENDA</p> <p align="center">Mayor Ted Wheeler</p>	

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Bureau of Environmental Services		
693	Authorize the Bureau of Environmental Services to enter into an Intergovernmental Agreement with the City of Lake Oswego to cooperate on a potential replacement of the Tryon Creek Wastewater Treatment Plant via a public-private partnership (Ordinance) 15 minutes requested	PASSED TO SECOND READING SEPTEMBER 16, 2020 AT 9:30 AM
Office of Management and Finance		
*694	Conduct a pilot program for the 2021 Citywide Charitable Campaign to respond to COVID-19 and the racial justice movement as well as the financial hardship facing City employees and the community (Ordinance) 15 minutes requested (Y-4)	190107
*695	Pay settlement of the Estate of Lane Martin's wrongful death lawsuit in the sum of \$975,000 involving Portland Police Bureau (Ordinance) 20 minutes requested (Y-4)	190108
696	Authorize sewer revenue bonds to finance sewer system capital improvements in an amount not to exceed \$350 million and to refund outstanding bonds (Ordinance) 10 minutes requested	PASSED TO SECOND READING SEPTEMBER 16, 2020 AT 9:30 AM
Portland Parks & Recreation		
697	Approve findings to authorize an exemption to the competitive bidding requirements, authorize a competitive solicitation for the use of the alternative contracting method of Negotiated Request for Proposals, and authorize the Chief Procurement Officer to execute a contract with the successful proposer upon acceptance by the Council of the Procurement Report, for the Mt. Tabor Yard Maintenance Facility and Multimodal Pathway project for an estimated \$8,100,000 (Ordinance) 10 minutes requested	PASSED TO SECOND READING SEPTEMBER 16, 2020 AT 9:30 AM
Portland Housing Bureau		
*698	Authorize an Intergovernmental Agreement with the City of Gresham for \$1,184,642 for the HOME Investment Partnership Program (Ordinance) 10 minutes requested (Y-4)	190109
*699	Amend Joint Office of Homeless Services Intergovernmental Agreement with Multnomah County to authorize FY 2020-21 budget allocation to the Joint Office of Homeless Services and extend to June 2022 (Ordinance; amend Contract No. 30005335) 10 minutes requested Motion to remove the extension through June 2022: Moved by Wheeler and seconded by Hardesty. (Y-4) (Y-4)	190110 AS AMENDED
*700	Approve application under the Multiple-Unit Limited Tax Exemption Program under the Inclusionary Housing Program for Sullivan's Ridge-Building A located at 1722 NE Multnomah St (Ordinance) (Y-4)	190111

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<p>*701 Approve application under the Multiple-Unit Limited Tax Exemption Program under the Inclusionary Housing Program for Sullivan's Ridge-Building D located at 1812 NE Multnomah St (Ordinance) 10 minutes requested (Y-4)</p>	<p>190112</p>
<p style="text-align: center;">Commissioner Chloe Eudaly</p> <p style="text-align: center;">Bureau of Transportation</p> <p>702 Vacate SW Broadway Dr at SW Grant St subject to certain conditions and reservations (Hearing; Ordinance; VAC-10110) 15 minutes requested</p>	<p style="text-align: center;">PASSED TO SECOND READING SEPTEMBER 16, 2020 AT 9:30 AM</p>

At 12:50 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **9th DAY OF SEPTEMBER, 2020** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fritz and Hardesty, 4. Mayor Wheeler arrived at 2:04 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Karen Moynahan, Chief Deputy City Attorney

<p>*703 TIME CERTAIN: 2:00 PM – Prohibit the acquisition and use of Face Recognition Technologies by City bureaus (Ordinance introduced by Mayor Wheeler) 2 hours requested for items 703-704 (Y-4)</p>	<p>190113</p>
<p>*704 Prohibit the use of Face Recognition Technologies by private entities in places of public accommodation in the City (Ordinance introduced by Mayor Wheeler; add Code Title 34) Motion to add an emergency clause because of the need to take simultaneous action on both the public sector and private sector prohibitions on facial recognition technology: Moved by Hardesty and seconded by Fritz. (Y-4)</p>	<p>190114 AS AMENDED</p>

At 4:08 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **10TH DAY OF SEPTEMBER 2020** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fritz, Hardesty and Ryan, 5. Commissioner Ryan and Commissioner Eudaly arrived late at 2:03 p.m. Mayor Wheeler and Commissioner Eudaly left at 4:45 p.m. and Commissioner Fritz presided, 3.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Lauren King, Deputy City Attorney

<p>705 TIME CERTAIN: 2:00 PM – Consider appeal by Leonard Gionet, Yvonne Meekoms, and Mary Henry De Tesson against the Design Commission’s decision to approve, with conditions, the Alamo Manhattan 4-block development in the South Waterfront Sub-District of the Central City Plan District (Hearing introduced by Mayor Wheeler; LU 20-102914 DZM AD GW) 2 hours requested</p> <p>Written record will remain open per the following scheduling: Receive new evidence until September 17, 2020 at 5:00 p.m. Receive rebuttals to new evidence until September 24, 2020 at 5:00 p.m. and then the written record will be closed.</p>	<p>CONTINUED TO OCTOBER 1, 2020 AT 4:00 PM TIME CERTAIN</p>
<p>*706 TIME CERTAIN: 4:00 PM – Authorize changes to established Safety Net Program allowing the Director of Human Resources and Bureau Directors additional authority to enter into flexible safety net temporary leave, safety net severance, and reduction of hours agreements during FY 2020-21 and FY 2021-22 (Ordinance introduced by Mayor Wheeler) 20 minutes requested</p>	<p>CONTINUED TO SEPTEMBER 17, 2020 AT 2:00 PM</p>
<p>EXECUTIVE ORDER</p>	
<p>706-1 Reassign City departments, bureaus and liaison responsibilities as stated in Mayor Executive Order dated September 10, 2020 (Ordinance; Executive Order)</p>	<p>190115</p>

At 5:21 p.m., Council adjourned.

MARY HULL CABALLERO
Auditor of the City of Portland

Karla Moore-Love
Digitally signed by
Karla Moore-Love
Date: 2021.02.09
22:46:17 -08'00'

By Karla Moore-Love
Clerk of the Council

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

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

SEPTEMBER 09, 2020 9:30 AM

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

Wheeler: Under Portland city code and state law all members of the council are attending remotely or by video and teleconference and the city has made several avenues available to listen to the audio broadcast. The meeting is available on the youtube channel, www.Portlandorg.gov and channel 30. You can email the council clerk. The council is taking these steps as a result of the covid-19 pandemic and the need to limit in-person contact and promote physical distancing. The pandemic is an emergency that threatens the public health, safety and welfare which requires us to meet remotely by electronic communication. Thank you to everybody for your patience, your flexibility, your understanding, resilience as we manage through this challenging situation to do the city's business.

Karen Moynahan, Chief Deputy City Attorney: Good morning. To participate you may sign up in advance with the clerk's office for communications to speak about any subject. You may also sign up for public testimony on resolutions or first readings of ordinances. The published council agenda at Portlandoregon.gov/auditor contains information about how and when you may sign up for testimony during electronic meetings. Your testimony should address the matter being considered at the time. When testifying state your name for the record. Your address is not necessary. Please disclose if you're a lobbyist. If you're representing an organization please identify it. Presiding officer determines length of testimony. Individuals generally have three minutes to testify unless otherwise stated. When your time is up the presiding officer will ask you to conclude. Disruptive conduct such as shouting, refusing to conclude your testimony when your time is up or interrupting others' testimony or deliberations will not be allowed. If there are disruptions a warning will be given has it further disruption may result in the person being placed on hold or ejected from the remainder of the electronic meeting. All coining meetings are recorded. Thank you.

Wheeler: Thank you. With that, communications is first up. Karla, just one person for communications?

Item 676.

Wheeler: Welcome.

Walter Weyler: Good morning Mayor and commissioners. First of all, thank you for your time and thank you for this opportunity to speak with you. I am walter weyler, chair of the downtown neighborhood association, DNA. Our area is bordered by the Wilamette River, Burnside and 405. The heart of the city. First, I want to thank Mayor Wheeler for helping the DNA mount a successful forum on homelessness. Next I want to thank commissioner hardesty for encouraging us to come speak here more frequently. The DNA recognizes the importance of and the demands on your time for major city issues. We are reluctant to take your time on issues that pale in comparison. However, during the pool of these major issues, city staff are taking proceeding that are accumulating significant opposition. We are concerned when these projects are brought for approval there will issues down the road, that really could and should be addressed now. The DNA has met with and spoken to and expressed our concern to the appropriate city staff leaders. We find them to be intelligent, professional and competent. They however, continue to move their projects toward city

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council with what we believe to be flawed features that should be corrected now. We hope to visit each of you soon but my message today is a head's up on each of these issues. First of all, the South Park Master Plan, the plan will reduce the number of healthy, towering elm trees that give this twelve blocks its signature leafy canopy and it cleans the air for fifteen thousand city residents. B. The plan will route the bicycle green loop along and inside of today's park, shrinking the park, and endangering pedestrians with a moving vehicle threat and reducing the pedestrian experience and safety. The plan will reduce the historically physical size of the park, This plan should be paused until a historic designation is complete and a separate trade succession plan prepared. The second project of our concern, is the Southwest Riverplace Development. During its construction, Riverplace will displace 300 missing idel residents for up to 2 years. Equally important, River place will overload the two lane southwest river parkway, which is the only northern exit/entrance for the entire south waterfront, which is fast adding density. Riverplace should be paused until PBOT and ODOT complete a traffic study to show if the areas infrastructure can accommodate riverplace's density. DNA welcomes the opportunity to work on these and other projects with you. Thank you for your time and consideration. Thank you for the coaching on orchids.

Wheeler: Thank you and I hope you take commissioner fritz's advice on gardening, not mine.

Weyler: Will do.

Wheeler: Thank you for your thoughts. We appreciate it. Karla, first up is the consent agenda. I understand twi items have been pulled 688 690, is that correct?

Karla: That is correct.

Wheeler: Anything else?

Karla: I've had no other requests.

Wheeler: Very good. Please call the role on the remainder.

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

Wheeler: This gets us to our first time certain item. Item 677

Item 677

Wheeler: Colleagues, since 1995 the watershed stewardship program has helped Portlanders create pretty positive changes in their neighborhoods and communities while improving the health of our watersheds. In 2012 the WSB, performed inequity analysis for underrepresented communities. In 2015 the program joined a partnership with the indigenous nations study department at Portland state university to bring ecological insight to the bureau and provide a grant coordination internship for leaders. Each project improves watershed health and supports environmental services while it strives to become an antiracist organization. Darrell from Environmental Services is going to introduce the invited guests and provide a presentation. Thank you all for being here.

Daryl Houtman: Thank you for having me. Share the latest from the QUIFS program. Like the mayor noted, we are in our 25th year, where over 300 community led projects supported by the QUIFS program all over Portland. Today we have come to share good news, an action that is in the works, from some truly awesome Portlanders. Emphasizes community importance and leadership. With that, I'll hand it off to State Judy. Karla, do you have our presentation loaded.

Karla: I'll pull it up in just a moment.

Judy Bluehorse Skelton: Can you advance the slide? Thank you for the opportunity to share some of the highlights. This is really a unique relationship with the QUIFS program and BES has had a dramatic influence on the indigenous nations class and especially approval by the state legislature to agree to the remodel of our old science building which will be integrating the indigenous study program as a key part of that. These partnerships with the city have helped to inform our dean, the president, the students, other faculty who

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are really looking to do this kinds of really innovative work and partnerships. When we look at indigenous, ecological, cultural knowledge, which is a very comprehensive multidisciplinary practice. I'm really excited that the students continue to serve and find a voice, bring indigenous perspective while they are out speaking to historically underserved communities across the Portland area. These relationships are integrated into a lot of our course curriculum to become part of psu's course based learning as well as continuing to let knowledge serve the city. I'm very excited for the two internships. They have redefined what native American studies and indigenous people studies have become as others come to us. I'm honored to introduce al rose to continue the presentation. Just know, that these slides don't capture what is going on. Thank you al for being here.

Allison Rose: My name is alison but I go by al. I am the student coordinator for the QUIFS program this year. Thank you, council, for your time to watch our presentation. We have 8 grant projects and each project brings an opportunity for the community and Portland at large. Our first project, Portland opportunity Industrial Center and Rosemary Anderson High School. Student crew leader training program that is partnered with friends of trees and Portland parks to teach natural resource project management through a career mentorship that prepares them to lead adult volunteers and stewardship activities. The next group is, Lower Columbia Estuary Partnership and the Blueprint Foundation. It helps develop a pipeline of mentees and helps mentors. Gather marine data and learn about flora and fauna and monitoring debris. The next group is African Youth and Community Organization and . Capacity to learn leadership program, centered around the johnson creek and leach botanical gardens. Next group is Outside in, they have a location near PSU. This program is the outside in Houseless Youth Garden in downtown Portland. Students will explore botany, landscaping, hydrazone, architecture. The next group is Depave, we've worked with hem a number of times. They are partnering with friends of trees, Portland parks and multiple high schools. They'll convene with communities near oliver and bridger schools, in the centennial school district they will help assemble community gardens, nature places and nature based landscaping. It's about 3400 square feet of pavement removal that they will be replacing with stormwater greenery. The next one sacred lands alliance. This is one of my favorite projects and it is led by two elders and they will be guiding preservation savannah lands in southwest Portland. They will also provide nature walks and an educational leading up to tryon creek. There will be a staff member that will mentor a student or two to lead restoration projects. Next up is Camp Elso, they'll be partnering with the blueprint foundation, bean village and village garden and youth of color graduates from roots internship program. These groups will track students to be environmental stewards and they will be focusing on the stem field. The community and children will see lots of leaders emerge from these programs. The Tryon Creek Watershed Council will be partnering with Preservation Core, Oregon Refugee Children's Assistance and Portland Community College Botany Class. Tryon will be teaching watershed classes and restoration and workshops. That is all of our grants for this year. If council has any questions for us.

Wheeler: Thank you. Hardesty?

Hardesty: Thank you. Thank you both for your presentation. Al, I had a couple of questions for you. How long have been involved with this program?

Rose: I started last September but I heard about it at the beginning of spring, last year. I got involved through Judy.

Hardesty: You speak so knowledgeably about the work that is being done. I don't want to put you on the spot and ask you if you have your college degree yet but in your education. Are you envisioning using this knowledge.

Rose: If you would open and let people know they will have career mentors guiding them. Students will explore different related fields like botany, landscape architecture and design.

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You speak so knowledgeably about the work being done. I don't want to put you on the spot and ask you if you have your college degree yet but, in your education, currently are you envisioning using this knowledge in your future.

Rose: One of my main goals is to return back home. I'm Navajo and last summer I did a lot of environmental justice work on the Navajo reservation with a group of other Navajo youth.

Hardesty: excellent.

Rose: I want to help some of my friends do land restoration and cultural revitalization work and I'm hoping this experience in grant work will help me write grants for them. Like help develop programs.

Hardesty: so al, you continue to remind me our future is in great hands if the adults don't screw it up before we give it to you. Thank you so much for being here today. Thank you Judy for your incredible work over the years and keeping this program not just surviving but thriving. I can't think of a better investment of a near \$100,000 than creating these opportunities that spark young folks like al to actually imagine how they can give back to their culture, to their community.

Wheeler: Judy, I really thank you for that leadership and structure. It's obviously a meaningful program. Al, it sounds to me like this has really sparked a long-term interest for you. It sounds like this could actually be something you really dedicate your future to.

Rose: I wouldn't say it sparked it. I've had these goals and visions since I was a kid. I think indigenous youth are the future and I think indigenous knowledge and visions are the future.

Wheeler: That's awesome.

Eudaly: I'm laughing now because you said since you were a kid and I'm an old woman.

Wheeler: I was going to leave that one alone. Alison, if you are 40, you are a kid to me. But thank you. We really appreciate it. And thank you for coming in and sharing with all of us, not just on the city council but others more broadly in the community about this opportunity how tremendous it is. And thank you for your leadership. Do we have any public testimony on this item?

Karla: no one signed up, mayor.

Wheeler: This is an emergency ordinance. Karla, please call the roll.

Hardesty: yes, yes, yes, yes.

Eudaly: well, thank you, Judy and al for your presentations. This is just a beautiful way to start our morning. I'm really excited about the work that Bes is doing. Are doing with these community organizations. I love the focus on youth empowerment and racial equity. I just lost my place in my notes. And I think it's a great example how we should be doing work, community work as a city. I also want to highlight and praise the roles these grants play in addressing, of colonization. In this case, the clackamas who inhabited these lands. So thank you to the sacred lands alliance and all the community organizations who are working to make this possible. I vote aye.

Fritz: Thank you, each of you for being here and participating in this program. In addition to the kudos my colleagues have given, which I echo. I remember the late commissioner Fish would have kept this going in the middle of the recession and let the funding continue. So it's good we now continue to have it and have really developed the program over the 12 years I have been involved. And return the focus to where it should be in terms of who benefits and who was impacted and how we move forward more constructively. So thank you very much everybody. Aye.

Wheeler: This is a great program. I'm very happy to support it. And again Judy and al, thank you both for being here today. This is a great partnership between the city, Florida State University, the participants. Everybody who has worked so hard, I'm very happy to vote aye and the ordinance is approved. Thank you. The next item Karla is item 678.

Time certain.

Item 678.

Wheeler: Colleagues. Thank you, Karla. Today I'm requesting the council adopt amendments to the residential demolition ordinance. In February you will recall we heard a report that included recommendations to amend the demolition ordinance. Since that time, development services is having their staff meeting with range of stakeholders including Oregon health authority, department of environmental quality, the Multnomah county health department, architects, representatives and other stakeholders to draft changes to the ordinance and administrative rule. The program is created to address the potential impacts on neighbors of dust and debris from residential demolitions. This ordinance simplifies the language, making sure the people performing the demolition work are properly qualified to do that work. Ensuring that asbestos and lead-based paint materials are properly removed and disposed of. Also based on the report in february, bds is imposing fines. These include separating the types of violations into those that are correctable, versus those deemed to be not correctable. Like demolishing the building before b.d.s. Has a chance to complete inspections to verify regulations are being met. Significantly increasing the fines for non-correctable violations. And making the terminology clear and consistent to avoid the potential for confusion. Because this ordinance moves many of the details of the program to administrative rule, we included a document that explains the code changes and have references to where things were moved from the code towards administrative rule. With that, mike benson and -- are here to present on the ordinance. They are also available obviously to answer any questions after their presentation. Beth and mike, welcome. Thank you for being here this morning. If you give me a moment, I will share my screen. I need permission to share my screen.

Wheeler: Is somebody making sure beth has that.

Karla: looks like we have the settings so that panelists share their screen.

Wheeler: beth, go ahead and try it now.

Hardesty: beautiful.

Beth Benton, Bureau of Development Services: thanks.

Wheeler: looks good.

Benton: again my name is beth benton, property compliance manager with b.d.s. Joining me is mike, supervisor for b.d.s. And lauren is also available to assist with questions. We are pleased to have two active members of the demolition stakeholder work group. Kay, former chair of development review and advisory committee, along with jeff with construction northwest, active member of the home builders association. So for today's presentation we will summarize the substantive changes and proposed amendments related to the demolition code, including brief overview of the recommendations and discussions which began almost a year ago. Staff met with a variety of stakeholders and advisors to produce the ordinance before you today. Amendments for chapter 24.55 and administrative rule, residential demolition should strengthen requirements and improve our inspections process, ensure our code language is clear and further reduce the opportunity for potentially manage the dust for nearby homes. The residential demolition program began two years ago in 2018 with Portland leading the nation as we began regulating potential lead-based paint and asbestos hazards. Main discussions for additional improvements included language clarification, requiring survey prior to moving forward. Clarifying site control requirements and improving on the purpose, the requirements and the timing of the required permit inspections. This resulted in a recommendation to have four required inspections versus three. So we now have one pre-demolition inspection reduce the job prior to any work starting. And we now have two during demolition work inspections. First, ensures that exterior paint and materials have been moved prior to mechanical work. This is the new one, ensures the project and contractor are ready to

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begin mechanical demolition with equipment in place and the inspector is present to watch the wedding system in action. Also with the second new inspection we created an optional version which can be done via remote live video inspection. If the contractor schedules this in advance and has the technical requirements for the remote video inspection. Last, of course, will be our final inspection, which ensures the site is secure, all debris removed, basement is filled etc.. The stakeholder group wanted to implement these critical changes and process as soon as possible. So we adopted interim administrative rule in January 2020. In February of this year we presented our first year report to council. After which, meetings with our stakeholder groups continued as we finalized and incorporated the remaining changes and amendments for chapter 24.55. In order to ensure positive outcome for this program. At this point I will turn the presentation over to Mike Lee Field, supervisor for this program who will walk you through a summary of the main changes. Mike?

Mike Liefeld, Bureau of Development Services: thank you, Beth. And good morning, Mayor Wheeler and City Commissioners. This only proposes changes to two sections of title 24.55. Specifically section 24.55.205, site control measures in residential demolitions. I want to highlight no changes are proposed to existing regulations relating to demolition delay, notification requirements. As Beth mentioned they are meant to improve protections for nearby properties and clarity for compliance with residential demolition regulations. To do this the stakeholder group first worked to update the administrative rule as how the nuts and bolts of the improved regulations will work. This code amendment will support the administrative rules. This process results current implementation details in the title to administrative rules. As Mayor Wheeler mentioned, we have provided a copy of the proposed administrative rules and code commentary showing how the sections have been moved around explaining all the changes that were made for your reference. Survey and abatement prior to a home's demolition and requiring all persons including homeowners doing their work for lead-based paint certifications for safety with removal during demolition. One important site control measure during demolition is ensuring proper wedding standards to control dust. The inspection verifications during mechanical demolition was implemented in January of 2020 with the adoption of interim rule as Beth mentioned. The proposed code amendment updates city title for improved requirement for the process. It's important to note the rules accompanying propose to strengthen the current dust suppression requirements by requiring wet, wet, wet, dust control method. Demolition sites will be called to pre-wet. They need to wet the entire structure and inside the structure through existing exterior openings to coat the maximum amount of material to be demolished. This is something an inspector will verify. Wet number 2 must be performed at all times during mechanical demolition activity. Water spraying must be on equipment at all points of contact with the structure. This is the second inspection we will verify at the start of the mechanical demolition. Finally, material wetting, the third is required after demolition, final moisture to keep particles together during removal and transfer. Next slide. The administrative rule proposes a significant change to the current enforcement process for violations of the site control requirements in residential demolitions. The current process since adoption in July 2018 has utilized a correction notice-only with no fines for first violations. In other words a warning for all responsible parties first offenses. Next slide, please. We are now proposing two categories of fines. Based on whether or not the violation can be corrected with more punitive fines being imposed for greater risk for damage. For non-correctable violations, the section on the right column, we are proposing to discontinue a correction notice with no fine. And are increasing the graduated fine amounts. Non-correctable violations will receive a first citation and a \$10,000 fine. Non-correctable are violations where potential harm or damage has occurred and cannot be undone. Examples would include performing

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mechanical demolition with painting materials still on the structure or performing mechanical activity without wetting for dust control. The blue left table of the graphic, we are proposing to retain the correction notice with no fine for the first violation. Subsequent correctable violations would result in citations and a lower fine amount than correctable violations. A good example would be not having the correct type of plastic in place for hand removal of exterior painting materials or if the plastic that was pre-laid out was unintentionally altered so it didn't extend to ten feet during hand removal of materials. In those situations the party is attempting to comply with regulations and field adjustments can be made to come into compliance while the work is happening. Next slide, please. We have a graphic here to try to describe how the two categories of violations would work. The first thing is enforcement citations and fines remain attached to the responsible party. These fines are not limited to the property where the violation occurred. The citations and fines are graduate and escalate for subsequent violations. As there are two categories for violation types, correctable and non-correctable, both categories need to be tracked and applied separately. This slide is meant to illustrate how the proposed fines would be applied to our responsible party on projects throughout the city. To walk you through the scenario, number one, it shows a responsible party committing a non-correctable violation, site a, this is the first and results in the first citation in a 10,000 fine. At the next site, site b, the same responsible party is found to have a correctable violation and this results in a correction notice only. And no fine. Later, site c, the same responsible party is found to have another non-correctable violation and this results in a second citation and \$15,000 fine. Scenario two is very similar. But it shows in reverse how the responsible party may receive fines for multiple correctable violations. At this point I want to let people know if they have any questions about the proposed enforcement process, we can handle those questions now or at the end of our presentation.

Wheeler: very good. Does anybody have any questions at this point, or should we keep pushing forward? I don't see any questions at this point. Why don't you go ahead, mike.

Liefeld: thank you, mayor wheeler. So we are moving on. As a result of moving sections of 24.55 of the administrative rule we were able to achieve a better flow of process and information and able to separate asbestos and lead requirements for greater clarity. Specifically, we have added to the proposed administrative rule three new appendices. A, requires additional testing, abatement requirements in compliance with regulations prior to commencement of permitted demolition work. Appendix b includes testing and sampling that most closely resemble e.p.a. And h.u.d. Requirements and clarifies who can perform these types of inspections and what information the report must contain. Unless the requirements of the new appendix b are satisfied, all pre-1978 structures are presumed to contain lead. Appendix c is references of all the required certifications required to obtain complete permitted demolition work. Intention of this move, and the admin rule and with the appendixes to make the city title and accompanying administrative rule easier to follow for staff, contractors and customers. With that, back over to beth.

Benton: thank you, mike. In conclusion there were several other suggestions from the stakeholder meetings that everybody agreed would be beneficial. B.d.s. Staff have agreed to work on the following initiatives. One, the creation of additional safety and best practices information for all residents. This information will be available on our web pages and handouts and by updating the required notices. Number two, we plan to explore partnering with area college and university programs for field sampling and air monitoring during demolition activities. In order to collect data for use in measuring the success of our program. We hope to begin this once our current covid pandemic subsides. Three, we will explore, if our current technology has the capability to provide email or text alerts to neighbors when mechanical demolition is scheduled through our online permitting system. Finally, we will begin discussions with industry stakeholders and interested members for

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starters to explore the possibility of also regulating dust and potential lead-based paint hazards with regard to commercial demolitions. We hope to begin these meetings within the next few months. Finally, next steps, once the code amendments before you today have been adopted we will publish our draft administrative rule for hearing with public comment and plan to let the mayor and staff know when we are ready to publish. We thank you for this opportunity to present our proposed amendments. And finally, to close out our presentation, active stakeholders mary ellen, followed by jeff Fish, local contractor, long standing active member of the home builders association, both of whom would like to offer a statement regarding these changes to the residential demolition code and program. Afterwards we are available to answer any questions. Mary helen, the floor is yours.

Hardesty: Can I ask a question? I want to make a statement. I know the last time we were having this conversation, a lot has happened since you last presented these code changes to the city council, right? I don't have to tell you that. I just want to tell you I appreciate how much work you have done despite the crises the city of Portland has had since we first started this conversation. I'm really impressed you have actually, from what i've been able to read, you actually embraced many of the iron shoes that were of concern the last time you presented to the city council. So I just want you to know, I remember all of us were being bombarded with emails just as the pandemic hit. And I just want to appreciate the fact that people don't see their work continues behind the scene. Whether we have a pandemic, economic crises or racially-charged movement taking place. I just want to appreciate the hard work and the thoughtfulness under which you are bringing this back to the city council. I applaud your team and this work. Thank you.

Benton: thank you.

Maryhelen Kincaid: okay, i'm maryhelen kincade. As beth said a former chair of drac as was jeff Fish, I followed him. I want to give you a brief history but before that, I want to say how humbled I am and echo commissioner hardesty's comments about al rose and her expertise at such a young age. I envy that. I don't think there's any chance for me now at 69 to be anywhere close to that. But what a wonderful accomplishment and addition to our city. And yes, as commissioner eudaly said, what a great way to start this meeting. I think I have some good news for you too. Thank you, mayor and commissioners for taking the time to listen to this. I think I have some, I think fairly good news. I've been involved in very contentious issues in the city airport, overhead approach, demolition code, all of those things and involved in a number of community committees. I've seen the worst and the best of us in community meetings. I think this committee, staffed by b.d.s. And primarily in the very beginning by nancy thornton did an excellent job of bringing really diverse people to the table from people that didn't want another house in Portland demolished to those that purported to accuse people of wanting every house demolished. We were able to start this in 2014, I believe. 13 people started talking about asbestos and lead, brought up at community meetings. Fast forward to today, where we have made, I think, tremendous accomplishments. Beth eluded to the fact that Portland is the first city. I don't know if only is true anymore, that has regulations about city regulations about asbestos and lead. It has been an iterative process by taking bits and pieces of conversation. It hasn't always been easy or fun but in the end i'm proud of the work we did, that drak did and all the people that came along did. Stakeholders should, it's one of those sit -- situations you all know nobody is happy and nobody is all that mad. We came to a middle ground. B.d.s. Staff worked wholeheartedly and even with the latest times during these difficult challenges we are facing, kept at the work. Didn't step away from it. And it's protecting our citizens. I'm particularly happy with the initiative, one more that's come out of this. It all started because robert mccullough came and said you have to stop demolitions. From there we landed here today with the idea that now we can look at commercial deconstruction, not deconstruction, sorry, demolitions. I live within a half mile of Portland

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meadows. When they tore that down, we were covered with a dust cloud and i'm quite sure there was asbestos in it. No air quality testing on my part. We received numerous complaints about people living next to commercial buildings and there being no controls. I look forward to their work on that. I wish the new stakeholder group good luck. This effort was rewarding in the fact that we face the difficult problem with diverse stakeholders. There wasn't a group left untouched that wasn't. There's 97 neighborhoods, I think we visited over 50 of them. I'm pleased with that effort to involve many, many voices and not suffer the criticism of people in a back room made a decision. So I thank you for your efforts in supporting this. I think you should all be proud of the work your city employees have done for you, through all the various commissioners, a couple mayors and this is a good point. We did a good thing. It's going to protect the citizens of Portland.

Wheeler: Thank you, maryhelen. And it's never too late. So don't count yourself out yet, there's a lot to give. And thank you for that perspective.

Kincaid: i'm really enjoying my backyard and garden because I always say my radishes don't talk back.

Wheeler: Where were you when we were discussing gardening earlier. We could have used your advice.

Kincaid: I was upset, about commissioner Fritz's beautiful orchids but I missed the whole story.

Wheeler: We will give you the down low on it. Thank you for your participation. Does that complete the formal presentation?

Benton: I believe mr. Fish would like to make a statement.

Wheeler: You bet. Go ahead, jeff.

