



**CITY OF
Portland, Oregon**

**Official
Minutes**

September 30-October 1, 2020

Date and time

September 30, 2020 at 10:05 a.m.

Council recessed at 12:21 p.m.

Officers in attendance

Keelan McClymont, Clerk of the Council; Robert Taylor, Chief Deputy City Attorney

Consent Agenda

On a Y-5 roll call, the Consent Agenda was adopted.

Date and time

September 30, 2020 at 2:03 p.m.

Council recessed at 4:20 p.m.

Officers in attendance

Keelan McClymont, Clerk of the Council; Naomi Sheffield, Deputy City Attorney

Date and time

October 1, 2020 at 3:30 p.m.

Council adjourned at 4:40 p.m.

Officers in attendance

Keelan McClymont, Clerk of the Council; Linly Rees, Chief Deputy City Attorney

MARY HULL CABALLERO
Auditor of the City of Portland

Keelan McClymont

By Keelan McClymont
Clerk of the Council

<p>PORTLAND CITY COUNCIL AGENDA City Hall - 1221 SW Fourth Avenue <u>WEDNESDAY, 9:30 AM, SEPTEMBER 30, 2020</u></p> <p>THOSE PRESENT BY VIDEO AND TELECONFERENCE WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fritz, Hardesty and Ryan, 5.</p>	<p>Disposition:</p>
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Please note, City Hall is closed to the public due to the COVID-19 Pandemic.

Under Portland City Code and state law, the City Council is holding this meeting electronically. All members of council are attending remotely by video and teleconference, 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.

Provide Public Testimony: City Council will hear public testimony on resolutions and ordinances (first readings only). Testimony is not taken on communications, reports, second readings, proclamations or presentations in accordance with Code 3.02.040 F. and G. Public testimony will be heard by electronic communication (internet connection or telephone). Please identify the agenda item(s) you want to testify on, and then visit the Council Clerk's agenda webpage to register, www.portlandoregon.gov/auditor/councilagenda. Provide your name, agenda item number(s), zip code, phone number and email address. Individuals have three minutes to testify unless otherwise stated at the meeting.

The deadline to sign up for the September 30, 2020 Council meetings is Tuesday, September 29, 2020 at 4:00 p.m.

Email the Council Clerk at cctestimony@portlandoregon.gov with any questions.

COMMUNICATIONS		
769	Request of Skye Holmes to address Council regarding activity on North Ramsey Blvd including shootings, people being hit by vehicles, buildings being shot, and lack of police (Communication)	PLACED ON FILE
770	Request of Cindi Puckett to address Council regarding activity on Ramsey Blvd including illegal camping, street racers and vandalism (Communication)	PLACED ON FILE
771	Request of Dan Legree to address Council regarding street racers and camps on Ramsey St (Communication)	PLACED ON FILE

CONSENT AGENDA – NO DISCUSSION

Mayor Ted Wheeler
Office of Management and Finance

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<p>*772 Authorize a Letter of Agreement between the City and the Portland Police Association representing Emergency Communications Dispatchers to amend the language in Article 7 of the Collective Bargaining Agreement to allow for one-hour forced overtime adjacent to 13-hour shifts (Ordinance) (Y-5)</p>	<p>190147</p>
<p>*773 Authorize an Intergovernmental Agreement with Portland Community College and a grant agreement with the Portland Community College Foundation for \$578,244 for Future Connect Scholarship program (Ordinance) (Y-5)</p>	<p>190148</p>
<p style="text-align: center;">Commissioner Jo Ann Hardesty Portland Bureau of Emergency Management</p>	
<p>774 Dissolve the Unreinforced Masonry Building Workgroup (Resolution) (Y-5)</p>	<p>37507</p>
<p style="text-align: center;">Portland Fire & Rescue</p>	
<p>*775 Accept and appropriate a grant in the amount of \$238,095 from the Department of Homeland Security for a Portland Fire & Rescue Community Risk Assessment (Ordinance) (Y-5)</p>	<p>190149</p>
<p style="text-align: center;">REGULAR AGENDA</p>	
<p style="text-align: center;">Mayor Ted Wheeler</p>	
<p style="text-align: center;">Bureau of Police</p>	
<p>776 Authorize application to the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for a grant in the amount of \$408,910 for the Edward Byrne Memorial Justice Assistance Grant Program FY 2020 Local Solicitation to assist the Portland-Metropolitan area law enforcement and criminal justice community to prevent and reduce crime and violence (Second Reading Agenda 764) (Y-5)</p>	<p>190150</p>
<p style="text-align: center;">Office of Management and Finance</p>	
<p>*777 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 (Previous Agenda 745) 20 minutes requested Motion to amend the Ordinance to remove “and recall rights after nine (9) months” from finding 6. and directive b.: Moved by Fritz and seconded by Hardesty. (Y-5) (Y-5)</p>	<p>190151 As Amended</p>
<p style="text-align: center;">Portland Housing Bureau</p>	
<p>778 Approve and terminate limited tax exemptions for properties under the Homebuyer Opportunity Limited Tax Exemption Program (Resolution) (Y-5)</p>	<p>37508</p>

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779	<p>Approve application under the Multiple-Unit Limited Tax Exemption Program under the Inclusionary Housing Program for Koz on N Interstate located at 5460 N Interstate Ave (Ordinance) 15 minutes requested</p> <p>Motion to remove the emergency clause: Moved by Wheeler and seconded by Hardesty. (Y-5)</p>	<p>PASSED TO SECOND READING OCTOBER 7, 2020 AT 9:30 AM AS AMENDED</p>
780	<p>Amend approved application under the Multiple-Unit Limited Tax Exemption Program under the Inclusionary Housing Program for Marquam Hill Apartments-Building 2 located at 3178 SW 12th Ave to increase the number of affordable units (Ordinance; amend Ordinance No. 189645)</p> <p>Motion to remove the emergency clause: Moved by Wheeler and seconded by Hardesty. (Y-5)</p>	<p>PASSED TO SECOND READING OCTOBER 7, 2020 AT 9:30 AM AS AMENDED</p>
*781	<p>Authorize new construction financing in an amount not to exceed \$16,754,923 for the 115th Street Housing Limited Partnership or a Central City Concern affiliate (Ordinance) 20 minutes requested (Y-5)</p>	<p>190152</p>
<p align="center">Commissioner Chloe Eudaly</p> <p align="center">Bureau of Transportation</p>		<p align="center">190153 As Amended</p>
782	<p>Assess benefited properties for street, sidewalk, stormwater, water main and sanitary sewer improvements in the SW 45th Ave and California St Local Improvement District (Second Reading Agenda 674; Ordinance; C-10048) (Y-5)</p>	
<p align="center">Commissioner Amanda Fritz</p> <p align="center">Bureau of Environmental Services</p>		<p align="center">190154</p>
*783	<p>Amend contract with Innovyze, Inc., for Hydraulic Network Analysis Software in the amount of \$756,473 (Previous Agenda 767; amend Contract No. 30006331) (Y-5)</p>	
784	<p>Authorize a competitive solicitation and contract with the lowest responsible bidder and provide payment for construction of the Balch Creek Trash Rack Retrofit Project No. E10583 for an estimated cost of \$3 million (Second Reading Agenda 768) (Y-5)</p>	<p align="center">190155</p>
<p align="center">FOUR-FIFTHS AGENDA</p> <p align="center">Mayor Ted Wheeler</p>		<p align="center">190156</p>
*784-1	<p>Adopt emergency temporary moratorium on evictions for residential tenants throughout the City of Portland (Ordinance) 20 minutes requested (Y-5)</p>	
<p align="center"><u>WEDNESDAY, 2:00 PM, SEPTEMBER 30, 2020</u></p> <p>THOSE PRESENT BY VIDEO AND TELECONFERENCE WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fritz, Hardesty and Ryan, 5.</p>		

<p>785 TIME CERTAIN: 2:00 PM – Declare intent to initiate local improvement district formation proceedings to construct water main improvements in the SW Quail Post Road Local Improvement District (Resolution introduced by Commissioner Fritz; C-10070) 45 minutes requested (Y-5)</p>	<p>37509</p>
<p>786 TIME CERTAIN: 2:45 PM – Transmit report to the City of Portland on Portland Police Bureau Officer-Involved Shootings and In-Custody Deaths by the Office of Independent Review (Report introduced by Auditor Hull Caballero) 2 hours requested Motion to accept the report: Moved by Hardesty and seconded by Eudaly. (Y-5)</p>	<p>Accepted</p>
<p style="text-align: center;"><u>THURSDAY, 3:30 PM, OCTOBER 1, 2020</u></p> <p>THOSE PRESENT BY VIDEO AND TELECONFERENCE WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fritz and Ryan, 4.</p>	
<p>787 TIME CERTAIN: 3:30 PM – Appoint Amanda Squiemphen-Yazzie to the Portland Clean Energy Community Benefits Fund Committee for the balance of current Committee member Andrea Hamberg’s term to expire on November 7, 2021 (Report introduced by Mayor Wheeler) 30 minutes requested Motion to accept the report: Moved by Ryan and seconded by Eudaly. (Y-4)</p>	<p>Confirmed</p>
<p>788 TIME CERTAIN: 4:00 PM – Consider appeal by Leonard Gionet, Yvonne Meekcoms, 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 (Previous Agenda 705 introduced by Commissioner Ryan; LU 20-102914 DZM AD GW) 1 hour requested Motion to tentatively deny appeal and uphold the decision of the Design Commission, as modified by the design revisions submitted by the applicant to the maker space public plaza, the Abernathy public plaza, and the ecoroofs: Moved by Wheeler and seconded by Eudaly. (Y-3 Eudaly, Ryan, Wheeler; N-1 Fritz)</p>	<p>TENTATIVELY DENY APPEAL AND UPHOLD DESIGN COMMISSION DECISION WITH MODIFICATIONS; PREPARE FINDINGS FOR NOVEMBER 18, 2020 AT 9:45 AM TIME CERTAIN</p>

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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 30, 2020 9:30 a.m.

Wheeler: We'll be starting in one moment. Let me gavel our formal meeting into order. Commissioner fish as you all know served our community with great conviction for nearly 12 years. Today would have been his sixty second birthday. Today we honor his life and legacy to this great city. We are joined by his spouse. Welcome. The floor is yours.

Patricia Fish: Thank you. Good morning. I'm not sure if any video is working but i'll leave it to you to guide me a little. Thank you, mayor and commissioner for opportunity to come before you today. As mr. Mayor pointed out, it would have been his sixty second birthday. It's meaningful to share this day with you. That first year can be especially hard as the holiday and celebration calendar ticks by and we experience a bruising experience of without. Public institutions are being tested. I hope the same is for you to. I'm here mostly to say thank you from the bottom of my heart for everybody at the city hall have shown me and my family. As manufacture you remember and know, he loved thank you notes. The value we shared between us and our family-how much i need to thank you. I hope you can see me; we are on zoom. I thought we would be in the building. Life is not allowing us. I'd like to read the names of all of his staff members in order to thank all of these brilliant individuals who i regard as family. They are on the new paths and modes of service now which is our blessing in this community. I will never ever forget you. This group are the close in witnesses of nick's devotion to the city. Thank you each and everyone of you. Thank you for caring for me and my child through the horror of losing him. Thank you for your time today.

Wheeler: Thank you. Thank you for your heart felt words. You are a picture of class and grace. When we thought about nick, we thought about you too. The strength which you showed during nick's very very difficult last couple of years as he was going through his cancer treatment. We've all come to love you and we really appreciate you. Colleagues i don't want to put anybody on the spot but if anyone who like to say anything before i read the proclamation. This would be a good time.

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Eudaly: I have remarks but i don't think i can get through them. I'm going to keep it short. I want to thank you for this and all your kind words. It's been really awe inspiring to see how you have faced this challenge and loss with bravery and open eyes and open heart. I know that you have actually brought comfort to a lot of us in a moment when you would think we would be comforting you. I just want to appreciate your generosity and eloquent words. We all miss him. Especially right now. There's been so many times in this last nine or ten months when i've wondered what would nick say or do. I really wish he was here. And happy birthday, nick.

Fritz: Thank you for being here today. Thank you for sharing nick with us. It's a lot for a spouse to be without a person while they are serving the city of portland. There's a lot of hours out and time spent away. There were times when he brought you and your children into the city and we appreciate your willingness to go that. I have your thank you note along with his. I appreciate that. He did so many things so well. I've been thinking of nick particularly. I certainly believe that we can honor nick today to help support that measure. Nick was so committed to our city. I posted a long statement when he passed and i'll post another one today. He committed to our city and honor and family and colleagues on the council. Always trying to find way it work together. There's another realm of a person-in this realm thank you. In the present tense, thank you. Your legacy does live on.

Hardesty: Thank you. I just want to say that i served with nick a very short time on the city council. I have testified in front of nick for over a decade before his passing. I've known him as a personal friend for a long time. I really want to appreciate you naming all the people who have had the privilege of working with nick because what i realize when you read that list is how many of those individuals are still fabulous public servants today. I want you to know that we really-nick set a standard that all of us, that i hope to live up to because he was always. He always asked challenging questions. He always looking for the connection of people. Where the commonality was. We need that more today in our public realm than ever before. That's a legacy that i hope to carry on. With that open mind and spirit. That willingness to look for common ground. What a legacy that he has left at city hall and throughout the city of portland. None of us can get through this without choking up a bit. It's hard to believe it's been a year. Thank you to you and your family. Know that nick lives in our heart forever.

Ryan: Thank you. Hello. Good morning. And to your children. I just want to say that it's really hard-i just know each one gets a little easier. The first one is so raw. It's so courageous of you to be here. I've had a lot of opportunities to be lifted up by nick over the

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years. Walking from psu to his office at the law firm, the reason i mention that is because you walk four or five blocks and meet so many people because nick was a person on the streets that loved people and said hi. I knew it would take three times as long to walk three blocks. You shared your life with the city. The commitment of a political spouse says a lot. I'll just say that nick's-his name is mentioned so often. As i said in this office today with 11 years, i have nothing to do but be grateful an humbled by that. It's so fascinating how o his name comes up organically. Members of my newly appointed team spent years working closely with commissioner fish. I know you had a chance to come in here and there was one closet, a supply closet. Just the other day my chief of staff sent a photo of an old fashioned snow globe with photos. I'll make sure you get that. I know that we'll make sure we keep promoting that. I know nothing would make him feel more loved or supported than the legacy of helping the staff. We stand on some big shoulders. I'm so glad you joined us today on this great occasion.

Wheeler: Thank you. I would like to thank commissioner fish's former staff of the proclamation. We have a copy of the proclamation that we'll get to you and your kids. On behalf of portland city council. It's my pleasure to read this proclamation. Commissioner fish is renowned-commissioner fish worked tirelessly for five years with the offices of u.s. Senators of oregon and new york to receive the medal of honor and was invited to the white house by president obama for the ceremony. Commissioner fish was a leader of environmental progress promoting green spaces and corridors. Advancing the city's commitment. Under leadership the affordability of ten low income housing buildings. We must act intentionally so everyone can all afford to live and work here. No portlander is a bigger fan of women's soccer. Commissioner fish inspired his staff, employees in -- to live, to work, to play. I, mayor of the city of portland, proclaim september 30th to be commissioner nick fish day in portland and encourage all the residents to observe this day. You might want to hang around for the next couple of minutes. I'm going to talk about nick again in a completely different context. Thank you to staff and everyone who helped us write this proclamation. I'd like to thank everyone for the thoughtful recognition of nick fish. I miss his common sense, thoughtfulness, and his focus on collaboration and consensus. His legacy stands from the national stage like a virus. Before we begin our council session, i want to take a few minutes to reflect on last night's presidential debate. The president's behavior and comments are a stark reminder that our community must stand together against racism and hate. In the same way we fight a virus. Our community can and will stand together against the ugliness coming from washington d c. We learn bd the

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hallmarks and how to recognize it. Last night he we saw it in action when donald trump refused to denounce white supremacy and engaged in the polls and else shall. We all have the opportunity to stand against violence and hate. Our city and nation are going through a historic transformation. A fundamental change in all our public institutions. Those changes are made even more challenging by our president and by any engaged in acts of violence and vandalism regardless of the political views they hold. I want to make it clear violence and hate have no place in portland. Those engaged in violence and rate are working in opposition, they are allow white supremacy and intimidation to thrive. We can- The potential for disruption there's a national effort to create chaos around the election. We're luckily to have been voting by mail for over a generation. That doesn't mean we won't be the subject of hate, deviciveness and fear i'm challenging all of us to have a plan. The sooner we plan, the sooner we know how we'll respond to make sure that all pored landers will be safe and not have to fear leaving their house. Thank you, mayor, for this opportunity this morning and thank you portlanders for standing up and showing that we will not be intimidated or live in fear and love our brothers and sisters regardless of what language they speak, sexual orientation, religious background. We love our neighbors because that's who we are. Thank you colleagues. Before we move into the formal section of the agenda. I want to thank sheriff mike. He was incorrectly shouted out as an endorser of trump. He has not endorse the president nor will he endorse the president. I wanted to make sure people saw that correction of the record. This is our first meeting without c arla. This is the morning session. The wednesday september 30th 2020 of the city council. Thanks for your good work. Please call the roll.