Jeff Fish: thank you, mr. Mayor. It's always somewhat troublesome to follow maryhelen because she steals your thunder. I have to thank nancy, mike and beth. Especially nancy. I have sat on a lot of committees over the years and this was one of the hardest ones to keep us focused on our mission to get it done. She did a great job. My only concern of what was produced is the degree of the fines. That's not to belittle the importance of keeping asbestos and lead and things out of the air and neighboring properties but some things rival or exceed what you have for fines and d.e.q. For osha that could actually cause death. What i'm concerned about is coupled with the deconstruction that sean wood has done, we have seen some minority companies get involved in the deconstruction. Deconstruction is pretty easy to get into. You need a truck and crowbar, basically. I know there's at least one female group certified. I use a deconstructor that is hispanic. I'm a little concerned with the degree of the fines and the amount of the fines that it might scare some of those people away from wanting to take on a job where they might misunderstand some of the regulations. I will give you an example. Mike talked about having plastic out ten feet from the house. When you get on a five-foot side yard setback you can only go five feet and then vertical. Even though I sat on the committee I couldn't say how far vertically you have to go on that. I think it's ten feet but I could be wrong. I recently had a home deconstructed that cost me \$22,500 to do it, including back filling a basement. When you have a job that's \$22,500 and possibly take a \$10,000 or \$15,000 fine because you misunderstand something I think that's a pretty tough nut to chew. I would like to see the fine amounts reduced. Maybe take a look at them, staff take a look after a year or two and feel if they need to be ratcheted up, ratchet them up at that time. But I think in some respects it could scare off some minority contractors that might want to get into the business. I think that's the end of my comments. One last one, commissioner Fritz and I have gone head-to-head over some issues back when she was on the planning commission. I want to thank you for your service. We often were on opposite sides of an issue but you were always professional about it. I appreciate your service to the city. Thank you.

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Fritz: Thank you, jeff. I appreciate that.

Wheeler: Thank you. Appreciate it. And that completes the presentation, is that correct?

Benton: yes, sir.

Wheeler: Very good. Karla, is there any public testimony for this item?

Karla: we did not have anybody sign up for this one.

Wheeler: All right. Unless there's any other questions from my colleagues, and I don't see any, this is a first reading, it moves to second reading. Thank you all for your presentations. Next up, Karla, is time certain item number 679. We are right on schedule.
Item 679.

Wheeler: Colleagues on June 27, 2019, contractors entered into between both city of Portland and this company to provide community stakeholder engagement services in the development of the digital equity action plan. The original contract amount was \$71,150 with an expiration date of May 27, 2020. Additional consultant services are required in order to adjust the strategies used with community stakeholders in a safe, physically distanced manner. In addition in line with the city's equity-based framework for engaging with residents, additional consulting services are needed to identify residents who face barriers to internet adoption. The contract not to exceed \$17,150 is increased by \$15,000 to a new total not to exceed \$32,150. We have Elizabeth Perez from the office for community of technology here to answer any questions. Welcome, Elizabeth.

Elizabeth Perez, Office of communication technology: thank you, mayor. It's good to be with you here today. I will give you a quick history of this contract. As the mayor pointed out, we entered into this contract with hurdle consulting in 2019. The original statement of work anticipated we would engage with community stakeholders through reflections event. Phase 1. And after the development of the draft plan for phase ii we would again follow-up with the members and other community leaders. So we did come to council in June to try to expand the contract. We had cost savings from last year we felt we could use towards this contract. In this fiscal year we have a little bit less. A little bit of background for the city's digital equity budget we have about \$40,000 so we are using about half to fund this work because we think it is incredibly critical to the long-term strategy for our office in the city's digital equity work. So in addition to the complications we have faced from COVID and trying to engage with our community stakeholders we really shifted the work of hurdle consulting to do more training for staff. And the members and to do additional outreach to additional organizations currently doing the work in the community that would benefit from being part of the den and the next phase of the digital equity action plan. And that we would be able to assist them as well. So just a little bit about the timeline, we hope to bring the m.h.c.r.c. And the municipal broadband feasibility study to you all soon. With that, we hope to preview our intentions for phase ii that we believe will respond to the needs ascertainment as well as broadband capability study. So in June, starting in June and through September we have been working with our library and county partners to draft phase ii. We are hoping that this month October hurdle will be able to start leading the community engagement and November we will come back to present phase ii. We have asked this item to be heard on emergency just because of the time constraints. The hurdle team has had to put their work on pause so I would like them to begin this work. I do have Conrad Hurdle here to also share a few words.

Wheeler: welcome.

Perez: Conrad, are you here? I don't know if he was able to log on but I can answer any questions you may have.

Wheeler: Very good. Colleagues, any questions on this. I'm not seeing any questions. It looks pretty straight forward, Elizabeth. Is there anyone signed up to testify for this, Karla?

Karla: no one signed up, mayor.

Wheeler: Very good. We will call the roll.

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Hardesty: elizabeth, I want to really appreciate your thoughtfulness in hearing what was said at the last time you brought this in front of us, reaching out to me, having a conversation with my office. I support the direction you are going as I told you when you testified the first time, my concerns have been addressed. I think you are an absolute superstar and we are happy to have you at the city of Portland. Happy to vote aye on this measure. I vote aye.

Eudaly: thank you for the presentation, elizabeth and it's good to see you, I vote aye.

Fritz: Thank you very much. I'm pleased to see continue to move forward. We have to do it one step at a time and that's what you are doing so aye.

Wheeler: Thank you. I vote aye an the ordinance is adopted. Thanks. Next to the regular agenda Karla.

Item 693.

Wheeler: Colleagues the bureau manages our water treatment facilities. The tryon creek. Wastewater treatment plant is located in lake oswego and services about 20,000 customers in southwest Portland. Dates back to 1984. The plant has been owned, maintained and operated by the city of Portland. The plant is in dire condition. This allows the city of Portland and city of lake oswego to enter a partnership to design, build operate and maintain a replacement sewer treatment plant with the city of lake oswego. Here to join us with more information is jonas.

Jonas Biery, Bureau of Environmental Services: thank you, mayor and commissioners. I will work on making sure I can share my screen to get this presentation up. Thank you mr. Mayor, you teed up the first slide pretty well. Kind of a summary. A summary of where we are just a visual to orient everyone, the plant as you describe constructed in 1964 managed under 1984 intergovernmental agreement. This is kind of the northern end of lake oswego, just this 43 enters from state street. About 45% of capacity. Keep that in mind as we go through the presentation here. The key objective of the current before you is to allow this project to continue to the next step. We are at a point lake oswego, city of Portland go out for request for proposal. This iga starts to reform the thoughts about the path forward so we can get the request for proposals out and officially get proposals for the qualified bidders. Three teams that have been identified. The r.f.p. Information will really provide us the technical details and financial details so we can collectively, as two cities make a determination whether this makes sense. Which is why we support going forward with the r.f.p. To tee up, this is a pretty confusing arrangement, so we try to simplify. This is the current arrangement. The green boxes on the left. The city of Portland does it all. We hold the permit, we own the land, facility and equipment and responsible for operating and maintaining the plants an financing and make improvements. The existing i.g.a. Under which city of lake oswego pays the city of Portland for their share of the cost. It's a complicated formula but effectively it's a 50/50 kind of a cost share that lake oswego contributes. So the new arrangement if this were to go forward, if the r.f.p. Is successful and we get to a new treatment plant *. It would completely flip, the city of Portland would pay our share of costs, something close to about 35% of our usage to lake oswego. It would own the land and facilities and equipment and hold the permit, for a new permit under d.q. Rules. There would be a new i.q.a., not the one before us, but another i.g.a. In a year to 24 months that will indicate responsibility there. Lake oswego will have an agreement with a private party. Terminology is dbfom. As you see in the blue boxes. It flips the relationship. It serves majority usage is the entirety of the city of lake oswego population. Number of benefits to the city of Portland. One important one, significantly reduces our long-term risks. We no longer have responsibility for the onm and challenges just because of the under investment in the plant. We would no longer have a long-term risk of driving capital reinvestment and future regulatory risk would be borne. It better aligns costs for city of Portland to actual usage. It does have potential which we care

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about. The new plant as opposed to just upgrading existing 64 plant, would have potentially more advanced capabilities to provide higher quality return to the river. Of course it supports that innovative technology and financial arrangement. It's super important to me and others we set this up and its defined in the iga this would be cost neutral and we believe better in the long term to the city of Portland. We need impact to rate payers would be at least no more than the status quo if we reinvested in the existing plant we believe it will be more cost effective for the city of Portland and we need those details to make the determination once we have the r.f.p. Responses. Just a couple more slides here. Actually borrowed this from lake oswego presentation. This is a summary what we went through, comparison in the blue building new p3 and keeping the existing plant all the issues we went through previously on the prior slides that described difference between current status and new status. One thing we will flag this is important to lake oswego, it does have a smaller footprint. And so has an aesthetic benefit to that area. Think about renegotiating. This with interim iga lake oswego pretty much covered all of the costs to date to get to this point. We will share those costs 50/50 but most will be rolled into project cost if that. But we would be responsible for our portion of those costs if it did fall to the wayside and return to status quo. We would update the facilities plan. The investments over the next 30 years. We estimate that's \$230-\$350 million with most occurring over the next ten years. A pretty major investment if the p-3 is not successful. Schedule lastly, so this starts in march of this year. This work started well before then but really in the context of the iga we put out the briefings throughout the spring. Lake oswego had a study session at their council july 14th. Generally supportive of moving forward. Here we are today september 9th. Lake oswego, we hope and intend this same iga at their city council. There's a few more steps. Review the r.f.p. City of port -- Portland will have a few more seats. Assuming that's successful, predevelopment goes forward. I do want to mention, let me if I can go back to the next slide. This is a long term exercise. At best it would be fiscal 23-24 before the treatment plant would be operational and eventually the old plant could be recommissioned but it is a lengthy process. We can offramp, it starts to preview some key concepts future i.g.a. Like the sheriff costs capping our maximum commitment. Ensuring that any amounts that were due to city of Portland under the existing i.g.a. Are returned to Portland and starts to define permit responsibility and that's transferred. So thinking back to the schedule, just so you know the touch points are for council this is a simplified version of the next steps. Here at number one, approval of the interim i.g.a. Which allows for development publication of the r.f.p. And development of the pre-development agreement will determine along the way whether this is feasible. If not will return to the existing i.g.a. If it is feasible there will be a future i.g.a. But that point three there will be a future council action to discuss that feature near governmental agreement which will allow the p-3 to build the renew plant and transfer those operations. And that is my presentation. So happy to address any questions or concerns you may have.

Wheeler: Very good. Colleagues, questions, concerns? Looks like none at this time. Do we have anyone signed up for public comment?

Karla: none signed up for this one, mayor.

Wheeler: I think this is a solution for a problem with us for some time and I appreciate the work that the bureau of environmental services is doing and the work you have been doing john is to try to find a solution for all of us. This has been a thorny issue for a long time. So thank you for not just punting this down to the future once again. This is a first reading of a non-emergency ordinance.

Item 694.

Wheeler: The city's charitable campaign provides a means for employees to donate to funds and federations. The campaign, as you know, usually provides an opportunity for

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city employees to support various community organizations that serve Portland residents and beyond. Covid-19 has changed everything. As we know Oregon will continue to contend with the virus well into 2021 and racial equity will continue to be a factor. Charitable campaign to respond specifically to covid-19 and racial justice movement as well as hardship. Janet storm is here to expand on the matter. Welcome, Janet. How are you today?

Janet Storm, Office of Management and Finance: good morning, commissioners. Good morning mayor. My name is Janet Storm with the office of management and finance, chief administrator's office and you have pretty much summed it up very well. When we were beginning our original planning of the charitable campaign back in March, that's when Covid happened, occurred. Shortly thereafter the social equity movement started. My office and chief administrator were trying to find a way to address these issues within the context of the campaign to provide aid to those organizations that are on the utmost front lines of Covid and racial equity movement to try to make a real difference. We discussed it with chiefs of staff. It seemed like the best way was to take the existing campaign which is more of a broad brush and really focus on the issues that are affecting all of us right now. Especially communities of color and people who are suffering from Covid, family members, people who are taking care of people with Covid. And especially where the two meet together because we know the communities of color are being very heavily impacted by Covid-19. But also we wanted to show support for the greater movement as well. We have proposed a pilot program. We reached out to the Portland housing bureau and Portland bureau of emergency management and the office of equity and human rights. And asked them which organizations were partnering with the city because we would like to invite them to participate in the campaign this year. We also know that city employees are facing furloughs and a lot of people are having serious financial hardships. We wanted to support them as well by not offering so many choices, kind of narrowing our focus but also for those folks that don't have the ability to donate and we know there are probably quite a few people who would like to participate in some way. We are asking them to share with my office, their volunteer efforts and we will highlight them on the campaign's website because whether you give me your time or money, it doesn't matter. You are helping the community and we really care about that this year. Are there any questions at this point?

Wheeler: Colleagues? Commissioner Hardesty?

Hardesty: Thank you, Mayor. I didn't get to my hands up fast enough but you saw me. Is it your recommendation that this list you provided will be the only avenues for city employees to give through the giving campaign this year?

Storm: This year only. The list is also, it doesn't have to be all-inclusive. The criteria that we used was the organizations directly partnering with the city on Covid 19, or racial equity movement. And these were the organizations that were suggested to us by those three bureaus. If anybody knows of another organization we have missed, that is actively partnering with the city on those two issues we would like to include them.

Hardesty: I will say the coordination team has a list of 100 plus organizations provide direct assistance to community members. I don't know if you have had a chance to Mike Myers. But that is an inclusive list of organizations that are volunteer organizations, as well as organizations with paid staff. Have you, I'm just trying to understand if the list is limited to paid staff or is it also reflective of volunteer organizations? Looks like most of the organizations just did a glance. Organizations with paid staff people. There are efforts providing significant community support. One of those lists is available through the coordination center. Many you don't know because they don't have paid staff advocating for more money.

Storm: the criteria I use, when I met or checked with pbem and we received a great

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number of those organizations from pbm, the criteria is it a 501(c)(3) organization, I don't see any reason they couldn't participate. As long as they are an actual non-profit. I didn't look, or we didn't look into whether they are mostly volunteer run or staff people. But I can certainly circle back with mike on that.

Hardesty: Thank you, janet. I just want to be clear, you are limited by a 501(c)(3) designation?

Storm: yeah. So they can make the donations through our employees' payroll.

Hardesty: Are you limited by them having a fiscal agent if they don't have a 501(c)(3) themselves?

Storm: if they have a fiscal agent, we can certainly work with them that way.

Hardesty: I just want to make sure the list is inclusive and not exclusive and we are thinking about the people providing the on-the-ground assistance right now. And have been since covid started. So my questions have, I have no problems with anybody on the list. I just want to make sure we were really being thoughtful about who is on the ground providing direct services. Some of the volunteer efforts taking place, I don't believe those organizations have 501(c)(3)'s yet. But it doesn't mean their work isn't critical to the recovery of Portland. Thank you.

Storm: yeah, and we would like to include them as well. So if there's a way to work with them we would love to do that. Speaking off the cuff it's so important.

Hardesty: How do we make sure, I support the concept for a one-year pilot. How do we make sure at the end of the day we have a list inclusive of all the work taking place to help people stay safe in their communities?

Storm: I don't know if it's necessarily from our perspective, possible to know who everybody is. But we can certainly do our due diligence and I can check back with pdm. I can check with the office of equity and human rights, Portland housing bureau. I am more than happy to have people come to me and recommend our organizations and reach out to them.

Hardesty: I just had a radical thought. What if we said we were only going to have organizations serving the community with an annual budget of 100,000 or less. Or \$200,000 or less? I'm happy to try to make a case for that. My concern is we have wonderful organizations that serve our community. Some are enormous and some suck up a lot of the city's resources. Some nobody knows they exist. I think if you gave people a list of organizations that represented the big boy and girl organizations that people tend to look for organizations they at least know the name. They don't know why they know the name but they just know the name. As you know, we have given a lot of resources to a lot of organizations since covid started. I continue to have the concern that they go to the big organizations. Here is an opportunity for us to really think creatively since this is a pilot and we are doing it this year and we will do some assessment whether it worked or not. So again, the idea is strong but i'm very concerned that we are still feeding the same kind of organizations that we continue to go to, because those are the ones that we know. Whether or not they do good work, many of them do great work, that's not my concern. My concern is that unless we know, unless you are tracking how many dollars we are sending already to those organizations then it's really hard not to continue to send them the bulk of the resources we have.

Storm: understood and I am open to any and all suggestions.

Hardesty: all right. I look forward to continuing the conversation.

Wheeler: thank you. Commissioner eudaly?

Eudaly: Thank you, mayor. And thank you for coming to us with this today. I am also very supportive of this temporary change in the giving program. And I agree with commissioner hardesty. I'm really interested in this conversation. I think there are groups that are not formal non-profits doing vital work in our community and I understand the challenges of

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including them in this campaign. Those donations won't be tax deductible and less assurance of certain standards we would want to make sure exist. So i'm not going to push for that. If 501(c)(3) help the sponsors but I really am interested in the conversation about focusing the dollars on organizations that have small budgets. As commissioner hardesty said, there are large organizations that pick up a lot of resources. They have fundraising machines. And these smaller organizations have a harder time grant writing and fundraising because they are focused on delivering services. They may not even have a paid grant writer. They are also more nimble. I'm generalizing but they can be more nimble and stretch farther. The fewer hands that dollar passes between our check and the person who is receiving the services the better. I mean, I don't want to hold up this process in any way but I do think it's a very valid important conversation.

Storm: as I said, we are open for that.

Wheeler: Commissioner Fritz?

Fritz: Thank you, mayor and thank you Janet for your long time support with this program. Appreciate you are willing to rethink it. I'm wondering if there's a way to get what you are asking. This is an employee giving program. The employees choose where they direct their money. And they may have heard of a big organization and less of a small one. So with the internet where you can post as much as you want on a website perhaps there could be a link, you could sort the organizations in terms of size of budget so if people wanted to give to smaller organizations, and in particular if it's an organization, well each organization could write-up their own spiel about why they encourage employees to give to them. So they get some visibility even if employees choose to give to ones they have always given. That's my recommendation to invite those on the list to send in something that could be posted with a link to their website even.

yes, absolutely. And we definite we can do a list. The information about how much money each organization makes is readily available online. We can certainly do our own list and put that information out there for employees and they can make their decisions.

Wheeler: Commissioner Eudaly? Okay. I will just chime in on this because it's an interesting and almost philosophical question. How big is too big and should we be supporting success. If an organization is successful and it grows, are we imposing some sort of an implicit bias against organizations that have proven themselves to be successful and able to scale their services, and potentially even back more cost effective in their delivery. I would caution us against presuming that large or established is necessarily a bad thing. On the other hand, there are amongst our newest, fresher start ups are a lot of those engaged in addressing the needs of the community, immigrants, folks underserved and they are looking to help in new and unique ways. But on the other hand, I think we still have a threshold of success. This is something our children's levies have been struggling with for a long time. We spent about a year and a half going through a significant process to figure out how do we address this question of newer smaller organizations, non-profits in the community. Some of which still need technical assistance and support to really be successful. Ultimately the decision was made to create a completely separate sleeve of funding for those organizations. They will need technical support to comply with the rules of the children's levy itself. That's a model certainly worth looking at. I applaud the efforts here. Janet, I appreciate your openness to suggestions and ideas from commissioners and others who might want to put an idea on the table. I think you are finding the right way forward on behalf of all of us. Thank you for that. I also just have a plea to the community. Portland has a lot of non-profit organizations. We have a lot. That's a hard message for people to hear sometimes when they really have their heart in the right place and they are enthusiastic and they want to dedicate time and energy to a cause. Sometimes it is better to see if there's not already an organization out there doing some of this work. Or maybe their work could be expanded and administrative overhead and staff costs could be shared

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rather than starting to be completely new 501(c)(3) organization that then becomes a competitor for resources as its own overhead, own staff costs and competes frankly for limited government resources. What is needed and what becomes duplicative. Do we have any public comment?

Eudaly: Mayor? Thank you everyone for this conversation. Janet, I'm curious, if we pass this today what is the opportunity to return to this organization about crafting the list, or is there one?

Storm: I would say it's open. We are thinking the campaign will be in November. So there is some back end work that needs to be done loading these organizations in the online donation portal. And also, those organizations that don't have it good with the city yet. Bureau of human resources would need to do some set up on their end. It's important at some point we kind of draw the line. But I don't think we are there yet.

Eudaly: Sometime this month, maybe.

Storm: yeah.

Eudaly: Because I do think, everyone has made really good points. It's important to bear in mind the majority of non-profits even the big ones are taking a hit to donations right now. Their revenue is down anywhere from 20-40%. But in our efforts to deliver equitable aid to the community through this program with a new focus on organizations it's really interesting to then take that conversation even further into equitable distribution of our dollars. And my preference really is by pop led organizations. And people with lived experience. If we are talking about an organization that serves the homeless population, for instance. I would love to be able to continue and happy to hear there's an opportunity for us to give you our recommendations. I do think it's a great opportunity for the city to highlight a lot of smaller newer organizations that are relatively unknown to the public. But there may be bigger organizations on this list who have really great outcomes and we know have existing infrastructure and connections in the community that we might want to support.

Storm: I think the city employees would agree with you on that. Hard to tell who is going to donate where but it is important to be doing our homework and providing them with the best options

Wheeler: it's funny, I was trying to think was this my very first job in Portland. My very first job in Portland was with the Black United Fund of Portland. That job actually allowed me to go to various workplaces and encourage those employees to think outside of the limited united way box that maybe the employer was thinking in at that time and encourage people to give to an organization like the Black United Fund which wasn't as well known or as known as United Way. As an example. Last year it really struck me when you did your presentation how many organizations now have the opportunity to receive resources from city employees. What I know is if we don't start putting in front of city employees organizations that we may not be aware of or accustomed to, those, our employees may never have the opportunity to invest in those organizations. Opening up workplaces so organizations led by people of color had an opportunity equal to the same opportunity United Way had. Somebody's baby, I think.

Storm: that's my son.

Hardesty: I'm so impressed with parents who can keep their face straight when their kids are going crazy in the background. We are also at a milestone. That was 30 years ago. We are at a milestone today fundamentally we think in a lot of things we thought we had the answer to. So I just want to encourage yes, I appreciate the creativity but I think we could do better and I look forward to working with you over the next 30 days to make sure we create those opportunities to invest in things that we know are making our community better and are helping us to build toward the equitable future we are looking for. Just want you to know, I have a long history with workplace giving campaigns. So thank you.

Storm: thank you.

Wheeler: Is there any further discussion on this item? I was going to ask if there's testimony.

Karla: yes, we have one person Edith Gillis.

Edith Gillis: can you hear me?

Wheeler: yep. Go ahead.

Gillis: so I wanted to, before we get timed I have a question for Karla. I thought I registered to give public comment on 688, 690, 694, 695, 702, 703 and 704. I wasn't included in the earlier ones. I'm wondering how to correct for today's stuff and if you can email me how to avoid that in the future. The same problem happened to me multiple times and may be happening for other people.

Karla: Edith, we haven't gotten to 688.

Gillis: okay, I'm ready to start. I was going to bring up comments Commissioner Hardesty said and I'm so grateful for that and Commissioner Eudaly. I wanted to say that I would like the city to have a consistent pattern that would be publicly available as well as to the employees using a same framework so that we're not expanding the gap between the haves and have-nots. Those that can afford or have volunteers providing incredible p.r. And outreach and websites versus those that are putting money directly into services and don't have that. If the city would have available, not only to its employees where they are giving, I thank you so much for including volunteer work because that is priceless. If you could have that posted for the public to see where you would be having a grid showing the categories of services and community members that are served whether it's immigrant, who are also on the management, administration, the leadership. And also other ways we can crosscheck to see the other ways of services. If it's a generic phrase and framework for everybody to see, we can let people know about the things happening, they won't reproduce the wheel, won't have a bigger gap between the have and have-nots. We have the support we want to have and we will be wasting less money on the publicity and we will have more accountability. Another good advantage of this is the city has accomplished a lot of really great things already in today's meeting. And the public doesn't know that. The public knows of the horrible things that police are doing. So the city is losing credibility, therefore authority and power and sustainability. But when you let people see the good things the city is doing it can help us have more of a sense of trust and cooperation we could have more resilience, efficiency of our resources. We will have a better way to counteract the despair, the cynicism, the resentment and anger that's been coming up because of the incredible criminality violence by the police. I'm wanting to commend you for doing this. For being flexible, for being thoughtful and just expand on the good work that you are doing. And again, thank you for the comments that Commissioner Hardesty and Eudaly said that I was going to say myself.

Wheeler: Very good. Thank you. Karla, does that complete public testimony?

Karla: that does, mayor.

Wheeler: Please call the roll.

Hardesty: thank you so much for this conversation. This vote today says I'm supportive in concept but I expect that we are going to make some changes as we move forward. That is on the public record. I'm going to assume that is so. I want to support what Edith said. Thank you for thinking outside the box during this time and this environment and understanding that the world has actually shifted on its axle and we will be doing things different.

Eudaly: thank you, again for the presentation, and thank you everyone, for the conversation. I think it's interesting and important. Like Commissioner Hardesty, I support the direction that this is going. We are going to be putting our money where our mouth is. And that always feels good. Because there is always more talk, I think, at city hall than

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there is walk. I'm grateful for that. And i'm also happy to give any additional input into developing that list. As the cofounder of a nonprofit that was entirely volunteer for the first couple of years, and continues after 20-plus years to this day operating in a shoe string budget, I want to admit I might be bias towards small organizations. Because I know what they can do with limited dollars. I vote aye.

Fritz: thank you, janet for your work on this. I want to echo what the mayor said, we shouldn't penalize organizations that are successful. Particular, the black resilience fund raised over \$1.5 million since george floyd was murdered and puts it directly into helping people out. I wouldn't want us to limit based on dollar amount. Because, you know, that way we would perhaps -- you would since I won't be here next year, you might price out the ones that are most successful. The approach of sharing information. Let's return the focus. This is city employees giving their own money. And choosing where to do it. But the city making it easy for them to do that. And so I very much appreciate all of the public service that our employees give, including making financial contributions as well as the work they do. Thank you for your work. Aye.

Wheeler: I vote aye. The ordinance is adopted. Next up, 965.

Item 965.

Wheeler: Colleagues, on the afternoon of july 30, 2019, Portland police were called to northeast davis because lyne martin was threatening people in a parking lot with a knife and a hatchet. Multiple officers attempting to communicate with mr. Marlen to deescalate the situation. Mr. Martin was unwilling or unable to follow their commands to drop his weapons. According to reports, mr. Martin was acting threatening screaming threats and claiming to be a federal officer. After being shot with less lethal ammunition rounds he ran into an apartment complex court yard on southeast ash street. There he faced off with a group of officers and shot and killed when he reached into his pocket to grab a knife. Remediation sessions in late june, the estate of lyne martin agreed to dismiss claims in exchange for \$975,000 risk management city attorney's office recommended approval. We have ran the risk management division and city's attorney.

Randy Stenquist, Risk Management Office of Management and Finance: randy stenquist. You have stolen my thunder. And read the synopsis of the case. Mr. Bailey and I are here to answer questions that you might have about the negotiates settlement, a voluntary mediation participation by all of the parties. This was the amount of money that all of the parties agreed to.

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

Karla: yes, mayor, three people. The first person is edith gill is.

Gillis: i'm sorry. I agree with the former city employer and attorney becky chow, there is a high risk of a jury finding the city guilty and requiring a much higher payment. I want us to as I say, almost every time we have these, really address the underlying reason we have these pay outs too little for the wounded parties, injured parties and too much for us to take out of our tax dollars. I would like us to really commit as commissioner Fritz has said she wants us to be doing. And hardesty and eudaly, that we apply research based best practices for preventing or reducing lawsuits and preventing or reducing fines and other kinds of payments. One, have good laws and policy, which are inclusive and developing this from the community members. We can make a lot better improvements of that. I know you are also trying to work on the city charter and I commend that. And on the police contract. Two, have good communication in a public education. Three, good supervision and oversight. Four, clear rules of transparency. And accessibility to all members. Five, good lifetime correction, enforce. With realistic and effective consequences immediately. Good training, support for improvements for each party. Good empathetic listening and pereport building, earning trust. Accountability with restorative justice. And ways to learn

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on how to go forward in a regenerative culture. For example, doctors are not going to be sued of horrendous things if they make things right and treat people decently. People are often sued who may not have done as comparative harm but they are so contentable and so oppositional, like in a war. The old legal/lawyer mentality is not what we need for a strong healthy city. We all know, we need to improve what the police are doing. And we all know that the police lie. That they falsify evidence, destroy evidence, tamper with witnesses. And the story you are saying is not -- you are acting as if they were fact and it's not agreed upon fact and not representing by the evidence and witnesses at the scene. We need to make sure this sort of thing doesn't happen again and we don't have public statements, as you were reading, that are untrue. And that are going to increase things. I would recommend every aftertime there is a use of force --

Karla: that's three minutes.

Gillis: you immediately have --

Wheeler: Thank you. Next.

Karla: next, is dan handleman.

Wheeler: Mr. Handleman, welcome.

Dan Handelman: hi. Good morning, this is dan handleman from Portland cop watch, can you all hear me? Hello?

Wheeler: yes, we can.

Handelman: great. Thank you. It's hard to tell on the phone. All right. Again, this is dan handleman. The city is setting the lawsuit, listed as a wrongful death for lyne martin. He was in a mental health crisis, swinging an axe walking down the street. After the officer shot him he dropped the axe, that was not mentioned in the mayor's narrative. Shooting mr. Martin was not a form of deescalation. The officers cornered him. And the shooter and one other officer said he pulled a knife. But he did not live to give his side of the story. This was the fourth of five shooting death, the third with someone involving mental health issues. We analyzed the shootings by the or agreements. The last record ended we added the 16 -- 18s. 55% are predoj involve mental health, the ones since then makeup 60%. To use less force on people in mental health crisis is more deaths and shootings of people in mental health crisis. In terms of taxpayer dollars, the settlement falling shy of \$1 million mark, this means it comes from taxpayers. We recently updated data on settlement and jury awards. Since 1992, Portland paid out \$12 million for top misconduct cases, the death of mr. Martin is it four. 14 went to bruce brown, a black man in 2001 was wounded by kenneth. The officer who headed up the gun violence reduction team. 24, gerald, shot in the back but lived, who is african american. In addition to failures to help people in crisis, ppd has a history of wrongly shooting african americans. The police review board cleared the officers per the report that came out in august. There was praise for the officers efforts to deescalated. The ongoing stance that led to mr. Martin's death. We read mayor wheeler's claim he can't comment on cases because he has to decide whether officers were using the policy. We want to hear populations that policy was change to end the deadly 4ths. I would like to hear the word tragedy when we talk about what happened to mr. Martin. His family want to put the incident behind them. We hope we'll change the way police do their business so we don't ends up with more [audio cutting in and out]. Saying things like this out loud. We're nine months into the year and the police have not killed anyone. There have been 20 shootings in the state so far this year. It's a welcome relief, only one was by the ppd. One deadly force by ppd is 2009.

Karla: that's three minutes.

Handelman: thank you.

Wheeler: Thank you.

Karla: the last person signed up is shannon cramer.

Wheeler: Welcome, shannon.

Shannon Cramer: can you hear me?

Wheeler: Yep.

Cramer: great. Thank you. So hello, my name is shannon. I lived in Portland on and off for a decade. I'm a Portland state university student in my thirties. Here because of the egregious use of deadly force by Portland police. And a repeated pattern that will cost of millions, the previous testimony have said. It's also shown yet again not only in the patterns but yet to see justice case of haze and over the nights by Portland police. An officer removes the face back mask with tear gas in order to mace the person directly in the face. This is an example of wanton cruelty to person in control of the officers pinning him and a potential lawsuit that will cost the residents millions. The polices have been duped by a brotherhood so disconnected it pits americans against one another and escorts white supremacists to the city limits. 93% of these protests have been peaceful, yet the police respond violently every time to put black lives matter protesters compared to other protests. Officers on the 41 front lines have been set up to fail by superiors. They must act with violence and dominance. This expect ace of violence and enabling of excessive force leaves no room for compassion and costs well-being and finances. It sets up to keep paying wrongful death suits and brutal practices elevated as if part and parcel of police duties, which they are not. This will fall on deaf ears to the Portland police, they will rally together like children afraid to admit they have done wrong indignant. Our people deserve better. Moral code for those held to a higher standard has been laid bear as a farce. They should be better. It's up to you to ensure actable change occurs or else you are wasting our time and money. Thank you your time. I hope you consider your action regarding the force so clearly prevalent within the Portland police bureau.

Wheeler: Thank you for your competitive. Karla, does that complete public testimony?

Karla that does, mayor.

Wheeler: Very good. Call the roll.

Hardesty: My heart goes out to the family. I vote aye.

Eudaly: Aye.

Fritz: As noted, there was a very disperse impact on people affected by mental health. And beyond what we do, what commissioner hardesty is doing with the street response, supported by the mayor and the council, we do need to continue to put pressure on the legislature to adequately fund mental health services within the community. Because people shouldn't -- should have the resources they need to not get into such crisis whenever that can be prevented. And I agree this was a tragedy. And I vote aye.

Wheeler: I vote aye. The ordinance is adopted. Next is 696.

Item 696.

Wheeler: All exists litigation authorizes bonds net revenue in the city's sewer system sufficient to provide proceeds up to 25 -- \$350 million, reasonably required to finance costs. Intended to authorize bonds expected to be issued in fiscal year 2021 and 2022. While approximately \$140 million of bonds are expected in the current fiscal year, a higher amount issued if there is a financial benefit based on market conditions at the time of the sale. Mike is here to answer any questions. Welcome. How are you doing? It's matt, sorry. I said, mike, I think, sorry. I know it's matt.

Matt Gierach, Bureau of Revenue and Finance: it's okay. Thank you. good morning, matt, the manager with the bureau of revenue and financial services. This ordinance 300 million of sewer bonds, to finance various projects, capital improvement plan. The 350 million borrowing authorize is expected to cover in the next two years of the bureau's finance capital expenditures. Of the total bonding authorization, the bureau currently issuing approximately --

Wheeler: Sorry to interrupt. Matt, i'm sorry. Jonas, do you have hand up? Nevermind. Good. Sorry, good to go, matt.

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Gierah: okay. The 150 to 12 -- 200 million to cover expenditure for the next months. Market access and municipal bond market during covid-19, the city's management division will be assessing the market for better conditions to lock in advantageous rates. The estimates borrowing rate is 2.15% for the 20-year borrowing. This will vary depending on market events between now and the bond sale. Over the next two months, the city's bureau and environmental services will prepare the documentation for facilitating the bond sale, expected to occur in november of 2020. Happy to answer any questions on the financing. And joined by jonas from bes from bureau-specific questions.

Wheeler: Very good. Colleagues, any questions? It doesn't look like it at this particular point. Do we have any public testimony on this item?

Karla: no one registered, mayor.

Wheeler: All right. Good. Without further ado, thank you for the presentation. This is a first reading of a nonemergency ordinance, just a second reading. Thanks for the great work.

Item 697.

Wheeler: Voters overwhelmingly approved this back in 2014, thanks to amanda Fritz and nick Fish. In total, the bond funded over 50 projects across Portland, including playground replacements, improving swimming pools, trails and where ins and many others. This is one of the last bond projects to begin construction. And this one is focused on Portland parks and rec employees who work for the mt. Tabor yard facility. This will provide a safer work environment for our staff. It will improve productivity with a grand new maintenance shop needed for a long time. It will have connectivity to mt. Tabor park via a multimodal pathway. To ensure the contractor understands ask can respond to the constraints, flexible to scheduling to ensure the employees can continue important work and improve outcomes for majority contracting goals and more. Here to share more about the project and proposed alternative contracting method are robin laughlin, the project manager at parks and our chief procurement officer, lester spitler. Welcome, robin and lester.

Robin Laughlin, Portland Parks & Recreation: thank you, mayor wheeler. I want to give you a heads up before I get started. I'm the -- the wind picked up five minutes ago. My internet is popping in and out but I have you on the phone for back up. If you lose the video, lester will continue the slide show for me. Fingers crossed we to don't have wind for 10 more minutes. Need to share screen. Can you see the first slide?

Wheeler: Not yet. Keelan, can you help us? How can we get robin access to the -- to her desktop.

Keelan: sure, I can share my screen, robin, if you would prefer.

Wheeler: Lester, go ahead and continue. If robin comes back then great.

Lester Spitler, Chief Procurement Officer: sure thing. Can you see the presentation?

Wheeler: Yeah, we can see it.

Lester Spitler, Chief Procurement Officer: robin, are you there via the phone? Let me -- i'll go ahead and pitch hit here and walk through the presentation and talking points. So thank you, mayor wheeler, city council. I'm lester spitler, the city's chief procurement officer to present on the mt. Tabor yard maintenance facility and multimodal project and recommend authorization of the contracting method of a negotiated request for proposal. Mt. Tabor is part of the 2014 replacement program passed by voters to address critical park neath in seven areas. This fits into the protected workers focus area and will renovate the aging structures at the mt. Tabor maintenance facility. The second of two to go into construction to protect workers. The project is located immediately south of mt. Tabor park in southeast Portland within the neighborhood association. The project site in color, southeast division street, southeast 64th avenue and southeast lincoln street. The project side is an essentially facility from which Portland parks and rec maintenance and operation staff serve the assets of the citywide system. 110 employees from several parks

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and rec divisions with staff responsible for a horticulture services and irrigation, carpentry, welding, plumbing and facility maintenance technicians. Project will provide a modern safe facility for many of these workers, replacing aged structures you see on the screen. The community has had a significant role in the future of mt. Tabor as well as the project specific portions at the maintenance log and long block. Council adopted the master plan update, amending the master plan to include the project area at the maintenance area. A year-long planning process with the neighborhoods and 35-member group. A project advisory committee, via regular meetings and general public through open public house meetings. Additional communications to the public made through updates to the project website. The current work was approved through a type three land use for conditional use review and historical review. This work was completed in May of 2018. With input and support from the community and staff at the yard, Portland parks and rec developed a final design constructing key improvements focusing on 17,822 square foot staff maintenance shop facility as shown in the long black rectangle on the screen. Removal and relocation of horticultural and plant storage to the area shown in yellow. Establishment of a horticultural area adjacent to southeast 64th area. A maintenance yard reconfigure within the area shown in gray. A new multimodal pathway in light orange, the new path stretching from southeast division to Lincoln every and provide off-street connections for pedestrians and bicyclists and half street improvements. Public art located along the pathway as well. The new staff maintenance shop facility to be built with this project will include shop space for carpentry, plumbing, electrical and a crew room, supervisor spaces and locker facilities. The path is located along the western edge, including a 12-foot wide concrete path, lighting and improvements along 64th avenue, leading into the park. Project includes funding from multiple sources, the replacement bonds provides 7.6 million. Imagine maintenance 489,000 for the worker facility portions of the project. Service development charges in the amount of 1.9 million fund the multimodal path. Portland parks and rec has anticipated ongoing operations and maintenance associated with this renovation, 45,000 [audio cutting in and out] withheld until July 2021 due to construction timing. After today's milestone with your approval, we aim to post the request for proposals next month. Construction is estimated to begin early in 2021 and last about 18 months. The project should be substantially completed by summer 2022. And now, I will talk about the alternative contracting approach. The city is required to address findings when we're doing anything other than a low bid for a construction project. For this project we looked at the low bid approach. But since the project was already fully designed and there was a lot of complexities involved, we landed on a negotiated rfp as being the best for the project. Benefits of a negotiated rfp, the fact you get to evaluate proposals and things other than price like project approach, the team they assemble, the proposed workforce diversity commitments and subcontracting plan. The exemption process requires the city address 14 findings and publish those two weeks prior to a council hearing. Those were addressed and posted as required and included in the council package today. The following are highlighted findings that support the project. One of them is the fact that alternative to a low bid cannot -- we don't expect diminished competition, we expect more. We feel it would be risky for a contractor to submit a low bid. We feel this approach will facilitate cost savings due to reducing risk of delay claims. We'll be able to look at their schedule as a valuation criteria. We feel like there is plenty public benefits, increased opportunities for certified subcontractor participation and workforce diversity by asking proposers to tell us how they are going to engage certified subcontractors for scopes of work and what sort of commitments they make to women and people of color in the various trades as well as subcontractors employ, we'll be able to take those into consideration and the contractor who we select. We also, as I mentioned earlier in the presentation, this is an ongoing operations and maintenance facility. There has to be

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minimal disruptions to the operation. We'll be able to evaluate sequencing of work, scopes of work, constructability reviews, schedule and any sort of ideas they bring to the table on how to execute the project. Lastly, we'll be able to ensure bidding contractors fully understand the requirements of the site, scope of work to the best of their ability and understand the values of the city. So there have been park staff and staff from procurement services that presented over the past nine months at various organizations that represent minority contractors. We presented this project along with other forecasted projects the city has had. By doing so we hoped to gain interest and eagerness on behalf of the contractors that want to respond as prime or subcontractors. We will be working collectively with robin and staff from parks to include questions asking for commitments to certified subcontractor participation as well as workforce development for women and people of color and apprentices and the trades. And lastly, pricing will not be the sole criteria. We will be disaggregating and focusing the pricing on scopes of work versus a lump sum amount for the entirety of the project. That gives more insight how the contractor prices scopes out along are the proposed schedule will allows us to pick the best contractor that aligns themselves with the city's values. That concludes our presentation. Our

Wheeler: very good. Does that complete the entirety. Commissioner Hardesty, you are up first.

Hardesty: thank you, mayor. And thank you, lester. I don't know if the other person attempting came back yet. Lester, my focus question today is, what I heard you say, is we are going to ask the contractors how they are going to meet the goal. What I didn't hear is whether the contract will actually require them to meet the goals that are set from minority and women-owned firms participation.

Spitler: I can answer that. With request for proposal, it is a requirement. We incorporate that into the contract. So that becomes a binding contractual requirement. So it is a more powerful, we have more authority in an r.f.p. Versus in a lower bid because we get to have that decision making.

Hardesty: what happens if six months into it they aren't meeting the goal?

Spitler: well, then, if they're not meeting what they told us they would do, then there's liquidated damages, there's ultimately, that would be considered potentially breach of contract, termination for convenience. We would look to assess liquidated damages. We would give them a cure notice which says, look you aren't doing what you said you would do, you want the contract based on your proposal. You either need to come up with a corrective action plan, if you don't, these are the consequences you will have.

Hardesty: and how closely are you monitoring and tracking this contract for the outcomes we are looking for?

Spitler: the contractor would be reporting in our two software systems. We would have information up-to-date as soon as we are paying the contractor, it changes to subs and we have the ability to report on that. Anywhere from 15. It's real-time but there's a delay about 15 days because it requires the verification of payments which tracks the progress of payments in our system.

Hardesty: can we ask for higher goals, goals that we would ask for typically in an r.f.p.

Spitler: yes. We ask contractors to be creative and think big. The biggest thinkers in the contract that put a thoughtful proposal will get more points and ultimately a better chance of winning. And often times, I think in r.f.p.'s we do see higher proposed amounts because they know they will be able to work with the city. The subcontractor folks are already bought out because they do that bidding before they submit it. In an r.f.p. They have a plan and opportunity to look at the various scopes they will subcontract for and think of the best way to engage subcontractors. Often times that could be direct negotiations. Limiting the pool of competition to certified firms. Doing best value like we are doing. Or ultimately

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a low-priced bid for subcontract. But there's more creativity to be able to truly engage, thoughtfully and intention ally to get more out comes than a local bid. I think you just answered. Thank you.

Wheeler: Commissioner Fritz?

Fritz: Thank you, mayor and thank you for acknowledging the 2014 bond measure that commissioner and I helped to pass. Thanks to the staff who have implemented so many, I believe this is one of the last ones and its significant that it's one that provides improvements for employee workspaces, as well as multilevel. Somebody asked me why does it cost \$8 million. I'm sure it's the entire facility. The current facility was part of the posters for passing 2014 bonds measure because it's in absolutely horrible state. I want to thank all of the employees who have continued to work despite these conditions. Looking outside at the smoke and the wind and i'm very grateful to all of the first responders responding to the horrendous conditions we have outside. Thanks to the other presenter whose power went out. This is really continuing to be a challenging time. I appreciate everybody doing that. I don't have a question. I just wanted to thank the staff of parks and procurement services. I definitely appreciate this approach which has resulted in better outcomes for women and minorities. I also thank the neighborhood association for their participation in figuring out how this path is going to be constructed, as well as the configuration of the buildings. So it's really an example of a collaborative effort from all of the parties and i'm looking forward to seeing the completion of this. One of the final projects of the bond measure.

Wheeler: Thank you, commissioner Fritz. Any further questions at this moment? Very good. Karla, do we have public testimony on this item?

Karla: No one signed up. This is a first reading of emergency ordinance, it moves to second reading. Thank you for the presentation, we appreciate it. 698 --

Robin Laughlin: excuse me.

Wheeler: Hey robin, good to see you back.

Laughlin: I can see you on my computer and hear you on my phone. I just want to interrupt and say thank you for your time and patience with my power issues and thank you lester for covering for me, if anyone else has questions for me i'm happy to answer.

Wheeler: Thank you, robin. Lester did a very able job filling in and we certainly all understand the technology issues. We spent the first 15 minutes of the meeting trying to sort them out. Commissioner Fritz?

Fritz: Yeah.

Wheeler: You re-muted accidentally.

Fritz: I will start again. Thank you. Robin, i'm glad you came back on and your power was restored. You have been absolutely crucial to the process and so many of them and I so very much appreciate you and your team's work on this and the other projects. Thank you.

Wheeler: Thank you, next item Karla, item 698.

Item 698.

Wheeler: The city of Portland and gresham have entered into the home consortium for h.u.d. Home investment partnership program. The city of Portland is the representative member of the Portland home consortium with a responsibility to carry out responsibility to the public consortium. The purpose is to describe the responsibilities to the parties and specify how the city of gresham will allocate for fiscal year 2021. Welcome. I believe we have stella martinez here.

Stella Martinez: thank you, mayor. Are there any questions regarding the iga?

Wheeler: It seems like a necessary step. I don't have any. Colleagues, any questions at this point? Karla is there any public testimony on this item?

Karla: no one signed up for this item.

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Wheeler: Very good. I think you are getting off easy today then.

Hardesty: aye.

Eudaly: aye.

Fritz: thank you for your very succinct presentation, aye.

Wheeler: That was a short one. The technology worked as well. I vote aye. Next item 699.

Item 699.

Wheeler: Colleagues I would like to make an amendment. I would like to remove the extension through june 2022.

Hardesty: I second.

Wheeler: To make this change, Commissioner hardesty, I didn't practice this. To make this change I move to amend the title to strike the reference to the extension through june 2022 amend paragraph three to strike the reference to the extension through june 2022. Amend paragraph five on page three of exhibit a to strike 2022 and replace with june 30th, 2021 and make any other conforming changes as necessary to remove the extension through june 2022. Commissioner hardesty has seconded. Any further discussion on the amendment. Call the roll.

Hardesty: aye.

Eudaly: aye.

Fritz: aye.

Wheeler: Aye. The amendment passes. And with that, we are to hear from mark and shannon callaghan.

Shannon Callahan, Portland Housing Bureau: As you know the city of Portland has a strong partnership with Multnomah county for homeless services. This was formed in 2016. And this annual i.g.a. Amendment facilitates the council-approved annual budget allocation to the joint office. This year the i.g.a. Also contains additional federal funding related to the covid emergency to help people who are living on our streets, shelters and on other means unhoused, so with that I will turn it over to mark for a few brief comments, and thank you for your time.

Wheeler: Colleagues, any questions for director callaghan? Mark, you want to jump in?

Marc Jolin, Portland Housing Bureau: just to say thank you and make myself available for any questions about the amendment.

Wheeler: Any questions? I'm not seeing any in particular. Karla do we have any public testimony.

Karla: we had two people signed up. I believe one is still there. Adam brown.

Wheeler: adam, are you with us? There he is.

Adam Brown: good morning, folks. That's probably a mistake. I'm the business services manager for the joint office and i'm here to support this item as needed.

Wheeler: Very good. Thank you, adam.

Karla: richard rubin. I'm not seeing him. Do we have him?

Wheeler: Further questions? Going once, twice. Call the roll.

Hardesty: aye.

Eudaly: aye.

Fritz: thank you for all of your work, it's much appreciated, aye.

Wheeler: Aye. And as a slight foot note to my vote, since the ordinance is now adopted, mark, I want to thank you, in particular, for your hard work and your forbearance. Obviously, you and I are in discussions about how to re-tool our efforts around reducing street homelessness and connecting people to the services they need to be connected to. You have been very nimble in terms of expanding shelter capacity on behalf of the city of Portland and Multnomah county during the covid crisis to comply with the c.d.c. Guidelines. I think all of us understand here and acknowledge that the community wants

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us to do much more in order to reduce the number of people camping in our streets and doorways and our over passes. And elsewhere people are increasingly concerned about the victimization of people on our streets. There's clearly a demand and need for additional shelter space. And potential sponsored camping spaces that are safe, proper hygiene and running water and trash collection services and connections to services and support. I want the community to know I hear that concern. I share that concern. It will be my intention going forward to address those concerns. Would love the full throated support from everyone and joint office of homeless services that absent that, the city council will have our own discussions about the \$37 million currently allocated towards those efforts and we will always ask and have a duty to always ask whether or not those funds are going towards the issues we believe are most important. Right now from my perspective, the street homelessness and addressing chronically homeless on our streets and doing everything we can to resolve their situations and help get them off the streets and keep them off the streets. That would be my focus. I believe my colleagues share that concern. Mark, you have heard it. You have worked with us. We hope you will continue to do so. That's the spirit i'm voting. The ordinance is adopted as amended. Thanks. Next up 700.

Item 700.

Wheeler: It's not a wednesday morning meeting of Portland city council without a guest appearance by dory van bockle. I'm looking at sharing my screen. I would like to present on this item and the following item together.

Hardesty: Do we need a separate roll?

Wheeler: Thank you for reminding me. We will read these separately. Never mind, I stand corrected. 701 as well, please.

Item 701.

Wheeler: Awesome. Sorry for the confusion. Dory go ahead.

Dory Van Bockel, Portland Housing Bureau: good morning mayor and commissions i'm dory van bockle with the housing bureau. We are here to talk about buildings subject. There are five different options to choose from in order to provide affordable housing on site of their development or by sending it to another site and they are also able to reconfigure those different units into particular sizes to have more family services or provide a fee in lieu of providing affordability. The two projects are part of a larger development of six total buildings. Building a and d are actually going to be taking advantage of consolidating for the whole site. The affordable units will be provided in these two which will also have some market rate units within them as well. So the two ordinances today are to provide a tax exemption for those affordable units within these two buildings only. More specifically, about what we are looking at for the projects, this building a. Is a 24-unit apartment building that's been converted from a current motel. And within it, it is mostly studio units but also has a few one-bedroom, two-bedroom units. A little larger than what we normally see. You see the average square footage. Any of the inclusionary housing units within the building have to be at least 90% of the average square footage across the building. 50%, 80% median income by consolidating some responsibility from other buildings. There will be 33% of the units in building a restricted over the 99-year time frame. So that's a total of eight units, six studio and two 2-bedroom units. Looking at the tax benefit as well as the rent discount on average, these are based on projected rents and projected value of the property that then results in what the exemption value will be. Tax exemption itself is only applicable for the first ten years the building is in service. However the restriction is for 99 years. So in this case on annual basis we can estimate, excuse me, the total tax ex exemption is \$336. And \$2,310. Monthly value, a savings of \$193 per unit a month, compared to \$4 a month that would be expended in tax exemption. Similarly building d is also a 24-unit building but will be

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receiving a few more units from the rest of the projects on site resulting in , that comes out to twelve studios and four 2-bedroom units. Because these buildings are pretty much one in the same, it actually has the same estimates and projected savings from both the tax exemption compared to market rent differential to at forwardable rents. Are there any questions?

Wheeler: colleagues, any questions? Dory thank you. As always those were great presentation. Karla any public comment on 700 or 701?

Karla: no one signed up mayor.

Wheeler: Very good. Please call the roll.

Hardesty: aye.

Eudaly: thank you, dory, I vote aye.

Fritz: thank you, dory. I like this program. I think it's a good benefit to have the long term affordability in exchange for the short-term fairly modest tax exemption so I vote aye.

Wheeler: Aye. The ordinance is adopted, 701. Call the roll.

Hardesty: aye.

Eudaly: aye.

Fritz: aye.

Wheeler: Aye. The ordinance is adopted. Item 702, please.

Item 702.

Wheeler: Commissioner eudaly?

Eudaly: thank you, mayor. This is to save the historic marks house and i'm going to turn it over to p-dot carl anrita to present the item. I hope.

Karl Arruda, Bureau of Transportation: just trying to unmute.

Eudaly: hi, carl.

Arruda: good afternoon mayor and commissioners. I'm karl arruda with the bureau of transportation. As commissioner eudaly said this ordinance is connected with the efforts to preserve the -- house. The street vacation is for vacating a piece of unused right of way at intersection of southwest grant street and southwest broadway drive. I think there are some slides here. On this first map, the arrow is pointing to the area of the street vacation. You will see i-45 broadway first avenue facility. This slide has a closer up view of the proposed vacation area. There's a triangular parcel. It looks like one parcel of land. The left side of the triangle is officially public right of way. So that is where the vacation area is proposed. The east side was previously owned by the city. The right of way piece was dedicated to the public in 1867 and part of what is now broadway drive. This photo is from 20 years ago. Shows what the triangular lot looked like back then from grant street towards downtown. Go to the next slide. And so as commissioner eudaly mentioned this project is in connection with the morris marks house. That's the original purpose of what's going on here. So the goal was to help preserve the morris marks house which was shown here in its original location on southwest 12th avenue in downtown. The house was originally built in 1880 and is one of very few examples in Portland of italian architecture in Portland. The house back in 2015 or so was scheduled or in danger of demolition. Applicants arranged to buy the house from the previous owner on the condition that they move it. And so in conjunction the city's contribution is to agree to sponsor the street vacation and to sell to the applicants the neighboring piece of land. For the house to be moved. The surplus sale from that piece of land was authorized by council in 2017 and that sale closed in 2018 to facilitate the house being moved. So this is the house after it was moved to the triangular parcel. So this view is from broadway looking southeast. The street vacation is part of the applicant's plan to use the area as a parking lot for the house. The house will be used as commercial office space. Our next slide. So this slide shows a couple of views of the house and vacation area from renovations a few months ago. One more slide. More views from last week, I think it was, a week or two ago with the fencing

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next to the house. Looking downtown again from grant street. The one condition, one major condition that we received during the comment period was from the water bureau. The water bureau has two significant lines running underneath the vacation area and a fire hydrant, which you can see in one of those photos. So the water bureau required permanent easement to protect those lines and the bureau's access to them and to the fire hydrant. And on the next slide, keelan, this is an aerial view from before the house was moved. Showing the water lines and hydrant in relation to the vacation area. You can see the close up of the hydrant next to the house. Next slide, keelan. And so this shows a schematic of a preliminary parking plan of what the parking lot would look like next to the house, if the street vacation is approved and the parking lot is constructed in that gravel area that you saw previously. So besides the water bureau's condition for easement, the notable request during the comment period was from a couple of different people to make sure that there was adequate pedestrian access, especially on Broadway up on the upper right corner of the slide. During the surplus process and during the street vacation process, staff made sure that we retained enough right-of-way along Broadway for future expansion of the pedestrian/bicycle corridor that could be part of the green loop project. I believe that's all I have for now. I'll be happy to take any questions. And I think Karen and Rick may have comments.

Wheeler: All right. Thank you for the presentation. And anybody have any further questions on that particular item or Commissioner Eudaly, anything else to add? I just want to say how much I appreciate the communitywide efforts that went into restoring that facility. And I'm just -- this is great. This is really great. Thank you for doing that. Do we have any public testimony, Karla?

Rick Michaelson: I think we as applicants would like to make a statement or two.

Wheeler: Okay. Why don't you go ahead. If there are others who would like to do that. Legal counsel, is there a format I'm supposed to be following for this?

Moynahan: no, there isn't, Mayor.

Wheeler: This isn't that formal. But for the applicants it seems very reasonable to let them testify. I see Rick and I see Karen. Who else would like to testify? Karla, how many folks?

Karla: Edith Gillis.

Wheeler: Rick, why don't we go ahead and start with you.

Michaelson: Can we do it in three-point or less? Mayor Wheeler and council members we're pleased to be here today.

Wheeler: Rick, I'm sorry you have to announce your name.

Michaelson: Rick Michaelson, one of the applicants. We're pleased to be here today. We have been working on the project since 2016. And actually, moved the house in 2017, three full years ago. We're pleased to say this is the next to last city approval we need to get this project completed. As soon as we get this street vacation approved we're going to get the building permit for the parking lot, which will then complete our applications. We are pleased to be part of the green loop system. We did significant improvements on that side of the house. And we look forward to completing the project, and when COVID is over, inviting you to take a tour. There are pictures online to look at. It's looking spectacular. And we're pleased with the project and city's support.

Wheeler: Thank you, Rick. Commissioner Fritz has a comment or question?

Fritz: Thank you very much. You have been involved since 2016. 2006, Dr. David Cutler and wife Nancy informed me about the house and efforts to save it. They were two of the first people to be kind to me and my husband when we arrived in 1986, this has been a long project. I did notice the article in the Argonian last week saying the property is for sale for 1.8 million. And that the city sold the land for a dollar. So Rick, would you like to tell folks, you know, about the cost of moving restoring so that that gets put into context?

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Michaelson: sure. Our total cost on this project it's going to be about \$2.3 million. We think 1.8 million is a reasonable sales price. I consider the \$500,000, so a contribution we're making is a contribution, a thank you to the city of Portland for the years i've made my living. We never went into this to make a profit and we're happy with the result and how this has turned out.

Fritz: Thank you, I appreciate you putting that on the record. And i'm commenting, and thank you, karen for being here also, many, many people worked hard on this, rachel and mayor's office. We thought we were in charge of it when I was in charge of parks and it turns out the water bureau, commissioner Fish took over. It was very, very complicated. And I appreciate all of the efforts and whenever I used to go by on the bus on my way to work or home, I would look over and marvel how it looks now, the gate way to the city. I look forward to visit it. Thank you.

Michaelson: thank you.

Wheeler: Thank you, rick, thank you commissioner. Karla, who is next?

Karla: karen carlson?

Wheeler: Yeah, I see karen. Go ahead karen.

Karen Karlsson: i'm karen carlson. Like rick, i'm pleased to be here. This has been a long, long process. And I think actually every single city employee has been involved in this process or at least it feels like they have. We've gone three many different approvals through just about every bureau I can think of. It's marvelous and beautiful and 140 years old. I think it looks darn good for 140 years old. Just to clarify things, mayor Fritz, we paid \$180,000 for the land. We paid a dollar for the house. And as I think it's about a half a million to move it. It was pretty comprehensive all -- expensive. We think it's beautiful. We want to show it off. We're sad it's covid and we can't share it except for photographs. I'm happy to share photographs for anyone who would like to have them.

Wheeler: Thanks a lot, karen. We appreciate it. Commissioner eudaly. You have your hand raised.

Eudaly: I do. Thank you, mayor. I want to quickly appreciate rick and his company for their commitment to historic preservation. I would love to see the photos. It's so hard to look at vintage photos from Portland and realize all the incredible buildings we've lost over the decades. It would be great to see photos of ones we still have and that have been lovingly and beautifully restored. So thank you.

Wheeler: Thank you, commissioner. And Karla, does that complete public testimony on this item?

Karla: we have edith gillis?

Edith Gillis: thank you, I appreciate the integration and cooperation, the multiple layers. I wanted to encourage you require permeable surface to maximize the storm water bio filtration. I would like you to maximize the photosynthesize of carbon sequestration. Cleaning and cooling our air, increase the trees and making it easy and economical with accessibility to the utilities instead of having that hard pavement and also inviting of rest space because that's a very difficult place with all the pavement to get to a safe space if one is walking, bicycling, or has a car accident and is stranded. If you can encourage more pollinator path trees and plantings and letting the parking space be pesticide free, but letting the storm water to percolate down. And that's all I have to say. Thank you, it's beautiful.

Wheeler: Thank you, edith. Karla, that completes public testimony, is that correct?

Karla: that's correct, mayor.

Wheeler: All right. Any further comments? Commissioner eudaly?

Eudaly: Mayor, I need to read a statement before we move on. I want to quickly announce a transportation item that should have been heard today will be heard next week september 16 to acquire temporary rights necessary for conduction of the outer northeast

114th to 162nd project through the exercise of its city's eminent domain authority. We will hear that next week.

Wheeler: Very good. Thank you, commissioner. With that, Karla, this is a first reading of a nonemergency ordinance, it moves to second reading. Now we'll go back to the items that were withdrawn from the consent calendar, 688 is the first item.

Item 688.

Wheeler: Colleagues, in July of 2018, the Portland city council passed ordinance 189086 creating the residential rental registration program. It required all owners of residential units to register those are the revenue division. August of 2019, the city council passed ordinance 819650 enacting per unit registration fee, beginning tax year 2019 as part of the residential rental registration. This amends the business license law code to provide additional clarity in the rental, registration -- the residential rental registration program and improve the fee. It adds a definition of residential unit to the code and specifies the residential rental registration fee is subject to late payment and late filing penalties and interest very similar to the business license tax. The ordinance also removes from the city business income tax return the donation to the art's impact fund formerly known as work for art, which is administered by the regional arts and culture council. Past participation determined including the donation as a refund offset was not cost effective. The revenue division will provide donation information on the tax form. I don't know if we have somebody else here to testify on this. I'm not who pulled it, Karla.

Karla: gills pulled these.

Wheeler: Why don't we listen to edith's testimony and if scott want to respond. I see he's on the line.

Gillis: i'm having a little problem with this traumatic brain injury. I suddenly forgot which item i'm looking at.