Fritz: Here. **Eudaly:** Here. **Hardesty:** Here. **Ryan:** Here.

Wheeler: The city is holding this meeting electronically. All attendees are here electronically. The meeting is available to the public on youtube and channel 30. You can provide written testimony. The council is taking these steps to provide physical distancing. It requires us to meet remotely by electronic communications. Thank you for your patience and flexibility and continued understanding as we manage through these challenges.

Robert Taylor, City Attorney: Thank you mayor. To participate you may sign up in advance for communication it briefly speak about any subject. You may sign up for public testimony. Portland oregon dot gov. Your testimony should address the matter being considered at the time. Please state your name for the record. Please disclose if you are a lobbyist or representing an organization. When your time is up the presiding officer will ask i to conclude.

Item 769.

Skye Holmes: Forgive me this is my first meeting. The life threatening activities that are happening here. The lack of police coming down here which i understand is difficult with everything that is happening downtown but it's scary down here. People have been hit by vehicles. I provided written testimony a couple weeks ago that included videos and pictures. We as businesses are doing what we can but-we're at a loss. We don't know what to do. We found shell casings and a loaded gun on our property. I'd like to know where you guys stand on how to handle the situations where businesses are suffering. We have clients that come in here.

Wheeler: Thank you. I appreciate it. I have been meeting with different business associations. I'm absolutely hearing the concerning that are being expressed around public safety and liveability. I'm work withing the police bureau. I want you to know that i'm hearing from others exactly what you are expressing. Next individual.

Wheeler: We'll make space for him later if he is available. Can we please go to the consent agenda. Please call the roll.

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

Wheeler: Consent agenda is adopted. The regular agenda. This is the second reading.

Item 776.

Wheeler: Further business to discuss. Please call roll.

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

Wheeler: The ordinance is adopted.

Item 777.

Wheeler: Is this a continuation of an item that we heard back on december tenth. There were concerns raised by commissioners and in some of the testimony to the ordinance. I requested that this item be pulled back to my office to provide some additional time to go back through with your office and city staff. This is under the city's safety net program for greater flexibility in their work schedule while still being able to maintain employee health benefits. We understand working parents are concerned about the dual obligations. We also understand that those employees with underlying health conditions may be concerned about their own safety. Managing underlying health conditions and helping our bureaus to save funds. Address the questions that were raised in the first hearing.

Cathy Bless: Thank you. I'm director of human resources. I'm here to share new and additional information for council consideration. When i spoke with council on september 10th, i heard feedback on a number of concerns related to the process and

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tools used to offer for this ordinance. Additional conversation, survey feedback, equitable decision making, and more clarity on the goals related to this ordinance. To clearly state the goals of the safety net ordinance. To provide bureaus tools for cost saving measures as they are impacted by economic short falls and protect the city's work force during the city's critical time. We've taken the additional weeks to develop faq's, templates and have conversations with stake holders groups including the deep affinity groups and other interested stake holders. With commitments to meet monthly with affinity group members to ensure good communication, i feel comfortable in moving forward with my request to adopt the request today. The desire for flexibility and related support in the safety net programs. 90% of those respondents indicates three areas of concern. Maintaining productivity and expectation to meet deadlines. Provide care and meet the needs of their dependents. They identified four top ways the city could help. Flexible work schedule without reduction of hours. Moving to a reduced schedule while maintaining benefits. Each of those interests are represented within this interest. This omission from the ordinance is intentional because they have the authority to offer split schedules for non represented employees. As we fulfill any bargaining representations. We include this option where appropriate. The data also show a lack of clarity and understanding of programs. We have committed to provide additional information and broadly and intentionally regarding existing support options move forward. The other tools, voluntary layoff and safety net severance for economic challenges and needs to address cuts in work force. Some bureaus will be constrain. I want to ensure that there is an understanding that these tools are not an entitlement nor will every or any of these tools make sense both operationally or financially for first responders and others that provide to our community. How decisions are prioritized. We know employees are feeling frustrated and anxious about the pandemic. How to manage and support additional caregiver needs for parents. It is important to acknowledge and honor the role of caregivers amongst our city employees and thank them. They help reduce the spread of covid 19. They are thinking all the time about it because they are protecting their parents, children, family, and friends. We should be concerned about them and what they are giving to others at their own expense. We are committed to continuing the conversation. Those conversations include opportunities to expand donation programs as identified as an interest to evaluate. Before i turn it over, i do want to propose an amendment to the ordinance. It is within section one, item six. It is simply the last few words. I'd like to propose we remove and recall rights after nine months. To help avoid mandatory layoffs. Would see additional benefits by adding a safety

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net benefit and receive health care benefits for three months.

Hardesty: Thank you for your thoughtful consideration of the concerns that were raised when we last spoke about this issue. What is the plan for first responder bureaus?

Bless: The donation programs opportunity on protected under protected leave, within the dependent care survey was the lack of knowledge of what is available under the protected leaves at this point. Nearly forty eight percent had not taken any of the fs cr a leave. Thirty two percent of that six hundred did not have any knowledge of what it is. We do have commitment moving forward to ensure that we're really doing some due diligence in our communication. That's a area where we greatly need to improve. Continued conversations with each of those bureaus seek further understanding of how we can help and support those individuals who are first responders.

Hardesty: What are the checks and balances. Is there record back on a quarterly basis to make corrections as necessary. What is your plan to make sure that our goals are met early enough to change course?

Bless: That's a great suggestion of communication back to council offices. We can do that on an ad hoc basis. There's full transparency on how decisions would be made. Operational needs. How their work could be distributed and maybe time lines moved out a bit. Understand what the interest is from their employees. Some type of survey where we have a template developed that would push out to bureaus to use that as they assess the needs within their own bureau. Based on that needs assessment, there is a list of priorities on how individuals would be considered giving priorities certainly to those who have children at home. Who are learning through zoom and certainly those with underlying health conditions. For the support, reduction of hours, flexible scheduling, that's how the priorities would be applied. Certainly for the safety net severance program, it would be a bit different, those are typically offered through bureau management based on their bureau. How close they are to retirement.

Hardesty: I'm going to request it's not ad hoc. It's quarterly.

Eudaly: Good morning. I want to appreciate the work of the city advocacy group. We know that even under normal circumstances that mothers perform under valued and unpaid work in the home and in this moment mothers are most likely to be the ones bearing the burden of having children at home, supporting them in their distance learning et cetera. My sympathy really goes out to these families. I know how challenging it is. This is my lived experience as well. I have a full time job of care providing on top of my official job of city commissioner. I understand you met with them. A little late in the process. I'm

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wondering how or when their concerns were incorporated and moving forward.

Bless: We have courtney duke available. She will offer some comments. Would that work?

Eudaly: Sure. I guess-i didn't realize we were interrupting a longer presentation. I will just state my second question now and whoever is the most appropriate can answer it. I've had employees at my bureau's take leave or even have to resign because of their family responsibilities during covid. I'm wondering if there's any retroactive properties of this ordinance of employees now that have already taken a hit.

Bless: Typically it's an emergency ordinance and would be effective upon passing.

Eudaly: I'd like to put that on the table upon passing. I'm not prepared to offer an amendment.

Fritz: I'm happy to wait until the end of the presentation. I remember when we did the furloughs. There's great attention paid to people paying their salary and people getting the lowest wages-this i appreciate all the work that's been done on the safety net. Those that can afford to lower their hours. That's my question. To make sure that people that don't have two incomes at home or can't afford to lower their hours.

Bless: One of the options does allow split schedules without reducing someone's hours. I know that in it of itself can be very problematic because we're worried about the fatigue. What kind of donation opportunities are available. We're looking at the tax consequences of the donator so we can clearly communicate what those are as individuals contemplate and we set up a donation type program. We have asked city attorney's office and got some preliminary information of the tax donation it itself. Ensuring as we come back to council to talk further about what might be employful to employees in those situations and lower earners and be helpful and full transparency. I hope that helps in your concern but it's definitely a continuing conversation.

Robert Taylor: Mayor, just very briefly i had a house keeping issue. As i understand it a proposed amendment is to strike the words and recall rights after finding number six. That same language is indirect of b. I believe to carry out the intent of the amendment that same language-

Elshad Hajiyev, BDS: Good morning. I'm here toad representing bbs, lend our support to cost savings measures. I'm going to start with the background and why they are important to us right now. 98 percent supported. We only receive 2% of our funding from the general fund. As you necessity the economy was heavily damaged by the global pandemic. When we contacted our economist the outlook is pretty grim. They are expecting it's not covered for two to three years for that. Reflected now revenues from the projects coming in. 70% of

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our expenditures are personal expenditures. We're in a high probability of coming in the next year. We put some practice memos in place starting in march. When monitoring all of our work load-what are the alternative options that we can put in place to avoid layoffs. Many of you can remember they faced layoffs when we had to let go of half of our work force. These are the people who represent diversity. These options will allow bureau to impact the potential layoffs. It will help us greatly. We'll be able to avoid ten to twenty potential layoffs by using just those two options. The interest and options outlined are very high. We had one session to talk about the financial situation and potential options coming up. The interest is very high. The other thing is timing. Unfortunately as we speak every single day, it's money basically. It's money that the bureau has to use from our reserves sm the sooner we adopt this, the sooner we make this available to our employees. Reducing those potential layoffs we have in our about you oh. I thank you for the opportunity to address you and i want to thank kathy for helping us navigate and come up with these options to avoid the layoffs. Thank you.

Courtney Duke: Thank you commissioners. This is courtney duke. Thank you for asking me to be here today. I would like to say thank you to kathy and her team. We met yesterday and there were over fifty people on the call. Both dads and moms and the women's empowerment team. The faq that her team put together addresses a lot of concerns and questions regarding implementation. Kathy and her team committed to meeting with different affinity groups. That was a really great thing to hear. Having a town hall so everybody can get the information. One of the main things is the amount of information out there. Some people-some of the these existing tools available. This is one of many tools and the city are doing-a lot of those have been out there for a while. It's difficult to know what is going to work best for you and your family. I wanted to mention we had a number of people on the call for disabled caregivers and adults. It sounds like that's exactly what we're trying to do. Recovering everyone who is a caregiver not just a parent. We've been submitting comments. Those are due tomorrow. We appreciate the time they spent working with us. I appreciate the time here. I'm available for any questions today. I'll continue working with affinity groups as well as the implementation.

Wheeler: With that. Colleagues unless you have any other questions we'll see if there's any public comment for this question?

McClymont: No one has signed up.

Eudaly: I'm interested in a little deliberation with my colleagues. I'm not comfortable offering an amendment unless there's support from council.

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Hardesty: I think the first quarterly report back will be a great time to add changes. We'll see what's happened in practice. I appreciate the hard work that's gone into being very thoughtful and listening. I continue to be concerned when policies confer one part of our work for us. When we figure out another part at a later time, that continues to concern me. Having a commitment for quarterly opportunities to change this as necessary, it gives me comfort that supporting this today doesn't mean it's the last time we'll be able to make substantial changes.

Wheeler: We'll take a vote on the quote that was submitted. Please call the roll.

Hardesty: Aye. **Eudaly:** Aye. **Fritz:** Aye. **Ryan:** Aye.

Wheeler: Aye. The motion is adopted.

Hardesty: Thank you for taking the time to reach out to the people impacted by this change. I'm happy to hear this is just one piece the supports we're going to put in place. I want to be sure we don't give opportunities to one segment and not others. We need to talk before your quarterly check in to find out how the first responder bureaus are able to take advantage of this opportunity. I vote aye today but look forward to next conversation.

Eudaly: I want to appreciate the work that has been done to balance new challenges. This is a positive step forward and necessary one in order to be responsible employer.

Fritz: Thank you, very much. Thank you for carefully and thoughtfully responding to the guide of the pandemic. This hopefully is a model that private employers can consider enacting and some of them already have. Thank you to the caregivers on my staff who have really doing amazing work with all of the challenges. I was stunned to read the article. I'm glad that's starting to get resolved. I've never been in a pandemic before or experienced something like this.

Ryan: I was literally a half hour into the job when we had this conversation. It's buying time to be thoughtful. We've never been here before. We have to have adaptable moments like this. There's some shared sacrifice on this one. There's a will the of shared responsibility. I appreciate the dialogue about making sure that we have a lot of communication. It's great that with the presentation that it will be helpful budget item at this moment as we try to stretch our public resources as far as possible during this pandemic. I'm impressed with the progress of this. It's great to hear parents come together during these unprecedented times. I'm glad we're going to have data when it comes to the equity lens of this. In your quarterly updates i ask that we have all the data broken down by race. I want to make that public. I'm a big, aye.

Wheeler: Thank you. I want to thank kathy and her team. Our union partners. Those who

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provided critical feedback and expressed concerns regarding equity and other considerations how to best support our employees. This is the starting point. The bureau of human resources is going to continue to look for other ways to support it's work. We expect we will return to council based on continued feedback. I'm happy to vote aye. The ordinance is adopted as amended. The next item on the regular agenda.

Item 778.

Wheeler: A ten year property tax exception for low to moderate. Apply for the tax exception doesn't complete construction within the two year timeframe, the exception is then removed. If the home isn't owner occupied, the exemption is also removed under those circumstances. Before it's terminated, they have the opportunity to appeal decisions made by the city. With that we'll hear from the portland housing bureau.

Dory Van Bockel: Just to add to that, phb confirms home buyer eligibility and owner occupancy is part of the initial sale through the tax exception period. We run regular audits and work in partnership to confirm property ownership with those guidelines. Home buyers are notified of noncompliance. In this particular resolution many of the properties are ones that were developed by habitat for humanity. They took action with the state legislature last spring. This would have allowed more time on a case by case basis. Habitat for humanity had a few reasons that it would take a little longer. This would have allowed them to-the bill we brought forward had passed through the state senate it was repealed before the house was able to vote on it too. They are working on bringing back this change to avoid having to terminate eligible properties and ensure it's available for home buyers in the future. The program works in tandem to help support home ownership for home buyers across the city. I'm happy to answer any questions.

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

Item 779 and 780.

Wheeler: We do not put emergency clauses.

Hardesty: Second.

Hardesty: Aye. **Eudaly:** Aye. **Fritz:** Aye. **Ryan:** Aye.

Wheeler: It's amended. It's now a non emergency item. With that, it's been brought to my-we did that.

Dory Van Bockel: I do have a short presentation. It includes the next item.

Wheeler: I move to remove the emergency clause.

Eudaly: Second.

Wheeler: Could you please call the roll on the amendment.

Hardesty: Aye. **Eudaly:** Aye. **Fritz:** Aye. **Ryan:** Aye.

Wheeler: Aye. Before we get into the presentation, i want to note the minor correction to the impact statement, it uses number 44 in reference to units. The number should be 42. Can you confirm it doesn't require an amendment.

Robert Taylor: Yes. I can confirm that.

Dory Van Bockel: Introduced by the mayor, also matthew is present as well. The policy and planning manager of the housing bureau. A couple of things about the inclusionary housing program. Starting in february. Developers must choose from several options in an otherwise market rate building. Paying into the inclusionary housing fund. The mull m unit tax is one of the financial incentives making units affordable rather than paying the fee in lieu. Each application comes before city council for approval as required by city statute. Apartments building two has come before council before through ordinance 189645. There's still five stories in this building. It's changed significantly. This was pass in august of last year and offered a property tax exemption. It has changed to having 14 studios and 32 one bedroom units. The requirement for affordable units was required to make this factual change to the multi ordinance. This project will have eight percent which equals out to just four units affordable to households earning no more than-prior the per year taxes were a little different just based on the number of units increasing the per unit value increases under this application. Just an idea of the rent discount on average between market is over five hundred dollars a month. The way this building is distributed. If there's any questions on that particular project, i can address them moving on.

Eudaly: Mayor, if i may? Could you go back one more slide to the tax-i find this page very challenging to understand. What i'm interested in is whether we're getting a good value for this tax abatement. Because taxes and rent fluctuate there's no way to know for sure. Just based on today's tax rent if we extrapolate who is getting more benefit? The developer for the tax abatements or the city for the reduced rents?

Dory Van Bockel: If we compare the second table since that's the second application. Each year over the full period there would be a ninety dollar per year benefit to the building owner on this one. My cat. Compared to the monthly rent discount, the difference between rent on a monthly basis is five hundred eighty one dollars on average.

Eudaly: Okay. I see. The per year for ten years. Okay. The information is organized in kind of an odd way and there's no-there we go. All right. They get \$90 per year per unit and it's a five hundred dollar per year reduction.

Hardesty: We went from family size units to studios and one bedroom. Are we doing any

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analysis internal on the units that we don't have. What we know is we desperately need is three bedroom units. What we see as a gaping hole and housing resources for lower income people.

Dory Van Bockel: Being that inclusionary housing. It's a market driven program. We don't have any direct influence on which are being built by developers. There are some incentives that allows the developer to provide a few less units by reconfiguring into total bedrooms which we have seen folks participate in. Otherwise what the market is building is what units we're able to get from this program. It's still going to be up to developers as to whether or not they can pencil that out and produce those projects.

Hardesty: Thank you for that. Let me just reiterate that i think it's important for us to have really clear data about what we achieved with that program so we can have the ability to deliberate about what legislative changes we.

Ryan: What it's like for those parents to do distance learning with their children in a one bedroom apartment. I wanted to know if the market foot print is defined by quadrant or city of portland. Do you have an answer for that question?

Dory Van Bockel: The short answer is no. Obviously there's many components of putting together a project and we're not involved in the financial structure as far as looking at it from a permitting responding of looking at this level of involvement.

Ryan: Could you look into that and get back to my office, that would be helpful. What the market is defined as. I would love it if we saw more family friendly housing.

Eudaly: Thank you, mayor. I'll just say quickly. I don't know how prescriptive we can get with this policy. I agree when we see a building that has-i'm not necessarily referring to this building in particular but when we see a billing that is mostly one, two, and three bedrooms but affordable units are studios that aren't really in the spirit of inclusionary housing. We could tie the percentages further to the types of units represented overall. I hope that made sense. For instance, if it's 50%, two bedroom apartments, we want half of those affordable units to be two bedroom apartments. We have all kinds of mix matching. The market is not building units in general that are affordable to average portland renters. Location, and proximity to jobs as well as size. I think this is-it's an interesting and worthwhile conversation. I understand we can't do anything about it today. I think it's worth exploring.

Dory Van Bockel: I want to clarify that the building itself has changed. The requirements changed. It's no longer going to have the larger size units. That's why it changed as well.

Wheeler: Let me just do this. I want to briefly mention that the status of the inclusionary housing program if anybody is interested in that is actually on the housing bureau's

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website. The second clarification I make just on the good conversation we just had is it is one of several strategies we're using to fill the need for very low and low income housing. As was pointed out during her presentation it gives options for developer to choose from. I have directed both the housing bureau-the IH program based on the data provided. At some point my expectations will bring some expectations back.

Dory Van Bockel: The second project that-the second item is for north interstate. This is a new application. Under this option of inclusionary housing, the developer opted to restrict 15%. Those are affordable of no more than 80% for eighty nine years. Twenty-three of the units have restricted availability. In this case 23 of the units will be restricted and 131 will remain at the market rate regardless of how the market changes between now and then. The way that-we'll look at the additional information on the rents. The plan on this development and they've had a couple of other projects in the IH program and the stand alone multi program, they will somewhat unique and smaller at the studio level. At some times and neighborhoods and markets, the rents at 80% meaning family income level are close if not less than what the market is. There was an attempt to come below that level for all the units. I can explain what that is. It would be about one hundred dollars per unit that would benefit the project. Per year that's about 23/24,000 for the building. When looking at the actual market rents in the neighborhood. They are actual slightly below what the maximum at rents would be for at the 80% level. Even though this project has indicated they won't be setting the rents at that maximum level. We do still see a difference for the larger level. It would have a 281-dollar on average beyond the exception value over that 199 year period. The rent differential from market to affordable is that difference of 23,635 just shy of total building rent difference or discount. I'm happy to find other way it talk through this or discuss what the obligation.

Eudaly: Thank you. This is an interesting situation. Just to be clear. The rent restricted units could cost more than the additional units. They don't intend to set the rents higher. We're not getting cost savings. One thing that would help mitigate my concerns, I didn't catch that information. When we look at how the tax abatement. Versus the discount at this. The phrase that I hear most often is they don't pencil out so it certainly seems to be penciling out for them. I want to talk about the term market rate rent. Some people treat as the temperature outside. It's a constrict. It's unaffordable to the renters in this city. I really want to challenge the belief that it's too hard to develop the land in portland. I'm interested in what my colleagues are thinking. The maximum requirement it's set at. Have you had a chance to look up the max afi file?

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Matthew Tschabold: Sure. For the record, 80% of the median income is fifty to fifty five thousand dollars for the household size for family or household that would live in the studio apartments. I wanted to add on a couple of comments. This is a tricky one. We appreciate the discussion. The housing program doesn't regulate what a developer can build in terms of types of bedrooms or the size of the bedrooms. It simply requires that a portion of those become affordable housing. I would be very surprised if the market rate units would be releasing this kind of rate if the developer tried to release the affordable at a higher rate. I don't think that would be successful. We wanted to compare that to what the market rates looks like compared to what the cap is on those. We think that because of the one bedroom units, the non-studio units. The ones in the twos. We think it's of value to the city.

Wheeler: Affordability based on the overall market. The cost of housing in portland, that was the design of this program. It doesn't speak to individual-is that accurate?

Tschabold: That is correct. It just happens to be the development model of this developer. If you look at the rents for both the market rate and inclusionary housing compared to some of the more expensive neighborhoods in the city or the city overall or compared to the neighborhood they are building in. These are comparatively-they just happen to have that business model. Relative to the other units in the building. That's basically the question. The risk that we would be taking.

Wheeler: I'm just trying to figure out under what circumstance would the council decide not to do this? The only example i can think of is if we believe that based on the remainder of the building rk the building owner would choose to voluntarily lower the price of the units to be in alignment with the other units in the building. The inclusionary housing building does not anticipate this question. It's a broader market dynamic and the affordability is broader to the market. It's not relative to the other units in the building. They could say we're going to-the inclusionary housing units would look more expensive. They might still be affordable. That's what we're assuming here.

Hardesty: If i may. That's not the issue for me. If we approve this, we're is setting a precedent. It does relate to this unit. There are issues with what's being proposed especially the two bedroom units. Because i have to tell you if a one bedroom can be five eighty. But a two bedroom is five hundred forty eight square feet. I have a problem with that. Once again we're unequal with how this is going to play out with low income people. If we approve this today we're saying it's okay for a developer to charge more for their affordability credit.

Ryan: This is a real head scratcher. I assumed there was a typo when i was looking at

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this. It really-i've been listening and it's clear as mud at the moment. I'll stop at that. I have two questions. When was the market rate established? We're in unprecedented times. Word of the year. Did the developer make this decision precovid? Currently? When was the decision made?

Tschabold: The market rate rents in your council documents are rates relatively close to today. What are the market rate rents for today. The developer is looking at what they think they can charge for rent in about a year or two once the building is constructed and up. Those are estimates they need to provide to the institutions that are financing the developments. They have to reassure that they can reasonably reach those rents. It is tough to do that. In reality what the rents will actually be will be decided on the market rate units will be decided on what the market looks like for two years. The entirety of the market and the market in that maybe hood. That's tough.

Eudaly: This is an unexpected wrinkle that we could get affordable units that cost more than the other units in the development. However, because we are still receiving more benefit in rent discount than we are giving in tax abatement, i will support it. I wasn't sure where we were coming up with the market rate rents. One of the short comings is that market rate varies throughout the city depending on the neighborhood. This development is in an area with lower market rate rents than perhaps-than average. This is also a concern in east portland as we see an increase in production in housing in east portland. We pursue these on going conversations about displacement. Affordable units above market rate in east portland, that's going to be a real problem. I will support this but we need to dig in. We adjust our-we invest more in those two and three bedroom units. Thank you.

Dory Van Bockel: The exemption is provided up front and it's a large front to kick start the project. We don't know for sure but one can imagine that all of the rents in the building not just the studio rents would increase without the tax exception-not provide it and have the building be subject to exclusionary housing across the board.

Hardesty: Just one more question. I know that we are beating this one to beth but i think it's important that this is actually on the public record. I have expressed concerns before about the square footage. I'm pretty appalled that the one bedroom unit for affordability is actually going to be smaller than the potential-let me just say an individual-for the two bedroom unit, a two person household at fifty two thousand a year that's in no way lower income. People who need the family units will not achieve that income to live there. I know that you have nothing to do with, you can't tell the developer what to build. We must be

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able to set equity when we are developing housing for lower income individuals. I use low income in quotes because it's 80% and I think that's another conversation. The square footage continues to be inequitable. I don't know how you can put it in.

Tschabold: Thank you for the questions and comments. I agree. As far as the inclusionary units. They have to—they can't be smaller in a particular range. We can look at tightening that up. You bring up good questions about our policy in terms of the number of bedrooms and size of those units. It's something that we'll convey as they look at those questions of how are we building inclusive in terms of price and bedrooms and size for all communities of Portland. It's certainly something we'll keep our eye on. It happens to be this particular neighborhood and this particular developer's business model. Given the size of the studio apartments. I don't know the developer would get financing across the market. We'll track it and keep our eye on it. We'll come back to council for a briefing.

Hardesty: Thank you. I appreciate your clear and intentional answers.

Fritz: Thank you. Good conversation. My question is what changes do we need to be prioritizing at the state legislature—all the good questions we've heard over the course of a year and come up with a list that we'd like to see changed.

Tschabold: Certainly we have started to discuss some ideas with our partners. Particularly around the limitation to not require affordability.

Wheeler: Any further discussion before we move these to second reading.

Item 781.

Wheeler: The Division Street project will meet the critical needs of East Portland and open.

Shannon Callahan: We are here to ask for you—we can pull it up for you in just a moment. Thank you very much. The Division Street Apartments is one of 12 bonds that will help us meet our bond goals projects. As you can see on the slide here where Division Street Apartments will be located. It is one of the 12 bond projects that have been identified and the third project opened. It will be a true community asset in the neighborhood. Seven of the units will be paired with intensive support services for people who were formerly homeless. Each and every—to begin next month just in a matter of days and be complete in May of 2022. In addition to focused units for those exiting homelessness, it's providing housing for families—in fact, 23 of the units will be three bedrooms. Forty-six are serving those with extremely low incomes or households with median family income is a person who makes approximately \$19,000 a year or less. The Division Street Apartments is taking full advantage of the constitutional amendment that voters passed for bond funding for affordable housing so the project will receive just over \$16 million in bond funding but

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leveraging-with that i would like to introduce marry rains followed by stephanie.

Stefanie Kondor: I'll let-i wanted to first thank shannon and introduce myself. They opened their doors two years ago. Bring five housing developments in the portland area. This contributes to the large partnerships with folks like the portland housing bureau. It marks our second collaboration-a project co-owned with central city concerned. We're excited to be able to offer to our residents the suite of services. Boys and girls club is collocated at the site of those families. It's a huge issue for low income families and all families especially now. This is the first of its kind. Erica will be providing further out reach services for communities of color and early refugee families. That's what i wanted to say. Thank you all so much for your support on this prong. We'll be first to close on this funding and excited to get under way for construction. As we strike the noon hour here, i'm the director of real estate development of central city concern. We're pleased to partner with related north west. Our agency will be the lead seven ises provider of the building providing support and housing for all households. We're very excited to partner with the boys and girls club. We know that consistent engagement is an essential need. We also welcome this building as our neighbor to the support if housing project that just broke ground in june across the street from this project. Thank you for your support on this project and all affordable housing to serve portland's need.

Mary-Rain O'Meara: Thank you. Thank you for this fabulous partnership. Our last conversation about affordable housing. This project is one that i'm enthusiastically supporting. It covers so many areas of desperate need in our community. I want to applaud the boys and girls club. What i know is when those services are embedded it creates community. It allows other community members to engage with others that live on this property. I can't say enough good things on this work and how grateful we are that we have such a strong partner in ensuring equity to live a prosperous life. I hope this will be a national model to create a beautiful living environment for folks with limited resources. We all want to live in a beautiful place and be proud of our home. 2022 is not as far away as we're thinking. Thank you very much. All the folks who worked behind the scenes to put this proposal together.

Hardesty: Believe it or not. I didn't have a question at all. I just had to take a moment to applaud your great work.

Hardesty: Aye. **Eudaly:** Aye. **Fritz:** Aye. **Ryan:** Aye.

Wheeler: Aye. Ordinance is adopted.

Item 782.

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

Item 783.

Fritz: We did have the hearing on this last week. I understand that commissioner has some urgent business to attend to and will be leaving. Is that correct?

Hardesty: I will say that your people did a stellar job of answering my questions and i'm going to have an ask before they do their next rfp process that they go through the technology oversight committee. I'm happy today to support this effort.

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

Item 784.

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

Item 784-1.

Wheeler: Thank you for coming together to file moratorium. It follows the lead of kate brown's extension of this protection. This brings us into alignment. The pandemic has under scored the importance of housing as a vital ingredient. Whether they have lost their jobs or some of their salary or set backs during the pandemic. They will have more time to pay rent. The city will continue to prioritize policy changes and help boost local businesses and connect households with funding made available. I want to note that this action is focused on evictions. We're identifying a way to met gate foreclosures for businesses. I want to thank portland housing bureau. Working with community advocates and property managers in helping us to shake our overall covid 19 measures. I want to recognize the governor's extension of moratorium. Those who helped us core date and weather the pandemic in a safe dry and stable set of housing conditions. I ask congress and the president to pass the stimulus package. This is not a problem unique to portland and not a solution that benefits only a few. Everyone can remain in their homes. The portland housing bureau is here-

Tschabold: I'm really just here to answer any questions.

Hardesty: Aye. **Eudaly:** Aye. **Fritz:** Aye. **Ryan:** Aye.

Hardesty: I'm very grateful for us being able to pass this today. However, i want to be really clear. At the end of this people will still not be able to pay their rent. We need federal and state support. We need the resources to keep as many people housed as possible. I'm very happy to vote aye.

Eudaly: The county's extension came days before the state's extension was set to expire. We cannot keep cutting it so close to the wire. I want to encourage us to take more timely action. It is out of our hands. I'm disappointed to see it did not include a six month

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repayment window. Many renters will struggle to repay after six months. There has also been no action to extend the commercial eviction moratorium which i support. We have to fight for residential commercial tenants and business owners. We need intervention to avoid a disaster when these moratoriums are lifted and people face a rears of thousands and thousands of dollars. We do not have the city resources to cover this all ourselves. We can't afford to see tens of thousands of people displaced. A doubling of our homeless population if we do nothing. I appreciate the steps we've taken at the city and county level. It absolutely has to be a legislative priority for us in the new year. I vote aye.

Fritz: Thank you, mayor for bringing this really quickly. Your acknowledgement that renters are going to need ongoing help. You acknowledged that property owners are in desperate straights. Not all of the banks allowed foreclosure protections. As soon as the pandemic is over the mortgage payments are due rather than adding those onto the end of the mortgage which is absolutely ridiculous and cruel. The property owners have maintenance needs and urgent things to be taken care of. We do appreciate those who are able to pay or arrange payment options with their providers. I think we found in the bureau that many people want to get onto a payment plan even though they are noted able to get on the entire bill. Seeing how we can all get through it. That will be the best way forward. Thank you sm aye sm.

Ryan: I'm in alignment with my colleagues on this. It makes sense that we have this letter we can play at this time. Their whole income is based on their duplex. Sometimes we hear about or see about it. The number of those types of providers we have-it's a high percentage. I look forward to coming up-they provide housing for those that really need affordable housing. That's the true affordable housing in our city. I vote aye.

Wheeler: Aye. Thanks that completes our agenda for this morning. We are adjourned. We will see you at 2: 00 o'clock.

At 12:21 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 30, 2020 2:00 p.m.

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

Naomi Sheffield: You can sign up for testimony while the council is holding hearings. When testifying, please state your name for the record. Please indicate if you're a lobbyist. The length of testimony and individuals have three minutes to testify. Disruptive conduct and interrupting other's testimony will not be allowed. A warning will be considered. Testifying state your name for the record. Your name is not necessary. The presiding officer determines the length of testimony. And people have generally three minutes unless otherwise stated. When you're done you will be asked to conclude. Council deliberations will not be allowed. Disruptions may result in the person being placed on hold or rejected for the remainder of the meeting. All council meetings are recorded.

Item 785.

Fritz: Today we're conducting a resolution here for the southwest quail post road. I'm initiating this because -- because i believe it is the best option for homeowners and the water system. The I.i.d. Proposal would enable them to be replaced with a new public system and the response and I.i. D. Is formed. I'm pleased to be led by supervisor dave ivana. And abbie has presented a solution that can support quail park and -- and set -- and a lot of water systems being improved before it reaches the end of its life. This is unusual the way we're doing this for multiple reasons. One the council is conducting a hearing whether to shape a possible formation. It comes from the homeowners. This was started by the homeowners and asking the water bureau to help a solution for a privately owned and aging system and a process that we will explain to us. And another reason that it is different, is it is mostly focused, it is focused on the water piping system. Most of the local improvement districts that we deal with are about street improvements with any -- any storm water and -- and utility improvements that is secondary to the main purpose that exists, a different one because streets improvements are not the I.i.d. And i actually just remembered one other similar situation over the 12 years i've been on the council with

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I.i.d. Which is over martin luther king boulevard. That was a -- a low income manufacturing home park where we did something somewhat similar and that seems ton discussed. So yeah, it is interesting when colleagues, especially interesting, not just I.e.d.s are not just interesting because i think they are. And now I gabriel and the consultants.