Wheeler: 688 amends the business license law code related to administration of residential --

Gillis: thank you. I really want to thank you for specifying it's residential rental unit versus rental property. I want to thank you for requiring all owners of residential rental units to register and provide schedule. And I like you are having the timing specific and ongoing. I'm not sure about the finding and consequences but i'm going to trust the work of commissioner eudaly. I have questions about joint ventures. I imagine everything people do is a way of sharing combined resources, talents and skills with one another. And i'm not sure what joint ventures was crossed out in all this. After my comments I would love to hear that and I also want to kind of alert you that there is people who are being very suspicious that candidates are maybe excluding different things and we don't know or there are really fantastic ideas we don't understand why they are fantastic and we could better support and encourage it. Regarding c, what are examples of joint ventures when it comes to landlord tenant law and tenants and common agreements, why are they stricken, what are other examples? I also want to really appreciate the excellent work in cleaning up the confusion regarding the arts impact fund. As an artist, as a taxpayer I get confused about this stuff. I want to publicly thank and commend the tax dollars stewardship, the care, the advocacy, the justice, the work, the courage of commissioner eudaly in really standing up for good landlords and tenants. So at the end of this, expand more about why you kicked out joint venture, I would yield the rest of my time. Thank you. **Wheeler:** Scott, do you have an answer for that question?

Scott Karter, Revenue Division: i'm going to defer to matt, who is also in the meeting.

Wheeler: Thanks.

Matther Thorup, Office of Management and Finance: this is matt from revenue division. With the joint venture, this is more of cleaning up the business license law. Less in relation to the residential rental. There is no tax filing for a joint venture, they would be subject to

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them. It just cleans up the filing and the treatment will be handled through administrative rules and business tax policies.

Wheeler: Okay. Thank you. Did anybody else, commissioner eudaly, you have your hand up. But I think that maybe left over. Anybody else have further questions? This is a first reading of nonemergency moves to second reading. 690 was the next item.

Item 690.

Wheeler: Andrew, welcome.

Andrew Aebi, Bureau of Transportation: thank you, local improvement district administrator. This is a housekeeping ordinance to make code readable and technical correction. Edith gillis pulled the item and want to testify. Happy to answer questions.

Wheeler: We'll hear from edith if there is a response, you can response. Karla, call the testimony. I believe it's just edith.

Karla: it is. Edith gillis.

Edith Gillis: page 12a. If property tax exemption is not grounds from excepting a property from l.i.d. Assessment, can you please explain more?

Aebi: mayor wheeler, responding to edith's question, we wanted to be clear in l.i.d. Code, increasing l.i.d.'s with partners not subject to property taxation. We have a large i.l. -- l.i.d. With china and Portland. We included that language for clarity. Because a property may not be subject to property taxes, that that does not exempt the property.

Wheeler: Very good. Thank you. Colleagues, any further questions on this item? This is a nonemergency ordinance as well. Pgh. This is a first reading of a nonemergency ordinance, we'll move to second reading. Karla, am I correct, we completed this morning's agenda?

Karla: that's correct, mayor. Yes.

Wheeler: Very good. We'll see you all back here at 2:00. We're adjourned. Thank you.

At 12:50 p.m., Council recessed.

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Closed Caption File of Portland City Council Meeting

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Key: ***** means unidentified speaker.

September 9, 2020 2:00 PM

Wheeler: The afternoon session of this 9th of september Portland city council meeting. Please call the roll.

Hardesty: Here. **Eudaly:** Here. **Wheeler:** Here.

Fritz: Here. He read the statement why we are holding electronic meetings. If the city attorney could please read the rules of order and decorum.

Karen Moynahan, Chief Deputy City Attorney: Yes, thank you commissioner. To participate you may sign up in advance with the council clerk's office to briefly speak about any subject. You may also sign up for public testimony on resolutions. The published council agenda contains information about how and when you may sign up for testimony while the city council is holding electronic meetings. Your testimony should address the matter being considered at the time. When testifying please state your name for the record, your address is not necessary. Please disclose if you are a lobbyist. If you representing an organization please identify. The presiding officer determines the length of testimony. Individuals generally have three minutes unless otherwise stated. When your time is up you must conclude. Disruptive behavior, or refusing to stop, won't be allowed. Further disruption may result on the person placed on hold or ejected from the remainder of the council meeting. Please note that all meetings are recorded.

Wheeler: Sorry for the technical delay. Microsoft wanted my code this afternoon and I had to scramble to find what my code was. Thank you for starting without me. Karla please read 703 and 704.

Items 703 and 704.

Wheeler: Colleagues, we are here this afternoon to consider two ordinances that seek to ban the use of facial technologies by our own Portland city government and private entities in the public spaces. Many will remember we held a work session in january. We heard powerful stories from community members about the real impacts of facial recognition technologies. We heard from experts how unreliable the current technology is in identifying faces of women and people of color in particular. And we were given examples of arrest charges and the sullyng of people's reputation all based on false positives. With that in mind the city brings the first policy in the nation that delves into the impact in civil liberties. These are the first step toward policy development in response to technological innovation. Though the Portland city council has had our first deep dive into facial recognition type technologies in january, the smart city p.d.x. Team along with their city partners have been at this work for well over a year. I want to thank everyone in the community who is involved and engaged with their time and energy. Portland is far from an anti- technology city. I want to make that clear. We are not anti-technology. With wide array of local and statewide we are one of the fastest growing tech hubs on the west coast. We simply demand our technology protect our information properly while providing the digital services we need. All Portlanders are entitled to a city government that won't use technology with racial and gender biases that endanger personal privacy. These proposals are a clear and urgent first step in implementing privacy and protection principles approved in 2019. In addition, because Portland is a city of innovation, we will seek to collaborate with innovators and technology makers to design facial recognition

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technology to implement products Portlanders can trust and use safely. Technology that focuses on privacy can first can help us solve challenges and plan for an equitable future. Before we hear from our city colleagues I would like to pass this to commissioner Hardesty who has been a champion and fantastic co-leader in developing these ordinances. Commissioner Hardesty, hello, again.

Hardesty: Thank you, mayor. Thank you very much. I'm so excited by our opportunity we have here today. I also want to say I'm proud to have partnered with the mayor to bring these two measures before the city council and to enact as law in our great city. I was going to say because he always looks at my notes before I give them. But let me just say that I do want to reiterate the fact that where we are today, where facial recognition technology is that women, and specifically black women continue to be totally misidentified in many cases. They are identified as men. And so the darker your skin complexion the more likely the facial recognition technology will misidentify you. In addition to that, I do not think any parents want their kids' bio metric data sold to the highest bidder without consideration for whether or not permission has been granted and whether or not their family wants their young kids' bio metric data to be used in that manner. As the mayor said, we are a pro-technology city. But what we have seen so far in practice with this technology, it just continues to exacerbate the over criminalization of black and brown people in our community. I welcome a day in Portland where innovative technologists will come with some technology that has no racially inequitable outcomes. The day that happens will be the day I'm happy to look at revising the ban. Until then, until we get it right, there should be no exceptions for why this is bad for our community. I will have additional statements after we have heard from all the incredible public people here who want to testify. We have received lots and lots of letters in support of these two bans. This measure will ensure facial recognition will not be used in this city until the above problems that have been laid out have been addressed. And have been verified by independent sources. Not just by people who want to sell something to us. In concluding my opening remarks, I would like to make a motion to add an emergency clause to item 704. This is already, there is already an effective date. Item 704. So the emergency clause will allow us to vote on both items simultaneously while still employing businesses using facial recognition technology to stop its use. We will not only hear about why this is important but also to be present as we vote on this important legislation. There's no reason not to do it all in one fell swoop. I will repeat I'm making a motion to add an emergency clause to item 704. Is there a second?

Fritz: Second.

Wheeler: Motion from commissioner Hardesty. Second from commissioner Fritz.

Hardesty: Thank you.

Wheeler: Thank you. All right, with that we will get onto the presentation.

Andrea Durbin, Director Bureau of Planning and Sustainability: Great. Good afternoon, everyone. I'm Andrea Durban. Thank you mayor and city commissioners and members of the public. I'm Andrea Durbin director. This will bring justice to Portland and all Portlanders. We believe this is important for more visible and engaged community. We have organized several community sessions and start to take the first steps to implement the city's privacy information principles that council approved in 2019. To learn specifics about two proposals that address the use. One will ban the use of facial recognition technologies by city government. And another would ban the use of these technologies by private entities in public spaces. We thought the input of those and prioritize protecting them in the development of these proposals. Collaborative and participative policies were included in two council sessions and workshops. With that feedback we were able to shape the proposals based on experience in our community. We can best serve Portlanders by encourage technology that doesn't discriminate. Create a standard it will

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start with privacy and protection by design from the beginning. That's why this proposal is so important. We need to take a stand and be clear these technologies need to improve and not discriminate. Until that happens, the ban of these technologies in private and public uses and public spaces is essential. What we know is indiscriminate use of technologies threaten civil liberties. We know it's important to acknowledge the harm and the use of these technologies and by doing so we could help spur, so these technologies will work better. By adopting these two ordinances the city of Portland will join other cities in the adoption of the public ban and lead the way nationally and internationally to be the first to ban its use. That's where we should be. Office of equity and human rights has been a vital partner in this work and we thank them for their guidance. I would like to introduce my colleague, dr. Smith, to hear more how this will advance our social justice work while inviting responsible technology.

Wheeler: Thank you.

Dr. Markisha Smith, Director Office of Equity and Human Resources: Good afternoon, everyone. Thank you mayor wheeler, city commissioners, andrea durban. June this year the city adopted city of Portland's core values. Anti racism is the first of those values. What does anti racism look like? Many things. But in this case it looks like the ordinances presented to you and the processes that lead to them. In developing the public use ban, it was a rigorous process to include the public in the development of the ordinance. Center the voices. Council held a public session. They made it clear they needed the city to go further and adopt a privacy ban as well. Being anti racist means following the lead of our indigenous and people of color communities as they identify the needs of their communities. Being anti-racist means understanding through the understanding of root cause analysis that it's rooted in slavery, with the earliest examples of the slaves past. Being anti-racist is ensuring the communities first. There will now and continue to be solutions using technology that purport to address safety and advanced well-being as we encourage technology for these purposes. When it's clear technology will serve all of the people in our community and that means centering the safety and well- being of communities first, it is essential we proceed with the safety-first approach and these ordinances do just that. Thank you for your time. Now I think I will turn it over to judith.

Judith Mowry, Senior Policy Advisor: Thank you, dr. Smith. Thank you mayor and commissioners and our guests. I'm judith in the office of equity and human rights.

Hector Dominguez, Bureau of Planning and Sustainability: Thank you, my name is hector dominguez. I'm coordinator and part of this team. Our team, director durban mentioned is part of the office of the planning and sustainability.

Mowry: Hector is now going to share his screen.

Dominguez: I'm going to share my screen, thank you.

Mowry: Thank you. Today, smart city p.b.x. In collaboration of office of equity and human rights and the city attorney's office bring two policies that ban the use of facial recognition technologies due to known racial biases which run counter to city values and privacy concerns. Privacy is a human right. This is represented in article xii of universal declaration of human rights. Building robust public trust among people and organizations is essential to creating a sustainable and just future. Today black latinx and latino people. The city has a role in welcoming for all. Why ban face recognition technologies? F.r.t. Relies on bio metric information. There are no legal protections framework exists in Oregon. Minors are particularly vulnerable. Hundreds of technology providers use algorithms which show bias against black people, women, the elderly and people with disabilities. Algorithms can harm, and limit access to the benefits of technology. Why ban facial technologies in Portland. False positives could be hard to mitigate or remediate when they develop in the pipeline in law enforcement. Use of biased and untested

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technology may constrain access to public spaces to Portlanders. And Portlanders deserve technology that protects their information without creating extra and unknown risks to them due to potential privacy data breaches. These proposals were developed in an inclusive open and participatory process. These ordinances would ban the use of recognition by city bureau and private entities in public spaces. Ban of facial recognition technologies used by city government would become effective immediately while the ban on private use would become effective on January 1st 2021. The ban would apply to businesses offering public accommodations as defined by Oregon law and federal a.d.a. Law. This policies lead to the creation of a new code titled city code titled number 34 on digital justice. Everyone has the right to be treated fairly by public and private entities of all kinds. Particularly technology and information systems. Portland is a place of technology innovation. The city has elevated for groups and individuals. It must comply with high standards in privacy and technology. Build model technologies based on trust. P.d.x. We coordinate technology. The bureau of planning and sustainability and office of equity and human rights will provide privacy assessments for city bureaus and begin close community engagement to assign policies. Now commissioners, we are open to questions regarding these policies.

Wheeler: Very good. We also have some invited testimony. But before we get to that invited testimony, does anybody have questions at this particular moment? All right, good. This is not the last chance. Thank you both for your testimony, we appreciate it. And with that we will hear from some invited testimony. First up, we have Sara Ahmed from Salem Oregon.

Sarah Hamid, CAIR-Oregon: Thank you for having me today. I sit on the board of and am speaking to you all on behalf of fair Oregon. I'm a child of immigrants which means my childhood is rife with parables of entrepreneurship and value of individual initiative. Innovation hubs like Portland is this place to me where you can take your ideas and apply grit and focus and innovate your way to the American dream. But marketing technologies is entirely different than inventing them. Marketing involves finding problems after the fact that people can apply to the technologies. And in order to sell those technologies those problems are always widely relevant and super important to the consumer. The thing is that people often forget about technologies is that they have histories. And often times what they are marketing for has no relationship to the institutions' issues or individuals that would involve the innovation process. The technologies almost have an amnesiac effect on consumers. We forget they have a history. It's a history that pre-dates hands free driving in COVID-19. Includes bio metric databases that track immigrants, road galleries that criminalize communities and the persistent need of the state after 9/11 to know who traveled, where they traveled to and whether or not they have a Muslim-sounding last name. It's no accident that this technology over polices communities. That's the core functionality of this technology. Portland along with the entire country is in the middle of an important conversation with regards to public safety and how we are reimagining public safety for ourselves. With the leadership of folks like Commissioner Hardesty we are asking hard questions how we want to address issues like mental health crises and housing security. We are a sanctuary city that believes crises should be handled humanely. No other city in the country has taken a stand like this against the use of this dangerous technology in our public spaces. We aren't okay with public safety for some and not for others. We're not okay letting small businesses have a fragile sense of security when we need to ask why businesses aren't receiving protection they pay taxes for in the first place. We're not okay with empowering aggressive and abusive immigration enforcement and detention that penalizes just so we can unlock our phones a few seconds quicker. I urge everyone to take a stand and to refuse to capitulate clever marketing that puts our community at risk. Thank you.

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Wheeler: That was bound to happen. Unlike me we actually heard your testimony which is fantastic. The first invited testimony is from freedom to thrive. Welcome.

Babatunde Azubuike: Thanks everyone for having me. I wanted to talk to you all today about the facial recognition. Calling for a city-wide ban on facial recognition technology in the public and private areas. We are living in the age of e-carceration. With the use of this tech, law enforcement officers can use mobile devices to capture faces of people they stop on the street. Surveillance cameras, real-time face scanning and identification capabilities. The f.b.i. Also has access to images of law abiding community members. The adaptation of facial recognition technologies like these have occurred without meaningful oversight, without proper accurate testing of the systems they actually use in the field. And without enhancement of legal protections to prevent their misuse. They can even be used to reinforce the biases business owners have against certain individuals. This has led to development of unproven inaccurate systems that impact people of color. The f.b.i.'s interstate photo system and face services unit exemplifies these problems. The minimal testing showed it was incapable of accurate identification at least 15% of the time. An inaccurate system will implicate people of crimes they didn't commit forcing them to prove their innocence and shifting the traditional burden of proof away from the government. This threat will likely disproportionately affect people of color. Misidentify black, indigenous, people of color. Young people, women, folks with disabilities than much higher rates of white folks and men respectively. Due to years of well documented police biases all databases including mug shot, include disproportionate number of people of color and immigrants. Folks of color will likely shoulder more of the burden than the system inaccuracies in whites. Despite the challenges the f.b.i. For years has failed to be transparent about facial recognition technology. It's taken seven years to update the privacy impacts. The public had no idea how the images were being used. Without transparency and accountability and proper security protocols in place, facial recognition systems may be subject to misuse. This happened in 2010 when i.c.e. Was using license plate information. In florida in 2011 more than one hundred officers accessed, arrested a miami officer for speeding. State audit that same year, law enforcement access drivers information in minnesota revealed half of law enforcement personnel in minnesota misused the driving records. I mention all this because we are a moment of political strife where we are calling for change. I hope my testimony has demonstrated where some of the problems with facial recognition technology is, as well as how it could be used to target marginalized communities and strip them of their dignity. Those of us black, young, latinx, in addition to being ignored when this hate or surveillance arises. I support the ban in the name of safety for everyone in our community. Thank you.

Wheeler: Thank you babatunde. Appreciate your testimony and leadership. Our last testimony is brian hoefler. Welcome.

Brian Hofer: Thank you, mayor and good afternoon mayor and commissioners. My name is brian, executive director of secured justice, a non-profit organization that advocates against state abuse of power. I urge you to support both -- that would prohibit in public and private use.

Wheeler: Hey brian, can I make a recommendation. You are breaking up a bit. Could you turn off the video and maybe we will be able to hear you better.

Hofer: Yeah. Let's see if I can get that. Can you hear me okay that way?

Wheeler: Yeah it's a little better. Let's try that.

Hofer: Okay, sorry about that. Secure justice was part of the team behind the bans in san francisco, oakland, berkeley and alameda and I really want to thank dominguez and start city p.d.x. Team for continuing the conversation to discuss what we went through here. The letter in your agenda packet contains our full commentary, I just want to highlight on a couple points. We rarely learn of harm from surveillance technology until long after the

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fact. Examples like go pro or n.y.p.d. Training cameras on the front doors. We recommend the suggested amendments in our letter to your enforcement division to better curtail such misconduct. Secondly, I anticipate your negotiations are coming down to a moratorium or ban decision, like we faced in the bay area. I want to suggest, it's not inevitable that technology dominate our lives and it's not hypocritical or anti-innovation to regulate some technologies while prohibiting the use of others Portland finds are inappropriate. We have never before granted such power to the government to give them the ability to track our every move the minute we leave the house. I would argue it's adverse to a healthy democracy and the power shift between the government and the people from use of this technology is too radical. The expensive part of the mass surveillance system is already in place. Cameras are tuesday. -- ubiquitous. They would like us to think it could be used responsibly. It's true but misleading. No tool has been confined to one or two uses for very long. We know that all systems of mass surveillance throughout history have been abused. We know all tyrannical governments have used mass surveillance to suppress dissent. Acknowledging the technology will improve to accuracy. And wrongful arrest due to misidentification if we are forced to live in a mass surveillance ecosystem. It sends a message these continue to be developed and that conflicts with the tech workers revolutions we are seeing at some of these same companies as they are beginning to see the powerful and harmful impact of technologies used by the wrong people. I really applaud Portland for addressing the private side of this technology's use, which have seen discrimination practices including bakers not serving same sex couples. It will be gasoline added to a racial fire. Most important civil rights law, there's equally as much harm possible as those that have police power. The moratorium crowd suggest it be discussed in a vacuum. But you can't ignore america has a significant problem with racism. That our criminal justice system disproportionately impacts black and brown bodies. That surveillance is used more on black and brown bodies and that prosecutor and police misconduct are real. Facial recognition, no matter how accurate, is not going to be safe to use in our communities. Thank you for listening.

Wheeler: Brian. Thank you for taking the time to testify. Commissioner Hardesty has a question or comment.

Hardesty: Thank you, mayor. I also wanted to take a moment to appreciate Brian. Because he helped us at the very beginning during our work session. Really think outside of the box that even he finds himself in. And I am very grateful that he told us what was working and what wasn't working with his commission and he gave us the opportunity to think bigger and broader. I appreciate all the invited testimony but I wanted to give Brian a special thank you because without him being as open and honest as he was, we would not have moved as courageously as we have. So thank you Brian. Thank you for being here.

Hofer: Thank you so much.

Wheeler: Thank all three of you for your invited testimony. Colleagues any questions before we open this up to public testimony? Very good. How many folks do we have signed up. Let's do some quick math. Let's go ahead and give people three minutes. I think we have time for that.

Karla: First person is Louis Kerch.

Wheeler: Good afternoon. Karla, I'm not seeing Larry. I see him. Hi, Larry.

Larry Kirsch: Good afternoon. Thank you Mr. Mayor and members of the council. My name is Larry Kirsch resident of Portland. I focus on consumer protection policy. I have no interest financial or otherwise in the area of facial recognition technologies. I'm not here on behalf of anybody other than myself. My brief remarks today together with more extensive written comments I submitted August 24th focuses broadly on the public policy process leading to today's hearing. I'm not here to comment on any particular product nor

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draw specific conclusions. Let me begin by commending city council, smart city p.b.x. And other city agencies involved for initiating this review of facial recognition technologies. Under the leadership the city in diverse communities has begun a cautionary review of the threats could pose civil liberties, civil rights and other fundamental interests. The purpose of this is highly warranted in light of the public interest implicated and laudable for its broad scope. Unfortunately the initial results fall short in important ways. I hope to alert you and you conclude with several recommendations. I will begin by highlighting a couple aspects of the draft ordinance and go over several major flaws. It calls for immediate time unlimited ban, not a moratorium on the use of facial recognition technologies, meeting the definition of public accommodations. The ordinances refer in categorical terms, being relevant to facial recognition products. They include but not limited to accuracy, privacy, discriminatory design and biased use. Turning to major flaws, I think the city might be on more solid ground imposing the product ban were able to establish an meet threat to public health or safety based on sound beta, objective testing or other accepted types of evidence. I recognize of course the importance of individual experience. I believe the foundation is far weaker when the city invokes a ban predicated on speculation, assumptions, allegations and conclusions not grounded in reliable facts. While I don't know all the evidence the city is relying on, I will say it hasn't put forward the kind of empirical analysis that would be most persuasive under the circumstances. The city has identified some nominal, for example, inaccurate face identification, not to define maximum levels of risk it would be willing to accept, such as maximum false positive identification rate. Nor has it provided objective evidence that these threats are in fact present in the specific brands of face recognition in the marketplace. A responsible use that would define the criteria and standards the city is looking for.

Wheeler: Next individual, Karla?

Karla: Nathan shearer.

Wheeler: Good afternoon, nathan.

Nathan Sheard: My name is nathan, thank you for allowing me to speak on behalf of our foundation of 30,000 members. We strongly support the ban, we thank the bureau of planning and sustainability, mayor wheeler, each of you for this critical issue. It's profoundly dangerous for many reasons. Tracking our faces in a unique market we cannot change. Critics have long recognized that government surveillance -- first amendment freedoms and have unfair impact against people of color, migrants and other populations. We support the aims that respectfully seek three amendments to ensure it will adequately protect the rights of residents. The intent of this ordinance is to protect the public before they are harmed by technology that threatens harms. We respectfully ask the language be amended to allow any resident the opportunity, by amending part I, paragraph 1 any person institute proceedings against the city alleging violation of this ordinance in a court of jurisdiction. The second it doesn't provide -- for plaintiff. The only private entities with access to the enforcement process will be wealthy and otherwise privileged individuals. To mitigate this disparity, we respectfully ask the language be included to award reasonable attorney fees to a civilian plaintiff. It's unclear if the prohibition allowing non city entity to allow on city owned property extends to private use. The better approach to private sector use is to require informed opt-in consent. We respectfully request the language be amended to clearly prohibit non-city government bodies from using on city-owned property. In closing, we thank you for our efforts to protect the people of Portland from this pernicious form of surveillance. We will enthusiastically support the ordinance prohibiting the use of facial recognition technology with the noted amendments. Thank you so much.

Wheeler: Thank you, nathan. Appreciate your commentary. Next, Karla?

Maro Sevastopoulos: Thanks, I was just here listening. I don't actually have anything to

contributed to.

Wheeler: It's awesome you are here, we appreciate it, thank you.

Karla: We will go with chris bouchek.

Chris Bushik: Mayor wheeler and honorable members of the city council, thank you for the opportunity to speak to you today. I'm here on behalf of p.d.x. Privacy, a Portland based group of local residents who care deeply about iron shoes related to privacy. We are concerned about the collection, use and potential abuse of personal data by both businesses and government. And bio metrics are especially concerning to us. I'm here to offer support for this ordinance to prohibit the acquisition and use of facial recognition technology. Facial recognition and other surveillance technologies are often promoted as a means to ensure public safety. While there may be cases this could be true, we must also ask safety for whom? These technologies are most frequently deployed in communities home to marginalized groups of people and people for whom it is least accurate. People of color, women and children. There must be other less invasive ways to keep our community safe. The abundance of cameras throughout the city makes tracking our everyday movements easy. Such relentless and constant monitoring neglects privacy and can cause direct ongoing harm resulting in a chilling effect on actions and associations with other people. Companies that manufacturer systems often insist this technology is the only path forward. But on the present it's not inevitable. You have the power to stop its creep and we ask you to listen to your constituents and take action now. Please ban facial recognition use by governmental agencies and in the future work to develop a broader ordinance that takes in other bio metrics, heart rate, gait and considers acquisition and use of other surveillance technologies, thank you.

Wheeler: Thank you, kris.

Karla: Next is jason hill.

Jason Hill: I was actually just here to listen. That's a picture of my cat. Let me see if I can get a picture of me. Actually my ex cat, it's my ex wife's. Clock is ticking, I will talk. I agree. As a white male I would feel negatively affected knowing i'm under surveillance when i'm anywhere, whether public or private and it influences my behavior ways I interact with people in the community in ways I can't fully understand yet. But I have no access to that surveillance information so I have no idea what's being watched. I was greatly influenced by a book by timothy snyder said if we have no control over who watches us, what they watch and when we have no ability to act in the present or future, whoever controls our privacy can humiliate you and disrupt your relationships at will. No one except a tyrant has a private life from exposure. The idea we will only have the government lose access. I feel like allowing the private sector to have access to this powerful technology. Our government is heavily influenced by the private sector as having government with that power. I would vote to ban it all together. I think that would be seen as reducing innovation but I don't think all innovations are positive. For me, blanket surveillance, if you ever remove, you know, it -- it simply makes existing less enjoyable. From my own experience.

Wheeler: Thank you. Just to clarify, we are taking up two separate ordinances, the first is specific to the city of Portland and prohibiting the use of facial recognition technologies. Item 7 of 4 does, in fact, cover the private sector, so we are looking at both options here.

Hill: However the private sector will be allowed to use facial recognition technology in private settings, correct?

Wheeler: I see what you are saying.

Hill: Does that include the sidewalk in front of starbucks? Because if it includes sidewalks in front of stores that's pretty much everywhere I walk.

Wheeler: Andrea, correct me if i'm wrong but it would include those areas, right? Any use

of facial recognition technology.

Durbin: Mayor it would cover any place where the a.d.a. Is applied. That's the consistency. So sidewalks, I don't think would be covered but stores and public places, yes.

Wheeler: Okay, thank you for that clarification and Jason thank you for raising that question. Thank you. I see your point now.

Karla: Next is Edith Gillis.

Wheeler: Edith welcome back. I thought you had enough of us this morning.

Edith Gillis: Hello, I'm so grateful for you doing this work. I want to say no software improvements over time would ever result in correct i.d. Or our public safety. Especially, I would like to give examples from my own experience of criminals that have hurt my family. You already read the national institute of standards and technology showing with face masks, the i.d. Of the best of the 89 systems have failed over half of the time. You already read the updates to the tech explorer, the ten reasons you should be worried about tech recognition. You have the facts. You have the evidence. I want to give you personal experiences. In 1993 my two and a half-year-old daughter and 7-year-old son were according to the homicide detective were kidnapped to be sold into prostitution for drug money. Unquote. The stranger who kidnapped them would not have been i.d.'s under the best of the security systems that are now used all of the 89 best ones combined wouldn't have been able to identify her. She is darker than most African Americans, uses distracting and changing wigs and make up and jewelry. This software is wrong, as you know, all the time anyway. But especially when you combine it with someone who is intentionally trying to hide that. Even though the system had many, many mug shots of this person and many pictures of her on the streets it would have failed. Secondly, most of the imprisoned pedophiles are white males. The pale males are better identified but they use police uniforms and security uniforms. Already a bias by those who create the software and examine the results to not have them properly identified. Thirdly the software would have failed to identify my white abusive psychopath ex husband who had strangers rape me when he had me unknowingly drugged. He could charm, manipulate, extort people so there were no photo matches. He stayed out of public view, but behind the scenes could do a lot of harm. He would use distracting hair and beard and mannerisms so if there were photographs people couldn't get him. Next the software wouldn't have worked with another rapist also my husband working a legal profession. Politically connected criminal lawyer from Texas, he would move and blur the photos, make facial expressions, tilt his head to be in the shade. Mug shots weren't valid or able to be used for i.d. He would use legal technicalities to get off it to purge the system. Excuses about his glasses --

Karla: That's three minutes.

Gillis: The software could not be made to be work correctly identifying people. My two daughters I know very well have had photographs, they are gorgeous, beautiful, I wouldn't be able to recognize the photographs. This is before one had cosmetic surgery and most of my adults I care for when they take in and out their dentures or change their wigs it's hard to identify them anyway. **Wheeler:** Thank you.

Gillis: This isn't including people who use tattoos and paint.

Wheeler: Thank you, appreciate it. Kevin wanted to make a clarification, I will take a mayoral privilege and let him jump in for 30 seconds.

Dominguez: Thank you, I just wanted to clarify the question around sidewalks was a little confusing but Jason raised it in the testimony. The policy on private use would cover public places like sidewalks. Businesses like Starbucks wouldn't be able to use facial recognition on the sidewalks in front of their business.

Wheeler: Thank you for that perspective. Next, Karla?

Karla: Cynthia spies.

Wheeler: Hi Cynthia.

Cynthia Spiess: Hi. I'm Cynthia Speez independent researcher and Seattle resident. My comments are regarding 703 and 704. As someone who looks forward to every opportunity to visit Portland I hope Portland bans the public and private use of facial recognition technology. It impedes active and fair civic participation. People should be free to move around their day without being tracked at city hall, bus stations and so on. More are adopting bans, the public doesn't want the technology. Bio metric data shouldn't be considered lightly. The victims could get new cards or generate new passwords. You only have one face. Additionally informed consent doesn't exist in many ways it would otherwise be deployed. Even if they post signs how could it be ensured the public who don't read English. How about elderly and disabled individuals who can't see the signage. Access is provided by places of public accommodation shouldn't require individuals to forfeit their bio metric data. Businesses have existed for centuries without this technology, none of the claims of supposed economic advantage is substantiated. With the real possibility of harmed individuals. Not to mention unequal negative impact would be shouldered by the communities already facing the greatest disadvantage.

Dan Handelman: A lot of concerns by law enforcement. What you're passing today are out right bans, they are loopholes with limitations in them. Earlier in the year fielding out to private images like Facebook and possible violation of state laws looking at people's immigration status or the political and social affiliations. We agree it's very concerning that these have proven to be inaccurate to people of color. The threat of tracking community members regardless of whether there's-these were the comments we made that we did not see addressed that we're reviewing today. The public direct ordinance, it says social media applications were limited by human resources policy and it's not clear whether that can be used by law enforcement to circumstance vent the law that you are passing today. Sections l and m implicitly say there will be discipline for employees who violate the code. We think that should be made explicitly. You should be very clear in this hearing and ordinance, that the city of Portland doesn't regulate. That will not be planned by this ordinance. He has to verify that information wasn't a certainty to facial recognition, but we think that should be explicit as well and not just implied. In that code they are not allowed to use the technology towards any city police. They can't hand over somebody they used to identify with this technology. Even if this technology correctly identifies people in black indigenous and color communities, one issue how the technology is applied, how is it used even though it gets fixed. We hope you will make some changes to the ordinance.

Hardesty: Thank you. Dan, I disagree that anybody in local government that are not city government would be able to use that technology based on what we're going to pass today. I think the only exception would be the feds because as we've learned we have no control over what the federal government does. Any partnering agency that would be working in cooperation with Portland police bureau or any other city agency would be prohibited from using that technology as long as they are within the city of Portland boundaries. Unless I get legal advice that that's not true, I would disagree with that reading of this ordinance.

Handelman: Are the experts online that can answer that question. That was my understanding you can't prohibit other districts from using technology.

Hardesty: Sure we can. I'm not one of the experts. Are you an expert? Hector. You're taking lessons from the mayor.

Dominguez: We appreciate that feedback. We understand from what kind of concerns are coming from. We're working on that as well. In terms of the ordinance only apply for city agencies. Everything-this is not applying to any other jurisdiction. All the counties, metro, Portland public schools. This ordinance is only applicable to city bureaus and agencies.

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Hardesty: Thank you for that clarification and bringing that up. That was not my understanding. Let me just say, dan, this is the very first iteration of the changes that the city is planning to make. We know that we'll be monitoring this implementation and nothing stops us from making it stronger and better. If we find out they are public or private actors that are trying to work their way around the city's ban. I suspect this will be just the first time the city council votes on strengthening privacy rights for Portland as we move forward. I appreciate you bringing that up. I learn a lot from folks that come and testify at city hall. Thank you.

Wheeler: Next individual, please, carla.

Matt Cleinman: Thank you. My name is matt. I'm a typical Portlander. Worked at food carts. Now i'm a software engineer. Let me tell you, my industry is morally bankrupt while those in government, like yourselves, and non-profits are used to be surrounded by colleagues who like to do the right thing. I can't say that's true in tech all the time. Moving from non-profits to tech companies was certainly eye opening. They never cared to consider whether the work they were doing was going to hurt the world or their neighbors. They just wanted to make money. My industry doesn't want a conversation about the trade offs for this technology. When it's explicit for an entity for a doctors office. They are going to tell you that they don't need regulation that the technology isn't misused. Tech companies have proven not to be able to regulate themselves. Look at facebook and systems and their platform. Look at google's image recognition labeled black people as photos of gorillas. They stopped letting people search for the term gorilla. It disproportionately effects individuals.

Wheeler: Welcome edward. Edward, are you there?

Karla: He was unmuted a second ago. I see he is muted again.

Wheeler: Edward, you might have remuted yourself. Let's go onto the next person and see if question get edward back.

Karla: Certainly. The next person is alexander miller.

Alex Miller: Hi. I'm alex miller. I'm a software engineer. I used to work in video games. I've done a bit of keeping up on the industry. I'm still in software just medical now. I would like to concur with everyone else that state of the art facial recognition policy is definitely too flawed to be used on a municipal level. On a private level, people would trust it too much. Both bans would get my immediate support. There are two small facts that seem to be overlooked in this issue. The first is that all throw the front end of the facial recognition system is pretty visual to everyone. The cameras and user interface to find these people, the back end systems largely will go unseen but still very much used. Giant data centers are storing hours of images that have been collected and suspected of various things. All of that takes large data center space to store and make any meaningful computations. That additional cost rarely ever gets factored in to let's turn in facial recognition to the city cameras. That's going to be using copious amounts of electricity and man hours. All of those costs should be factored in. Anything that greatly increases our carbon emissions like running that data center for no gain, shouldn't even be considered. It's costing more than what we're seeing and actually getting for any sort of body cam improvements for police. Those are my only two points, greatly create freedom foundation has for other pit falls using this technology. The facial recognition technology doesn't see black people, seems to be rather well covered at this point.

Wheeler: Thank you, alexander. Appreciate your testimony.

Karla: Edward is reconnected. .

Wheeler: Thank you.

Edward Hasbrouck: I'm joining you on behalf of the identity project which is part of the human rights federation. Our project focuses on the human right to freedom of movement and travel. I've testified on this issue before the tsa and other federal government

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agencies as an invited expert before including the canadian parliaments. Hear to thank you on your technical and policy leadership. This is much better ordinances than what was adopted in san francisco. The amendments by our friends at the electronic frontier federation. As part of means for controlling travelers. The letter you received from the port of Portland. Airlines actually rely on a software as a service model. Airport cameras or the cameras are airline cameras. The photographs are passed to dhs. You cannot receiver from inherent role in current systems as part of the dhs system from compiling photos including other services to track down immigrants for other purposes. I don't think I need to tell Portlanders today that you don't want to have the city collaborating or allow private entities at places of public accommodation collaborating in your fine city. A demonstrated city in the law of bio metrics at airports. A petition from the privacy forum to establish a framework has been pending and ignored for two years. The existing system at airports around the country fail to comply with even the minimal requirements of the paperwork reduction act for omb approval that people even know what's going on.

Karla: That's three minutes.

Hasbrouck: People may think they are cooperating or having their face used by an airline or airport and not realize this is part of a dhs surveillance system. I urge you to enact both of these ordinances. Thank you. .

Wheeler: Thank you. I appreciate your participation.

Karla: Next is jonathan.

Wheeler: Greetings, welcome.

Jonathan Isaacs: I'm a resident of Portland. Thank you mayor wheeler and commissioners for the opportunity to testify today. We represent the largest most diverse net work of businesses in the region. Business of all levels of government to support commerce and health and overall prosperity. We represent 13 counties and states. I would like to restate what I communicated at the council work session on this issue back in january. The appliance agrees that the county should do what is necessary from having the bio metric data collected without consent for commercial purposes. We agree we should adopt policies that promote racially discriminatory outcomes. We are continuing to work with all stake holders to encourage innovation and developing technology that improves the lives of americans and is consistent of shared values. To get to this goal of bringing this more comprehensive policy to the council in the future to fix the ordinance that you act on today. The city team have been fantastic to work with. We have narrowed it down to three areas and continue to work with the city on implementation. I quickly want to outline those for you now. First of all, we hope that changes will be made that will add clear language that excludes mobile devices for visitors. That language that will allow facial use technology for optimal experiences. This is particularly important to the bricks and mortar industry. Financial institutions that are exempt due to superseding regulations. We are committed to working on these issues through to completion. We are not opposed to an emergency clause to item 704. You have a commitment to being a partner for a privacy policy that will take the place of bans on a specific technology. .

Wheeler: Thank you. I appreciate the partnership and the collaborative spirit that you mentioned today. Items I think are worthy of follow-up conversations. We are getting in front of a technology that are still evolving to protect the city. It's a partnership, we will continue the conversation and continue to work together and thank you for your support up to this point. Thank you.

Isaacs: Thank you, mayor. That's greatly appreciated.

Karla: Next is allan. .

Wheeler: Hey, allan.

Alan Hipolito: I'm going to put on my own little timer. I work for suma a non-profit organization. We create platforms for digital organizing justice. It's a blessing to be here

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with you today. To start, I would like to state our strong support for the public and private ban being considered today. I would like to reinforce the testimony of others, the electronic frontier foundation who identified specific reasons the ban is important. I would like to take this opportunity to reiterate and expand on two points. First, let's be clear what we're saying today. Facial recognition and technology places Portlanders at risk, especially front line community members, declares an urgent response. That is a ban. We're asking you to enact these bans on your fundamental responsibilities like promoting health, safety, general welfare for Portlanders. These bans must launch the critical good work of building an inclusive transparent and robust future in the city of Portland. That work must invest on the front lines of change to lead us and adjust a community centered digital future. I especially interested in and supportive of the council sections of each ban which speak to up coming policy processes, comprehensive frameworks, meaningful participation, and focus on staff and across multiple bureaus. A well designed participatory system in the face of rapid technological change. Thank you.

Wheeler: Thank you. We appreciate your testimony.

Karla: Next is darren holden.

Darren Harold-Golden: Thank you. Can you hear me all right? .

Wheeler: You're good to go.

Harold-Golden: Yes, I do walk in the rain to get overpriced coffee. I would like to reiterate some points I made back in january. Frt could be good. We need to wait and see if this can be made better. That the algorithms can be made perfect and remove all discrepancies that have to do with racially biased system that already is in place. And that we can make this perfect and make society a better place. All of that is wrong. You cannot consent to having your facial recognition-your facial data taken by camera on any public access way ever. It's not possible. Children cannot consent. Even if we were to get to a point that an adult could consent a child cannot consent. Facial recognition technology steps far over that boundary. We should not be looking to pass any constitutionally questionable policies in this city. It will keep us from doing our best to follow the constitutional boundaries in this city. We want to stop that before it happens here in Portland. The database to which facial technology is applied. The rights outweighs the purported benefits. I don't want to live in a city that says any easy way to get onto a plane or simple way to check into a hotel that make it's faster is worth more than an individual or public's privacy as a whole. Yeah. That's my argument. .

Wheeler: Thanks. We appreciate it.

Karla: Next is leah holland.

Lia Holland: I'm here to speak as a activist. We believe that facial recognition is fundamental incompatible with a free society. Our advocacy has caused harvard, stanford, and mit to back away from this technology because they recognized that facial recognition and surveillance enables racism, authoritarianism. They miss identified professor kimberly matching her with 100% certainty to a mug shot. Amazon did a pr stunt to suspends their facial recognition systems for a year. They are greasing the system because they have made a fundamental investment in surveillance and thus in racism, and conformity. Corporate use of facial recognition has the potential to be just as dangerous as government and law enforcement use. These companies are drooling to exploit all the details facial recognition will unlock. Speeding up lines or using your face as a form of payment handing over sensitive information and poses a serious threat to civil liberties. Here in Portland we've seen freedom of expression being seen as grounds for punishment. This tech is opaque by design. We don't know what is happening in Portland. It's perfect for tyranny and public control. After a year in the trenches. A year of fearing this oppressive tech, I stand with my city counselors so proud. I cannot urge you to do this enough. Thank you so much. .

Wheeler: Thank you, appreciate your testimony.

Karla: Next is Jacob Parker.

Wheeler: Hey Jacob.

Jacob Parker: I work for the security industry association. We're a non-profit representing businesses that provide security products and throughout the U.S. including Oregon. I'd like to share what was currently drafted. There's been a lot of talk about concern about surveillance use and I want to say that we do not and would not support the use of this technology for mass surveillance by the government. That's not happening in our country right now. There's constitutional limitations there. It's not necessary or in the public interest. It's sweeping many facial recognition that has nothing to do with surveillance. Many benefits to this technology that are proven and success stories that stretch out over a decade. We've detailed a number of successes on our website including a case in Oregon and a success in the case. Any technology can be abused. A ban precludes a way that preserves benefits. We're working with other jurisdictions on ways this can be done. Our principles responsible can be found on our website. The draft ordinance reflect a real concern the use of technology can negatively impact women and minorities. Using accurate technology matters. Only the highest performing technology should be used. Through extensive research has shown a wide variation of algorithms from purely experimental and systems that can be bought. Often lost is the fact that the highest performing technology is that study showed no difference between demographic groups. That's the same technology being used in the private sector programs. Importantly though, counsel should consider that a ban would eliminate a tool that would help keep human bias in check.

Andrew Kingman: Many law enforcement think it would reduce civilian encounters where there's been strained relations. Which means that I'm here not only as an advocate but also somebody else council's through privacy laws. I'm familiar with these issues and my work in all fifty states. The privacy task force which met regularly for the past year to discuss and consider the perspectives around privacy issues. It brought into sharper relief more than ever that clearly takes into account the discriminatory outcomes. Our positions reflect these considerations welcome the opportunity to partner with the city that all stakeholders work effectively in this regard. We offer three amendments today for ordinances that achieve the proper respect for civil rights and innovation. A much clearer expense for household uses without clear language to this effect the ordinance can be read to ban everyday features that consumers expect. Organizing photos or a secure log in for things like online banking and other types of accounts that consumers can securely log into. We'd also suggest clarifying the definition to facial recognition technology, this isn't to create a loophole but be much clearer and accurate about the type of technology that this gets at. They need to focus on technology that actually identifies individuals rather than matching features of unknown individuals. Facial detection is not the same thing as racial recognition. It's important to, I think, work on a definition and clarify that definition to be a little more accurate. The surveillance technology definition needs to be significantly modified to focus on surveillance not just the wide range of purpose technologies. As drafted it would sweep in technologies that have nothing to do with facial recognition like thermometers and land line phones. These should be a little clearer here. The last piece would be a very limited security exception. This would allow businesses to protect themselves and workers from theft or damage but we would also support a strong limitation on both the use of technology and ability to share that technology with law enforcement that we propose that businesses be limited if they are using data for that purpose that they be prohibited from using it for additional purposes and they not be permitted to share with-

Wheeler: I appreciate that. I would also appreciate getting that in writing.

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Ricardo Lujan Valerio: I'm the director of advocacy for latino net work. I want to thank the office of commission for working on this issue for over a year now. I really want to thank the partners and community leaders to make this policy come to fruition. I think the speakers early on addressed the points I wanted to make. The impact on communities. It's apparent the way the federal government have used facial recognition technology to insight fear in ingrant communities. Dmv records with facial recognition technology and identify immigrants within those jurisdictions. The way in which the city of Portland is approaching the policy on the public proposal emphasized the commitment to the immigrant community when it comes to their information and privacy as well as ensuring trust for immigrants that, quite frankly, don't trust government at any level. An addition appoint is addressing the nobel aspect of privacy issues. In my prior employment it became clear these issues hadn't been made clear. Portland is taking a significant step both in the public and private sector to addressing technology, privacy, for our communities especially with the lack of consent on sale, and use of data. This is just a starting point. Whether it's just for the public, the facial recognition policies, this is just a first iteration which needs to continue to develop. What we need to address is a data collection in general. We've seen different frameworks that we can work with. The state of illinois passed a wonderful state law. I really commend the city for addressing the issue and taking up the two matters beyond just facial recognition technology and bio metric data in the future. Thank you. .

Wheeler: Thanks.

Karla: Next is skip newberry.

Skip Newberry: I serve as president over the technology association of or began. We represent over five hundred tech and tech enabled companies. We also work closely with the state of or began including the attorney general's office. We're not here in opposed to the public or private ban. We're on the same page with the city's measures. Some clarifying language to make sure the language matches the intent. I think it was covered in detail some areas where more work is ongoing in terms of clarifying language. The goal there is to reduce any remaining ambiguity for businesses trying to comply with the ordinances. We want to take a brief moment to thank the council's staff from the mayor's office for their work on these ordinances. Process has been collaborative up to date. Thank you for your consideration. .

Wheeler: Thank you, skip. Thank you for the great work your organization does.

Karla: The last person I show is christopher howell. .

Wheeler: Last but not least, welcome. Christopher, you are still muted. Can you try to unmute again, please. Is he calling you. If you scroll down to the bottom you'll see the mute button there. If you click on that, it might work. Although this happened to me the other day on a zoom meeting. I couldn't unmute. I knew how to do it.

Christopher Howell: Hello? .

Wheeler: There you are. We hear you. Great.

Howell: I would like to express a conditional support for this ordinance but I have concerns. The Portland police have shown no interest in laws to restrain them. Just last night they deployed tier gas and were assaulting people. I have no confidence that telling them they can't use facial recognition means they won't. I'm involved with developing facial recognition to in fact use on Portland police officers since they are not identifying themselves to the public and are committing crimes. Would this become illegal if you pass this ordinance? I feel like that is a concern. We should have an exception that public employees who are breaking the law can be identified this way. I expect judicial retribution for the police department for working on this project. That's pretty much all I have. The underlying idea here is sound. The security folks and business alliance are overrated when the Portland police are willing to break the law to enforce their will. Excuse me, i'm

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taking a break. I'm out here working on the census. I had to get somewhere quiet. I just really think that an ordinance like this when working with daily lawlessness when work with the police, that needs to be addressed. Ted Wheeler, you say that she can't be police commissioner because she doesn't have the right reputation. .

Wheeler: Do not miss characterize my position. I've never said that about commissioner.

Howell: I can read you the quote. .

Wheeler: Let's go back to the agenda. We've heard your testimony. We got your point.

Howell: All right. I would like to respond to the potential use to the technology on the police.

Wheeler: On or by?

Howell: On.

Wheeler: It's a little creepy but I suppose we can get legal advice on this issue. Can we get an opinion from the experts on that.

Howell: Individuals can actually use this is intended to be based on the public is this intended to be for enterprises and companies.

Howell: What about a non-profit?

Dominguez: It is a violation. It is part of the public recommendations framework. Individuals, they can use it.

Hardesty: If I may ask a question. When you say individual can use it. I can walk around and film people and I can buy facial recognition technology to find out who they are and then do background checks on them?

Dominguez: Under the current state of the policy is based on public recommendations. It's only applicable to enterprises. Yes.

Hardesty: If I'm walking down the street and I'm not a commissioner and walking down the street film people with the purpose of using my own facial technology program. Are you telling me that would be legal?

Dominguez: Yeah. This is a little bit tricky.

Hardesty: I know. That's why I didn't want us to walk out of here with different understandings of what you said.

Dominguez: There's service on the back end that's providing that.

Hardesty: They have to get it from a company right.

Dominguez: In this case, the company would be in violation, not the individual.

Hardesty: Thank you. That helps. In order to purchase this technology, it would have to be a request that would come to the city council. Since the city council is already about to I believe, ban the use of this technology, we would not in any way support Portland police buying this technology. I don't think you need to worry that Portland police officers would own, they don't own body cams. Apparently, they have some for dogs but that's another conversation.

Howell: Ma'am?

Hardesty: Yes.

Howell: My concern is that they would use as much their personal cell phones. I would like to point out that as far as the company goes, I'm writing and training my own software to develop to do this. I wouldn't be purchasing this from anyone else. There wouldn't be a company-

Hardesty: I recommend you getting a legal opinion. You don't want to accidentally break the law. Thank you. I appreciate your testimony though.

Wheeler: All right. On that note. Does that complete our public testimony.

Karla: Yes. That's all that signed up.

Wheeler: Any other discussions we would like to have this would be the appropriate time.

Eudaly: We read the two ordinances together.

Wheeler: Correct.

Eudaly: We've heard all the testimony and we take two separate votes. .

Wheeler: That's correct. We have an amendment on the table. That's the emergency clause.

Eudaly: Great. Thank you. .

Wheeler: I don't see any further discussion. We'll start with item 703, this is an emergency ordinance. Please call the roll.

Hardesty: I have some wonderful words I want to say and don't want to miss the opportunity to do so. I want to thank the city's pdx that has worked really hard to ensure we're hearing all perspectives around this legislation. I'm proud of the work that has been done. I want to highlight hector. You've been working on this for a very long time. Various constituents is absolutely phenomenal. I want to make sure that I take that opportunity. All of you know that i'm not usually patting my staff on the back because I expect them to be fabulous. We have folks that go above and beyond. Over and over again. I will say i'm also grateful to the technology folks who spoke today who actually acknowledge the flaws and their technology and spoke in favor of us having this ban in place. This will not be the last time we talk about technology or facial recognition technology. I absolutely agree with some people who have testified that just because it gets better doesn't mean it's something that we as a city should actually implement and support. I'm grateful that my colleagues have all been really open to really understanding the fear that this kind of technology provides. All of us have experienced a lot since number 45 sent his federal goons in. Was that a about a month ago now. I can tell you all of my technology works different since all of those little planes have been up collecting data around protests. We have been pretty firm and committed from the first time we had our first meeting. I just want to say thank you to each of my colleagues and you will the people who worked and even didn't agree at the beginning or agree today. I want to thank you all because I believe what we're passing is model legislation that the rest of the country will be emulating our work here. This is the beginning not the end. I know smart city pdx has a lot more work to do. I'm excited to partner with them and have the city of Portland is protective of the privacy of our community members. It's our obligation to ensure that people can't gather it up secretly and sell it for profit or fear based activities. I'm very pleased to vote aye.

Eudaly: I had it hidden. Have your laugh. Making the rest of us deviations from the norm, I guess. Despite the fact that we're the majority population. We're more likely to be miss identified and potentially harmed by this technology. Facial recognition is a run away train running over our rights and endangering our communities in the name of profit. You believe the technology will make us safer. 1984 is a distopian novel. Rampant abuse including the clear view scandal that technology would only be provided to law enforcement. They were allowing their wealthy investors to use it as a spy toy. Sites for photo it their database. Despite claims today ice used facial recognition technology without a court order. These are unacceptable and irresponsible practices. These companies should be ashamed of themselves. How many times have we heard of wrongful deaths and assaults. Technology should not amplify existing bias and perpetuate racism that can and should be a tool to help solve for these social ills. There are glimmers of hope. Amazon and microsoft put a moratorium on selling this to law enforcement. I.b.m. Is getting out of the facial recognition business all together. In the meantime they can get out of our city. I'm grateful to commissioner hardesty and mayor wheeler for developing and advancing these items as well as the work of o.e.h.r. Smart cities, p.d.x. And other organizations and advocates. We join a handful of american cities who have

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banned this technology and I hope our actions here today inspire more cities to take up this issue. I'm proud to be a member of a council and resident of a city that is putting our community members' safety, privacy and civil rights before corporate profit. I vote aye.

Fritz: Let's be clear. This will be a nationally recognized policy. And commissioner Hardesty has done a great job with Wheeler's support for carrying it forward. Kudos for Bradley, I almost got tired the number of times you kept checking back if we had questions and concerns, certainly you have been responsive to the community as well. That's evidenced by the support we have heard today and by unanimous support of the city council. There's lots of unrest in our country right now and lots of policies where and practices where individual members of this council have differences of opinion. This is a really good example of the commission form of a government bringing significant policies and then the commissioner working with each member of the council to make sure we all understand what it is and get the support. I am excited about this for multiple reasons. The principle of the issue has been well documented and spoken about today. Thank you Mr. Dominguez and Andrea Durban and Office of Equity. I echo the kudos. I was thinking commissioner Hardesty before you were sworn in the mayor and I interviewed the director of the office of human rights without you because you weren't official yet. That was one of the great things you have done for our council and community. And I certainly appreciate the partnership and the way we work together. There's been lots of discussion in the press about where we disagree. It's really important to note how much we agreed today and last week and how much we will agree next week and how we all care about the city of Portland. We care about the people of Portland. Particularly those who have been so impacted by policy decisions in the past and we are all committed to working together to address those issues. Including the police and I appreciate there's been support from the police. There's been no push back from them either. There are certainly challenges that we need to solve with our community. And Portland is well equipped to do that and we will continue to lead them as a council and to the best of our ability acknowledging we are a community that works together. It's not anyone person or anyone group of people. It's all of us needing to figure out what are the challenges and how are we going to address them together. I'm very pleased and thankful so I vote aye.

Wheeler: I stand with my colleagues and the entire community on this matter. The dangers and inequities in the current technology are present and clear. We have heard good testimony on this today as well as during the work session. Portlanders should never be in fear of having their right and privacy be exploited by either their government or by a private institution. As I stated before all people are entitled to a city government that will not use technology with a demonstrated racial and gender bias which endangers personal privacy. That should be a given. Technology exists to make our lives easier not for public and private entities to use it as a weapon for the very citizens they serve and accommodate. With no state or federal regulations on the horizon it's up to the cities to take the lead in protecting their populations. With the passage of this legislation we join cities like Boston, Oakland, San Francisco and others in taking a proactive step ensuring that our communities know that we understand the harmful effects of technology and will never subject them to that harm. What makes Portland's legislation stand out from other of these cities is we are prohibiting racial recognition technology use by private entities in places of public accommodation. This is the first of its kind legislation in the nation and I believe in the world. It's not an exaggeration to say this is a truly historic day for the city of Portland. Portlanders deserve peace of mind, transparency from private institutions just as they do public institutions. This is a step in achieving that goal and this is consistent with the brand and the reputation of this city being a city that is creative, a city that is collaborative, a city that is innovative and a city willing to lead. It's my hope that other

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cities, large and small in this nation and across the globe will follow suit. If you follow this subject you will have heard certain cities recently using this technology to target protesters and specific individuals. This is not what we want in Portland. That's not a Portland value. That is not consistent with the brand of this city. You have heard a lot of talked to about equity and inclusion and those too are hallmarks of the Portland brand. We're not going to allow that kind of abuse to take place in our city because our city won't tolerate it. Portland needs to know its leaders are listening and public safety and data privacy and security issues are paramount in the work we do. But this work is not just done. As has been said is just the first step in expanding the city's work on digital justice and data security. And yes, those are terms you are going to hear a lot more about in the years ahead. Not just the data security but the concept of digital justice. That's an area that again is consistent with where the city wants to go and consistent with our record of invasion of leadership. With that in mind I want to thank those involved in the year-long partnership. The strength of the employees. Thank the bureau of planning sustainability and office of equity and human rights. And I would like to specifically thank the smart city's p.d.x. Team. Kevin, hector, christine lead the smart city's initiative support their bureau and you have been on point since the very beginning. Thank you, that's amazing work. Andrea durban from the bureau of planning and sustainability. Dr. Marquis sha smith from office of equity and human rights. Thank you for all your important leadership on this project. And I want to thank judith mall before I -- malbry. Judy has a wealth of knowledge about the city. We have -- from the city attorney's office to think. She had the unenviable task to ensure the legality of these proposed pieces of legislation. That is a hard task indeed because just as the technology is emerging there are many aspects of the underlying law also emerging. And you are helping us to lead the way. I want to thank the Portlanders and organizations giving their input, expertise to craft something that directly impacts them and their communities. The importance of collaboration between local governments and our communities can never be overstated enough. And I want to thank those from other cities, seattle and oakland who testified to help us strengthen our ordinances based on your learning experience. Finally, I want to thank my colleagues on the council and their teams for their efforts and supports in this. I want to acknowledge commissioner hardesty and her policy director derrick bradley, specifically commissioner hardesty has been a passionate advocate on this issue from the very start. Derrick, aside from being the best-dressed individual at Portland city hall has also spent countless hours partnering with my staff in helping to bring this forward into its final version today. I want to thank both of you. Obviously i'm very happy to vote aye. The ordinance is adopted. Now Karla, if you could please call the roll upon the amendment to item number 704. That's the addition of the emergency clause.

Hardesty: I did it to make you feel better, mayor. Aye.

Eudaly: Aye.

Fritz: I appreciate adding the clause so people can see and finish this up today. Congratulations, aye.

Wheeler: Aye. The amendment is adopted. The main motion is amended. Please call the roll.

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

Fritz: Hurray, aye.

Wheeler: I'll second that hurray. And I vote aye. The ordinance is adopted as amended. Thank you everybody. Thanks for those of you who presented and testified today. And with that, colleagues, we are adjourned.

Hardesty: Don't we have another one?

Wheeler: Do we? Stop. That's tomorrow, we have two.

Hardesty: I'm sorry. There's a private and a public.

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Wheeler: We just voted on both.

Hardesty: Together.

Wheeler: You want to do it again?

Hardesty: No, I just wanted to make sure. We have been working on this too long to walk out of here for getting something. Are we all good?

Wheeler: All good.

Hardesty: All right. Well since we are done, let me just appreciate the bureau of planning and sustainability. That's one of the people I left off my list. But this would not have been possible without the leadership of the bureau and Andrea Durban and her wonderful leadership to bring us to this point. And so, I am happy. You were so darn good, I didn't know we did two in one fell swoop. Very cool.

Wheeler: Awesome. Thank you, everybody.

Hardesty: Thank you all. Have a good afternoon.

At 4:08 p.m., Council recessed.

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

September 10, 2020 2:00 PM

Wheeler: This is the thursday september 10th, 2020 afternoon session of the Portland city council. Could you please call the roll. [roll called].

Hardesty: Commissioner ryan, welcome. This is our newest commissioner. You're right. Thank you very much, commissioner, for pointing that out. It was a special election. We couldn't be happier to have you on board, thank you for your willingness to serve as a member of the Portland city council and we're glad to have you here. Welcome.

Ryan: I just got the computer set up. A week.

Wheeler: It has been a long time coming, thank you for being aboard. We now called the roll. We're all present. The city council is holding this meeting electronically. Everyone is attending remotely and the city has made several avenues available to listen to the audio broadcast of the meeting. It is available from the city's youtube channel and pdx and Portland, Oregon.gov slash video. The public can provide written video and cc testimony at Portland, Oregon.gov. The council is taking these steps as result of the pandemic and the need for physical distancing. Its an emergency, one of many that threatens the health and safety and welfare that requires us to meet remotely by electronics communication. If you for your flexible and understanding. We manage these difficult situations to do the city's business. I just want to take a brief note here because of people many people across Oregon, impacting the communities across Oregon and central cascades and the winds of course are pushed the smoke filled air all across the pacific northwest and indeed up and down the west coast. As the commissioner and I discussed, the city has reached out to the governor who is the emergency operations during this, we offered any resources the city could offer to be of help to those in communities that are directly impacted by these wildfires. Later this afternoon, we will make announcement about some of the specific steps and specific deployments that are being made on behalf of -- of the city of Portland in support of the operations elsewhere. So we'll have more full messaging about that later this afternoon. At this point, I just want to acknowledge the tragedy on behalf of all of the us here on the Portland city council and the city of Portland express our sincere condolences no those of you around the state that are personally impacted by this, either personal family or communities and please understand that we support you. We'll all fellow Oregonians and we will continue to step up to support you in your time of need because you have been here for us during our time of need. So. I just wanted to acknowledge that, as we kick off our hearing this morning. We have two items on the agenda, which I cleverly just misplaced. Here it is. First is a hearing and the item, number is filed, item 705. Please read it.

Karla: Opening statements.

Wheeler: I forgot, there's -- there's rules and bordering and it will be led by legal counsel and you separately read the land use issue.

Lauren King, Deputy City Attorney: To participate advance with the council clerks office to speak about any subject and may sign up for public testimony on resolutions or first readings of ordinances. This contains information about trail and hand use and may sign up for testimony. Your testimony to address the matter being considered at the time when testifying please state your name for the record. Your address is not necessary. Please disclose this for your lobbyist and you have an organization please identify it. Individuals

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only have three minutes to testify unless otherwise stated. When your time is up, we ask you to conclude. Disruptive conduct, shouting, refusing to finish and disrupting other's testimony will not be allowed. Disruptions, there will be a warning given to place on hold. Please be aware that all council meetings are recorded.

Wheeler: Thank you very much for that. And , you can read item number 705 time certain.
Item 705.

Wheeler: Thank you, first of all our city attorney will -- will make announcements about today's hearing.