Gabriel Solmer: Thank you. Good afternoon, mayor, commissioners, my name is palmer. We're taking the first steps for a possible I.e.d. For the crossroad. This resolution is the first of three council items if the resolution is approved. It would be considered in november and final assessment would be after the construction and was it complete. The resolution would be the homeowner water system into compliance with the relevant [indiscernible]. We have been talking to them since last year and there's a different process than usual my we do for street I.e.d.. This is council initiated and discussion of commissioner fritz and rather than an off [indiscernible] vote, there will be an off out vote for a purpose resolution. We appreciate the collaboration and thoughtful input from owners and recommend their testimony today as to whether they support or don't support the proposal. Property owners have received numerous notices on this project. Our staff and the agents and make this opportunity available. And as you'll hear through the presentation, we believe this is a win-win and we will negotiate with formation and i'll turn it over to dave to walk you through it.

Dave Evonuk: My name is dave, i'm advisor for the water bureau. I'll share my screen if it is okay. Hopefully everyone can see that. I talk about improvements being proposed as part of the district and some risks that the I.i.d. Requests and i'll talk about the I.i.d. Administration. This is a map that shows the project area in portland. It is next to huber street and kaster. The park which is there was established in 1970. It receives the water from the water bureau and to a six-inch service line. The service line is east to quail post road which is the main south road in the middle of the subdivision and water is distributed to a network of privately owned pipes each for the property. Assuming it is approved, it is proposed, the water burrow takes over responsibility for the water maintenance at the time of the improvement. At that time the water bureau would initiate phase one work tasks. So -- so i'll just briefly describe what they are. They're water accounts for each customer. Installing new bill meters and new connection to the water system in southwest huber street and that can be seen at the green dot at the bottom of the slide and then also abandoning the six-inch service line, extending from ridge live. This would be the short-term improvements if the I.i.d. Is approved. This map indicates phase two improvements. They would be completed before the year 2039. The reason for it whatting

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to replace the system for that long, it is estimated that the infrastructure has 20 years of remaining life on the system. We wouldn't want to replace the infrastructure while it still has life. It would be a kick to the portland water system, lancaster road. And it includes replacement of all of the existing water components and of a construction, a one-time utility trench formation and full street overlay. In -- in case improvements are needed they would be a part of the water system. I'll talk about the risks that the I.i.d. Would address. One is the existing service line does not have a back flow device which is required under oregon rules. They protect the water system but it is not needed to portland and operates what is the private park system. Another risk is that the existing service find it difficult to access maintenance. And the task has been decreased. It resulted in increased maintenance by allowing chlorine water to flow in. There's only one water supply. When it is complete, there's two areas and that will allow them to remain in system maintenance and it need to be shut counsel. Another risk is that the entire water system is approaching the end of its useful life. And failures and repairs are expected to become more numerous overtime. It is our understanding that quail park doesn't have sufficient systems. This shows several aspect of a particular risk of the quail park system. This picture was taken in 2019 when a portion of the piping system was exposed. The service line coming from the left of the screen connect to the pipeline at quarrel post road up and down. It shows piping that is varied, in a native filled dirt in play, rather than clean gravel. This increases the rate of corrosion. Rust can be seen on the bolts of the t fitting. These bolts, that is showing the evidence of corroding metal. Corroding can lead to pipeline failure. There's a crack on the t coming from the left. So this is -- this is -- in the photo it is the black line on the top half and midway between the bowls and the pipelines. So right here. You can see it cracked in that fitting. The crack was not actively leaking in 2019 but until it is replaced, there's a risk that it would break apart. It is to be replaced as part of the service line as mentioned earlier. Before we get to the specifics of how the I.i.d. Is administered. I want to recap the improvements. There's improvements in the water system and one at has not kaster and huber street and pipeline to be constructed four inches in diameter. Meters installed and three new fire hydrants be construct and including the cracked t shown on the previous slide. I want to note the street improvements proposed and the water bureau will participate in a full overhay after construction but i want to be clear that the I.i.d. Does not include water bureau administration. It will be maintained and dedication will be required for maintenance. I hand it over for the I.i.d. Administration.

Andrew Aebi: Thank you. It is a pleasure to be here for council. And commissioner, this

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is council initiated o.i.d. And you saw the tracks with the water system. We felt it was important to call this question early in terms of whether we'll form and turn this into a public system. To kind of give you an overview from here. If council approves the resolution today, then we would come back council in november or early november, which -- with l.e.d. Formation. We let you know there's a lot going. We had 15 improvement districts city wide and that dropped off at the beginning. And you approve this l.i.d. And in november we'll be up to a record 16 improvement districts around the city of portland. When we bring this l.i.d. Back in december and you approve the resolution, they will have ability to improve the agreement and 60 percent of the property owner the formally object to the l.i.d.. I want to exercise that dave and i reached out to the property owners to check out the options for the private water systems. That property owner meeting was held in july and then -- and then commissioner crist noted following that meeting, he made the decision to initiate the formulation of the question of whether it becomes a public system. I think the key thing for council to understand although this has two phases of construction and the first phase in 2021 and then 2039. The wart system will maintain responsibility for the park upon val lid formation. From a -- 19 years the -- the property owners and the hoa would no longer have to worry about their water system from 2039. Assuming the council approved this in november, and then after the first of the year, the report of the water bureau would have design of the project and the first date of the construction would be in the first half of 2021. The assessment hearing does not occur until all of the works and both stages is complete. They would not see this come back for final assessment until 2039. Even in 2039, the property orthopedics would have the ability to pay in full or finance for up to 20 years. A property owner could in the start paying on this until 2039 and finish on 2059. Really important to note, these costs are capped and guaranteed with one exception i'll mention in a moment. With the property owner forgetting and taking over the system in november they're getting cost certainty and financial planning that simply could not be accomplished with home owners association. When we bring it back in november, assuming you approve the resolution, it is extremely unlikely we assess this. There will be a provision in the ordinance that comes back and says this is a prorated cost amight if it were assessed early. If you look at the overall cost of the project. Cost of the property ownership, 64,000 dollars and 70 percent of that would be paid by the property owners and 45,000 per property with the water buerre repicking up the difference of 19,000 dollars. I do want to note the cost and guarantee has not amight to the cost of -- of acquiring property right. We assumed the home owners association will donate the right to

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build the project. We wanted it avoid a moral hazard situation for the hoa not to incur additional costs for ratepayers. We could go to the next.

Hardesty: Thank you, mayor, andrew. Could you good back one slide, please? So i want to be clear that i heard you correctly. Property owners don't pay for this until 2039 And i plan to figure out how hold i would be. I would be really really really old. I'm just curious, this seems to be... it seems bizarre. Let me just say that it is so far out that no one in the city will have remembered this conversation we're having today. And -- and so, but we're going to make the investment in part one. What comes about in investment in part one and how do we cover that?

Aebi: The costs are fully covered and all of the -- of the l.e.d. Will be spelled out in the ordinance. One thing i shared with the property owners, this will be a sale between now and 2039. The teacher owners will have -- they will have an l.i.d. Formation ordinance that spells out the terms. What i would really point out is what we're trying to do here is spend the property owners money and the ratepayers and to the extent we have extra light to squeeze up the system, the same system, that part we're putting it off for 19 years. We didn't want to come here with you today to say, we want to do everything all at once. Whatever rate, you have to bump that up because we're going to do everything right away. We're going to take care of the important stuff next year and defer the other items until later on.

Hardesty: Thank you. All right. That's extremely helpful. You said that we have the resources to do part one. Is that based on the water bureau's current reserves? You have the resources to do the whole thing but you're just not collecting it back, their property owners for 19 years?

Aebi: Nothing get collected from the property owners because it is mostly done and paid for, in effect we're drawing against an interim line of credit. L.e.d. Line of credit to have the water bureau and the cost of the first [indiscernible] are incurred.

Hardesty: It sound like the city is investing in the promise that in 20 years we're stopping being reimbursed for the investments we already made and we'll make additional investments.

Aebi: We make the initial investments early next year and then the investments in 2039.

Hardesty: Thank you, very much, that was helpful. I was confusing myself and i wanted it make sure i was hearing what i was hearing.

Aebi: Your question is good. What you got to is the higher and complex issue that we're grappling with. I worked with the former water bureau director and mike stewart and with

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director solmere and david all the way through and the variety of different timing options and financing options. I won't bore you with things that wound up on the cutting room floor. This is what we came up with. What we're trying to do is provide cost predictability and stability to the property owners and more importantly we wanted to make it as soon as the gravel drops in november people don't have to worry about whether water comes out of the tap in the morning and any one of a number of different scenarios you can envision. It is hard enough to do private streets but to worry about the cap work and rolling it out, it is not something that i want to wrestle with let alone to talk about monthly meetings and talking about keeping our water flowing. So that -- that last slide provided you an overview of the I.i.d. And the final slide i wanted to show you was the delta I.i.d. That french mentioned. I think one of the important things to understand, when you have a -- when you have a homeowners association that did eat up the water bill, this are a couple of things that kind of work against the property owner. Number one, there's no opportunity for a low income discount. You have one meter serving a homeowners association rather than other property owners. You talk about this I.i.d., there's one or two water services. Let's assume this is six, you let your cap run and waste water, in effect you're paying 196 for the bill and 9596 of the bit. Up so you waste water or you use more water or you water your lawn every day as opposed to get a sensor to only water your lawn when it is dry out. You get the gist of what i'm trying to say. It is incentive for city water. Having said that, we have not seen remarkable patterns of usage here as we did in dealt wear. What that speaks to is postproperty owners are conscientious and they're in the experiencing a wait problem. They didn't have a weight problem until they had a weight problem. Until that system leaked water it was quite the back and forth between the hoa and water bureau to issue credits. The water bureau did not want to issue credits. The issue for council. We're trying to get ahead of the curve here and figure this out. I want apples and oranges. When we get the delta and we formed it with the 19,000 per property owner and they collect them at 16,000 for property ownership, so there's a little savings there. From about 152 dollars a month to 120 dollars a month. Here's what was really interesting. Average monthly bill to the hoa, to 141 dollars a month and stopping the water leaks, that went down to 60 dollars a month and then for those that qualified for a low income discount, it actually went down further, to the point where with a low income discount, the savings on the hoa dues and wasteerate what. They're basically paying for it. I'm not saying that will happen here. The way i encourage council to think about it, we don't have control over what the hoa chooses to charge for deuce, the way i think about this is the property owners will redirect their

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funds to pay if water and then water system improvements and several will pay the city as far as a one-time costs and they can actually start saving for that now and over the next 19 years and take whatever level of hoa savings that they may have and plow that into the assessment even this they don't do that. They'll have the ability to finance completely in full for up to 20 years. That concludes my presentation. Really appreciate the opportunity for the appear with not one but two water directors. And dave and commissioner fritz and myself and solmere are available for any questions.

Hardesty: One question, where was that. Except for -- for one instance. Except for acquiring property rights the water bureau would cover any cost -- any cost overrun, anything over the cost that -- that was in the resolution. And so you know i see that, that makes me shake in my boots. What is the potential to end up costing the water bureau significantly more than you originally estimated?

Aebi: I'm going to let dave answer that question pip did know that a contingency factor was built in.

Evonuk: I believe it was 38 percent and inflation factor of -- i think it was 45 percent into -- into the total. So that's not really built in. You go over that, you're still going to pick up the cost? We're going over the contingency and the inflation, the proposal is this. And we pick up any cost overruns.

Hardesty: What is the potential for that to happen?

Evonuk: You know, i guess -- i guess -- i think it happened in 18 years and the process is hoe a some come in high. There's a range of plus or minus on the -- on the amount. I couldn't say exactly without going to other project and see how they prime minister and there's a potential that it could be higher.

Aebi: Commissioner, i might just add, what you're getting to is you're [indiscernible]. Put the l.i.d. Together and the questions who do we want to settle with the rest or the property owners or the water bureau direct? There's no wrong answer, right? Even building contingency we're looking at 45,000 dollars as property owner. My opinion is for the budget and money and it is 19 years out and think it would have been a hard sell and it is 45,000 dollars. I guess the way i like to think about it is incentivizing the water bill and save money. They have the flexibility of -- of throwing this out. And no work for the water bureau but engineer, let's say with secrecy construction and they could say we have an x number of years on the pipe but the construction costs are skyrocketing. And move up to the second phase of construction and get ahead of the curve. A lot is in flux. The water bureau has a lot of flexibility. Most likely not because of inflationary terms. It took a nosedive and

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we don't do it 2009, we do it 2024. That, made ad -- administratively for the water company.

Hardesty: I'm under the impression we can't tie financial obligations to a later city council, right? In 19 years or 18 years, the chance of us being on the city council being functional is slim. I guess that may be a legal question because -- because I understand the bureaus plan for the long-term. I get worried about a blank check. This causes us to rethink this brilliant idea. I'm concerned when we tie the hand of previous council to react responsibly if something radically changes. Before this year, we would all say, what could happen. We don't say that anymore. That's my big concern. Mayor. I don't know, maybe even commissioner French has insight for me. That causes me concern when he has a negative contingency built in and they have you have discussion about we will take care of overruns. That makes me nervous.

Aebi: Commissioner, I like to respond. Every I.I.D. Ever formed funded the teacher council. What you put together encumbers teacher council. What is here is the 19-year duration. I hope you're -- will you be in 19 years? I don't know. Just trying to give it an. Did you want to address the legal question?

Sheffield: This is Naomi, I would like, I actually make a quick call. I don't typically advise this. This is something with income and future council and the M.I.D.S and I could get confirmation from that and jump on a phone call and someone with more experience.

Fritz: That's what we do. This is for the things we do. This is the contract that get paid over time and as it was mentioned. It is different because it is 19 years away. It sits and may be possible it carry on. You could certainly get real tight. And it -- it supports, we don't want to do it right away with them in the pipes. On the other hand, we want to be ready because they're [indiscernible] and it does happen. That is why this is brought to our taps by residents and others. I think this is an elephant solution. It is reasonable. The other point to make, at the ward was there. It is not look the street construction we do. New construction, we have no kind of soil or rocks waver. This is -- this is a develop subdivision. We've been doing scoping. The photograph that you saw we have pretty good idea if -- of how -- how it is and doing absolutely where it is.

Hardesty: Thank you. They sold me about the creativity of the idea. What I'm not sold on is picking up the cost, especially with a significant reserve already built in and any limits on what that would be. That's my concern. I understand and so it is fine if us to do the I.I.D. As we traditionally do and encompass other council. I don't think it is incumbent for us to have basically a blank check for something that we don't know. And I'm very concerned if we

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agree to this, the way it is written now, something could happen and i'm not saying it would. There's no question about your due diligence. But i'm just definitely concerned about -- about that large. That language gives the city of portland in trouble so often. If we didn't have a clear understanding of what the parameters are, 19 years from now this could be a beg fight and we would husband.

Aebi: And maybe you could him me here. And lead us to the vacation issues and legal issue. If it met with the pleasure of the council i would do something in the ordinance about council or meeting every five years. We could provide reports to counsel and cross trend and whatever information council is interested in. It this does not require a heater without a major cost. But that doesn't mean we could figure out how to perform the counsel and the project or our cust cost assumptions are or that type of they think. I have to stress this though, the real important thing is that we're in the doing. We're really trying to avoid hearing to nothing and waiting for it to be a crisis. We huge pressure from the water company and the risks they're going through and the total budgeted project. It is a lower rick for the ratepayers to be dialed in now and sit back and wait for something really bad to happen. I would you say quoted on l.i. And i had poom come up to me after we got this done. They said i'm glad you did that but we niederreiter others. A regular up date. We could do that in form makings.

John Gibbons: I'm a property ownership this quail part. Commissioner fritz if hes me and some of the rest of you may remember him. I'm involved in neighborhood matter as land use and proposition fare. I had the pleasure of working with the commissioner for him aer gave quails. I almost began to work on quail problems out here after serving on perve. I like it understand car did he sayy's concern. Dream your kern was that there was -- there was a contingency that was not covered in the or nance which related to property okay conviction. There will be no additional propporte costs because the property that is involved in this the building of these lines is property that is in city right of way an the cost involved. That would be southwest lan kuester street or quail parks common property. It serves the entire property. Quail park documents. They clearly envision the property being dedicated to the city if the event the city chooses to take even the park common property. The commission should know that the sewer system that has or areas of the neighborhood is actually a sewer system that already runs through -- through our common property. There's a pattern of corroborating city-owned faciles, we need to move to a utility as somebody that was written on pird. Water bureau solution. I wasn't going to ask for this. It is a great elegant decision but it is noting this i thought i could ask the city towed. I knew

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about deltawood because i was advising those living there, which is a cannot do about --

Shawn Cox: Hello, shaun cochrane. I'm here in quail park. Wanted to express the gratitude about the water needs. The homeowners association has do not some investigation to -- to our partners here in the neighborhood looking at -- at the improvements that need to be made and central around a concern that working with the city would have the inflated costs or would have some other litigations that work independently that wouldn't have. We have gone, universally that is approached. That team as proposed is -- is -- it is as economical as any other. At this moment in time, while having this meeting virtually, we're in the middle of the pandemic. Realize there's a risk that is great as the one we're facing and getting a solution that we can plan for versus try to -- to burden the current residents, 100 percent of replacement now provides a great deal of peace of mind. I wanted to express my support for that progressing and appreciate for the process that the water bureau and injury have gone through. They've been corrective in answering questions and responsive to the concerns of the community. That's the partnership we roll forward out of the I.i.d. Is one and we anticipate a strong future for the park. With that i close.