King: This is evidentiary hearing. You may submit new evidence to city council and support their arguments. For evidentiary hearing we will begin with a staff report by the bureau of human services for ten minutes and following the staff report city council will appear from interested persons in the following order. The will go first and have ten minutes to present his or her case and following the appellant, each person will have ten minutes to speak to council. And then others will have ten minutes to rebut and if there's no principal opponent then there's persons that oppose the appeal and after the concluded testimony. And after the principal opponent, the council will hear from persons that hear the appeal. And finally the appellant will be able to rebut the opponent's. And if the vote is a tenant vote, they will set a future date and document of findings and final vote on the appeal. If the council takes a vote that will finalize it. And those addressing the city council today. So many evidence in the record, any letters or documents you wish to become a part of the record and the e-mails to the clerk and after retestifying. And summarily and any videos including powerpoint should be given to the clerk to make sure they become part of the record. Testimony must be recorded to the approval criteria. Any testimony or criteria and evidence must be directed to the approval criteria for this language review or any criteria in the comprehensive plan or the zoning code you believe applies. The staff will identify the approval criteria as part of their staff report to council. Issues must be raised with specificity. You must raise an issue clearly enough to give the parties opportunity to respond, if you don't, you will be appealed based on that issue. Applicants must have constitutional challenge. If the applicant fails to raise a constitutional or other issue relating to a proposed condition or approval with enough specificity to allow the council it respond they will be precluded from bringing action in court.

Wheeler: Thanks. Appreciate. Any members of the Portland city council have any conflicts of interest to declare? Commissioner Hardesty.

Hardesty: No. I don't believe I have any conflicts in this matter.

Wheeler: Commissioner Fritz?

Fritz: No.

Wheeler: Commissioner Ryan?

Ryan: No. I do not.

Wheeler: Bailey. Are you there? Did we lose communication? We had problems earlier. Looks like they dropped off the call. Is that correct?

Karla: I'm not seeing her either mayor. She may have.

Wheeler: We'll try to get her back. In the meanwhile, I also have no conflicts of interest to declare, so at this point no members of the council have conflicts to declare. Any members of the council have ex-parte contacts to declare or information gathered outside of this hearing that they like to share? Commissioner Fritz?

Fritz: I received e-mail from Jenny Davis regarding the Greenway High School and the planner and -- and the council clerk for inclusion in the record.

Wheeler: Anybody have any questions to ask Commissioner Fritz about that particular contact? I'm not seeing any hands raised. Anybody else have potential conflicts of interests. Seeing none, we'll move on and I'll ask Commissioner Daley. Has anyone made visits to the site in the matter?

Hardesty: No.

Ryan: Have not.

Fritz: And I -- I think -- i've been past the site multiple times haven't visited specifically for the development.

Wheeler: Okay. Great. And commissioner daley do you have any ex-parte contacts or -- or any conflicts of interests to declare or have you visited the site?

Eudaly: None whatsoever, as far as ex-parte or conflicts of interests. I'm sure i've driven and walked by the site but -- but -- but not -- not in many many months.

Wheeler: Very good. I have no conflict in this regard to declare. Do any members of the council have other matters that need to be discussed before we begin the hearing?

Hardesty: No, mayor.

Wheeler: All right. And dan, just to make sure you know about the hand raise function. You probably do. I want to check and make sure you know. Still working on the mute button. Can you unmute for a minute? There. And do you know how the -- how the hand raise function works?

Ryan: I do. But not on this -- on this. I just got to the office and 15 minutes ago, and trying to figure it out.

Wheeler: I want to make sure that you -- scroll down like on the lower -- on my screen, if I scroll down the cursor.

Ryan: Yeah. Chat.

Wheeler: And then you should be able to see it at the bottom of the participant, if you -- if you click on the participant clinic you should see it on the right-hand side and says raised hand. Good. You're good to go. And then you -- the only other thing and it is just my thing is make sure that you lower your hand so I know you had your question answered. All right. Before we begin, the record includes the electronic available on efiles. Who says government is not transparent? Efiles, if you can't remember those long numbers, please let stacy know and we'll make sure we connect you directly. So, with this, we'll start with the hearing. First up is the staff report. Approximately 10 minutes. Good afternoon.

Staci Monroe, Bureau of Development Services: Okay. Good afternoon. My name is stays with the bureau of development services. I'm here to present the type three appeal for the alamo manhattan blocks. One second here. Okay. Weren't able to toggle my screen. There we go. Everyone see the screen now.

Wheeler: Yes.

Monroe: Great. I'm going to ask for a few extra minutes over ten, probably 13 minutes for the presentation. You see from the image it is a rather large site with a number of elements. I will be brief but I also want to be thorough.

Hardesty: Does that mean the other side gets the same amount of time?

Fritz: No.

Wheeler: The staff in this case is -- is the neutral party so you will also hear from them. The appellant as well as opponents to the appeal and we'll make sure those get equal time. With the staff, it may need -- question just put the time suggestion there for staff to -- for a three-hour hearing and encourage them to be thorough yet timely.

Monroe: Okay. With that we have five buildings, providing a total of 12 residential units and the inclusionary housing regulations apply to this project and they will be next with 10 percent at 60 percent mfi and the ground floor of several the buildings, a little over 12,000 square feet of commercial space and 1100 parks spaces. It is creating new streets and extending river parkway to the south and standing lower and abernathy to the east as well as creating a greenway track at the eastern area of the project for the future greenways and establishing new greenway access ways that connect along main, abernathy and mural that connect the district to the greenland. This is just an aerial image to give you an idea of the location within the district. It is the southeastern end of the district. And in the

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upper left you'll see the eastern building which are the larger buildings that front the river. The other buildings you see are on the western half of the site. In the west view lots. So it is located in the strip. This large property is zoned central commercial zone and lined overlays. The green, excuse me the blue dashed line has the location of the streetcar. So the floor elevations, known as f.a.l. Are different than when it is located. The f.a.r. Is 61 with a total of up to 91. Both buildings are -- excuse me all three buildings on the western blocks are well below the face f.a.r. And they're five to six-story buildings. On the eastern blocks, 5-1, the lower access and you could get up to 91. The two eastern blocks exceed the base of 5-1 and that extra f.a.r. Is being achieved by providing additional open space as well as affordable housing. Per the height, the base height throughout the block is 125 feet. You could get up to 250 feet with bonuses. The height steps down as you move east towards the river. It steps down to 125 feet and then steps down again to 75 feet. On the western blocks, midway buildings and these are well below the face height and top out at 55 and 70 feet. The additional blocks step down to 125 and 45 feet. As I mentioned earlier a greenway on the property. This greenway section is 100 feet light. It requires even -- minimal improvements consisting of a bike trail and pedestrian trail and landscaping. This is not to have setbacks unless it is dependant which is not the case for the project. This project is subject to design and agreement interviews. This does agree with sidelines and south waterfront guidelines. The elements specific within the track are the south guidelines and section 8 -- 33.851 of the zoning code. It includes modifications and adjustments and the development standards in the zoning code. Specifically made to announce kingdom, steps, excuse me, spaces and the replace the rift between the bicycle parking it allow additional bicycle spaces to allow vehicles to access all off the parkway. And all of these modifications and adjustments were supported and approved by staff in the presentation. As I mentioned this is a procedure. And it shows the overall process. Right now the area indicates in the process. We're at the end of the process and the appeal. There's been a common and public reviews, public notices as well as a staff recommendation and several hearings before the design commission as well as a decision. So with history, this project is taken advantage of two meetings in 2018 to get a concept and approval criteria. It was submitted in september of 2018 with the code in effect at the time and the current code which was just readopted. A public hearing occurred around christmas time. The applicant asks to withdraw this application at the beginning of 2020. A new application was submitted in order to take advantage in effect in april of 2017 and which will stand. You can have vested in the code at the time. That's why the required 2017 code. That project has four days before the design commission, before it was approved on july 2nd and staffing on the 7th. So, over the course of the year and a half to two years of this project, the focus of the design commission and both the urban assistance hearings has been focused on the quality of public space that is occur through the site and the greenway. To insure that the ground floors were active and in order to support and enhance the public ground and there's a lot of work to simplify the design and materials to create strong, coherent buildings to complement the straightforward buildings that make up the district. This was a lot of focus on the treatment of the greenway to insure that the project be voted on the greenway vertically and horizontally. And over the course of the review there was public participation and staff received comments and poll testimony and the majority of those were in opposition, five in support. It existed of concerns with the kasht and town and impkting views through the district and proximity to the greenway and land greenway and the quality of the open spaces and loss of eco saving and light trafficking and other impacts. Oh. Okay. So there's five appeal items. I'm going to be brief and want to get through this. So the first appeal item, excuse me, one second. regarding graduating the. And the appellant states that in this guideline. So the guidelines specifically is -- is d2. D2 is the central city

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fundamental guidelines. It is an area specific guideline. It includes four statements that support the character of south waterfront. One of these four is to graduate the heights from the western boundary down to the waterfront. If students show the district overall achieves a step one through the river I have it consistent with the zoning heights. As you see in the image here, you see the zoning heights reduce as you move west towards the river. They're from 250, west devine and step down to 125 and then step down to 75 feet. So that's the gradual stepping down in the district. And then the guide line does not require that every building on each block step down to the next and next. You had a photo for example, a for example that was two stories tall, it wouldn't mean that the building east of it would have to be one story tall in order to achieve the stepping. In addition, the zoning code does not require that all buildings build to the maximum height.

Hardesty: I'm sorry to interrupt. This is a significant issue. I'm not sure I understood what you just said. Can you please go back and -- and -- and maybe state that a little bit differently so I really understand it when you say, it doesn't require every building on each block to step down to the next, next and next and so on. Could you be more illustrative about that?

Monroe: The guideline is a stepping is achieved throughout the district, not on a block by block process. So as you can see from the zoning allowances, that's already dictated for the maximum allowed. If you're in the western part of the district, any development could go to 250 as you move east to the river, the allowances go down. So the zoning --

Hardesty: your slide says it could go it 325.

Monroe: That's with bonuses. That's correct the height showed on this image represents the base height. I didn't have image that showed the base heights. Essentially the west half of the district could be up to 325 feet if a developer chose to build to the maximum height. As you move east in the district and in zoning height allowances can incrementally step down. They go from 325 with bonus to 250 down to 125 and then down to 75. So if this -- if this stepping down towards the river or towards the eastern edge is achieved throughout the district and not by block by block development. If the development west of the project was a couple of stories, if you implemented this guideline, the block east of that could be well blocked. That's not how it was envisioned.

Wheeler: I get it. Thank you. That makes perfect sense. I wasn't clear what you were getting at.

Monroe: The next slide might help. This image of the upper left shows this proposal, excuse me, this project, and you could follow my cursor. This is the western half of the project where the buildings are five stories and six stories. On the eastern half is where the power buildings are. Again, the zoning code doesn't require you to build to the maximum. That's what we've do not on the western half. They're not fulfilling the envelope. They're fulfilling to 75. The building on the eastern blocks do step down and you could see that in this cross section here, here's the 250. Steps down to 125 and then steps down to 45 before it gets to the river and I wanted to make one other point, the guideline is similar to appeal that council considered in 2015 as well as 36. On this case, it had similar stepping down approval criteria. Excuse me. Council determined that the stepping down is achieved through the height of the zoning code, not what happens on the individual building heights. Wanted to be clear of that precedent and share that with you. Okay. Appeal item number two. Setbacks from the green way. It says the eastern buildings should erode and be similar, a similar setback as the atwater in the main buildings. Image on the buildings show the at water and the mayweather and as you could see this is the building edge here and this is the greenway trail here. Is so staff would clarify, there's unrequired setbacks from the greenway. This shows the edge. That's is proscriptive, however, the -- the discretionary review has guidelines. The guidelines encourage erosion development along the greenway which is reflected to the north. These

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buildings are setback to some varying degree to the north. Whenever considering this they had the eastern edge. Rather than a 20-foot setback the commission decided that since they have an open space closet that was required here that concentrating the setback in this area has a better impact than along the frontage. That's here and there's a at the end of abernathy street. Images how this sets back and sets back from the bike trail. This is the same plaza. And number three, the applicant had stated the south waterfront area is not characterized by towers but extends to the property in any direction. There was concerns with the style, the style towers that were approved. So south waterfront has those specific guidelines it insure views through the district. This is proscribed. These arrows are identified as view corridors. They're stated when a review area is defined. There's spacing dimensions between towers. And then insure you get the visual views through the district. There's for public corridors of the site. The project is moving at the 125 feet. This is image here of the tower. This is the north tower. The limitation is 125 feet. This is 64 feet in dimension. The southern tower is longer but it meets that 125 maximum. As far as the forum, the long east-west forum, more oval and oblong and tower and shapes in the district. You could see here, they're the tower and they're also evident to the north. The I shaped tower, they determined it conformed. And the commission also determined that the southern tower, with its glass facades and balconies and the way it steps to the river further complemented the towers in the district. Number four i'll be brief on this. This is not a pier item. The reason being, it is because the staff report and final finding, staff included the state by approval criteria. Staff then realized more recently that these goals and the approval criteria do not apply to this project. The reason being the statewide planning criteria are for acknowledged code. Since reinvented and acknowledged code which was in april 2017, meaning not subject to the 25 code, the planning code, specifically transportation of approval criteria don't apply to this project. The zoning code proscribes the maximum parking spaces. This is well below the maximum number. Since it meets code requirements there's no discretion to discuss the number of spaces provided. It does not acknowledge on project by project basis such as the case for this project. They only do it with a systems plane that was updated in 2035 where they look at the future of the potential development for an area. The last item is the agreement improvements. Almost done. The applicant has -- has a proposal built to demonstrate how the design would better provide the greenways quality and standards. When it comes to the greenway improvements, there's three tiers. Tier one is basic and proscribed. You provide a bike trail, a pedestrian trail and then you get a permit. No definition, very proscribed. Tier two you don't comply and you're discretionary review which is the greenway review. This requires enhanced design above and beyond a trail. Third tier is about the greenway development plan. If you take this route, which is optional, you could work with the development agreement and the financial assistance to build the elevated design thought city adopted and with visual envisioning for the area and you could get flexible timing. The applicant has opted it'd tier two and that's what the review that was approved by the design commission. In addition to trails and landscapes, what was approved, was the piers that are dangerous, laying back the river bank and stabilizing it, providing an overlook here, this element here to be consistent with the other overlooks that occur in the central reach to the north. The debris to enhance the habitat and providing much more diverse and large trees required by the code and providing benches along the path and providing a grass area in the public open space for additional recreation. And staff and the applicant worked together, as this concept evolved and as the details were designed. Parks supports this and acknowledges it exceeds the code requirements and complements the reach to the south. And we're to deny the appeal or the full design commission's decision, to deny the appeal but modify the decision and instruct the applicant to come back with -- to revise the design for a [urt](#) for date. Or grand

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the appeal and overturn the decision. This in case the project is . I'm available for questions. I also want to note that bob halley came out and is here on transportation or park issues.

Wheeler: Very good, thank you. Commissioner Fritz.

Fritz: Thank you. Thank you for the thorough presentation. I have a small question about the modification -- for parking. If they don't get it, and get the two-foot wide within 18 inches, do they still have enough required pies kell parking?

Monroe: They would not, I believe they could make changes total interior program in order to meet that requirement.

Fritz: Thank you.

Monroe: Sure. Any questions? Here's one.

Hardesty: A little slow on the trigger there. In other parts of the city, we require significantly less parking. We have different parking regulations for the waterfront or downtown than we do for other parts of the city.

Monroe: We actually do. The current parking requirements for the south waterfront are lower than the ones that this project is subject to. The reason being is this project is being processed under the code adopted in april 2017 before they reduced the maximum parking requirements. I believe the maximum remembers are now 1.4 per unit rather than 1.7. Cdot would be a really good resource to answer that question in terms of why south waterfront is higher than other parts of the city.

Hardesty: It -- it doesn't make sense to me that someone at waterfront would have more access to more cars than someone that lives in the southeast. Maybe that's a question for transportation.

Monroe: If bob halley is an attendee to answer the question.

Bob Haley, Bureau of Transportation: This is bob halley. Can you hear me? Good afternoon, council. I was not -- i'm a senior planner and wasn't involved in the 2035 negotiations but I know that was a sticking point for you know, it is curious why south waterfront had a higher parking ratio allowance than other parts of the city. I believe it came down to a lobbying from some of the major players that were in south waterfront that felt there was a need for the higher ratios for the immediate future.

Hardesty: Last question, does the city council have comments on the changes that would be required in other parts of the city?

Haley: Is that a question for cdot?

Hardesty: Yes, it is.

Haley: I believe council has authority to request zero planning and sustainability and come back to a code change that would lower the maximum parking ratios anyplace within the city. Cdot is not directly involved in parking on private property. Our focus is on impacts to public right-of-ways. Those regulations are within title 33 which falls under the purview of -- of eds and planning and sustainability.

King: I want to clarify, the council can absolutely tell -- can absolutely tell them to change the code. They have to adopt the code that applies to this project.

Hardesty: That's a start change. That stood out to me more than anything else that was said. It doesn't make sense to me but hey.

Fritz: To that point I noticed some would be able to have two cars for one unit. That's a modification we could deny, right?

Monroe: That's correct.

Hardesty: Applicant can address this, why some units would get two and others get none and the commissioner just pointed out why would we encourage two cars to live in south waterfront. Thank you.

Wheeler: The next stop is the appellant. You have ten minutes.

Carrie Richter: Thank you. My name is kayle richter and i'm an attorney representing yvonne meekoms. My clients are long time residents in south waterfront. Before I get into

the meat of the presentation I want helpful background. In 2017 the design commission approved a request for a seven-story developing the four-block area. You could see an image here. They provided wider greenway and physical access to the water and this is -- this design was -- was -- struck upon in collaboration and direct communication with neighboring residents. They learned this 2017 approved proposal wasn't going to be built in the fall of 2019 when this application was filed. They never reached out to discuss the proposal. It was the appellants that reach out to the applicants proposing an alternative design and this design was to locate the towers to -- to the England blocks, I'll point that out in the next slide but the result would mean the applicant's density goals could still be achieved while it is all the appellant's concern. The only explanation offered was last profit. The unit is a block away from the river and not as profitable as those abutting the river. Appellants took every opportunity to raise their concerns during the hearing before the design commission. Yet, the design commission and the applicant refused to redact this alternative design and give it any serious consideration. It is this -- it -- this perceived lack of cooperation and collaboration that led to a lot of the concerns in this appeal. More the merits of the request, the design guidelines controlling this review as Miss Monroe pointed out include a number of South Waterfront standards. The background explanation for the standards provide, quote, this part of the central city possesses unique opportunities for -- for visual and physical connections to the water that are not available elsewhere. And the thrust of the appellant's case is that -- that this application and the design commission's approval did not adequately provide the visual and physical connections to the river. Guideline b2 insures maximizing the visual connection. Graduate buildings heights from the western boundary down to the waterfront. An example is illustrated in the parcel directly to the north of the subject site. It shows the Adra tower to the west and the six-story tower along the river. The heights are graduated from the west to the waterfront. The result of this is to give the greatest number of -- of units visual access to the water. The proposed design does not offer the same visual access. The blocks abutting the riverfront fully block all visual access to the river for the five and six-story structures on blocks 42 and 45 behind. This is not what it means to graduate building heights from west to east. The the city staff mentioned today and the design commission finally indicate that the base and bonus building heights serve to satisfy this standard. This is wrong because the design commission has an obligation to reduce heights if necessary to achieve compliance with the guidelines. It is enough to simply combine with the base and bonus heights. It won't achieve the required setback and Miss Monroe said that it is the stepping will be achieved throughout the distribute overall but it won't be as evidenced by this particular application. The design commission findings also state that current text must dictate how the height reduction is to be applied. And if that's true the context here shows that this -- this particular application unlike other applicants perhaps has -- has four lots to work with. They have inland lots and they have some riverfront lots. They have the opportunity to -- to revigor the design to maximize the view of the river for everybody in their development, not just those in the towers. And there's precedent for this stepping out approach with the rd and Osprey directly to the north. The content suggests that requiring a meeting stepdown offered opportunity for access to future residents for this particular application. The applicant shows profit in doing what the guidelines ambiguously require. The guidelines go on to require that new development and enhanced and complement the character and context of the area. In south part of South Waterfront, most of the residential towers as Miss Monroe illustrated in this slide illustrates the towers are round and oval shaped and particularly the residential towers are round and oval shaped and they're nestled together and situated such that they -- they provide for an enhanced and complementary view of the river. Although there's some blockage, I'm sure, there -- they all work to sort of work around each other to maximize the

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views for everyone. They're sensitively cited and the broader towers that -- that -- that miss monroe illustrated are one, not residential, and which is the buildings and two, they're located on the far north side and the west side of the district indicating they won't have the same impact on the area character, again this all important access to the river that -- that -- that -- you know that, that will be compromised with this development. Guideline c1, the same theme. It requires that you -- that new development size and place new buildings to protect existing views and corridors. The design commission recognized a view corridor along river parkway. Many towers do not extend beyond in the full east-west direction. It is not true that compliance with this standard is satisfied merely by relying on the proscriptive building tower widths is that miss monroe referenced. If that were true we wouldn't need the guidelines. We wouldn't need them. It is superfluous and has to have meeting. When there's potential to protect views of the river when everything in south waterfront is directed to maximizing the river experience, we need to -- to insure that that results. Guidelines does not state that -- that -- that it applies to overlay and corridors. And it would be reasonable to interpret this guideline as the design commission did initially to protect existing and future views of the river. Moving quickly to the issues of the parkway. The stabilization is the minimum that is required. It is also required that -- that the applicant do more. And one of the things that -- that -- that guideline five and guideline three talk about is providing direct human access. This applicant did not provide any direct human access to the river from this development. If you take a look at it, they talk at the far left of the slide, it shows a cement pad. I don't know that was historically but it has been there. And the guidelines talk about using that pad as a place for people to get out on to the water, either stand on it and get -- visualize being on the water or even providing a -- a -- a gangway and a dock so folks can use that dock for -- for white watercraft access. This particular applicant instead of using that cement pad has elected to -- direct the pedestrians away from that pad. Away from the river. And that is not what the guidelines call for. The guidelines call for -- for -- for making -- making -- providing major public amenities within the greenway. I want to point out that the only benches in the greenway that the applicant has proposed are located in one spot and it is shown -- it is shown -- just to the left of the three at the bottom of my slide. Whether all of the chaste allowance and these amenities are close to the building and I think they will be perceived as private amenities and not as major public amenities. If you look at the guidelines where they show chaise allowance and the right-hand picture, they about the walkway. They're directly available to the public to sit and walk -- sit and watch the traffic go by. That is not what this design proposes. It is not what the design commissioner approved. The same is true with the top left-hand picture where the elevated patio on the -- on the far south building is elevated and enclosed suggesting it is private and not public. I want to talk a little bit about the construction of bond street. As it stands right now, there's a -- between richter and porter where the crossing comes across, there's a -- there's a missing -- a missing improvement of bond street. My understanding is that everyone of these fund is available to complete bond street. Bond street is the critical second artery, gain traffic into and out of south waterfront right now moving the only way in and out. It is critical that bond avenue be improved before this development comes online. In conclusion I like to point out that the design commission guidelines require design that maximizes the visual and physical connection to the river. The design commission erred in failing to require this applied effort. Please approve this appeal and deny this application. I would be happy to answer questions or reserve time for rebuttal.

Wheeler: Any questions. Very good. So first up then, we will have and of course there may be questions for -- for mcguerin. First up we will have supporters of the appeal and in other words if you support what you just heard, for those or any other reasons related to the record, supporters of the appeal you have three minutes each. I don't know how many

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we have signed up as supporters of the appeal.

Karla: I show three people are supporting mayor. And miss richter went over about two minutes and 44 second.

Wheeler: All right. We'll give the opponents the additional time should they require it so we keep everything. First the supporters, please.

Karla: Michael sandaler.

Wheeler: Welcome.

Michael Sammler: Can I share my screen for a slide show? Is that acceptable?

Sammler: Hello, my name is michael sandler, I was born this Portland and grew up at the base of mt. Hood and live on a condo on the 21st floor looking south. My wife and I qualified for a first-time homebuyer loan in 2019 and we started looking in january. I was set on buying a house. The amount of light in this area really set this place apart for us. I'm an artist and having so much natural light made the purchase of this condo easy. Not only for our health but for good art. I have been drafting, I have my drafting table against the window. I researched before buying and found what I thought was the current south waterfront design guidelines that stated buildings would step down towards the river and buildings closer to the water would be no taller than seven stories. I had a great respect for the waterfront parks and pathways. I don't know how they are in the evening. I have concerns about light entering the neighborhood. I do this first image from elizabeth carruthers park. The space between existing buildings will be blocked taking the morning sunlight from this area. Here are a few more imcoming as I drew up. Many residents will lose a lot of 0 light. I'm not sure how them bellishes or enhancing our neighborhood. We have gorgeous parks and waterworks. The more neighbors I have the more I realize the asset the well-lit design guidelines for the waterfront have been. My disappointment is deep and wonder how this new development reflects Portland values as well. Thank you for your time.

Wheeler: Thank you that qualifies as one of the most creative presentations we've had a lot in a long time. I love your sketches.

Sammler: Thank you.

Wheeler: Next individual, please.

Karla: Courtney chryst.

Korleen Kraft: Thank you for your opportunity mayor and commissioners. I -- we would say broker for many many years and when this project was first proposed, it was -- the master plan was well thought out. I watched it with interest because the corridors were -- it -- my understanding were to preserve the views not just for the residents of the south waterfront but for -- for -- for residents of the west hills that immediately are under -- are immediately to the west of us. This new proposal with these two towers that are so close together does not seem to meet the criteria for the stepdown and the little stepdowns that the illustrations show on the side don't seem to me to be meeting the criteria or intend to observe the view corridors. The -- also the two gigantic towers on the riverbank look like -- will look like mono liths and will significantly impact the light and area that is currently available. The original development plan for that area as the attorney just pointed out was something we knew about and approved of. Rather more than unhappy with the density. One problem we have here we're on an island of land and the traffic situation and the parking situation is already drastic. I think it would be suicide for most businesses because this is no parking for -- for -- for -- to accommodate any customers that they may choose. There's plenty of buildings for lease here now. There's not a good history of -- of -- of businesses surviving in this area as it stands. I realize that people may be opposed to having cars. I mean the city council or city of Portland but people do have cars. Unless i'm not following this correctly, I think that in answer to commissioner hardesty's concern the proposal is less than the allowed maximum per unit per car. I could

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be mistaken about that. Another question that concerns me is -- is again we're sort of land locked here. We have one southbound exit out of here. That's past -- that's the ice building. We know what goes on from time to time at the ice building. There are only three exits that can fill north bound and moody goes north bound only two ways, only in the northern section. Okay. Thank you.

Wheeler: Thank you. We appreciate your participation. Another individual.

Karla: Carl Pinsky.

Wheeler: Welcome, Carl.

Carl Polesky: I'm property owner here. Appreciation to the city council for the opportunity to -- it support the -- to support today's hearing. During the last we currently had and part of the constructive and of the Alamo Manhattan and the project. My impression is that the parties are residents and investment and their purchase of the property. They could not mentally call on and and . Quote, we believe in good living from the greater good. Unquote. And Sanford we found the community, quote, and we have no way to reach -- there's no known way to reach in the road. And everyone's path in but we know whose responsibility is it is to give back. And it is duty and privilege, not choice. Close quotes. The development parties should join the community to use environment and beyond. Seems to be the case in the current fully developed investment, it is not part of the south association which fund projects from and and flower baskets for local market. I think the council considers the appeal so many current and future residents in the existing buildings can continue to -- to enjoy our neighborhoods, quote, greenway expanses. Thank you. Once our deeper -- our deeper issues and more than today regarding the locations and the buildings. And -- you talking on the sidelines. Okay. . Thank you.

Wheeler: Thank you. Commissioner Fritz.

Fritz: Thank you. Caller said there was three people signed up to testify, I see Jeffery as observer and I was expecting him to testify about greenway issues. Could we find out whether he's signed up in the wrong place?

Karla: Who signed up opposed? So.

Fritz: I believe he's opposed to the development so he's supporting the appeal. Once again, we have a previous situation there, if you could -- could maybe ask the observers if anybody else wants to speak in support of the appeal, I think that would be helpful.

Wheeler: Yeah. That language from the sign-up sheets as well. Correct. The language gets complicated on these things.

Karla: We had updated it for this case. We'll work on it.

Wheeler: It sounds like there's at least one or person that would like to testify on this side of the issue, is that correct?

Karla: Mr. Lang was this your?

Jeffrey Lang: Absolutely.

Why don't you testify and anybody else on the other list who wants to testify on this side, if you could raise your hand in the chat function and Karla will make sure we get you switched over. All right go ahead, sir.

Jeffrey Lang: Appreciate that. Before I begin and get to the meat of my presentation, I just think it is -- it is relevant right now that we recall the -- the native tribe that was on the property for thousands of years. I just -- I just feel we should at least give that some thought before we cut up on , details and bike parking. My name is Jeff Lang. I'm a business owner and founder of Deals Creek Insurance Services. I sit on boards like Micro Services of Oregon and was one of the founders of the Opportunities Corps. I do sit on the board of the Portland Greenway and we work to build out the greenway when the greenway to the north in north Portland's neighborhoods. Today, though, I'm speaking strictly for myself as a citizen. I'm trying not to be redundant mayor, because there's been so much good testimony by the attorney representing the appellants. So bear with me.

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Okay. The importance. Why am I here and testifying? This project will end a greenway is one of the most impressive opportunities that the city of Portland has had since the middle 70s when governor mccall and governor straw set up the mechanisms for the limited greenway through the valley. We got to get this right. The property that the good folks and the developers of alamo-manhattan is one of the last two properties. The other is the families property to the north that once developed will finally complete a loop of greenway that many of us worked on for 40 years within the inner city of Portland. Touches on every neighborhood to the river. Southeast. The downtown area. It is one of the few and one of the largest public financed and private financed projects that allows all citizens to come in touch with the river. What is the river. It is the grieving ground. It is the place it recreate. It is a transportation hub and meet our goals and get people to and from different places, work and play without giving it -- it -- without a combustible automobile. We need to get this right. And also object to being referred to by some of the people, the stake holders as baseless appeals that undermine the public process. Everybody that participated since 2019 does it as a volunteer citizen. Okay top at the least, I hope we can delete the contract language that allows the developer to build the greenway trail after four years of completion of construction. I like to see that deleted specifically and the greenway should be built at the same time as the -- as the building. The greenway is not amenity.

Wheeler: Sorry to cut you off. I think Fritz wants to ask you a follow-up question.

Lang: Sorry.

Wheeler: No, we thank you for being her. Commissioner Fritz.

Fritz: Jeffery i'm concerned about the greenway issue. So I like to invite you to talk more about that. The appreciate the historical context. I believe the greenway is not hugely significant regional facility and multiple purposes. I appreciate you taking time for that. I appreciate if you could point out things in the documentation that has been sent, specifically regarding the amenities, the construction of greenway.

Lang: I'll two through the remainder of points unless there's something you like me to elaborate on.

Fritz: Particularly I mentioned it was -- it was so called ex-parte content. I think it would be helpful to put it on the record. may have further questions.