Russel Montgomery: I'm a quail park resident who has worked on land development and transportation projects for over 17 years. Like most of my neighbors here, when we had the video conference, we were shocked at that, 45,000 dollar price tag that each of us individually would be on the hook for in 2029 if the I.i.d. Resolution is adopted. That's more than twice what i put down on the down payment of my house. A little star with that. My initial take was the concept, had it out of whack. I generated my process, based on -- on recent projects in the area and got other engineering terms and found out in terms of current dollars of water bureau, it was what it would take for the home owners and the water works privately. Under the I.i.d. And the former water bureau would assume costs moving forward. I'm in support of the resolution. It prevents need to the home owners in the event of any water system issues. I -- doesn't sound like it is popular. Is this a way to increase. The water bureau and shared and produce of our 45,000 dollars each, that would be great. We're rate payers. We have been for nearly 50 years. It is in the like we're on well water and asking to switch over to city water. We been paying our rates and we shift dollars into this project. That's all i have. Thank you.

Richard Lane: Good afternoon, this is richard lane, i'm one of the 96 homeowners impacted by the proposal. All of of my comments had to do with process and procedure. I don't -- i don't know this i agree there has been a full vetting of this with the property

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owners. I know this was the zoom call that they just referred to and the sticker shock.

Despite what i have a characterization of long extensive dialogue with the homeowners, i'm prepared to see this thing move forward based upon my understanding this afternoon and i echo the comments about cause. People go in and not nothing what is gone here. There is deficiency. This gives people a planning opportunity. It is a significant hit on the homeowners being effected. I thank you for the opportunity to comment.

Sheffield: This is naomi from future. I just wanted to know if you had little additional clarification. I don't know how helpful it can be. I think your explanation, generated one council can't find another council on policy. It is correct, what we look at here is essentially no contract rights. It is the city entering into the contract. Even if they haven't had a contingency. And they have we have contract organization and the working constitution and we the city can be bound to those amounts. Even if they're varying, we do that and that is correct. And then asm is -- you know to stay with the first location and ian though we announce and it is on the mend, if that's helpful.

Hardesty: I want to thank you for the amazing presentation. It is amazing what you get into as a member of the counsel and i want to thank andrew for helping to put my mind at ease as i move forward. I would say having a periodic update would be helpful to me personally and i suspect for whatever counsel exists in ten years, 19 years. It would be helpful as well. I want to acknowledge what i heard from the home owners the sticker shock and because we can't see them, i assume they were across the ainge spectrum that i heard from their voices. I think keeping us informed would be helpful as we move forward. I appreciate the creativity and the thinking long-term. We need to do that much more often. I appreciated the problem solving we did collectively today. I know that you put a lot of work into it. I had no intentions of slowing down the process. I also heard that maybe we ought to do another zoom meeting with neighbors make sure that everybody that made that call would have an opportunity to hear the same information that the first call had. Again, thank you for excellent work and commissioner fritz helping me resolve my low sticking point. I appreciate legal council's advice as well i'll take into account as we get the update.

Fritz: Thank you very money. Everybody has -- has it. And andrew breaks many years of this narrowly based problem. Commissioner hardesty, the matter will come back in november and after the property owners have an out vote in advance of the -- of the formative ordinance. Even without this the bureau is committed to outretch. It is more difficult to reach folks and our team will continue to try to. Thank you abbey and your work

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with the transportation and thank you dave and gabriel and michael stir who is happily in retirement when he's not fighting fires around his ranch and put a lot of time and effort into this challenge. Ellen, thank you.

Eudaly: Aye. **Ryan:** Aye

Wheeler: Adopted. Thank you for your work. Well done. Next slide is item 786 time certain.

Item 786.

Wheeler: Before i turn this over to madam auditor, i like to set the season here. This is the seventh report that is delivered by iro. My desire is that he will ultimately not need their services at some point and sadly i suspect this is not the last report council should receive. This is the anniversary of patrick simmons who was shot to death in downtown portland. This has been reviewed in the most recent support. The loss of any lives at the hand of police is tragic. It represents multiple systematic failures. I like to observe a moment of silence for him who was only 27 at the time of his death and the other lives lost as impacted as a result of police shootings.

Mary Hull Caballero: None of us could have predicted the events since this report was initially released. A national movement for racial justice that is a scale that has not seen our nation for the last 50 years. Leader were accountable and listening, their voices in this community calling for police reform and accountability. Center of black and brown lives is the center of the administration and this city council. Any use of force by a police officer deserves review. When it results in loss of life it is devastating. It deserves the highest level of review. We have experts to examine the police performance and us, city leadership accountable for these changing decisions. In this report, we make several recommend administrations to improve the bureau's performance. They have the process and willingness to adopt most of the recommendations delivered over the years, including those in the report that we're considering today. Officers are entrusted to make decisions under incredibly complex circumstances. We demand our officers consider their years of training and policies as well as their instincts and they thought to apply them from their interactions with the public and often under circumstances that are not predictable and potentially dangerous. Officers engage in that with training and expertise. Our expectation around officer conduct should be high because so much is ultimately at stake. That's why reviews like the one presented today are so critical. This provides a valuable function for the city, as a third party for the last several years, we can assess whether the police policies and training are in practice and practice reflects the need of our communities. As

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leaders we need to insure the correct policies and training are in place. The different officer makes the decision to use deadly force. He or she does so with the proper foundation in makes. Though there continue to be areas of improvement, it is important to emphasize that they do the good work that the bureau has done and continues. We have closed case reviews among the experts and the police bureau. We have further action. I'm here to introduce the team to present their most recent report to council. It includes the assessment of seven officer involved shootings that occurred between may of 2017 and november of 2018 and a series of recommendations that call for further action. Michael is a nationally recognized expert on reform and accountability. Prior to starting our group he was the chief of the civil rights division for the central district of california. And also with a civil rights attorney in washington, d.c. For ten years. And robert miller is part of the group and previously served in a number of roles with accountability. Including the county office of independent review and inspector general. Julie rowland has been a part of this since 2006 and advises regarding policy development and oversight systems. Julie also worked as an intern in an office of independent review. I'm going to turn this over to jamaco for the presentation.

Michael Gennaco: Thank you for the introductory remarks. Thank you mayor for framing the issue and why these review respect so important and the eye toward trying our best to learn from the incidents and accountability from the incidents and better prepare -- better prepare agencies so there's less likelihood in future situations and challenges. That's the goal of our review. That should be the goal of any kind of independent assessment of these cases. As mayor indicated this was prepared prior to the renewed detention and the floyd death and other incidents, the national narrative has increased the tension to police conduct and use of force. Appropriately so in my view. You can imagine us as practitioners our phones blew up. Through the increase and appropriate demands and accountability and increase in appropriate demand on outside review. Outside involvement in police activity and -- and we have been very busy. That being said, we have a longer relationship with -- with the city of portland and the appreciate the opportunity to report our findings and you all as representatives of the communities. We are sure not to make this presentation in person. We're able to make a presentation. The intent of our remarks are in the to go over finding the recommendation of the report. There's not time for that in the report in many ways speaks for itself. What we thought we would do in a few minutes as we talk about -- about some -- some high level findings that we think are the most, the most important for purpose of discussion and then obviously during the session of the three of

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us are available to respond to any questions. Any commissioner might have, regarding anything in the report. So -- so -- so that's how we intend to proceed. I would with say the more important findings have to do with new topics revisited. Old topics revisited and new ones presented. Today's challenges are not yesterday's although there's sometimes reoccurring themes. We have been dealing with the bureau for years and the first assignment in 2012. That has to do with the question when with an involved officer is -- is -- when an officer is to provide a statement of his or her state of mind that is the explanation for why they use deadly force under the situation presented to the officer. When we first got started it was a matter of days and sometimes a matter of weeks or months before that officer was required to provide a statement about what he saw or she saw and what caused them to feel the need to use deadly force. I have to say as a result of involvement by elected officials that has improved. Now within two days and outside two days, within two days, the bureau does attain an account of what occurred from the involved officer. While two days is a significant improvement over two months, in our view it is not good enough. It is not consistent with best police practices. As we indicate in our report, we believe that the appropriate measure of when an officer involved shooting should involve information about what occurred and explanation and accounting of what occurred should happen before the officer is excused from duty and sent home. If that is not adopted, officers won't provide statements until information about the event is out this in the atmosphere and out in the public arena that may and sometimes will contaminate the impact the officer's account. We know there was information in two shooting cases. And therefore, there can be no guarantee that information didn't color or impact either intentionally or subconsciously of the officer. There's no way to guarantee that. The only way to insure that is to interview the officer before the officer goes home. And what would be extenuating in some situations where an officer is injured. The presumption should be that an officer is interviewed contemporaneously and before the shift ends.

Hardesty: It is good to see your team, if it is in the little boxes that we're looking at now. Thank you all. The work you do is valuable. It is really useful to the transformation that the city of portland is going through. I wanted to stop you on this hour of this question that has come up over and over again. I'm actually a little surprised that we still wait 48 hours before we interview an officer who has been involved in a shooting. When you first started actually joining there was a union issue. It was part of the contract that prohibited that from happening. During the last contract talks that went away. So -- so i'm puzzled by -- by the fact that we continue to wait 48 thundershowers before there's a response. My assumption

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is they're required to give a statement onsite at the time of the incident before the end of their shift. We as elected officials that have to operate in the agreement that we have and the practices and the portland police bureau. I guess my question to you, you could join, it is the seventh report and i suspect that in the past, there was a reason why that didn't happen. Is there a reason now that you're given why it didn't happen?

Gennaco: Yes, commissioner. This was a reinforcement, meeting earlier today with the police. And certainly the chief can speak for helms but -- but the report and response from the bureau is that they believe that it is important to wait a little while so that the investigators can collect information about the incident and be better prepared to interview the officer before -- before that interview takes place. That comes at a cost. Where buy exposure to south i'd information, whether on purpose or not would impact the officer. You could interview the officer before the officer goes home in a what happened and why did you do what you did and there's always the opportunity to interview the officer as the investigators collect more information. It can be a two-stage process. I think this eliminates the state of concerns of the bureau. I agree. Thank you. The second protocol i wanted to speak of and i turn it over to my colleague. Another protocol that more and more agencies recognize is an important piece. And agencies have become more transparent. As agencies have done a better job of providing information about the incident sooner rather than later and providing any video evidence of the incident sooner rather than later, as that's being done there's a recognition that special attention needs to be paid with regard to providing information to -- to those directly impacted by the event. What i'm talking in a case which somebody has died, family members of the deceased and find that as quickly as possible. As the mayor indicates, these incidents have ripple effects not only on the individuals, particularly and directly involved but the communities from which these individuals live, whether that's a neighborhood or a racial component or ethnic component or others. There's disconnectivity in which this information need to be presented to them as special victims, if you will of the event. What we suggested is the bureau do formally what with other agencies have done which is to rethink how will we impart this information to those directly impacted by the event and those in the community impacted by the event and what we've soon work in other institutions, two things. One is to have private meetings before family members before there's release of other information. They're not seeing it for the first time on youtube. They get advance information. Then within days have a community meeting. Not the facts. The facts necessarily are being developed but the sentiment and the understanding of how this has impacted and even -- even a statement

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about, you know, how every life is important and understanding of the loss of a loved one. That kind of sentiment and community leading in my view goes a long way to start the healing process that will never entirely heal over those scars but will certainly be an important piece to any messaging and any bureau and more importantly citywide response to the event. We recommend that and i believe the bureau is receptive to that type of recommendation. Julie, i turn it over to. We present up for additional questions.

Julie Ruhlin: Good afternoon, mayor, commissioners. I want to echo mike's sentiment about how sad we are that we can't present this in person and visit your city. We always enjoyed that interaction. We'll do it this way but hopefully, not for too much longer. Two fundamental questions that we need to answer after officer involved shooting. First violations of policy. Second is what could we do better next time? Too often police agencies are defensive about the second question and -- and asking what could the officers have done differently is second-guessing of an officer responding. What i enjoy about portland. Your police bureau is not among those agencies that has that major defensive response. We have complimented them for their review processes and learning from events. Our job is to point out when it fell short. In this report we identify a number of places where we felt the bureau's analysis did not fully address all of the possible alternative decision-making and alternative scenarios. With just some modifications that could address those concerns. For example, officers decided not to wait for responding officers before engaging with mr. Peoples. Whether that was the correct decision, an analysis of the various factors that -- that went into the decision is the type of -- of -- of analysis or the type of thing that should automatically and routinely be included in any analysis of the shooting incident. Hike wise questions about planning should be fully addressed here and weren't here. There's other examples of these kinds of alternative scenarios that may work out. We felt the bureau's review process did not fully explore in the shootings we reviewed. Including elkwood and brockener and the use of canine. Use the canines and the communication with the subject. We think that these are the types of questions that the bureau would more reliably address in all of these incidents. If the police review board was directed to make explicit findings regarding post-shooting, pre-shooting tactical decision-making. It used to be that the police review board would look at the policy question. Were there violations? In recent years they look at that but also recognizing there was sometimes concerns about what happened after the shooting, which started making express it findings about -- about -- about post-shooting procedures. How quickly would medical care provided, how was the scene handled, whether you know officers were

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appropriately separated and these kind of things. We have found that to be incredibly helpful in correcting some of the -- of the issues and concerns that we had in the early shootings that we reviewed in our early too many with portland. We think adding a preshooting component to the list of express findings that the police review board needs to address and explicitly say yah or nay on that would more reliably address issues in the report. It is a recommendation we nida in the last two reports from 2018 and 2019. It is not in the list of recommendations here. These cases had all been adjudicated prior to -- to that 2019 report but we understand that this is still not a thing that -- that the police review board has implemented. We wanted to reiterate it here and address it again. I may have questions on this or we can come back to it.

Gennaco: Rob, one thing that is critical to -- to any effective review protocol is getting the facts of the incident. There's challenges and getting facts with regard to others who may have important information that declined to cooperate in the investigation. I turn it over to rob to explain what those challenge have been. Rob?

Robert Miller: I have a strong desire to self-mute, clearly. Thanks a lot. Commissioners hardesty fritz eudaly and ryan. Welcome to this process, commissioner ryan. This is -- this is obviously something we've been doing secretly for about nine years. Thank you mr. Van august. I didn't say that out loud yet. It is a pleasure to be here even in the electronic format. We look forward to a vivid experience as well in the not-too-distant future. What michael was referring to was three conditions we make in the discussion of the barry incident. He died in the course of being taken into custody and died short my that of at the hospital. He was taken into custody by sort of three-part process. There was three agencies involved. First portland state police. And then city officers called for assistance, the portland police bureau officers came and continued to struggle with him very briefly and then shortly thereafter he was restrained and -- and medical personnel, emergency medical teams from both the fire department and amr arrived. Those details are only -- are only relevant to my point right now because -- because -- because they -- they describe fairly typical interaction of more than one police agency or -- or city agency or even contracted personnel such as the amr emergency medical team. These interactions happen all of the time. There's a circumstance to this case that ham strings internal affairs investigation following an incident that results in death like this one and that is that the other agency personnel both psu officers and -- and safety personnel as well as fire department personnel and even the county contractor amr, ambulance services didn't request by the response from internal affairs to interview them. They had not only been at

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the scene. The bsu people had information that the portland police didn't have. They didn't get there until the middle of the incident, portland police and fire personnel, fire and amr, because they're medically trained for one thing and they went off in an ambulance with mr. Barry. This is -- this is not a technicality. It is really an unacceptable circumstance that cuts an internal affairs investigation off at the knees. We have internal affairs thoroughness and they're striving to really get at the full spectrum of circumstances before during and after an incident that -- that are relevant, some of those, that expansion of purview has come at our urging over the years and we're very gratified to see that. When they run into a brick wall like this, that's just -- just really -- really not acceptable. In -- with regard to --

Hardesty: I wanted to assure you that i'll talk to the fire chief about -- about why they didn't respond and -- and the fact that you said this is not an anomaly and this is kind of normal. I will make sure that we have a protocol in place by the time you present your next report on how fire will be responsive to those requests. That should be an easy fix. If they call the commissioner in charge they may have gotten support in that.

Miller: I agree with you commissioner hardesty. It is an almost uniquely fixable problem. It is important for city leader because they can get the ball rolling. It is not really solely in the hands of police personnel. I'm gratified to hear that. One thing i note is the investigators persisted, at least with fire and amr to the extent, you know, they engaged in a rather innovative use of your iprs, relatively new subpoena authority. They passed ipr, issued subpoenas to those personnel and that was ignored as well.

Hardesty: I notice that the police say they had no authority. What is the process where you issue subpoena? What is supposed to happen? The person doesn't show up, i should say.