Lang: Inclusion and exclusion. We have piers on different parts of the city where people can go Fishing, dock a boat, the impression with this development gives me and others, it is one of exclusion. It doesn't invite the bike rider or the walker, or someone with a wheelchair to wander into the plaza. I love the plaza. I wish we had more similar to italy and germany. We need the greenway to look inviting. Height issue has been spoken to but in the 90s under mayor katz it took city dollars to take everybody to the city of vancouver to the north. Every one of those planners came back and said, that's so cool what they've done there. Putting people in towers in the middle of the island and a footprint walking down. That's not what this project does. So, in terms of the greenway, the city has done a great job -- with already built on the river, coming out of the -- of the zidal property along the river but we need to be consistent. I believe we have an average of 150 feet south from the zidal family property. We need to take every possible advantage of building 150 feet. If you look down the river from a kayak or you're walking or riding a bike, what is pleasing to the eye is a consistent design model. You think of the embarcadero in san francisco, same signs, same amenities. You're looking south america where they built so many molocans along the rivers and bay. They're consistent. It gives a feeling of escape from the -- from the density, yes, but the -- but the moorings of the city and the eye -- line of sight. Very important. Addressed, I think the last thing amanda, I think some of our newer citizens to the city don't realize what a huge huge project and opportunity this is for all of the citizens of Portland. At a time when we're so all driven to find light at the end of the opportunity for so many abuses that we're all trying to combat. To me the greenway is something that could put Portland back on the map as doing

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something different, doing something innovative, doing something special. I believe every property needs adjustment thought, contemplation. That is why i've done this for 35 years. That's why we fought the avalon hotel, we brought that down from 15 to 7. It is just on and on. I really appreciate the time to share a bit with you.

Fritz: Thank you. I appreciate your testimony.

Wheeler: Thank you. Very good. And colin was there other people indicated? Yeah. People indicated they would like to testify at this time?

Karla; I show one more. Pam reeker and I felt she raised her hand to be on this side. We'll hold off. Kim can always testify when -- on the other side then.

Wheeler: It look like she may have raised her hand, pam. We'll be there shortly. First the principal opponent gets to speak and the principal opponent has 15 minutes plus what, Karla, if necessary?

Karla: Two minutes and 44 seconds.

Wheeler: If they need it, no requirement. Looks like matt is ready to speak, is that correct?

Matt Segrest: Share my screen, Karla.

Keelan: Yeah, Karla has it set up you're welcome to do so.

Lang: Thank you.

Wheeler: Mckeown got it figured out. Yep, we see it.

Matt Segrest: Good afternoon. I'm with alamo manhattan. And i'm with my colleague and my attorney. You know, we're -- we're excited about the project and looking forward to addressing the appeal. You did a great job covering it I don't have all and some of these slides and the slides quickly. You have shot locations that are significant location in the south waterfront. And it is called the hole in the neighborhood that we had an opportunity to fulfill. One thing that is important, there's pre-existing on the property that has been extended for years. They're not subject to inclusionary housing. There's significant before ours that don't have the affordable housing. But -- but even with that we thought we could do better. We thought there's a housing shortage in the city long-term both in market and the other side. So we thought we would have an opportunity to do something better. Ham and hadden is -- is -- has been involved in development since 2003. We've been involved in south waterfront and done multi-county projects than any developer. We're a big and we feel like we're -- we're adept at being stewards in the neighborhood is important to us. Again, I take over the slide too much. But some of the -- of the big items are -- are -- are -- we're really focused and we may have to focus on the public realm, either, which is the waterfront design and the greenway extension. We're to the north. That's the design. The city built north is phenomenal. But we try to go above and beyond to match that. Then we have a full here. Which would be on site affordable housing and then we have the major city priority. You could see the images from stacy. And the city greenway, the tremendous amount of -- of . Just going through them quickly. Let me note, key parts of the development, abernathy street and through the mid-life portion, that's a commercial heavy -- heavy street. And then, between the towers and the transition to -- to after some -- some restaurants in the transition to -- to -- to pedestrian only, the great promenade and the river and as you could see, coming down the promenade to the public plaza here and the water fountain and the large overlook and we're trying to draw that traffic down to the middle and bring people to the street, the river and greenway. Images that they show. This is a major stays that we have on the southeast portion the site and the challenges with the design commission was to act with this southeast portion and so the solutions we came, I think one individuals came from the commission and commissioners was to make a major space open to the public. This is a public plaza here as well that these -- and i'll talk about that later. This is looking abernathy and you see the restaurants on either side and imploring people in to this what we think is a well designed

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pedestrian promenade down to the overlook. And in the mid block portion, we have a lot of public space. We created a mid block passero and then a park and zone and at the end of this, as you could see, this terminates into a pocket that we have block 44 and then a big focus on that -- on that you believe about realm and also, another pocket park that we're putting on block 45, this is between two retail spaces. The idea is the large focus on the public realm. Overall use it is a community. One thing about this, there's substantial public benefits. Onsite affordable housing and right now we're trying to meet that with 10 percent, 50 percent ami. The greenway connection and the major neighborhood priorities. We think it is -- it is exciting for us to be able to fulfill that vision. We're seeing the streets, streets in the south waterfront and the utilities along the street. Then also enhance the accessway in addition to abernathy that runs down to the overlook on the greenway. We have blaine street and lowell street that provides pedestrian access ways. And what they do, is the south improvements. That's a major part of the city. This will be involved in those. All of these off site improvements will be done in the first construction phase. When we build up the first projects we expect all of the streets and the greenway and all of the pedestrian access ways to be built that time. And the south quarter to be built at that time. We had tremendous public engagement. We had two specific meetings with the south board neighborhood association and the neighborhood association with in the area. We had you know, ten-plus, maybe 20-plus separate stake holder meetings, meetings with individuals and groups and that -- and discussing the project, trying to get feedback and thoughts, how to do things better. Stacy mentioned we had seven designer hearings and a lot of engagement with the design commission and getting feedback and changing the design to meet their -- meet their comments. Then many meetings with city staff to try to translate from what they responded to that and a lot of times spent with stacy in her staff. Also met with the appellants. We had a meeting with them to understand the concerns to see how we could respond to them and anything we could do. But we took that seriously, the public engagement. We really do try to listen. We want to respond as best we can. We know we can't always please everyone but we do our best to try to -- it change our where we can to address these concerns. We did our best on that -- on that. So i'm going to turn it over to dana.

Dana Krawczuk: Dana from and the council for the applicant. Before turning to the appeal argument, like to take a quick comment and your thoughts and the questions that were raised in scott's presentation. Commissioner Fritz asked if we could accommodate all of the required bike parking as modification side. They asked that, yes, it would require some but we could meet it. The second question raised by commissioner hardesty and the parking maximum, while we have less parking than the applicable code, I understand the question and the policies that discourage parking at least measure up to that. Even though it is not applicable, we're also lower than the maximum parking allowed on the schedule 2035 throughout the central plan. That standard is 1.2 parking spaces per unit. This project provides about 1.84 spaces per unit. The implication was why do you need a car? Because it is -- it is an environment and the answer to this is somewhere to store your car and own a car, they need a place to store it. They take advantage of public transit, and day-to-day. With that i'll turn it to the city appeal argument. This project was appealed by three neighbors. The appeal side recognized neighborhoods. And there were five primary issues raised on appeal. All to be rejected. The first three issues was private views. The fourth argument, not relevant and the fifth argument related to the greenway. We walk through each issue. For each one I address the criteria. Mark will walk you through instances. And this is a perfect job walking through the issues and some of our redundant so we'll work through them and save time for questions. The first appeal issue is the which is a step down in height. As stacy explained, there's precedent on this. It is not just city council on how stepdowns should be applied. That was upheld in an appeal.

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And it is binding and it is a lawful precedent which says that -- that step downs are accomplished at the zoning code. Including bonus sites. Regardless of that, the buildings themselves use stepdowns so the towers on blocks 41 and 44 are highest to the left and step downs lowest to the east. Additionally there's multiple design guidelines. The way the towers are located and spaced are reflective of the design guidelines before. So this shows it is the redundant of a private safety show that shows you the base height allowance and how that staggers from right to the left and lowest from west to east. This image is important. It shows the stepdown to the river. It shows a lower portion here. One thing that is important on the erosion that we work with the commission and made changes, this four-story portion could be 75 feet high. We did -- we did more erosion than was required under the code. Same things here. This is four stories along the river, it could be 75 feet. So we thought you responded eroding to the river as -- under the code. This is -- this slide here is important. I think it shows the context of the towers. The towers themselves you know, we studied how to design the whole four blocks and having the towers at the river fits the context of the neighborhood at best. We could see this is block 41. 42 is here and putting the tower on this block really crowds the ardia and it seems like it is inconsistent to the neighborhood and you could see the distances between the towers. One thing through the osprey and the middle part of the park it provides and a benefit and tremendous distance. That's more than twice the distance between the atwater and this adjacent towers. We think that the tower placement is -- is -- is contextual in the neighborhood. We think that's the right place to be. We think it would be out of the if we placed them on these mid -- these 42 and 45 blocks.

Segrest: The second appeal issue is -- is -- relates to setbacks from the greenway. The way it meets the required setbacks, there's no requirement for a setback from the setback. There are only public areas within the greenway. I think it is interesting that the appellant acknowledges in some of their written materials that the osprey is located closer to the greenway than this project. Apparently that's okay because the osprey is not tall enough for the use. This is how it is really about protection and not about the greenway experience. The experience in the greenway is important. Oftentimes measurements taken from the top of things but we'll show you a slide that we like to call the experiential greenway which means how do these towers feel for people that are actually enjoying the greenway for the trails and each towers in the area are set back experientially from that area.

Krawczuk: This shows damage. This is the existing condition on the trail. You could see, this is the greenway trail and how close it is to the six-story building. So it is -- it is -- again, this was one that -- that is not a complaint about encroaching on the trail. You could see the image to the right and how further back from the trail and we don't pinch it much. It is not one that is concerning and we're even responding better than the osprey to -- to these. There's no damage and experiential component. That's the most important element. When people on the trail, how do they experience the towers? By encroaching? How does it feel? Our towers are designed to set back further from the trail than any other tower with the waterfront. The atwater as you see from the first trail to the tower itself is 40 feet. The main from the weather itself, that tower is 45 feet. The tower doesn't start until after twice as far back. Experience from the trail are towers that are further back. Same with 44 and it is 20 feet, 15, 20 feet more setback from the trail than the previous conditions. So we feel like as people experience the trail, we're -- we're -- we're -- we're surpassing in the in the neighborhood. Also it is important to note that we are -- there's no private space within the greenway. That seems to be implied. That's not accurate. The only thing is public space and we talked about the public plaza. We had at the end of abernathy and then we have the public plaza for the nature space at the southeast corner of the site. There's no private space that is taking any part of the greenway. This is a quick, another picture of

the space of which thoroughly is one side.

Segrest: The third appeal issue relates to whether or not the towers are enough. I'm perfecting private views. The committee consistently interpreted the design guidelines so that views from private residences are not effected. Instead it is corridors and views from public spaces such as the right-of-way. The masking is also addressed by the code of dimensional standards. It is structured so the north south perspective is narrow a we're less than the dimensional standard. The east-west length can be extended and we're less than the maximum there. Design commission's goal is to consult within those dimensional standards which is what happens here as you see the stepdown and the glazing and how the masking is treated. I think it is incorrect to say it is design commission doesn't have any -- any discretion as to what those guidelines are. These buildings are consistent with precedent within the district. Similar profiles and the grounded tiles and the tower placement is all consistent and complementary with the development and district. Then we go above and beyond by meeting the design guideline to say it should be added and that -- that is I. Shaped building on block 44.

Krawczuk: Just images of what is the in south waterfront. There are -- everything is an elliptical tower and whether -- they're beautiful buildings but that's not what the waterfront is. It is more diverse than that. You see, there's plenty of precedents for towers. One here. You got one over here. You got one here. You got one here. Those are existing buildings. So that -- that -- that does exist. We're not -- we're not the full-length of our blocks on either of the projects. Our tower is a slender slab tower. It is thinner than any other buildings in the south waterfront and -- and as dana said the I shaped and architectural nature in the neighborhood. We're more than completely in the nature of the neighborhood. That's important to us. We're making -- we're making -- we want to be -- to be good addition to south waterfront. That's where our focus is. Adjusting the towers need to be setback from river parkway. Again our study, that's not the south waterfront. South waterfront, every tower in the south waterfront, except the one, the atwater has a tower that grounds to the street. That's a distinct character, characteristic of every single tower ground to the street. So the appropriate contextual design in the design commission's mind is have our towers ground to the street. That's -- that would be on the river parkway. This you can look in the bottom right. This is down river parkway.

Wheeler: Are you close to conclusion of your testimony?

Krawczuk: Yes.

Segrest: Yes.

Wheeler: Okay. Wrap it up pretty quickly.

Krawckuz: Okay.

Segrest: Irrelevant and not applicable. This is the one that direct to the greenway. Stacy did a terrific job walking through the complex findings that was over 20 pages within the science review and approval. And the client is back. This is the face of the image. It is important to understand the stabilization of the bank not required and it is something that -- that is extraordinary that we're doing beyond the zone.

Krawczuk: It is just a moment. Existing greenway. And broken down and which levels. We create something beautiful. It is very inviting and what we're doing is maximum is going to the north. A shot at that. Then in conclusion the process has been expansive. There's incredible public benefits. I don't think we mentioned it but we believe this is a largest project to implement housing. . Community focus and reach to the and the . And neighbors like spaghetti factory and the management. We request you reject this appeal and private use under the expanse of the public transit and stopping or just delaying the project. Please defer to the on the issues and handful .

Wheeler: Commissioner Fritz.

Fritz: Thank you for your presentation. So I won't focus on the greenway. I don't have as

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much concern about the towers. I remember when the buildings behind were approved and the people behind them were concerned about the issues. That's the nature of the south waterfront is there's a short terrace on adjacent to the greenway. My concerns are about the greenway. So first question I have is about the southeast corner of the building and the make a space. And if you could go back to the slide that shows that, please.

Krawczuk: Okay.

Fritz: Thank you. Yeah. I appreciate this. Don't worry about it.

Krawczuk: And this map.

Fritz: Yes. Thank you. That one and that one a well. There's a pinch point, if there's a plaza along abernathy. I'm moving across the screen. I don't think you can. Possibly not. So that make a space plaza looks private to me. It is very close. I understand that planter that may actually be in the greenway setback, could you talk about that please?

Segrest: Sure. I got a better image of that.

Fritz: Yeah, that one.

Segrest: This plaza is extended to go into the greenway based on the design commission's guidance. We've opened it, steps down to this public promenade next to the major space. This is not to be for the resident. It is meant to be open for the rented use by people in the public. So this is public space here and as is on the glass here. This is nonresident use. That's how the -- how the -- how the -- how the plaza is supposed to be activated to the public.

Krawczuk: One point important to make it it is different than outdoor seating for a restaurant where you need to be a customer of the restaurant to enjoy that seating. That's the best exclusively that is not happening here. It is a different type of plaza.

Fritz: What is to stop them being a restaurant that would then privatize it?

Krawczuk: I believe the conditions of approval relates to the major space and activating the ground floor and so that would then limit the ability to be in the future.

Fritz: That's active, active for that space, that corner? It is direct active use?

Segrest: We didn't think a restaurant would be feasible about. We have big concerns about that. We thought a space of and it would be something unique on the greenway and would have the major stakes. Creative use of the space that would be valued.

Fritz: There's a in where I used to go in cabo, it is similar and feel private, related to the shops that you feel you're not going to be -- you're going to be there. I'm concerned about the front, and it is -- it is -- it has been keeping, it is -- it is the greenway, the planter looks like. The way the planter does it too. Creates more -- more the feeling that they -- that they'll be using it. The private is getting closer to the greenway. Thank you. Why are you not removing the concrete pier? You having to move the wooden pier and you're not removing the concrete one? That's a hard surface and not at all conducive.

Segrest: Yeah, we studied that extensively. If we make modifications to it, it requires seismic upgrade for which we studied and -- and the seismic upgrade becomes the condition of the side of the and the address field down into the river and then we -- we -- we -- which is 150 feet and then a tieback you have to do to a structural component which is 150 feet away. And -- and it -- it is -- it is --

Fritz: I'm sorry. That wasn't my question. I appreciate that is what the appellant addressed in terms of active use but what the open brief pages institute asked for the in the testimony was that it be removed so it could be a habitat instead and i'm wondering why you're not doing that.

Segrest: It is tied to a retaining wall that goes to the adjacent property which we don't have the right to enter their property and remove it. It is not exclusive to our property.

Fritz: That's helpful. Thank you. Does the condition there could be a four-year delay in -- in -- in installing the greenway, why is that necessary?

Krawczuk: So what that comes from is partially through the land division conditions of you

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feel from which -- which -- the decision from 2017 I believe. And the code allows for -- for -- for four-year delay. But our intention is to build at the same time as the first building so we're not taking advantage.

Fritz: If you did, you would have to present the performance bond to make sure it would get built, right?

Segrest: Absolutely. That's a performance bond that is required prior to recording final plat.

Fritz: Thank you. My final question is about echo roofs and there's a design -- there's a guideline to integrate storm water management and another one to require e coverage and you're putting artificial turf on the roofs. Could you explain that please?

Segrest: There's no requirement in the design guidelines for the eco roof. We were going to make the decks over the podium active use if we could. We were looking to have the turf outdoor -- full court year round, weather surface that is unique for a property that we thought would be unique.

Fritz: That's real troubling to me that -- that we worked so hard to -- to as the guideline requires storm water management and to have it and there was the presentation of the expense of what it is like for concrete. We can talk about that later. That's the last of my questions.

Wheeler: Commissioner Eudaly.

Eudaly: Thank you, mayor. Well, commissioner Fritz did -- did address my question about greenways. I realized the reason they're not being required is that this was I guess permanent before the comprehensive cp235, maybe staff can confirm that?

Monroe: That's correct.

Krawczuk: I was going to say this project was submitted under a code that they do not require the eco room.

Eudaly: I share commissioner Fritz's disappointment on how the roofs are being handled. We know green roofs are the best practice. But storm water management is certainly an issue as well. That apparently can't be a factor in the decision. I'm assuming the same applies to grading. That was another requirement. Okay. Can you talk about the lack of human access to the river? And the assertion by the -- by the appellant that your plans would further separate the public from -- from the river?

Krawczuk: Sure. Maybe turn it over to matt and also, would maybe like staff as a way, a little bit on this. In terms of access for the river. You know, they're being required by the -- by the . And drawing people in from the public streets down this accessway.

Eudaly: I'm having a hard time hearing you. Could you move closer to your microphone?

Krawczuk: Over here. I'll start again. In terms of views of the river, it is through -- it is through the balconies that are provided.

Eudaly: I know you're talking about the residents, i'm talking about members of the public who will use the greenway and they want to actually physically access the river. Human access means access to the water, not just looking at the water from a fixed viewpoint.

Krawczuk: Sure. It is basically, not a boat launch. Sure.

Eudaly: Yeah.

Krawczuk: So the reason is that's not applicable approval criteria. Maybe want assistance from staff. But as -- as they pointed it out, the different sort of piers, guidelines that -- that a project can meet, the ones applicable to the project do not require that kind of touching if you will of the river. That is -- that is an optional path that one can -- can pursue and we on this and instead we focused on other ways that enhanced and the other amenities within the greenway.

Eudaly: Great. Just so you know, sometimes we ask questions just to give you a chance

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to clarify some of the issues that are raised. I'm not suggesting that -- that -- -- that would have been a -- been a -- a criteria for approval. I think my last question is best for staff. Just a quick clarification the project itself is -- is building parking spaces well below the maximum. They're asking for a modification to allow two parking spaces to be stacked without an attendant.

Krawczuk: Correct.

Eudaly: So we're not saying you guys get to build more parking, we're just saying you get this -- this -- this -- this -- and then that -- I guess that's for -- that's for residents that have two cars. Then in staff's opinion, the reduction from the long-term bike parking spaces from two feet to 18 inches, which seems incredibly narrow to me, is that still going to be functional as parking?

Monroe: It is. In fact, new bike parking code was adopted in march, march 1st, 2020. And I believe that codified that reduction that was so difficult in the modification. I believe it was reduced down to 17 inches.

Eudaly: All right.

Monroe: So the reason why this modification is needed, it is being subject to a different code where the requirement is different.

Eudaly: Right. I mean, it is -- it is -- it is too bad that the -- that the project can take advantage of some changes that have been made since the application was permitted that are not subject to other vital things like greenness and -- and grazing. Then, I think the other thing that caught me eye was erosion. Did we -- did we -- is that being adequately addressed?

Monroe: Could you clarify a question?

Eudaly: I think just for staff.

Wheeler: Yeah.

Monroe: Yeah. As we stated in our presentation, or my presentation, the design commission worked with the applicant to get the building to undulate along the greenway and focus it at abernathy to setback as well as on the four-story podium there was efforts to roll or take off the upper units and start to vertically step it back. Staff and the design commission felt like the guidelines were met.

Wheeler: Hardesty.

Hardesty: Thank you mayor and thank you for the presentation. I guess my question is for stacy. We had an experience where we have lots of glass buildings that actually were -- we found were safety hazards especially for bird. This project appears to have a lot of glass. So i'm concerned that -- that -- that project was built under this carrot, the previous -- the previous regulations, right? We have actually changed that moving forward and in 2035 plan. We're going to allow somebody to build a property that is untilly, has that much glass knowing what we already know about what happens when birds encounter these huge glass environments. Why would we approve a project that we already know will have problems as soon as it is built and ready to be occupied?

Monroe: So I think one of the things to note is the grazing requirements in effect currently that this project is not subject to, applied the to lower 60 feet of buildings. It has been determined in the research before they -- before they propose the that birth strikes occur, the majority of the bird strikes occur in the lower 60 feet. That would apply to the podium and a small portion of the tower. A major upper portion of the tower is not supposed to -- it incur the bird strikes. What the design commission did do is they added a condition of approval or -- or the applicant changed the way of type from glass to -- to -- to a cable railing that was not reflected when it was in front of the glass in order to reduce the potential for bird strikes on the eastern facade along the greenway. This picture has shown that the bird strikes occur when adjacent to landscaping and green space because that's their habitat and they fly towards it. Although the entire project is not subject to the

there was attention given to that detail by the design commission and the applicant to reduce the potential bird strikes in this project.

Wheeler: You're on mute.

Haresty: Unmute myself. The liabilities in the area that birds just love to come to clash into, how does -- how does that get corrected? I think it was a mess, a mess the last time we had this experience.

Monroe: Well, I don't have a som I do answer for you, I would say that there are kind of active insulation approaches like applying detail to the back of the glass or the fiberglass that some projects used in lieu of doing x glass with the pattern. Some kind of film could be applied if it becomes evident that there's a lot of bird strikes. I would say the city doesn't have a mechanism to enforce that. Should it become a problem, my understanding is it would be a property management issue. The city -- would not be required to enforce that.

Hardesty: Those are my questions. If it becomes an issue who fixes it?

Monroe: It would be up to the applicant unless the condition of approval was added to the project that dictated what happens in the event of a certain measure being triggered or something to that effect.

Hardesty: I want to say to the applicant I appreciate that governor takes a long time to actually get through various processes and along the way, a large -- we learn new information that we want to incorporate because in our mind it makes sense. I understand you have been operating effectively utilizing the old system that we had in place. Having said that, we are in a new environment today than we were when you started going through this process. So it is always helpful to understand for -- for folks that are doing development that there's some opportunities to -- to -- that you're not required to do that makes the product more appealing to folks who want to be downtown resident of Portland. I'm just putting it out there as a comment. I'm not asking you to respond to it. That's my personal feeling. I do want to go back to the parking. Maybe stacy I will go to first. Is it -- in our new environment what we know now about how climate mitigation efforts to be built in properties where we give some people two core spots and I don't know how many bicycle spots they get along with the car spots. I thought that was actually counter to the direction that we're moving. So why would we approve a project that actually provides the kind of -- of infrastructure that we decided we don't want a lot of or we want it scaled down? I appreciate they didn't build as many as they could, i'm not recommending they build as many as they could, that does nothing about my concerns that we put severe limits in other parts of the city. The area with the most transportation, we're -- we're being asked to approve a project where some privileged people will have opportunity to have a couple of parking spots. We're building whole buildings with no parking at all. I'm having a hard time as a commissioner really embracing those two drastically radically different concepts. Matt, you look like you want to respond. Go ahead.

Monroe: I understand your comment. I say for more analysis, there's a certain amount of parking that we think we need to adequately serve the building. Also to respond to comments in the neighborhood. So those kind of two factors together kind of led us to where we are in the parking. We think that people may not always use their cars, but they'll store them. We are -- we're parked and .84 per unit. We don't have a perfect spot per every unit. We park below that level. We think the market is asking or demanding and then what the neighborhood is asking for, we try to make those work together.

Hardesty: I appreciate that. Again, i'm not -- i'm not -- i'm asking questions for both my own understanding as well as as we move forward, we don't have too many appeal hearings here at the city council. But when we do, it is a great opportunity for us to educate ourselves as well as the general public on the decisions that we're making because I know Portlanders that are listening to this council meeting today will be pretty

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appalled to learn that there's a segment of people potentially that will have the opportunity and who knows how much they have to pay for that two parking spaces versus one or none. But I do think the public has a vested interest because again, we're in the climate crisis and i'll go with to get people out of automobiles and that could give them storage space so they could store their automobiles. It is not directed at you, it is directed what we say our values are as the city of Portland and whether or not we're allowing people to stay under because either the rule wasn't in plate at that time or we didn't understand the climate mitigation that we must undertake as we addressed climate change in our community. Right now i'm about to put a mask on in my house because my house is filling up with smoke. I'm no where close to where a fire is taking place. It reinforces if we're not acting now to understand the climate devastation that we're about to experience then we're all go to suffer from it. Just, just my editorial. I did have one other question. I'm also concerned that -- that from your beautiful greenway spot there's no access for people that want to just go down and walk on the water. How do you get to the water from this fabulous development that is being proposed? What you do you do, you jump of the barriers? How do you get to the water?

Segrest: There's access in the water for the north of the greenway.

Hardesty: So there's one place people can actually access the water from huge development?

Segrest: For the north. That's what serves the -- serves the neighborhood. The ramp in the far north.

Hardesty: There's one ramp far north. Could we put the picture back up so you could show me. Is it in the picture?

Segrest: It is not on our property, it is a greenway to the north.

Hardesty: It is next to the water is what you're saying.

Segrest: The access through that. We have a property across the street.

Hardesty: You don't understand my question. My question is about what we're talking about today, we're talking about the property you want to build not the one you built before.

Segrest: My only comment in that regard is -- is the access to the water is actually -- is very attractive still. People have kayaks they take down and it works well. But we think that access point in the northern greenway serves well.

Krawczuk: In terms of this project, the greenway standard, that's not a requirement. There are a lot of requirements and -- I think that this greenway 18 million dollar greenway, so at some point there are things that can't be provided as part of the project. You know, direct access to the river is not something that is part of the project or required.

Hardesty: What is the total number of units once this project is fully built up?

Krawczuk: 500.

Hardesty: 500 units. How many of those would be affordable, at 10 percent at 60, any more affordable. We say. Just for the sake of this conversation. Any more that you are tagging as affordable units?

Krawczuk: We're -- we're planning 10 percent, 60.

Hardesty: So 1200 units would be 12 units.

Segrest: 120.

Hardesty: I'm sorry, my math is off. 120 units, that's better, thank you. Thank you, I guess that's all of my questions at the moment. I appreciate your -- you -- I appreciate your responses and again, i'm not trying to make you do something that is different than what the rules were when you started this process. But we can't -- we can't ignore especially with the fires that are happening right now that we are in a climate emergency. 700-plus parks spaces in a climate emergency especially when it becomes storage for

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people who have other opportunities to -- to transport themselves around the city of Portland. So thank you very much.

Wheeler: Next up is commissioner ryan and, Karla, can you check on why i'm not getting commissioner eudaly's hand up. I'm not seeing her hand raised. Could you check that function. Now I see it, commissioner.

Ryan: Hello, everyone thank you for that great presentation. Thank you marilyn for acknowledging me. I never thought this would be my first time as commissioner on a topic such as this. I'm average Portlander that probably can't afford to live in this beautiful development. I'm also Portlander that loves the river. All i'm going to do is make a couple of comments. Matt since I look at you and you seem to be the one that is defending these questions and comments I have on the screen right now. I concur with I -- I think as picture topic as public access. I think commissioner Fritz may agree with her questions about make the space and the optics to me and I tried to look at it different ways when you had it up and it still felt private. It is further down by the common bridge. It felt like a private restaurant to me. Even the pocket parts appear more like a private space. I'm more with what is discussed with hardesty which is access and commissioner eudaly brought this up. How do we access the water? It sounds like there's guidelines and projects you did in the past to the north and you walk down the river. It seems shortsighted for us not to push to have an access to the water in this stretch that we're discussing today. I think it is push back on the lens of public access to the river along -- along -- along this construction. So me, they feel shortsighted at this moment.

Wheeler: Very good, thank you.

Ryan: Maybe you could refresh my memory about this and the concern about water.

Wheeler: Could you open up your mic?

Ryan: I'm working here, I think there was concern about the negative habitat impact associated with this. So I just want that perspective to be brought up also.

Monroe: I could speak to that. Greenway development plan which is that tier three that high level identified option. Parks has mentioned that the idea of adding a dock along the frontage is not really supported. That was supported by others in the industry that talk about a dock and the impact it has on the Fish and the quality of life and the amount of life that gets down to the water. I think it is early concept not supported by the city as well as naturegoers. Not access specifically but the dock is not supported.

Wheeler: Can I save time? These are discussions, we're getting into values you and design elements. We're comparing and contrasting. We went through 2035. We went through the process so we could update our rules to comport with the climate action goals and the limitability goals. Our broader sense of place. What we're doing here is a lance use hearing. It is focused on whether or not this proposal comports with the design and other guidelines that were required at the time that this permit was put into place. There's many things I like to comment on here, but i'm not going to because they're not in dispute. There's other forums. Lauren, I encourage you to help us keep focused on the matter before us so we don't get too far afield, myself included. Commissioner eudaly had her hand up next and then commissioner Fritz. Matt, you want to say something?

Segrest: I'll make one small comment, commissioner ryan's concern making those places feel public is on us. We want them to feel public. People pull in and they're not going to be success. That's our challenge. We see that. That's important to us. I want to say that.

Wheeler: Commissioner eudaly and then commissioner Fritz.

Eudaly: Mayor I was wanting to save my comments until after we heard public testimony.

Wheeler: That's right. You did say that.

Eudaly: Yeah.

Wheeler: Okay. Thank you and remind me later if I forgot to ping you again.
Commissioner Fritz.

Fritz: Yeah, just a good question for the applicants. I understand the parcel support land and parks and recreation have offered to provide funding to enhance the greenway. Can you tell me why you don't want to do that?

Krawczuk: We have had preliminary conversations with -- with -- with the prosper and the parks department. The financial assistance was targeted more -- more preserving the concrete pier as an element of the greenway and so they match and describe in terms of how you decide to simply upgrade those and the risks soc yachted with that are engineered to not tell us it would still be stable. That was not a risk that we thought was worth taking even if there was public assistance for the cost.

Wheeler: Stacy, do you have your hand raised for something else?

Monroe: Yes respond to comments made earlier by eudaly and Fritz, in terms of the . The project is not subject to a code perspective but there's guidelines talk about as you mentioned . They're not subject to the code. I want to put that out there while we're in the public discussion period of the project. Commissioner ryan, comment or question?

Ryan: No, I do not.