Miller: What the remedy for enforcement. It depends on the nature of the subpoena and the relationship to court. In oregon they're timed subpoenas. Most people think of criminal subpoena, administrative, discovery subpoenas. There's -- this is -- in different situations and different remedies but suffice it to say that while this is not -- this is not a criminal subpoena, it still carries consequences if you don't comply. Those can be -- those can be fines essentially. Or court being held in contempt by a court. That would require some action to intervene on behalf of the court. You know, the point for us is police bureau should not be in a situation where they enforce a subpoena. The subpoena itself means your relationship with the sister agencies and contractors has broken down severely.

Gennaco: The last piece i wanted to talk about and open up for discussion, commissioners, has to do with -- with an observation we made after reviewing the grand

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jury transcripts that were presented over this term. We had issues with the grand jury presentations in the past. But -- the one issue that presented itself in this series of events had to do with -- with -- with prosecutors calling, calling bureau officers from the training division to opine about the use of force before a grand jury, whereas the officers who were called had no particular familiarity with the incident. They had no firsthand information about the facts that had been collected and -- and at the time of the grand jury presentation, the bureau hadn't even considered whether or not the -- the actions of the officer was in policy or out of policy. So what you end up having is a dynamic where grand jurors are being presented an opinion from a training officer which i assume a grand jury would be seriously impacted by and -- and -- and i think that the testimony of the officer would carry great weight with regard to the grand jury who don't know about police practices but the officers testifying don't have firsthand information about the facts. The facts haven't been completely developed. There hasn't been a determination by the bureau itself about access inside and outside. If the training officer is being asked was it within your policy for the -- for the officer to use deadly force under the situation that i just told you which is -- is a very brief narration of the facts that i know them to be. And i don't think that is a very effective good process. I do think that it could only lead to continued distrust by the community in the process. Grand juries are intended to be a fair process and an important process. I appreciate the fact that the transcripts have been released for some number of years now. Review those transcripts and suggests there seems to be a thumb on the scale of the involved officers at least this part of it suggests that there is and we suggest and the bureau i think agrees to not talk about whether the shooting was in or out of policy. We hope that stops.

Wheeler: And -- that's a really interesting point. I appreciate your raising it. What is the consequence of the police bureau telling the officer we will not comply with your request? Doesn't that look a little defensive?

Gennaco: I think that -- no. And i can say this because i have been -- i have been in that same situation. I've been an expert and particular shooting. I've been able to tell the prosecutor even before i'm sworn that i don't feel i'm equipped at this point because i don't have firsthand information to opine that issue. You put me at disadvantage. If you force me to opine that's my answer.

Wheeler: Why would the prosecutor ask a trainee to be an expert on anything?

Gennaco: It is not a trainee and maybe i -- i wasn't -- somebody from the training bureau.

Wheeler: I see. Somebody who -- who can speak to what the training practices are and

don't know anything about the case. That's your objection.

Gennaco: Exactly.

Wheeler: You're not questioning your knowledge of policing. You're saying they weren't this and they're not witnesses and they're in the involved in the case. Therefore they can't speak to the case itself.

Gennaco: That's right.

Wheeler: What if they were asked a different question and different circumstances? What if they agreed only to the extent they provide general knowledge about training as opposed to being experts on the case?

Gennaco: Yes, i think that's a valid exercise. By that i mean, i would have no problem bringing in -- in something from the training group to talk about what the current expectations are, what the current policies are. What the current protocols are and the training. That's not a problem. It is the ultimate question, now you explained that, what do you think about what the officer did in this case. The witness has no knowledge about that.

Wheeler: Let me ask one more question, i move on or the colleague. Isn't -- is it in their -- any opposing voice, i think i know the answer to it question. I sort of want to get ton the record. Is there an opposing voice or cross-examination or somebody in the grand jury setting who would say, look i respect you as a training officer if you know your stuff inside and out. You weren't there, were you? You don't have direct firsthand experience or knowledge. There's -- there's nobody that plays that role in a grand jury process, is there?

Gennaco: There's nobody structurally to play that role. Grand juries may ask a question that they don't like but grand juries don't know enough either.

Wheeler: I appreciate that.

Hardesty: Thank you, robert, julia and michael. I always learn so much. I appreciate having you in the city council chambers. I appreciate the ones you highlighted. This is a lot in this report. What i want to focus on is a couple that chief -- chief rush i thought did a good job of being -- of answering the questions that were raised in the recommendation. I want to applaud her on being transparent and what she thought was and wasn't a good idea at the time. There was a couple of areas where the chief and our group disagreed that i wanted to talk about. Also wanted to -- to -- to highlight the recommendation -- recommendation 21, the answer was we're in the process of developing a body one camera program. We had no longer had any interest in body worn camera programs. I like you to speak to and i know what you were speaking to. You were speaking to the video that was around portland state university and outside video

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that -- and the psu officers body cams as well. I know you were speaking to and -- and so, if you could -- i don't think the chief's response was actually to the question of the day, right? Which is how you get the body cam footage from portland state university or any other business when you're conducting an investigation.

Gennaco: Yes and yes. So that -- the whole question of acquisition is something that rob spoke to and some challenge this, and i understand you know, that -- that -- that the br does not outfit its officers with body worn camera equipment. That being said, i think with the increased presence of cell phone video and increased presence of surveil license video and more and more of these events will be captured on video. Whether their body cameras or not, in our view, there ought to be a protocol to struck the bureau, before -- before you afford an officer for an opportunity for a video, get a statement from him or her because we don't want the delay in obtaining the information. Get that statement. We don't have any problem after initial statement is obtained and allow the officer to see the videos and that reflection. We want the peer statement first.

Hardesty: I agree with that. I think we have to make sure there's no more wiggle room around that initial statement right after the incident or before the end of the shift. We've been talking about that for a lot of years. I'm surprised that your report reflects that the practice continues to be the same. It is my commitment to make sure we as council fix that before the next review.

Julie Ruhlin: I wanted to add to that. I think -- the rule used to be you had to wait at least 48 hours and now the -- the practice is that -- is that you take the statement within 48 hours. So it doesn't go beyond 48 hours but generally it is somewhere in the 24 to 48-hour window they're doing the statement. It is better. The recommendation 21 actually came up in the context of the shooting of in ellis because there's a bystander and cell phone videos uploaded to youtube and offices went home. Every one of the shooters reported in the interview that happened within that 48 hours or very close to that he had seen that footage prior to giving a statement. That was sort of the -- that -- not to beat the proverbial dead horse about the importance of a quick statement. That case highlighted one of the challenges if he let officers relieve them of duty, relieve them from their shift before they get that statement.

Hardesty: I agree. With your recommendation number 22, i don't think professional service, that's the vision, it is higher up enough and in a food chain to actually accomplish where it is that needs to happen. This -- this needs to be a conversation with leadership at tsu and it should be leadership at the city of portland at minimum and including the police

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chief. I would not expect to get -- to get, there and return their call right away if the professional division would call the president of portland state university. So i -- i think we have an obligation to make sure we take that off their shoulders so that we get the results that we're looking for. Then the last thing, i have one last question that i want to put on the record. I got way too many papers i can tell you that. Thank you for the report. That's what it did with me. I want to talk about the private meeting with the family members. I can understand the police bureau's reluctance to actually have that meeting, as well as the community meeting. What i know is the history has been after an officer involved shooting the police bureau puts out a statement almost immediately and the statement is -- it is focused on the criminal history of the person who was just shot and so we start off in an adversarial role, acknowledging somebody lost their life anyway. I think the internal protocol is changed so we're not actually putting out statements and regurgitate someone's history because i don't think it has anything to do with their death. I think there needs to be a protocol that says, that only information should be the very basics because no investigation has been done. And i think family members would be more open to having a conversation where they're not seeing their loved ones vilified on the media prior to a full investigation having taken place. I see michael shaking his head up and down.

Gennaco: I couldn't agree more with your point. The other point is that these community meetings need to be carefully crafted. I would suggest that this should not be a bureau lift and other entities should be involved and participate and facilitate those kinds of meetings. I'm not sure that the -- that the [indiscernible] could do it on its own, i think it would be community wide effort. It can be done. In my view it should be done.

Hardesty: I'm going to put a group on and i actually wanted to have a briefing before we get here today and we weren't able to make that happen. They'll reach out again and love your help because we in portland rethink -- as we start to reimagine what community safety looks like in portland. It is vital we're able to tap into with the expertise that you bring to us on annual basis and because you have done more deep dive into the portland police bureau bureaucracy, and i say that kindly than just about anybody else, it would be vital as you help us as we continue on journey and we rethink community safety and the role of policing in the community. You're being called to respond all over the country now because a whole lot of other communities are having the same conversation. It is important i tap into your expertise. Hopefully you'll be able to respond to my question for -- for some -- some one-on-one time as we continue this journey.

Gennaco: We'll take any calls. We look forward to more conversation.

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Hardesty: Thank you very much. Appreciate all of you. Again, lots of good information and i look forward to seeing the police chief's response as well. Thank you.

Wheeler: If i could put in a personal note on meeting with families. I set a personal standard for myself as mayor and police commissioner, i will meet with the families if they like to meet with me. I found some families don't want that interaction. It is traumatizing. I'm not sure i like the idea of a mandate. Maybe mandated offer to the family or some sort of a specific way of engaging the family. Some families have not wanted to meet early and then later on after they dealt with grief they wanted a meeting. Sometimes they want a meeting that is not just with them, they want a meeting with them and other folks. I want to be cautious about a one size fits all approach to a very personal and traumatizing situation and i'm not sure we should put the need or interests of bureaucracy above the need of the family. I'm open to that discussion and what the protocols may look like. I'm sure there's others we can learn from. I know some consider referring something from the city council. I wanted to give you that personal note that i know that -- that i -- i am -- and i and police chiefs and met and others in city infrastructure and met the families in the past. All of us here know antoinette edward. She set up important buildings blocks and bridge between the portland police bureau and the city council and the community. I know nancy green has continued to fill that role. I wanted it to be a broader conversation than we have here.

Hardesty: I remember kendall james mom and it took her a decade to talk about what happened to her. The family has to lead and let us know what they want as prepared to the protocol and we showed up on the doorstep, can we talk? I agree with you. I think that is based on what the family need and not the city needs.

Chuck Lovell: If i could. This is chief lavelle. We're in agreement on the family piece. I think that's fundamentally the right thing to do if the situation warrants it. I know that came up with the staff previously. I know it is -- val, she met with family along with the mayor. I think it is the time frame and the mechanics on how it happens should be up to the family as well. As an organization and city leaders we should make ourselves available to the families and their situation.

Hardesty: Well, since nobody has jumped in, i do have one more question. I think that -- that -- you pointed out that there are some people that excel at doing the reporting after incidents and really actually participate in analyzing what could have happened differently with -- were there other options available to the officers whether there was a way back. Up whether there was calling cert or the mental health team. I realize. You said there were two commanders that did the bare minimum. I'm curious whether that's a

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pattern with the same commander or a pattern shared across the leadership.

Miller: You know, we have -- we've noticed -- a wide variety of talent and interest with regard to that particular report. And there are -- this is a very multi-faceted process that -- that that they employ which is for the most part a positive. Sometimes there's bottlenecks and sometimes there's phoning it in. We have become over the years sort of critics of this particular literary product. I was gratified to see that the chiefs response to -- to our comment and recommendation about the commanders memo in particular was that -- that it will be made clear that's a commanders expectation addresses the full appropriate array of factors that she or he should in their analysis. Training is important component. I think my colleagues would agree that training analysis are often very good. When they're perfunctory or cookie cutter we notice. It does. That's the sign of a healthy. At least that aspect is a healthy part of the internal analysis because they wouldn't stand out if everybody struggled. We had that in other police agencies.

Hardesty: One thing in your report horrified me. The use of the behavioral health unit carried a patient in a hospital bed. I'm happy to see that the bureau has said, that they should modify its protocol but -- but where was that -- where was that protocol that you would be using someone who has been trained in mental he will for -- for interrogation of a subject in a hospital, especially around a crime where they're not the defector. And why was that? I understand the person receives the to the police. We're saying in a behavioral health meeting and to get around is a request for a lawyer. Is that why they were not indicted?

Gennaco: It is not good in lots of ways. You're absolutely right. Mr. People's had invoked and miranda right. He was in custody and being treated in the hospital. He had serious injuries from shootings. He wasn't in a good position to communicate effectively. His behavior health unit team comes in and questions him. The other problem is we don't even know really what they talked about because -- again contrary to protocols, they didn't tape record that conversation. The good thing is, apparently it wasn't used in the prosecution of people. The other thing it happened. Bhu was created to build bridges with those in mental health crises throughout the city. If there's anything that would certainly damage that bridge building would be to use bhu in this capacity.

Hardesty: Let me ask another question. I know that part of the investigative process is to collect video evidence. The police do that when they prosecute crimes. I'm surprised they would not be actually doing the same thing when they're investigating an officer shooting by a police officer. Right? I mean, this is a regular protocol. I watched enough law and

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order to know that they collect all of the data that is available and i certainly seen that in action as people been arrested for criminal behavior. I'm surprised that wouldn't be part of what an investigates would entail and the fact that we're standard operating procedures. Many that's a better question for the chief. I was really curious. That's not normal in other policing agencies, is it, to not collect that data, whether bile logical data or video from outside cameras?

Gennaco: That may be a question for the chief. Commissioner hardesty. We did note. On the video evidence, the bureau does a good job on that. They lost they're game and they have somebody with a level of expertise. One of the things that is correct is whether it is the more recent ring videos that everyone now wants to buy or -- or more often in businesses this are videos of ancient vintage from the 80s and 90s. You send a patrol officer to download that information you could run the risk of losing that information. They have an individual on staff that i had a chance to meet that had the level of expertise which is good. There was an issue with regard to an individual that was shot and not killed in which the medical information that is always valuable, and review officer involved shooting was not recovered and the initial response from the bureau was the d.a. Said they didn't need it. In our view, it shouldn't be the d.a. That decides whether they need it because the criminal piece is a small piece of the whole review process. In our view it should be the bureau that is making that decision and collecting that information.

Hardesty: I should change it as of january 1st, 2021 there will be a ban on facial recognition technology in the city of portland. That ring thing will be a they think of the past and what other things people have, that will be private as well as public ban. We're unique and continue to be unique. We want you to know that is january 1st, 2021.

Lovell: This is chief lovell. We collect video as we can. We have those that do that type of work and we have the person that michael mentioned who utilizes video. I want to take a quick minute to thank -- to thank michael and julie and robert for the hard work putting this report together. This helps us look at these oiss and put different set of eyes. We incorporate recommendations and it makes our processes better. A lot of people that put hard work into this with o.i.r. And our standard team and our policy team and investigative branch too. I want to say thank you, and continue collaboration and use your skills and experience to help us be better.

Fritz: I'm confused now because the testimony says that this is the last l.a.r. Report and that -- and that no new process is in place. Can somebody clarify that, please?

Hull Caballero: I can do that, mayor. The contract that o.i.r. Has at the end of the year

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and we're -- we're not going to launch new process until after the election on november 3rd. Because there is -- there is a lot of uncertainty about how we're going to go forward if the ballot measure passes and it makes it difficult to attract people to take jobs in i.p.r. And sign up for contracts when we can't answer questions about what the future will hold. So after the election, we'll have a lot more certainty about what that information could be and should be and -- and we'll be prepared to make decisions after that.

Fritz: That's the consensus. We know should the measure pass, the situation is not operational. So what happens over the next year?

Hull Caballero: We will hopefully have information to share with people about what the next steps are. I don't know what the next steps are. I couldn't answer them today but i think that we have done planning and some considering some options and we'll wait until after the election and we can intelligently answer questions about -- from potential bidders. They may say -- how long is this in your office. We're entering into a contract with you, this is going to hold over. There's a lot of things we don't know. I think we'll know more after that.

Fritz: This is one case where -- where i think continuing it would be appropriate. They had it since 2012 and i think it is helpful to have ongoing input from the -- from the analysis. I encourage you to considerate least a one year extension.

Hull Caballero: We're considering a number of options. We will do whatever and legal under procurement law.

Hardesty: And -- and for the o.i.r. Group, it is a ballot measure that creates a true community oversight board if you're confused about the conversation that is happening now. That will -- that will be wonderful and community control. So -- so what we know there's at least two years before the board is [indiscernible] and there's a lot of work to do between election day and when that board takes their seats. So we look forward to working with you to continue to -- to improve while we're improving our systems of oversight and accountability. Thank you so much.

Wheeler: Thank you commissioner. I want to thank the team and the auditor for bringing this forward. As i said up front, i think the insights and recommendations have valuable for the community. I want to give a heads-up, the o.i.r. Group has the virtual forum to answer questions about the report on november 6th and that will be an ipac meeting. There's another opportunity for the public to participate and just finally, i think we agree that the conditions that the portland police are working under are the most challenging our city has ever faced. The nightly violence effecting our city and entire nation is the strongest and the

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most resolute among us. Our city and nation are going through a very historic transition period. People are demanding racial justice and fundamental change and the challenge of creating that change, i think we agree is monumental. Nowhere is that challenge more monumental than what we discussed today. The challenge of creating that change will be available for some time to come. No worries more importantly. This is a truly a matter of life or death. The discussions help move our work forward. We have a lot more work to do. We need new and better responses to people suffering mental health crisis. I was glad we spent time on that today. We need to reduce interactions with with police that end in violence and at the same time we're making progress. The police are working hard to make recommendations for o.i.r. And across the community. Despite the distance, we still need to travel i believe portland remains up front when it comes to public safety reform. My colleagues and i remain committed to doing it more and quickly as possible. Achieving change will take time and fundamentally different tactics and resources and patience and the portland police force has a critical role. We will push them to live up to the role. The need to respond to the changing need is essential and i want to thank everybody for your contributions today. Is there any other business on this item? Commissioner, your hand is up.