Wheeler: Great, I think that completes this portion. We go to the opponents who have three minutes each as well.

Eudaly: Could we wait for commissioner Fritz? She asked if I would pause until she can reconnect. You want to read the name again?

Wheeler: Can you wait until we let commissioner Fritz rejoin? I've been looking at the tower. I can sort of make out the tower at the beginning of the call. Now I can not only not see the tower, I can't see anything that was on this side of the tower. Getting nasty out there. That's disconcerting. You're close to us. For those watching we'll keep the public updated and put out information later this afternoon, along with public health authorities to keep everybody posted. Commissioner, you back with us. Maybe if I just call her.

Fritz: I'm sorry I missed everything.

Wheeler: You missed nothing commissioner. We held off until you got back. Karla called the one individual who is going to speak, that's pam and she's up now.

Pam Leeper: I'll try to make it quick. To give you history about me. Raised in Portland from the age of three. I've been in property management over 25 years. I'm actually the regional property manager for the ardia. I have an intimate relationship with the southwest waterfront. Familiar with it. There's a lot. Great today, first and foremost, relocating the tower that -- back would be disruptive to the airflow between ardia and another tower. I think -- I don't know what happened, but they been thoughtful if their layout of the buildings. It would absolutely provide darkness and shade to all of our apartment homes that are on the south and southeast side. Additionally lost profit for us as well. All of the current homes would lose their views. If that building was to be relocated back, I was up in seattle for seven years from 2011 to 2018. I moved back a few years ago to Portland. It really reminded me of downtown seattle where you're packed in tower to tower. There's no views. I think they have done a really nice job of laying out and mapping out the four buildings. What they're doing in my opinion is some really great things for the neighborhood as a whole that is really needed. I know our current residents are already stressed about the potential loss of views. They don't know obviously that where the tower is potentially going to be placed. If it were moved back, it would be detrimental to our residents, tower building. That's why i'm opposing it. To share other information based on my industry. I don't know if it could be helpful at all. I heard talk about the eco roofs and about packing. In my industry, we never have enough parking. Ever. I agree we're in a climate emergency. One thing to keep in mind, there's commercial and retail space in the

buildings. I'm not sure -- of the specifics but there is a possibility that possibly a portion are used to retailers that would then keep cars off the streets as well. Don't know if that's an option but that's -- that's the way I am looking at it. In addition to -- to -- to -- to the ardia, we have several. We have the teller and the sidecar building. Both have eco works on them. I love the idea that .

Wheeler: One other thought, you wanted to finish up or did that complete it?

Leeper: I just, one quick thought. Just with covid, I think the opportunity to have an outdoor space for residents is -- is huge. Absolutely huge. We don't know going forward. More outdoor space for residents in the building is great. And then the eco roofs, got complaints from my residents about them actually because the debris will fly through the air and land on them and they'll blow -- you -- know one or two, there's plastic trash bags. I'm definitely for storm water management, so if there's another way of doing that without an eco refined top of the building, I think that would be great. Thank you. I appreciate your time.

Wheeler: Thank you, you have your . I'm taking that as a no. Don't worry. It only took me four years to figure this out. Looks as frustrated as I usually feel. That's awesome. Here we are, like hazing the new guy. And then stacy, I think we -- did you want to speak again or do you just have your hand raised as well? Commissioner eudaly, i'm sorry, does that complete our public testimony?

Karla: That does, mayor, yes.

Wheeler: Okay. And i'll call on commissioner eudaly next. I promised I would.

Eudaly: Thank you. In response to that last testimony about tenants complaining about greenway, I wonder how they feel about -- about half our state being on fire right now due to climate change. Stacy, I think in question is for you or possibly the city attorney, I need a little clarification, it is my understanding that the applicant would have actually been subject to the new green roof and grading codes but -- but they withdrew their application while -- while -- while -- while the comprehensive plan was briefly suspended then reapplied once we -- and reapplied during that time there by avoiding those new requirements. I'm curious if there -- their plans had changed significantly between the withdrawal and the reapplication.

Monroe: Typically the applicant submitted their -- their project while the central was in effect. They also withdrew and resubmitted while it was also in effect. So they didn't take advantage of the window when it was in remand. They can probably provide a more thorough explanation of why they chose to withdraw and reapply but they said -- they did show grazing and eco . I rather have them respond to why they withdrew.

Eudaly: I'm not done and I want to talk to staff, not the applicant now. I'm confused while it was in effect and reablighted while it was in effect, why aren't they subject to those requirements then?

Monroe: Because they're undergoing this, you have nesting in code in effect at the time that your was submitted. They submitted in 2017 and in april 2017 state law says that they can -- future development can be subject to the code in effect of that land division submittal date. They decided perhaps they hooked at the two codes and decided we have access to an older code with different requirements so they had the opportunity to withdraw and submit under a very specific code because of the land division and the state law.

Eudaly: Okay. I understand. I'll finish by saying as the person that wrote that greenway code in advance, although what they did was entirely legal and they're entitled to take advantage of a loophole, i'm very disappointed. I actually don't have a problem with this development overall. I'm not finding -- not finding enough supporting evidence to agree with the items appealed. This makes me very unhappy. This is not the stewardship we need of the environment in this moment. I'm very interested in the possibility of requiring integration of storm water treatment, and nature under design guidelines as you said that

we would be able to.

Wheeler: I'm sorry. Commissioner Fritz first and then who was that asking me for something?

Krawczuk: This is the applicant's attorney wanting to provide the explanation related to the agreement for why we filed under the old code.

Wheeler: Let me do this. Let me get to commissioner Fritz and then Lauren do you see any objection to my letting the attorney speak on this issue?

King: If you also allow the -- the appellant an opportunity to respond as well.

Wheeler: I have no problem with that. I rather have full disclosure. We'll make that stipulation. First let's hear from commissioner Fritz.

Fritz: Thank you, I have a question for Stacy, are we approving the land division with this application?

Monroe: No, you're not. The land division is -- is -- I believe it is a type two land division. So it is a staff level approval. Land divisions are two-step processes. The preliminary approval has already occurred by staff and the final plat is currently in process and will be approved eventually by staff. Still required to be met.

Fritz: So that's almost done, it is still -- the binding rules in effect.

Monroe: Correct. State law says that you get the vesting date in the code at the time the land division was submitted. Perhaps city attorney can elaborate on that with any other questions.

Fritz: I am just curious, about we were -- I like to hear from Lauren. If we were to deny the application which they get to reapply independent the 2017 code.

King: Yes they would. I think -- I think -- I think that there they're there for ten years. It is a longer, potentially the applications are vested for three years. When divisions and state law, they're entitled to ten years.

Fritz: Okay. Thank you.

Wheeler: So -- and so -- so Lauren you say it is appropriate at this point if we hear from both the legal counsels on that one issue, is that correct? That was a yes. I saw you mouth it. First we'll hear from the one side and then the other if they choose to speak. Please be brief because we're way over.

Krawczuk: Thank you, Mr. Mayor, this is a process on behalf of the applicant. On the question of why you chose which code we did, close on the property in 2020 our investors with nervous about statute 25 because it had been remanded and was on an appeal at the court of appeals. They signed an agreement and I'm quoting, it says, under state law in effective and unacknowledged provision fails to get acknowledgement. The new regulations may have to be modified or removed. The financial backers of this project couldn't tolerate having signed something that said they would remove the building in 2035 was remapped. So we -- we took the safer path which was to -- to file under the 2013 code.

Wheeler: Okay. Good, did -- did the other legal counsel want to comment or no? Did you want to --

Richter: No, I can just -- just handle it on the rebuttal. Thank you.

Wheeler: Thank you. Speaking of which, anybody else need to speak right now, this minute, before we get to the rebuttal by the appellant? Good. Go for it.

Richter: Thank you. Mayor and commissioners, thank you for taking the time. I really appreciate your -- your commitment to -- to saving on this project and taking this issue seriously. I'm going to go through this, a bunch of stuff, I'm going to go through rapid fire. If you want to follow up, please do and get greater clarification because I just got a . The first issue I want to talk about is the use of the barred tower and the applicant said there's evidence that the tower in the slide that showed them. I want to point out the barred tower identified are nonresidential. The one that is not -- is the atwater. I believe the atwater

is -- is not as deep. I would suggest that perhaps this idea of setbacks, if that's something that resonates with the council and certainly has precedence, let's set the -- the tower back further. Let's set the tower back further because you get more greenway. You get more public space. You get more sky. Whether or not that is setback on the ground, where the tenants podium is or whether or not it is a set -- a second stepback at the fourth story or the sixth story, would give more carve to the building and leg and air to the building and it would give more -- greenway more space. Second point I want to make has to do we erosion, erosion of the development back. I believe mr. testified that the precedent is for 150 feet. This applicant showed 100 feet. The staff talked about how the -- how the -- the -- the additional open space is paid up for at the end of abernathy and the end of lowell. I would like to point out that what mr. Lang testified to is setbacks were fast when they're uniform. The public feels the most comfortable when there's uniformity and regulatory -- a routineness to it. Not when it undulates in and out. My feeling is when you are walking on that walking path, that big patio, the patio on the south will look private, the plaza will look like it is private. It is connected by what the applicant calls a narrow pathway. It is narrow. It is not open and inviting and expansive and welcoming to a person on the walkway. The guidelines specifically talk about guideline a1 talks about activation of uses along the river. This includes the obligation to expand the use for users. You look at the examples and the amenities, they're adjacent to the walkway. They spill on to the walkway. They are right there. They're not connected by a narrow pathway. One of the tests -- one of the comments that we've heard is that actual physical access to the river is not required. I want to read to you from guideline five. It says, uniform riverbank stabilization strategies that enhance the river and river bank eco systems. Where appropriate, integrate public access to the water that is safe and supportive of adjacent -- of adjacent riverbank areas. Provide clearly identified river access within appropriate locations, reducing in habitat intrusion. So perhaps there is not a dock. But perhaps there's a beachfront where a person can stand and as mr. Ryan suggested and throw a rock in the water and they can watch the rocks bounce off the water. This is 1200 units. This is -- this is family. Kids need to be able to get to the water. You don't live by the water if you can't go to it. And so, I would suggest that access is available, it is necessary, and the guidelines do allow for it to be provided. The applicant showed images of pocket parks and again I want to point out those pocket parks did not look family friendly. They showed pictures of artistic water features and cafe tables but there is not places for kids to play. That is what river -- river access, the grass down to the water might provide. Can I have just 40 more seconds?

Wheeler: Yes. And then a question for our legal counsel.

Richter: Thank you.

King: Go ahead. 40 seconds.

Wheeler: I am sure she can. I have a separate issue I need to raise with you in a minute. Go ahead.

Richter: Quickly, sorry. I want to reinstate what she said about the bird grazing. I want to say that guidelines a2 provides for Portland themes and -- and in finding storm water is meant as a Portland feed. If it is a Portland feed then eco roofs would allow the commission to deny based on it to provide them or conditions to require them. Thank you. I urge you to deny this. Again appreciate your listening.

Wheeler: Thank you. Off question for you. I need to step out on another matter. So I need to turn the council over to the council president. But I want to know the consequences of me stepping out at the end of a land use hearing?

King: There's completely just that you have to review the remainder of the record for the hearing of what you missed assuming you have a quorum.

Wheeler: We have a quorum.

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King: That's fine, you can step away and who is the council president?

Wheeler: That's commissioner Fritz, this is her final stint as the president of this steamed council.

King: Great.

Wheeler: Sorry commissioner Fritz to put you in a bind but I got to go.

Eudaly: I have an excused absence at 4:30, another obligation. So how, when are rewrapping this up?

King: I think we can move to the next part.

Fritz: Wait a minute. We have to have council discussion and commissioner leaving I have multiple questions. And would like more research. I'm wondering what are our options of continuing this maybe for a week so we could continue with council discussion?

King: That's what I was going to suggest as an option. I'm sure it is council related. Very distracting. Excuse me leave the record open and announce when it is open until, and individuals that weren't able to sign up for the zoom hearing can still submit testimony and that council then reconvene to have council discussion. What may make the most sense is to leave the record open for new evidence and then a period for rebuttal to that evidence and then have the council discussion once you have all of that evidence. That would be my recommendation. And then after that.

Fritz: That will be on the 1-day -- 120-day clock?

King: We have until January I think.

Fritz: This is -- this is very significant development. We want to get this more public input and still have time for all five of us to have that -- that conversation. So, when -- when Lauren do you suggest we continue to?

King: So I recommend you leave the evidentiary record open for new evidence until -- for seven days until 30 days, September 17th at 5 p.m. And then anyone wishing to submit written testimony information could submit to the council clerk within seven days from today. After that, the record will remain open for seven more days until 5 p.m. On Thursday September 24th for submittal of rebuttal. Any rebuttal must be submitted to the council clerk by that time. Then record is closed and anything after that date won't be considered by the council. I think Karla said we have October 1st at 4:00 as a date to reconvene and then you have any new evidence and rebuttal.

Fritz: All right, let's do that unless there's an earlier time. It is complicated. Maybe it is just as well as lunch. [laughter].

Monroe: Yeah. There won't be testimony. There is council discussion at the 4:00 hearing.

Fritz: Now might be enough. If not we can focus. That all right with everybody? Yes. So ordered. We're going to continue -- to going back to what Lauren just said. In the interest of time I won't repeat it. It will be posted. Stacy did you have things?

Monroe: I wanted to clarify you requested that -- that you have additional questions for staff. I'm wondering if we could get the questions ahead of time to do research and be prepared?

Krawczuk: Yes indeed it'll be help to submit questions along with everybody else's. Thank you.

Fritz: Great. Thank you.

Krawczuk: Great discussion. Thank you for being here and all of the work that has gone into. I'm hopeful we can get to something that Portland will be proud of.

Fritz: With that -- with that --

Hardesty: Sorry commissioner, I wanted to add my thanks as well. It is hard to make sure that the applicant knows that -- that the questions weren't meant to put the team on the hot seat, but merely for us to get clarification and also wanted to really appreciate the people

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who appealed, who made time and took time to be here for almost three hours today. This is a lot of a process. So I just wanted to appreciate folks have spent the time here and have been open to questions and comments. Thank you commissioner. I wanted to add that.

Fritz: Thank you. Karla please read the next item.

Item 706.

Fritz: That's the next up for the statements but since he's not here, I will turn it over to kathy black at human resources officer to explain what is on the table.

Cathy Bless, Director of Human Resources: Thank you very much. Good afternoon commissioners. I'm kathy of human resources. I'm here to share information on item 706 the ordinance adopting new changes and enhancements to safety net programs previously used by the city during economic emergencies. Updates and enhancements are for the complexities of covid-19. I think it is incredibly important to understand the intent behind each tool, confirm to you in the that this ordinance is a starting point, and to center that it is a clear understanding of what this ordinance does and does not do and what is really available to employees to help them navigate and balance their personal needs and needs of the city as an employer. Let's first discuss what is already available to employees without this ordinance. The families first called the virus response act, fscra provides employees with up to 80 additional hours of paid sick leave to care for themselves or a family member covid related illness. Also up to 12 weeks of partially paid expanded family and medical leave for employees who are caring for children whose school or place of care is closed due to the pandemic. Additionally impacted employees have access to their deferred compensation requirement accounts under the cares act. While this should be a last resort employees can take distribution of up to an aggregate amount of 100,000 dollars for covid related financial impacts through december 31st. There's no tax penalties to the distribution and with the support of qualified tax advice, employees could decide to spread it over three-year period of time. Internally, we also implemented the covid-19 response leave sharing program, this program allows employees to donate up to 104 hours of their sick leave and limited number of vacation hours to other employees in nonpaid status. Depending on the circumstances, an employee who had been exhausted other leaves is eligible for up to 240 hours of time or 600 hours of time for employees within the categories listed by the cdc or outlined within the completed letters of agreements with our labor partners. And lastly, they can have current scheduled hours. Schedules can be split or staggered to accommodate breaks or home schooling and employees have expanded and protection to help them balance their childcare needs due to covid. So what does this ordinance do and why? The first proposed change adds flexibility to allow bureaus and full-time employees to enter into part-time agreements while retaining healthcare benefits at the same level as their full-time status. This is intended to support employees who may be unable to work their regularly scheduled hours because as example they need to care for school aged children at home and support student virtual learning. The second proposed change allows for extended unpaid leave with continued bureau paid contributions for healthcare coverage for up to 12 months. This option is intended to support employees who would benefit from stepping away from their position to provide care to others and take care of their personal health. This option maintains the employees employment status while giving them the time necessary to take care of themselves and their families. The third option and while discussing any form of layoff is difficult, the intention of the third proposed change is to provide authority for voluntary layoffs with healthcare benefits should the fiscal 21-22 budget require additional cuts. This provides employees who feels stepping away is the best option that works for their family can get all of their eligible accruals paid to them now and receive healthcare benefits for three months and recall rights after nine. This option may help avoid mandatory layoffs

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should the city be forced to make those decisions for next fiscal year. The fourth proposed change allows bureaus and the bureau of human resources to offer an employee or groups of employees whether at risk for layoff or not a safety net severance plan. The plan authorizes a severance offering not to exceed 16,000 and allows the employees to make decisions to continue healthcare and or receive a cash payout. Employees offered or participating in this program will not have recall rights. The last proposed change allows authorize -- authorizes the bureaus to offer an employee voluntary additional furlough days which provide greater flexibility for city employees who may want to manage periodic breaks. This option would also not impact an employee's contributions. For bureaus that are managing significant issues these tools will also provide savings. It is expected that -- that offerings may vary by bureau based on operations and budget. It is important for council to recognize that this flexibility impacts the productivity of the bureaus over the next fiscal year. Additionally it is critical to protect the work-place balance and well-being of those employees that continue to work without flexibility. We do not want to pile more and greater expectations on those employees which would also lead to retention issues, low morale and burnout. We need to recognize that bureau work plans and incompleteness timelines even for priority work may need to be adjusted but of course work a critical nature like public safety or water main breaks wouldn't be prioritized. Leading up to the ordinance we received questions and concerns about additional support for care givers. I think it is important to reiterate this ordinance is a starting point and does not encompass solutions for all care givers. Employees are feeling frustrated and anxious about the pandemic and education and personal finances, work site safety and how to support and manage additional caregiver needs for elderly parents and now with the fire, I think this is the tip of the iceberg. Bhr is continuing to seek and gather feedback on what needs and expectations they have to support them during this critical time. All of us are also concerned about equity issues imbedded within these solutions. Caregiving falls primarily on the women and women in particular are disproportionately impacted by the increased challenges of caregiving. I want to honor care givers in our city employees. Care givers help reduce the spread of covid-19. They're thinking about it all the time because they are protecting their children, parents, families and friends. They also run a greater risk of caregiver fatigue and we should be concerned about them, their well-being and the amount of support they're giving to others at their own expense. Continuing the conversation and options for these employees with intersectional identities will be critical moving forward. The early feedback suggests that care givers are interested in childcare solutions, additional paid personal time, and internet options for their home, assistance in finding education support and advocacy from -- from the city on a state level for caregiver subsidies or tax credit due to the loss of income. At the end of the day, we want to insure support for our employees and we're working to retain our highly skilled and dedicated staff. So with that, i'm concluding my remarks. I ask you to approve the ordinance and happy to answer any questions that you have.

Fritz: Thank you. I would like to suggest -- I suggest we go to the people that want to testify and some of them get to their families and avoid staying an hour later. I believe we just have two people signed up to testify. Let's hear them and kathy, we'll come back to you.

Karla: Okay. First person is courtney duke.

Courtney Duke: Hi. Thank you very much. Good afternoon, mayor and commissioners. And director. Thank you for the opportunity to testify on behalf of the employees today. I'm courtney duke speaking as a leader of the city sponsored group representing over 200 parents and caregiver employees. My regular remarks, thank you director, for your remarks and comments that did answer a lot of our questions and concerns but i'm going to go ahead and read my testimony as written before I heard your remarks. As someone

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that written several ordinances in my career, I understand an ordinance may not have the details of the information included. For this work, and especially as it relates to employees, details are critical, especially as related to implementation and to the impact it will have on employees across the city. Over the last 20 years, implementation has been sporadic and inconsistent. We see this since March. Employees and managers have vastly disparate experiences in outcomes within their bureau and even groups in trying to receive this better fit. This does not instill confidence. The city had no questions asked policy related to but we seem to have constructed a miserable of hurdles to take paid leave and federal leave for care givers and families. It is also unclear how bureaus and managers decide which employees are eligible to take advantage of this ordinance. Primarily instituted with those with the biggest short falls? How does it fit in with the budget process? What is the criteria to say yes or no? Or an opportunity to save money and this is not -- this option is not a good fit for employees? Bhr needs a citywide mandate that all bureaus should use to guide their decision-making. Also, it is unclear exactly what problem we're trying to solve with this ordinance. Is it a family and caregiver support ordinance as outlined in the citywide e-mail from last week or a cost saving measure as indicated by bhr communication and conversations with directors. From an employee perspective, they're intertwined. Staff and managers across the city as glass just mentioned are working to create position 0s for employees during this extraordinary time. With schedules and condensed work weeks. This should be a component of a suite of opposites moved out together. The caregiver survey should inform any ordinances that claim to assist families and care givers. The survey is due today at the same time we're hearing about the ordinance. Bds and our bureaus are done and give surveys. How is this information informing bhr actions and recommendations? We also have concerns about implementation of the ordinance will have gender and risk and inequities such as director glass spoke about. We have concerns about the lack of action and continued leadership. There's conversation and talk about work-life balance and to what you can do. Few tools and actions are actually been ruled out. That's three minutes.

Karla: I'm almost done. Thanks.

Duke: This should be a part of several supports rolled out at the same time. These times call for new ideas. Bottom line, old language to address new issues is not enough. It is time for bold thinking and new . I recommend and lead planners to recommend that they carry over the vote until next week after testimony. This would allow additional time and ability for the review and modifications to the ordinance and or to attack direction related to implementation. Thank you very much for your time.

Fritz: Thank you Courtney. I think just -- we're going to carry this over.

Duke: Yeah.

Fritz: To get it right. I'm sure Kathy will respond to your questions and concerns and either in writing or -- or in conversation in between times. But let's get the issues on the table and then we can have another discussion another time. Thank you.

Duke: Thank you.

Fritz: Next person, please.

Karla: Kristin Anderson.

Kristin Anderson: Hi. I'm Kristin Anderson. I work at the water bureau. I speak today not in my professional capacity but as a city employee and mother. First Council I would like to acknowledge the incredible challenges you face at this time and thank you for your efforts to rise to these challenges. I'm here in support of authorizing changes to the safety net program. I think some employees will be able to use these measures. But this does not go far enough in supporting care givers, particularly as it ran out and the pandemic continues. I write Courtney and glad for your Director Glass speaking it some of this. I believe there's creative ways to meet the challenge. And I ask the city to develop the

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program that more comprehensively offers support and achieves fixed goals and optimizing work continuity. I ask that the city include three stated goals and a new program, the first maintain diversity of the workforce, carry out duties that have been addressed are inequitably distributed and usher care givers out the door and losing benefits of decades of work done in the workforce. Two safety money without losing valuable employees. Widely offer scheduled flexibility that maintains job security while saving city money. And three, I -- I would ask that you take the economic long view of when is best for the entire community. And how that comes back around to benefit the city government. This requires a fine boundary to the caregiving work that is providing social and economic benefits to the community. I submitted as written testimony across the proposal for one idea that we've seen and it is an opt in part time furlough with caregiving financial benefit. I think that can be started to place for continued . This is a concept I had previously submitted to and my own bureau director. This is through -- through employees and so forth. That's why i'm speaking here today, because I put that idea out there. I wanted to reiterate some of the fundamental points that -- that I feel like are really important. The last thing I want to say, I want to impress on council the thoughtfulness and the way we approach this is strongly how long the city recovers from all of issues of the pandemic. There's so much, and we all are trying to keep going. There's a lot of opportunity here. There's vulnerability as well. So I urge the community engage with the employees and particular focus on underrepresentatives. Thank you so much for having me today.

Bless: Thank you. You just illustrate why i'm happy to work with the bureau and so how you embraced the work. Thank you for your testimony.

Fritz: Thank you. That concludes public testimony. Is that correct?

Karla: That's correct.

Fritz: All right. Hardesty and then I have -- I have see if ryan has questions and then I have one.

Hardesty: Thank you commissioner, madam president and thank you courtney and kristin for your testimony. I greatly appreciate it. Kathy i'm very concerned that we're setting up a system that -- that on the face will be totally inequitably implemented. I would like to know because i'm responsible for first responders that work 24 hours a day, I can tell you as we implemented the grief, with the week for -- if people to take off for grieving, it cannot be equitably implemented citywide when you have some -- some -- a big that have 24-hour a day responsibilities. So I want to know have you given any thought to how does this play out in a place like the prior bureau that is today predominantly men? So does that mean that only the women in the prior bureau depending on who their captain, who their heard is would have access to -- to this opportunity? It is a rhetorical question. I don't expect you to answer that. My concern is we roll out policies without thinking about how it impacts every single city employee. We were actually having big problems in the 911 call center when all of a sudden, a whole bunch of people wanted to take the bereavement leave and we did not have a process whereby we could make sure that we would cover for what we needed to be covered when that -- when that particular benefit was rolled out. This looks like the same kind of proposal. I don't think we given it enough thought. I don't think it is ready for prime time. I don't think it is ready for a vote. I think we have to give it much more thought. What I heard from courtney and kristin and what I know from my bureaus is we tend to create policy around 40-hour employees and then we want to squeeze in the 24-hour employees to fit how we -- how we created the policy. It never works. I understand the values behind the proposal and I support the values. Unless we have some clear expectations about who qualifies and who doesn't and how we're going to make sure that it is not first come and first serve or whether your director likes you more than they like me, so you get the opportunity to have that benefit. I understand the values

behind it, i'm concerned this would be inequitably implemented and the leadership would have no ability to have control over what is taking place. So I don't have any questions. That's just my humble opinion based on reading it and the testimony that you provided today. I think it needs more work before the council should consider a vote on it. That's my opinion. Thank you.

Fritz: Thank you. I know that we all got -- we said at the beginning, we're going to do more work on it. We want to have this hearing so more people knew about the proposal and that we can designate staff people from the offices to get -- potentially from each bureau as well to work on it. Commissioner ryan any comments?

Ryan: Thank you. Just like to comment I appreciate the director. I haven't done my homework yet. In your packet and i'm glad to of move this to next week. Is there impact on what you're proposing?

Bless: The flexibility is -- is more in lost productivity, so -- so if -- if bureaus are -- are -- are -- if are able to reduce their schedule. Full-time employee, we're already scheduled for their benefits and salary. For anybody seeking the kind of flexibility, it is part of the budget for 2021. There would be some savings to bureaus that take the reduction in the hours paid or in the paid leaves. Commissioner hardesty brings up a great point. We need to be incredibly careful in how we -- in how we offer such programs because of the back fill and the overtime necessary to do that. And that -- to your point, commissioner hardesty would be difficult to do in that environment.

Fritz: Further comments.

Ryan: Not at this moment.

Fritz: I think it is astonishing you're as much up to speed after having been sworn in this morning. Thank you very much for participating in -- in -- for being here and just so glad. I want to put on the table. I know if was not out on parental leave, he's equity manager, he was the one that forwarded the concern with furloughs that lesser paid employees should not take any and should be graduated but those who were middling took five and then the higher paid employees got ten. I'm wondering if we could exploring in like the catastrophic leave program whereby people who can afford to donate as far as i'm concerned can -- can -- the better paid employees may be able to take advantage of this, those who have two incomes in the family may be able to but if you're a single parent who -- who catches most in these in the program, you may not be able to financially swing it. As your continued discussion, if you could look at could we do something similar to catastrophic needs and donate -- donate mandatory sick time and vacation time to other employees so that they can be helped out. Such amazing group of people. These have been brought up at bureaus. I know with we could work together. Kathy, how long do you think it should be before we come back on this issue?

Bless: So I would like to suggest and maybe just for conversation to -- to -- to be able to talk about a full process, it will take a few weeks. It is not something that I think we can rush through next week. I know my staff is setting up with Portland city and whoever else would like to participate in that conversation. The reason this one feels a bit rushed in its ordinance form, we do have a lot of people asking for this initial flexibility. So it allows us to start to work with our labor partners because -- because as this ordinance is approved, whether that is this week or next week or three weeks from now. As this is approved, there's a bargaining option for all of the employees. We need to bargain the impacts of -- of -- of these choice because it impacts their wages and their working conditions. So we have a obligation. School has started and -- many parents are wondering what kind of tools, if they were hoping that maybe they could get a leave in the next week or so, the timing is really -- the timing is really difficult. So I -- I -- I reiterate, I -- I completely agree with all of the comment that is have been proposed today and i'm still trying to meet the need of people who need action right now. Which is why this was really a starting point so

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that -- should -- so we could get the ball rolling and we need to have much fuller discussions and we need to be able to -- to -- to -- to get all of the feedback. I know that the survey closes today. I get the perception that has for folks. I'm just really trying to -- to support folks who have been asking for weeks and weeks for something for the start of the school year.

Fritz: Right. I like to -- we can't vote on it today anyway because it is an emergency ordinance. I suggest we carry it over to next week and see where we're at next week if you come back and say we're not going to do anything or do this bit of it. Let's see where we get to by next week. I hear your commitment for a longer process as well. Sound reasonable?

Hardesty: I had my hand up again. Thank you madam president. You know, I think we could make a better decision once we have the latest economic forecasts. Making piecemeal policy never turns out well. You know we all are guesstimating about what next year's budget is going to look like. We're going to know very soon within the next month with the economic forecast will be for our -- for our next year's budget. Hopefully we have tools within our toolbox right now to assist people who are most in need right now. Without actually having to develop a policy that will not be equitably implemented across the city of Portland. We cannot continue to implement policies piecemeal and think we're actually helping the city. Every time we do that, and I -- and the way to make examples that I've been here, every time we do that we find out we forgot, we find out what the -- whether first responders or what happens with this. I would be much more comfortable if we continue to do due diligence and then we have this for city council conversation after we had an economic forecast for -- for what we can expect heading into next year's budget. That's my personally. I think we need more information to be well informed about the next steps. Thank you, madam president.

Bless: Thank you.

Fritz: For being commissioner in charge of office and finance, I think we should carry it over to next week and come back in -- and have further conversation. Karla, how does the agenda look next week? Is it as packed as this week?

Karla: It really is.

Fritz: Let's -- let's -- let's -- let's -- if it, lauren, do we need a time fit?

King: No, you could announce that later.

Fritz: Rather than pitting a time on it and hanging around, let's put it after whatever -- whatever the thursday afternoon is. Please Karla and if -- if it is -- it turns out discussions, continuing discussions with hardesty and with the mayor and commissioner ryan it is not ready, we can say so at that point. I want -- I want -- I have heard from employees how expert they are to be able to -- to -- to continue their healthcare benefits if they -- if they -- and find solutions. That's what I would like to do. Seeing no others, I should ask are there any other issues that anyone wants to bring up? Okay. Thank you so much. This has been a busy day. Thank you everybody and all of the staff have been working on this as well on the land use issue. I appreciate it. With that we're adjourned.

At 5:21 p.m., Council adjourned.