Ryan: Great to be in this conversation. I'm definitely feeling extreme my new at this moment. Thank you michael and robert and julie. That was a great report to listen to. I love audits. I have an audit process question. With an audit there's something on there that says, i agree but then the current practice hasn't been implemented and if that happens over time that is a growing concern. I haven't done my homework. I don't know what the previous reports has and many of these statements and recommendations made were repetitive from the past. You want to see when they move from agree to current practices or just agree -- just agree to agree to current practice, am i saying anything that makes sense, first of all. Are there past reports that i look at that show me that path. I picked up on some of that on the dialogue and haven't done my homework.

Gennaco: Commissioner ryan, it is important piece of any item. This is tracking of recommendations and the degree that they're implemented. I have to say that sometimes it takes a while and sometimes we to up the game with regard to our recommendations before they actually impact what is going on with regard to practice. So for example a few years ago we recommended that sergeants behave as sergeants. We recommended training to insure this they don't take over the tactical role but instead supervise officers to do that. The training didn't seem to be having an impact in the behavior of sergeants. So

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we update to a setting out of a policy at -- at -- that advised the sergeants to that effect and that -- that sergeants would be held accountable and didn't. That just got enacted by the bureau. Sometimes. The problem is that sometimes we're looking at cases that -- that they couldn't have adopted the recommendations because the cases have already happened. Sometimes that time lag takes a while. We're watching it and also to the degree we'll continue thinking of other ways to better report that back. That may be a role for example the citizen review commission to agree to continue -- to agree to continue to be part of the process and report back on recommendations to change policy. Maybe we could work with them to insure that happens.

Ryan: I appreciate, I think it was you Julie, two ways to look at this. Violation of policy and how to do better next time. I appreciate that the culture here is not as defensive as your clients if you will and I really -- I believe practice in policy will launch every day. That number two was more interesting to me than number one. Thank you for the presentation. I promise to dig in and find the launch to the connections. I look forward to madam auditor helping me with that as well. Thanks.

Wheeler: Thank you. Anybody else for the good of the order? Great, thank you. This is -- this is a report. Commissioner Eudaly

Eudaly: I could just say, for closing remarks but I didn't, I'm not so good, participate a bit so people knew I was here. I want to thank you for the report. This is always a really challenging and difficult report to look at, especially for those of us who have lost friend, family and community members to shootings. I have just been listening and absorbing the information today and will say I'm very hopeful for Portland Street Response and anxious to see it launched because we clearly are not adequately serving individuals experiencing mental health crises.

Wheeler: Thank you. Very good. I entertain a motion.

Hardesty: So moved.

Eudaly: Second.

Wheeler: Motion for commission Hardesty and second from commissioner Daley. Please call the roll. [roll called].

Hardesty: Thank you for your detailed work. It is always a pleasure to have this in-depth conversation about policy and how we make it better. One thing you've been recommending is change in the police review board. That's one of the things on the list that won't change in our life-time unless we change how we do oversight policing and we're on path to do that. I want it again thank you for your time, thank you for your

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expertise and thank you for your kindness. You have built strong relationships with community based organizations that don't trust government, don't trust the police and don't normally trust certified swat people but you worked hard to make sure you're open to community concerns and dialogue. I'm grateful for that work and i look forward to continuing the work to make portland a safer more just city. I vote yea.

Eudaly: I want to thank o.i.r. For the report. I think sometimes portlanders resent outsiders. In this instance, i feel the resistance you have brings a level of objectivity to this work that we may not get. It is the work being done directly in the community. I just find your -- your -- your perspective and thank you for the conversation today. I didn't really need to ask any questions. Because you asked all of them which is fantastic. I want to thank the auditor for her ongoing work to promote accountability and say i'm thankful to have colleagues and the council that is so willing to tackle these really challenging issues. Happy to vote yea.

Fritz: Thank you very much. I've been present. I want to say over the years, you've done a fantastic job. This is noticed. You got engaged in the community which is kind and objective and helpful. There's a way to continue the contract so we could get your expertise and it is good to know that you have been talking with communities as well. I'm surprised when something like this doesn't change public comment. We have public comment. Thank you to the indulgent folks in the community that continue to strive to improve the outcomes. Yea.

Ryan: I concur with my colleagues and i appreciate the presentation. I hope to see you again and make sure you come here you spend a lot of money.

Wheeler: Thank you again everybody for your support on this, on the great work. And thank you madam auditor for bringing this forward and you and your team. I appreciate these report, thanks, see you again. That's our agenda for this afternoon.

At 4:20 p.m., Council recessed.

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Closed caption file of Portland City Council meeting

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Key: ***** means unidentified speaker.

October 1, 2020 3:30 p.m.

Wheeler: Good afternoon, everyone, this is the first october 1st of the portland city council. Call the roll. [roll called].

Wheeler: Under state law, we're holding this meeting electronically. Everyone attending remotely and there's several avenues to listen. Meeting is available to the public on the city's youtube channel e doc pbx and channel 30. The public can provide written testimony by e-mailing council at cc testimony at portland, oregon.gov. The council is taking these steps as a result of the covid-19 pandemic which is a threat to the safety and well-being of the community. We thank everybody for your continued patience and understanding as we go through the this to conduct the city's business.

Robert Taylor: Good afternoon, council. To participate, you may sign up in front for communications to speak about any subject. You may sign up for first readings. The council agenda at portland, oregon.gov tells you why you may sign up for testimony. If the testimony may address the matter considered. When testifying please state junior name for the record. Please disclose if you're a lobbyist or representing an organization. Identify it. It determines the like of testimony and individuals have three minutes to testify unless otherwise stated. When your time is up, you will be asked to conclude. Shouting and refusing to choo or interrupting others testimony or council deliberations will not be allowed. If there are instructions that further disruption will result in the person being placed on hold. Please be aware that all council meetings are recorded.

Item 787.

Wheeler: [indiscernible] to the clean energy community from the [indiscernible] community for the current community member for andrea hamburg's term to expire 2021. There's an urgency as our climate urgency and we talk about the consequences to address all of these challenges in a way that makes our city more equitable. In that context, i'm happy to address the next item. It is appointment of aussie to the appointment of the clean energy committee. Noticed in the past that they're a beacon and a touch to our

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committee doing things in a different way and a model for the rest of the nation. It demonstrates we connect the dots between climate and racial justice and have shared prosperity and a groan economy. It has city collaboration at the best. It is core to that collaboration. When we see the committee last november, we knew it was the most diverse, powerful and thoughtful community that we put together. It missed the perspective. That's indigenous people. I want to thank andrea hamburg who decided to resign on the pcef committee to make space for indigenous perspective. This act was a true expression of equity. Next i'll turn it over to the manager sam baraso and committee member sifon to speak. As the first rfp was released last week, sam will introduce this updates about the program.

Sam Baraso: Thank you. I'm sam. I'm the program for the portland fund. I want to thank you for having us here today but i think the city council and the mayor commissioner hardesty. This is an incredibly important moment. No the amenity fund and the city. I won't briefly speak about the roles and function before passing the presentation off to our current committee member who will speak and introduce amanda. Before i do that. I like to turn to laura johns. You with us.

Laura John: I want to state that i'm a descendant of communication. If you for the formation of the pcep committee with regard to the absence of the american community member. And you find -- it is -- was it community led and driven approved initiative that was was sun ported by portland voters. Voters have not seen the preenergy movement. That's doubling so for the native community as well as indigenous people. I appreciate that from the very beginning that the initiative, the main was involved in input through the work of terry waters at the family center. I want to thank kerry for her work. And those of you that don't know, she's a city employee at p box. It is nearly clear that it is important to include the indigenous voice in this type of work, including because of the impact that the indigentous people say it is for globally. Rising sea levels and includes thompsons to be ending there in the backyards and other -- other various ways in which climate action is impacting vulnerability to cultural positions and teachings and ways of life. The city made a commitment to uphold that ability to continue to practice their cultural ways and to treat cultural resources such as salmon and land and steelhead. It is important to have this voice, not only for the native community and determine how the funding will be distributed but also to bring in that lens of how climate change is impacting indigenous people and particularly for those that are relocated in the region. I want to thank the community for inviting me to have a discussion with them around how to include the indigenous voice

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because there wasn't a member on the committee. Doing so allowed this conversation about that missing voice. I would say after that discussion i respond. There wasn't -- i saw representation of every other community block and asian and female representative and unfortunately didn't see a voice at that table. The outcome of what happened after that discussion, i could have never imagined would have occurred. I want to welcome andrea lambert. This is the first time this happened for a member of the community. This is community commitment for those that are often overlooked. I support an appointment and the peace community for many reasons. In my personal and professional interactions, i witnessed through the overwhelmingly passed and committed for racial gender and accessibility issues. She has a lens for that. She is not afraid to speak up. That brings a value to the community. Lastly, i wanted to say that this action, the native facts supports indigenous people. They have a rate for the legal, economic and social and culture institutions to participate in the political economic and cultural life of the states. Article 29 also says that indigenous peoples have the right to the protection of the environment and the productive capacity of their land and resources. So thank you for taking this action and thank you council for inviting me to speak tonight.

Baraso: Okay. Next slide. So -- so without me without speaking to this next part and back on contact. It is a no for those of us that are new on city council for us but the clean energy fund is about investing in climate action that announces racial justice. It was passed by 25 percent of the voters and it is led by communities of color and it is the first climate fund led by communities of color. When fully implemented it will spend 46 million dollars in community investment in portland and funded by a gross tax on sales and a billion dollars in national sales in portland's 500,000 sales. Next slide. That's -- and almost five. One minute to speak to the fund are access to the next slide. This we go. The fund nonprofit access to funds and now the primary access of funds, they submit proposals to the community program and there's a scoring panel evaluating those. That will comprise of staff and community members and experts and those will go to the committee. So we get in the middle of the screen. The committee makes the finding work and turn those off to city council. I'll speak to the inaugural rfp request later here. So the core responsibilities needs to make a final funding recommendation and changes on the city code and whatever necessary changes to the program and its stated goals and review our performance and report to the public and the council on the fund of the immediate schools. Also you need for the structure that they made their replacement. The mayor, and that causes replacement which brings us to where we are today. I will review the committee

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members who served on the recruitment shelf committee that recommended amanda be appointed. We will share a little discussion before introducing amanda and then giving the opportunity to speak. I think we can suspend the slide for a bit here.

Maria Sipin: Thank you sam and thank you laura for speaking today. Good afternoon. I'm a committee member. I'm honored to speak to you today about the recruitment completed by my peers and megan and me with help from city staff and tribal and indigenous community members to elevate the urgency and significance of appointing someone to this seat and also working toward justice and building solidarity through this transformative work. Our community reviewed several outstanding applications, many from people who lived experiences and commitment to justice made them more than qualified. One stood out for her advocacy work here in portland and statewide. For expertise, includes grass roots efforts and social work. Please get to know her and all she brings. I'm so honored to recommend her. Amanda?

Amanda S: Thank you, maria. My name is amanda. I'm incredibly honored to be sharing space with you all. I just want to honor the sacrifices that brought me to this point from andrea and the individuals that fought long and hard for pieces. I want to thank sam for just being -- just being a wonderful voice to -- to be able to help redo the entire process. And like laura mentioned, carrie waters, she's always been a major mentor to someone like me. I met her due to the naomi program and she sat down with me and was the first person to introduce peace to me and she taught me how to gather signatures and speak. And she taught me how to do a bunch of stuff. If it wasn't for carrie, i honestly would not be here. I just again want to say thank you for every person and every individual that put their time and hearts and passion into making this all possible. And of course i want to thank my ancestors for allowing me to be here today. Yeah. Thank you so much everyone.

Wheeler: Thank you. We're so appreciative of your willingness to speak. Thank you.

Baraso: We're looking to accepted it back to you for action and i have a brief update on where we stand, where we stand in terms of efforts.

Wheeler: We flow representation matters in the way that the city does. We know no one committee could represent all of the portland to strive to do better. I want to represent hamburg and we're really excited about the good work that is going to be done going forward and with that calling we'll entertain a motion.

Wheeler: All right. We'll say that commissioner ryan moved and seconded, has seconded.

Eudaly: And that button covered up. Sorry.

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Wheeler: Totally understandable. We have a motion and a second. Please call the roll.
[roll called].

Fritz: Enormous responsibility, as well as enormous privilege and you'll do a good job in rotating the values and the people and what you bring to the community. Thank you for engaging and no acknowledging the response of the peace community. I thank the peace community for astonishing and wonderful work and i look forward to when you bring the allocation and it is about to happen and installing the council. I'll follow the process and i'm very grateful for the work you're doing. Thank you for volunteering. And for -- for the -- for the dedication and -- and for the time you put into it. Even with the amount of money that you allocate, there will be tough choices to make and some people will be funded. That's a hard decision we have to make. We appreciate you're engaging with the council.
Congratulations.

Ryan: End of my second week of onboarding. There's a lot of information. This is great story telling and saying yes to amanda and the way that will lay out the story which is really beautiful. I'm pleased and also -- also dig into how active you are. Thank you for adding this to your array of responsibilities and duties. And they stayed along which is great. And oregon is counting. And the indian education association, so we're grateful you're extending your service to the city of portland. I'm up. Thank you.

Wheeler: Well again, amanda, thank you so much for stopping forward and providing important leadership to this incredible community based initiative. I'm happy to support this. I vote yea and it is adopt and the appointment is approved. Congratulations. Next up, sam, we're excited to see the inaugural request that will be released soon. You give us an update on where things are currently?

Baraso: If you can see the slide once more, we will be at slide number six. If not, that's okay too. So i'll start away there. Just slide six, two more. A reminder. The full committee was seated. And the request for proposal and i should have acknowledged this. This is a monumental feat and thousands of volunteer hours to pass the ballot over 30 put committee meetings, hundreds of stake holder meetings and staff working countless nights and weekends and if city accommodation and climate justice. Inaugural proposal is -- is 8.6 million and the funding area is they touch the clean programs and energy efficient and investment in the commercial space and the residential space and multi-family space. This is the energy trade. We have a significantly diverse group of people working on this. And then 10, 15 percent will go towards green infrastructure. These are the projects and the green infrastructure. They had biosoils and things that are green and then there's a set of

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things that don't easily directly follow. Next slide. So this -- this -- which is expected to see in funding and as part of the inaugural request for proposals. It was released on september 16 and will close on september 16. Once it closes, it will have final committee review before we anticipate the final proposals to you all. This year applicants apply to one of three grants, small and middle and large grants. They're captured in the diagram and they're in july released an early set of funds application support grants. We had 200,000 dollars application support grand. We had 41 organizations that received the funding. We find the agreements. Well over three-quarters went to organization and served black or indigenous communities. The phenomenal start to the program and headed for what is to come. Let's go to the next slide. And this is -- this is a little bit of the thing we're doing to get the word out. And what i'll do and i'll follow up on whether next week and additional community and you all well connected in the community can continue to help this get out. And so, this is just -- this reflects some of the work that we as staff are doing.

We -- we -- we're excited to see the climate change and the social justice come through. With that i think i can cap this off and if folks have questions, we'll let you be and we'll follow up with your chief of staff and content that maybe helpful for you all.

Fritz: I'm glad you gave that briefing. I wanted to raise a suggestion that hopefully over time could be incorporated in the process. There's two constants. One has been the parks and -- and -- and the -- the waste and that's obviously not positive of purview. The other one is leaf blowers. We remember one, with commissioner fish did to require city staff to use [indiscernible] rather than [indiscernible] leaf blowers. That was intended to be a first step. I haven't checked with them with commissioner fish. I received complaints during this of people using leaf blowers. I was astonished. I didn't go to the mailbox, never mind to be outside and my neighbors landscape was working during this emergency. They [indiscernible] and they were again using leaf blowers. I thought to myself, how desperate must you be to go to the table and be easy for the guests and the leaf blower. Joanne i'm hoping at some point the community will be patient and might be -- might be available for helping contractors and landscapers and workers to convert to leaf blowers when we required the [indiscernible] to switch to natural gas we allowed them to increase the rates so they covered that. We provided the funding. I just wanted to make that suggestion and request that i think that would be really great for you and still get the complaints about the noise but at least we would know that they weren't seen enough pollution in a half hour.

Wheeler: Any further questions. Sam, thank you, amanda, thank you all for your leadership. Thank you for the excellent update and we look forward to continued success.

Baraso: Thank you commissioners. Next item is 778.

Item 778.

Wheeler: We have the design commissions. This approves which commissions the alamo four-block development in the south waterfront subdistrict and the central city planned district [indiscernible] and being [indiscernible]. Thank you for that. You'll receive new evidence. Reminder the record closed for new evidence on september 24th. I want to make it clear that the attorneys for the applicant and appellant are on the zoom call. They can mute themselves at any time. We encourage them to do that if necessary. To help us make a decision, staff are here to remind us of the options that are available to -- to council.

Staci Monroe: Good afternoon. I'll show my screen. I leave it up for one minute just for a chance to read it. I want the council to see any material and the plans that the applicant has or any material supported during the period and i have the material and able to share my screen.

Wheeler: We will begin our discussion. Anybody wanting to? Commissioner fritz? Thank you.

Fritz: Whiced mo -- which modify and overrule the conditions and in this case it should be denied. Just so my colleagues know, we had a different appeal hearing in which we -- we reminded the application back to the design commission on informed and that's not an option in this case. So thank you for sharing this screen. If you could put my -- put the [indiscernible] back up i could figure it out. Next, helpful. So. I -- i was really concerned. First of all i appreciate the changes, from the beginning to the end and some significant improvements. However, i still at least if the application deals with guidelines and goals. Let's deal with the guidelines. These are minor details. And modifications aware of proposal doesn't meet applicable standard. The application can show the purpose of the standard is better met bit proposal. The second was parking and allow two parking spaces to be stacked without an attendant on site. The second is for motorists and pedestrians. This is restricted for the zones. I have -- i have some written testimony that is -- that is put in the record. And -- and this was something that all of the commissioners were not able to be here today. She was concerned about having any parting. The findings for part of this development and it has the guidelines is that the timing stored and the greater entity is more in the blueprint. In find that more density are desirable. The second is traps it uses. More is not desired in this location when none is required. Allowing more cars will allow conflicts. This is not met and this must be denied. The second modification requested to

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reduce the minimum width to 15 inches and the statement is these standard insure that required bicycle parking is -- is by securely locked and without undue influence and will be safeguarded for incidental or accidental damage. The space efficient system has floor plan demands in the development. This finding didn't address the statement of the bicycle standard which is the bicycle securely locked without convenience. My husband's bike has handlebars. It would be difficult to bring it in a space and bring it to accidental damage. Findings say they are elsewhere in the city. -- it is the residents and tenants are familiar with the system and that's the approval criteria. And to the applicant, this application is audacious in picking and choosing which apply based on the multiple applications. There's long-term bicycle parking. Reducing it by 25 percent and does not equivalent of the standard and the standard is not met, although the city is considering changing the width it hasn't. And the modification for the team accepted and -- and doesn't justify approving something that doesn't meet the approval criteria. And for the business two small issues. They obviously have a design height and approval criteria. The application fails to meet design goals, three, six, nine and enhance the character of the central city's district and provide for a rich and pleasant and rich and pedestrian experience and insure that new development at the human scale relates to the scale and the character and the central city as a whole. The proposed design enhances the character of the waterfront district. Especially with respect to the guidelines. Most of my guidelines are with the greenway guidelines. The river and the height and the seven building in particular and leaning over the green width doesn't provide for a rich and diverse experience, and considering it is the front yard for 2,100 units. It is very close to them. I'm not going to go late to the scale and decide character setting. The southern development has the minimum greenway provided. The applicants show how the greenway is pinched at the southeast corner. And the approval includes bonus height due to the application providing more than minimum open space. This is too a small to serve families let alone the public. The distinction between private and public spaces and clear and visual connection between open spaces in the river. This is -- this is a greenway a statewide treasure. We should expect a greenway public space when the bonus is awarded rather than just above the minimum. It adds to the encroachment at the southern end. I did review the changes that have been submitted. The area can't be constructed as part of the applicants final amendments. It is required for design and integrate access for all people with the buildings overall design concept. The access to the area and greenway is not convenient. It will be challenging to people for those with disabilities. An amendment. The applicant addresses comments and concerns

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that the area protects private space. This doesn't comply with building code standard. My communications director leo will now share the illustration submitted for the record. If you could do that, please do so now. The first one shows six steps up from the grade to the -- to the [indiscernible]. Yes. So six steps. You know. These are six steps up to the spaces. I have two types of steps. Each constructed by a different company. Six steps it 36 inches. This is more than the 30 inches requiring guide rails. Even if the ride is up of 13 inches this would be hazardous without raymond. They could fall off the overhang. And that's by the [indiscernible]. The applicant. Next slide, please. This is illustrated by a child about to be on the greenway. Next slide. Next slide please. And the next one sharing the person with long light care and about to fall off backward. Ratings will be required by making counsel statements and still pertinent. This is the back area and really removed a need to railings on make a space and also to mitigate the bonus sites. It could be said that the -- that railing is a building code standard and will be evaluated at the building permit stage while -- while the design was deemed to be unwelcoming and seeming private by the council last week. And simply removing, if the bill -- if they can't, if they review the code, it doesn't comply with the standards. And the proposed buildings are discordant with other developments on the green way and don't help unify or connect buildings. The southeast corner doesn't integrate ecological conflict and it is outside the greenway. And while referring to the natural landscape, it doesn't propose development for the river and well and parallel to it. And then there's development designs. I appreciate the amendments eco where the initial design is [indiscernible]. And still dismayed that the roof contained [indiscernible] particularly for the [indiscernible]. And they have hot in summer and more cleaning. And even at providence park, they require frequent watering. And like glass, artificial. Like real glass, artificial glass doesn't require [indiscernible]. And i can only imagine, 100,000 dogs on this area. I understand the environmental services approved here artificial turf. I'll recommend to the next commissioner that we evaluate the term of standing at the ecological grasp. And then transition between public spaces and -- and -- and the patios are more accessible. It doesn't comply with the building code and is not a good transition from the developments and that's not met. Criterion four is spaces and five makes open spaces successful. The evidence in the record points out that the overlook is inadequately sized and the span of the general public. And the evidence of the veteran [indiscernible] and applicant [indiscernible] indicates public access not desirable at this location as it is decided in other locations and the greenway framework time. This makes the size and adequacy more important and should be overlooking the

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[indiscernible] and so that criteria is not met. The felon area of the design i believe was not met because of a legislative problem. Before the interesting buildings and the -- and teaching the greenway and the scale and the second building cannot compliment the context of the buildings. Building on the southern end is straightforward and continues to massing. This provides a large area for out0 door space for the residents. And director massing is straightforward. I don't think it is -- it is a congregate way for using and adding and local design. That has not been entered in my opinion. 33851 approval criteria all proposals must meet section two and three at the waterfront guidelines. And one of those is to develop a [indiscernible]. I know that parks is really desperate to get this trail built. On the other hand this development is going to last for a very long time. It is very important to get it built. I'm dismayed they offered to provide more funding and was denied. The developments and at the corner would create private space including the public experience on the greenway. The application doesn't celebrate the area's history or character. And governor mccall envisioned and the goal 15 enshrined that it is a treasure for the future. The city invested millions for that. This development would interfere with that and would have ownership and pressure. They declined offers of financial assistance. Instead choosing to request [indiscernible] and the greenway which would be detrimental. A more layered layout in the greenway and expecting that part of the building and the greenway level. It should be increasing the size of the overlook, adding another and make a space more welcoming and accessible and provide more step grounds and greenway on both buildings. The modification request i mentioned must be denied. Colleagues, i believe we should have hoped to appeal and deny the application. I realize that was a lot.

Wheeler: There we go. That was great. I appreciate it. You made excellent points. There were a number of things that raised questions about the future. I appreciate you actually raising those items for the benefit of the future. I was intrigued by the safety and the av access. I'm starting with the assumption that the application and plans would be contingent on completing those requirements. That said you made good points. I don't want to discount that. My personal view is i believe those will be met through the bureau of development services. I was persuaded during the last conversation we had about the setback there was the question that seemed to precipitate a good amount of -- of community push back on this project. The fact that -- that the building itself is not stepped down to the waterfront relative to other buildings behind it and of course the clarification is putting the record that -- that that's relevant to the zoning and what is legally allowed as opposed to the specifics of building in one area as well as a building behind a building. A

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building according to findings is in compliance in that particular area. I agree with commissioner fritz's vision for a world class greenway. I think there's room if people to disagree on what constitutes a greenway and what it looks like. I believe the findings indicated they met the basic requirements for the greenway. The question of what does the public space is truly seen as public, i think that's a coin toss. I think there's a case that could be made by virtue of the fact that -- that -- that it is elevated. That there's stairs, and i'm presuming that the ava requirements will then be met. There's no question in my mind that elevation could help people from choosing -- to participate in that space. That said i don't seat findings as necessarily suggesting meeting the threshold of the findings. The commission, long story short. While i agree with the aspirational aspects of what commissioner fritz mentioned and i believe the review that she requested for both -- for both -- for both development services as well as other bureaus planning sustainability. I think there's always an opportunity for us to enhance or improve or reconsider the rules under which we make those decisions. And on -- on balance i still believe that -- that the bureau and the commission got this right.

Eudaly: I'm a little overwhelmed with the information we just received. I need clarity from staff. What are the actual -- what is the proper word, modifications, that we're granting from this project where we deviate from the standards. Do you have a slide?

Monroe: I don't have a slide at my fingertips. -- i can explain. One is for the parking spaces to be less than the code. It requires 24 inches between the space and they want it to be reduced to 18 inches.

Eudaly: Didn't we also reduce it in a later code action, yeah.

Monroe: So in march of 2020, the revised code went into effect which actually modified space to make it a by right standard. Now you can go to 17 inches in between without a modification. Is it was codified recently. They're not under the code. The second modification is to allow vehicle spaces to be stacked or in tandem without attendant moving the car at the back end. They're assigned to a single unit and they have a management at issue when they have two parking spaces assigned. That's the second modification is to not require an attendant the additional pregnancies. There was one more. This is to allow vehicles to access the parking garages at the parkway. This is again an old cold standard. The current code allows access on the parkway but since the process, and an older code, that is just what is necessary.

Eudaly: So can you respond to commissioner fritz's concerns that they may not be meeting ads standard or greenway requirements.

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Monroe: For the ada standards, the railing is -- is that specifically the one?

Eudaly: And railing and i think perhaps access to the outdoor area. I wasn't clear on where the ramp was.

Monroe: It was currently not a ramp in the greenway. I believe -- i believe that's what commissioner fritz was referring to was the plaza area in front of make a space and you could only access it by steps. Okay. The applicants recent revision, and their railing was taken off and the grade was raises in the landscaping to in the require reeling, there's for the difference in the plaza grade. Staff hasn't verified that with the life safety. We assume there's architects over [indiscernible] it will be correct.

Eudaly: And that's -- and it has to be some -- some ada access. The approach from the other end.

Monroe: Yeah. You do -- you do need to walk down and the grades become even to access the space.

Eudaly: And others less than ideal in my mind and i'm not terribly interested in hanging out in a courtyard outside of a random -- like it is not perfect but it is -- i don't feel like the public is going to be clamoring to sit in this particular space. The building is accessible. The buildings are accessible. I mean. Okay. I'll just say i actually appreciate the concessions of the developer made and they didn't have a more aligned with -- with kind of newer standards and better stewardship of the environment and public space. I will support this.

Wheeler: Any other questions. I do follow-up based on daley and fritz? I made assumption and i want to make sure my assumption is correct. When this is in for permit review it will have to comply with ada requirements, correct?

Monroe: That's correct.

Wheeler: What phase does that happen? The permitting process?

Monroe: That's correct.

Wheeler: The permit process could actually override, if they found it did not comply with ada standard, what would they do?

Monroe: The applicant would have to design [indiscernible] for it to comply with the standard and that might require another review or if it is not significant change we could accept it. The applicant probably put something forward that could be constructed. It hand been verified yet.

Fritz: The applicant revised it to six steps on one side and seven steps on the other. How could that possibly be within 13? Even if it is 13 inches. With the landscaping it could look

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like solid ground when it is not. And you could do damage fall down 200 feet.

Monroe: So the commission i'm referring to, it would be helpful if i put up a slide? I see noting. I'm going to go ahead and do that. When with the change in grade is less than 30 inches, my understanding is the building code does not require a railing. This is the and i'm referring to that the applicant has redesigned to -- to not require a railing and get the grades to be even. I'm not sure this is the area back here that commissioner fritz refers to. These raised concrete areas.

Fritz: So they got six feet of dirt built up. And i'm sorry about that and they plant to be flush on the front. There's a retaining wall at the bottom.

Monroe: I believe the retaining wall is what we see behind -- behind.

Fritz: It will destroy it. Going out on the greenway. If that whole area is now filled?

Monroe: I'm going to make assumption that there's a crew here. I'm in the landscape architect. I'm sure this could be built and not have -- and bes. Would not allow this run-off to occur within a public trail. I'm making assumptions here. I seen plans with similar design. Be approved and get the permit process. And i have not confirmed this specific revision.

Fritz: The screen will require a railing.

Monroe: The railing does not show it. That's our way to provide a barrier that the applicant needs to concur with the building code.

Ryan: Thank you. Thank you for such a thorough presentation. I try not to belabor that. I try for what changed. I see this in the area. Based on the feedback and greenway to the water area. Is that a before and after for our last conversation three weeks ago, two weeks ago? Do you remember what that was?

Monroe: No. There was no provision to provide access to the river. It is to eco moves on the podiums, changes to the make or space plaza, to remove railings and extend paving and some changes to the closet abernathy to make it more inviting. Those are the three areas of change that are proposed.

Ryan: Okay. That's helpful. Based on our dialogue, there was disappointment with lack of access to the waterway. However, their only compliance with code, correct?

Monroe: Correct.

Ryan: This is not the place it change the code. That's a different conversation. More systematic level, right?

Monroe: Correct.

Ryan: Okay. I just want to acknowledge all of the people that sent in testimony in this

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matter and i've been reading it. I have more testimony. There's no more questions.

Wheeler: Thank you commissioner ryan.

Wheeler: So nobody else wants to i'll put a motion on the table at this time, i would move and -- i'm probably going to get the exact legal language wrong here but i would move that we deny the appeal and uphold decision of the design review commission to approve this plan with conditions.

Eudaly: I thought we would [indiscernible]. I thought we wanted a second one because we have submitted modifications.

Wheeler: And [indiscernible].

Eudaly: We can bring that slide back up.

Monroe: Absolutely.

Eudaly: I don't have my language in front of me. I'm winging it. Commissioner daley go for it.

Wheeler: I thought it would be the second one, because -- because we're allowing the proposed applicant provisions.

Linly Rees: I see commissioner daley. If your goal is to approve as -- as it was modified with the changes to the maker's space and the roughs and the additional and sorry for aber about -- abernathy plaza, you would go ahead. Yes, correct? Okay.

Wheeler: That's what i need. That would be my motion.

Eudaly: Second.

Wheeler: There's a second and any further discussion on the motion? No worries. Please call the roll and just reminder for the tentative vote.

Rees: I'll let you do that.

Wheeler: I'm sorry did i say lindley. It is no longer.

Eudaly: I'm [indiscernible]. And you hear me? Sorry. One moment, please. I'm not used to being the first.

Rees: You're getting ready. I like to clarify that whatever council does today is a tentative vote because we will need to come back with findings.

Eudaly: Right. Well, once again i appreciate the concessions the developer has agreed to make adding a voluntary greenway and access to the public space may not be meaningfully required but shows an effort for our clearly stated development standard. And so i vote yes from the mayor's motion.

Fritz: This is positions where we disagree. I disagree with the motion. And i [indiscernible] with the community and what we heard.

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Ryan: Yes, thank you staff. I want to say it is interesting for your first meeting to be a land use appeal. I learned a lot, and appreciate mr. Fritz's work. And i also appreciate the concessions that were made. The middle one was the one we focused on, option two and i will support this motion. Yea.

Wheeler: I assume you called my name. I didn't hear it. I don't have the best internet service. I want to thank my colleague commissioner fritz in particular. She's by far the most detailed in her analysis of these proposals and when i hear what she says, that gives me a stream consideration of the proposals. I want to acknowledge that and thank her even though as she said reasonable people could come to different decisions at the end of the day. Commissioner fritz is highly valued. I wanted to say that. I vote yea. The motion carries. The vote is a tentative vote. There's legal counsel and preparing of final findings. Staff anything else you need from us?

Rees: I will step in, i talked to -- to council for both parties prior to the hearing and identified with keelan for coming back. That date -- that date due to -- to some holidays and the time it takes, is november 18th at 9: 45. I like to confirm that with keelan and the revailing party's attorney and if you could unmute yourself and confirm thats at well.

Wheeler: Yes. It is my understanding. Thank you.

Clerk: I can confirm as well.

Rees: I think what we'll do is -- is stop, we'll work with the -- with the -- with the applicant's attorney and come back on the 18th.

Wheeler: Commissioner fritz.

Fritz: I'll put my statement in the record before this. Thank you.

Wheeler: Thank you. Commissioner fritz. I want to thank our staff for preparing this land use hearing and thanks to you that testified previously. Everybody submitted written testimony on the matter. Keelan, that completes our agenda for this afternoon. Is that correct?

Clerk: That's correct.

Wheeler: We're adjourned.

At 4:40 p.m., Council adjourned.